

Town Council Meeting
February 24, 2014

TOWN COUNCIL MEETING

Present: President Gary Cote, Vice-President Kerry McGee, Councilwoman Carlson,
Gregory Laboissonniere, Councilman Jendzejec

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Moment of Silence
Review of Emergency Evacuation Plan

President's Comments

President Cote asked that cell phones and pagers be turned to silent.

Councilwoman Carlson commented that she has been contacted by residents of District 5 asking her to ascertain where Councilman Jendzejec's domicile is located. President Cote responded that until a resignation is received, it is his opinion that Councilman Jendzejec is a resident of this town.

Approval of Town Council minutes of February 3, 2014, February 10, and Executive Session minutes of January 13, 2014 and January 27, 2014.

A motion was made by Vice President McGee seconded by Councilwoman Carlson to approve minutes. Councilwoman Carlson asked for roll call votes. Due to absences of various council people at different meetings, they were voted on separately.

February 3, 2014: Roll call vote 4 Aye -1 (Councilman Jendzejec abstained)
February 10, 2014: Roll call vote 4 Aye -1 (Vice-President McGee abstained)
January 13, 2014: Roll call vote. 4 Aye -1 (Councilman Jendzejec abstained)
January 27, 2014: Roll call vote. 3 Aye -2 (Councilmen Jendzejec and Laboissonniere abstained)

SCHOOL DEPARTMENT REPORT

School Committee Chairperson Kathy Patenaude reported on the Strategic Plan, Facilities Study and school budget. The School Committee has approved a technology plan, which infuses technology in the school, transitioning the district teaching and learning environment from Microsoft to Google apps. It will change the way students and teachers communicate, collaborate and will recreate content. Students in grades 6-12 will be issued Chromebooks and the plan will begin to be implemented within the next few months.

The School Committee also approved a bid to conduct a facility capacity study. The study will consider the space necessary for all-day kindergarten. A NESDEC representative will be analyzing enrollment trends and will meet Planning Director Paul Sprague regarding proposed housing developments as well as local real estate agents to truly understand the real estate market.

Dr. Almeida and Ms. Pelletier will present the recommended superintendent's budget to the school

committee tomorrow night and we look forward to working with the Council and Town Manager throughout the budget season.

With regard to ROTC at the high school, there is a meeting on Friday to talk further about how we might be able to save the program. Our local delegation is pushing to get RIDE to okay ROTC as a career path, a vocational program. If the Department of Education agrees, then Coventry could be a focal point for other towns so that students could attend Coventry specifically for an ROTC career path.

CONSENT AGENDA

1. Application for renewal of Private Detective license for David Cross, 7 Laurel Avenue
2. Amending the Budget Calendar for submission of the 2014/2015 fiscal year budget

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve Consent Agenda. All voted Aye.

RESOLUTIONS

Discussion and resulting action on appointing Arthur G. Capaldi as Municipal Court Judge for the Coventry Municipal Court

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve resolution. Roll call vote. All voted aye. President Cote administered the oath of office to Judge Capaldi.

Discussion and resulting action on appointing Jean Boulanger as Probate Judge for the Coventry Probate Court

Councilman Laboissonniere believes the wording of the Charter is unclear as it states that the Probate Judge position is to run concurrently with the Town Council term. While that was true when council terms were two years, since the last charter change council has four year staggered terms of office. I don't believe that when the charter changed that it was meant for this position to become an automatic four year position. I made a motion to table this appointment at the last council meeting so that we could present it to the Charter Review Commission for review. My issue is not with the appointment itself, but with clarification of the terms of the charter in order to avoid future confusion.

President Cote agrees that this is an issue and we have an opportunity now to have it corrected or clarified with the Charter Review Commission, removing any ambiguity. I think that when the council terms were changed, that particular portion of the charter was overlooked; however, we do not have the authority tonight to make that change.

Councilman Laboissonniere asked Solicitor Tobin's opinion, whether he thinks this has turned into a four year term as opposed to a two year term. Solicitor Tobin responded that in his opinion the Probate Judge appointment would be up at the next election, as you will have potential changes in council every two years. In my view it remains a two year term, as it does not specify a definite term, such as the four year term of the municipal court judge.

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to approve the appointment of Probate Judge. Roll call vote. All voted Aye. President Cote administered the oath of office to Judge Boulanger.

Discussion and resulting action on the award of a contract for a Low Entry Cab Truck with an Automated Side Load Body for use in the six month Automated Refuse/Recycling Collection Pilot Program

DPW Director Kevin McGee gave brief overview, as this was discussed in depth at a previous Town Council meeting, stating that we went out to bid and had only one bidder, which is Big Truck Rental.

Councilwoman Carlson still believes that part of District 1 should be used for the pilot program as there are issues in that district besides curbing, such as where you put bins in the snow and how you maneuver around the snow mounds. She asked when the program would begin and Mr. McGee replied that if this is approved tonight, he would put in the order for trucks and containers this week and we should have the equipment available to us by the end of April.

Manager Hoover acknowledged that he decided to stay with the originally proposed pilot areas and commented that by November, after a few months under our belt, we can determine if it would be worthwhile to put this program before the voters. The program is strongly supported by Resource Recovery in Johnston and before long all cities and towns in RI will have moved to this methodology. Hopefully we will be successful with not only the pilot program but convincing enough of the voters to see that this is the way to go.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve resolution. All voted Aye.

Discussion and resulting action on the award of a contract for trash and recycling collection containers for use in the six month Automated Refuse/Recycling Collection Pilot Program

Mr. McGee explained that Cesco out of Connecticut was the sole bidder and will provide 1350 (96) gallon containers and 1350 (48) gallon containers along with a hot stamp for the bins, which is a plain white block for identification purposes so that we know what container belongs to what resident.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to approve resolution. All voted Aye.

PUBLIC HEARINGS

Amending the Coventry Zoning Ordinance and the Official Zoning Map for Assessor's Plat 7, Lots 15, 17, 18, 19 and 20 from Industrial to Planned Business Park (BP)

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to open public hearing. All voted Aye.

Attorney John Brunero, 1070 Main Street, represented petitioners and property owners Edward and Joan Green, Hildegard Perry, Carolyn Yuettner, Coventry Realty LLC, Rudolph Procaccianti and Cumberland Farms. We have already been before the Planning Commission at least twice regarding this

project, which proposes to change the zoning district from Industrial to Business Park, making the business park contiguous coming out to Arnold Road. Zoning has already been changed across the street. This Wednesday we will meet again with the Planning Commission and next Wednesday with the Zoning Board for a special use permit for a filling station. Besides creating tax dollars for the town, there is a need for a filling station in that area. BJ's has a gas station, but you have to be a member to use it. This will give the town more credibility at that business exit off the highway as motorists passing through will be able to stop and get gas. It is a win/win situation for everyone.

Councilwoman Carlson asked if ingress and egress issues had been adjusted. Attorney Brunero advised that he sat down with Planning Board member Russell Crossman along with an engineer and was given insight as to what the Planning Commission had in mind as far as ingress and egress. As a result, we moved the building over another ten feet to allow more room for a tractor trailer to maneuver. Plans were redesigned and is now exactly what Mr. Crossman suggested. There will be a public hearing for development plan review at the end of March.

Councilman Jendzejec asked if this project would be included in the tax treaty for the existing business park and Attorney Brunero responded that it will not and has nothing to do with the tax treaty.

Paul Sprague, Planning Director, added that the Planning Board is recommending the zone change as it is consistent with the land use plan and also with the economic development plan.

Jerry Barlow, 655 Arnold Road was sworn in by Solicitor Tobin and commented that he is concerned about the flow of traffic going down Gay Street. He owns a business on Gay Street and is afraid that someone is going to get injured with the increase in traffic and the inability to see his employees the way his driveway is positioned.

Attorney Brunero explained traffic patterns to him, but suggested that he attend the next Planning Commission meeting this week where he could find more detailed information on the traffic plan and flow. However, entrance and exits will be on Arnold Road and New London Ave., none on Gay Street.

A motion was made by Councilman McGee seconded by Councilwoman Carlson to close public hearing. All voted Aye.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to approve ordinance. Roll call vote. All voted Aye.

ORDINANCE (First Reading)

Amending the Coventry Code of Ordinances providing for indemnification of public employees, officials, members of boards, agencies and commissions

Solicitor Tobin explained that this ordinance is similar to a resolution adopted at the last meeting with regard to West vs. Coventry. It allows for reimbursement of certain expenses for individuals who have acted in the course of their employment, usually when sued, but it must be within the scope of their employment for them to be reimbursed for expenses in defending themselves.

Councilman Laboissonniere asked if this replaces or amends something we already have. Solicitor

Tobin responded that it does not, however, State law requires each city and town to enact this law, but for some reason Coventry has not adopted an ordinance.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to advertise ordinance for public hearing. All voted Aye.

PUBLIC COMMENT

Irene Drew, 23 Catalpa Way, is concerned that Councilman Jendzejec, who represents District 5, does not reside in the district anymore and in particular questions how this situation relates to requirements in Article 3 of the Town Charter. Ms. Drew commented that with the problems in District 5, particularly with the fire district issue, adequate council representation is needed.

Nicholas Gorham, 7042 Flat River Road, questioned the proposed ordinance on indemnification and whether it was mandated by state law. He feels it would require the town to spend too much money defending employees and that doesn't make sense. The ordinance seems very broad, requiring the town to pay legal fees for everybody who is sued and that seems dangerous. People in this town can't afford to pay lawyers fees for suits brought against public officials in this town. He also questioned how this relates to the Interlocal Trust.

Nancy Sullivan, 6 White Oak, asked about privatizing trash collection rather than using town employees and whether the town has done a comparison. President Cote replied that the pilot program will be done with rental trucks and rental bins. Secondly, when Vice-President McGee was first elected, he did an investigation to see if privatizing would save money. There is no savings because Coventry does trash pick up with one man on a truck. If you privatize, they want a minimum of three people per truck and it would have cost us money to outsource. Manager Hoover advised that question was answered during a recent power point presentation, proving that it is less expensive to do in house than privatize.

Senator Raptakis spoke pertaining to Central Coventry Fire District. He informed council that Judge Stern has asked members of the Town Council and General Assembly to come up with a solution before May 16 and asked that within the next couple of weeks the delegation could meet with Council to try to figure out in which direction we are going to turn to provide fire service.

President Cote advised that the town will continue to be the facilitator of those meetings and he believes that within a reasonable amount of time the surrounding three districts will have a plan ready to submit to the judge.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to adjourn meeting. Roll call vote. All voted Aye.

Town Clerk