

Town Council Meeting
with legislators
March 2, 2015

TOWN COUNCIL MEETING

Present: Councilwoman Carlson, Councilman McGee, President Shibley, Councilwoman Duxbury, Councilman Laboissonniere, Town Manager Thomas Hoover, Town Solicitor Nicholas Gorham.

Senators Kettle and Raptakis; Representatives Serpa, Nardolillo, Roberts and Chippendale

Finance Director Thibeault outlined the budget calendar for Fiscal Year 2015-2016 with regard to town and school budget preparation. Although the RI state budget is still a work in progress and state aid is not certain, any idea of state aid numbers that the delegation could provide would be appreciated.

Senator Raptakis replied that last year Coventry received a 5.78% increase, for a total of \$24,300,000 and thinks that trend should continue and be comparable to last year's state aid.

Education Items (a) Charter School and (b) Full Day Kindergarten

Manager Hoover was informed this afternoon that school administration did not properly post notification of the school committee portion of the meeting, so school committee members may not participate. In addition, Dr. Almeida had placed two items on the agenda pertaining to the charter schools and full day kindergarten and he is currently out of town, so for now we will move on with the agenda.

Medical Marijuana-co-ops and compassion centers and laws

Solicitor Gorham discussed the town's authorization under the zoning enabling act regarding regulation of land use. The town has been trying to address the issue in a responsible way by amending its zoning ordinance and recently passed an amendment prohibiting compassion centers and cooperative cultivations in Coventry in any zone. That was done about a month ago and I think there could be further amendments coming. So, currently this is a prohibited use unless a use variance is applied for, and that is difficult to obtain. Solicitor Gorham stated that the Zoning Enabling act in tandem with the medical marijuana act should be left up to towns and cities on whether they want this activity within its borders. In the upcoming session I would be wary of any intent to undermine the ability of towns to regulate as they wish and let the Council do land use policy the way they see fit.

RIDOT Traffic Control and Road Repairs

Two representatives were present from RIDOT, Vincent Palombo from the road design section and Steve Pristawa from Traffic Engineering.

Topics discussed were the status of Routes 102 and 116 in the state improvement plan. Mr. Palumbo advised that the plans for Route 102 are relatively complete. We are waiting to get regulatory determination from DEM and assuming that is okay, we are ready to go out to bid in the spring. Senator Kettle remarked that Route 102 has been in the works for several years but there has always been a lack of funding. Mr. Palumbo is hopeful, although legislative approval is needed to continue the funding, he does expect the Route 102 project to continue.

Councilman McGee raised the issue of the terrible condition of Route 116 and thinks it could possibly be the worst road in Coventry. The road is beyond repair and needs to be replaced, at least from Gervais Street to Route 117.

Mr. Palumbo expects a 90% plan development submission by the end of the month, but there is still some design work that needs to be done. If all goes well we may be able to advertise the project this summer but would be looking at the following year for the project itself. For the time being we will have to work with the maintenance division.

Senator Raptakis asked if there were any plans for Route 3 from Harkney Hill Road to Reservoir Road and if so, are we looking at maybe copying the same layout, where we have a middle turn lane? Mr. Palumbo advised that there are no current plans to extend the work on Route 3. Senator Raptakis suggested maybe repaving just a 500 foot area, at Harkney Hill and Route 3 northbound, as it is deteriorating very badly. In addition a middle lane is needed further down Route 3, especially in front of the Coventry Post Office. That is a very hazardous area.

He also remarked that if there are any projects in the town, whether reconstruction or issues pertaining to traffic signals, we can go in front of the State Traffic Commission as legislators with Town Council assistance, to try to get some type of immediate resolution. We have done that in the past and the State Traffic Commission is always an option.

Councilwoman Duxbury stated that although the paving job at the intersection of Reservoir Road and Route 3, attempting to mitigate the issue with trucks, seemed to work pretty well, there are still other problem areas around that intersection which need to be addressed. With the heavy truck traffic, school buses, and everything going in and out of that road, it causes a horrendous situation especially when traveling to the high school in the morning or when it lets out in the afternoon. Sometimes in the morning the traffic is backed up as far back as Job Lot with people trying to turn into Reservoir Road. I don't know if anything can be done, but if you could take a look at the timing of the traffic light at Route 3 and Reservoir Road it would be helpful. Mr. Pristawa from DOT offered to take a look.

Mr. Pristawa advised that two years ago they went out and changed the traffic light timing between 1:50 pm and 2:30 pm to half time green on each road, but he will take a look at the morning traffic, as they originally had focused on afternoon. Mrs. Duxbury commented that she really thinks that the bigger issue is that the road is just not adequate to deal with all the traffic. In addition she has had constituents complain about the length of the traffic light at Hopkins Hill Road and Route 3.

There was a brief conversation on restriping, and Manager Hoover added that he sees a need for a middle turn lane from Harkney Hill Road to Reservoir Road.

Councilwoman Carlson asked for an update on the Route 102 roundabout and Mr. Pristawa replied that it is at the 90% stage, anticipating advertisement in the fall of this year, beginning construction next year. She also asked about her prior request for a study on a potential blinking light at Route 102/Maple Valley/Waterman Hill and was told that it is on the State Traffic Commission's agenda. Since crashes are increasing at that location, we are looking at what can be done. Route 102 is a high speed road and we want to add any additional safety measures that we can.

Senator Kettle spoke of the rough spots on Route 117 where the sewers were put in last summer and asked if that will be repaved. Manager Hoover responded that it is a town project with assistance from the US Economic Development Agency. USED A funded the majority of the project on Industrial Drive. What happened is that a base course was put down to last us through the winter. The State won't allow a contractor to immediately put a final course on excavation until it has time to settle, so that won't be applied until the spring.

Manager Hoover raised the issue of the intersection of Route 3 and Sandy Bottom/ Arnold Road, where at every corner you can take a right turn on red with the exception of eastbound. If you want to turn right on Arnold Road, you are prohibited from doing that and asked if RIDOT would take a look at that.

Parks and Recreation Director Guy Lefebvre raised his concerns with regard to the few items remaining on the "punch list" where the greenway is close to the final point of acceptance. He noted the construction of the parking lot at the east end, near 117 where the new pump station is, providing access to the greenway and equestrian trail. That project was deferred until the spring of 2015 because of the sewer project. He is also concerned about the status of the area from Station Street to Raymond's Point.

Councilman Laboissonniere added that it is very dangerous where the greenway crosses Route 117 and Abbotts Crossing and is afraid that someone may not be seen by a vehicle, or a vehicle will pass on the right. He suggested that maybe some cones should be put out so that cars will avoid passing on the right.

Senator Raptakis pointed out that with two asphalt plants located off of Route 3 on Reservoir Road, maybe we should look at the weight issue of the trucks coming in and out of those facilities.

Human Services Funding

Human Services Director Pat Shurtleff fears that larger agencies are going to lump all the programs of the state together and make one big agency to provide services to the developmentally disabled. She has been around in this field since the 60's, initially was part of the design of the services for the developmentally disabled, and it was never designed to pay directors \$200,000 a year. There is a lot of talk about these big agencies taking over the small ones. Coventry has its own unique program, the only one in state, and we are highly rated on the federal and state levels. We are a model for 22 adults with developmental disabilities, we are small, get a lot of in-kind support

from the town and our program is housed in a building. We are able to get our gas from the town pumps and pay that rate. We need to preserve the integrity of the small agencies and I would appreciate anything you could do. We are able to do more things the way we are and I would hate to see programs lumped together to pay more management costs and overhead.

Representative Serpa advised that the governor has appointed a 15 member task force to study how services are delivered and expects that things are going to be different. She suggested that Mrs. Shurtleff contact or e mail Maria Montanaro, let her be aware of the uniqueness of Coventry's program. Mrs. Shurtleff has a big concern about people receiving SSI and not getting treatment.

Ms. Shurtleff also brought up the issue of new, required certifications for social workers. She went on to describe a grant that she receives from the Substance Abuse Task force, enabling her to do numerous things in the community. However, with all these certifications get added on, it costs money and takes away from the programs we work with. For example, one particular very experienced social work supervisor in Coventry, who has worked in a substance abuse facility for years, now has to go become a prevention specialist? She already is a specialist, has a bachelor's degree with well over 20 years experience, but when you have to start taking money out to pay for courses, then it limits what you can do for the community.

Representative Serpa asked if these regulations are in fact being imposed and Ms. Shurtleff responded that they are, from the Substance Abuse portion of that department. I know that some of the task forces use all their money to pay their coordinator a salary, but then how do you pay for your activities. Rep. Serpa asked Ms. Shurtleff to send an e-mail to the new director of regulations and reform making him aware of that regulation.

Automated refuse and recycling collection and road, bridge, sidewalk bond

Manager Hoover explained that Coventry was fortunate to get the electorate to approve the program on last November's ballot and we have ordered all the equipment. Two pilot programs have been running, one in Wood Estates North and the other in the Harris area of town. These areas have reported great success with a 99% approval rate from those who are utilizing it. We should be able to expand this program in July with completion by the end of September. Since implementation, recycling has increased and it is a successful program, not costing the taxpayer a cent.

Also, the electorate approved the road, bridge and sidewalk bond and we will issue a portion of the debt this year out of the 10.7 million with about 6.5 million that will be issued in this construction season with the other 4.2 million in the next construction season. One of the projects that will be undertaken is Arnold Road, at least as far as the landfill. We did get approval this past week from RI Clean Water to issue debt under their road and bridge bond, by virtue of the bond being approved by the electorate, and we are ready to go. We will replace culverts on Hammet Road where we have steel plates over the road, otherwise the road would have to be closed. The other project is the Island Drive Bridge, which has had steel plates on it for a long time and has been an ongoing issue for residents in that area.

Local Concealed Carry Permits – Police Chief Bryan Volpe

Police Chief Volpe explained his view with regard to the permitting procedure and carrying concealed weapons on one's person. There are Chiefs of Police who are not in favor of issuing local permits. There are residents who have a fear of law enforcement taking away their second amendment rights. There are two types of concealed carry permits in Rhode Island, one issued by the state, and one issued by the local licensing bodies. Only the State permit contains the seven day waiting period prior to the purchase of a gun and only state permits are entered into the national crime information centers database, which is available to law enforcement.

When referring to the Attorney General's decision making process as to whether or not to grant the concealed carry permit to a person, the State application/permit contains the word "MAY" issue, allowing the decision making body discretion in determining the applicant's worthiness to hold a permit. However, the local permit contains the word "SHALL", limiting the discretion of the licensing body when determining issuance of the permit.

Chief Volpe confirmed he does not have an issue with issuing the permits, each applicant is given a fair and objective view. A background investigation is performed and each applicant has to have a very good reason to carry a concealed firearm and in addition needs to prove why they fear injury to their person or their property.

Chief Volpe would like to see legislation creating one licensing body, preferably at the state level, or at least legislation that provides parity between the state and local permits regarding the

language.

Representative Chippendale indicated there is legislation that has not yet been introduced addressing what the Chief has referenced and will send him the final draft of that legislation before it gets directly into the system.

Coventry Teachers Alliance School Related Personnel Pension Plan

Town Manager Hoover gave overview of the current situation with the School Related Personnel pension plan. This particular pension plan is in critical status, less than 36% funded. We are in compliance with the Municipal Employees and the Police Pension Plans. However there is and has been ongoing debate over the last year and a half regarding the SRP pension plan as to who is responsible.

All cities and towns that are in compliance receive incentive aid, and Coventry's portion of Incentive Aid for FY 2014/2015 is \$166,000. However, because we have been meeting for a year and a half on the SRP plan, the State has actually withheld ALL of our incentive aid.

The town's feeling is that they could hold a portion of our aid and at least give us credit for what we have been complying with (the Municipal and Police plans). We have a meeting coming up on March 11th and hope we can come to a tentative agreement to resolve this. At the last three meetings the state director of revenue has helped us by hiring an actuary to formulate a recommendation for resolve of the SRP plan.

The outgoing Director has indicated that by May 1st of this year our fiscal year 2014 money incentive of \$166,000 along with 2015 will be redistributed to the other 38 cities and towns. We cannot allow Coventry's incentive aid to be redistributed. The tentative agreement would involve the School Department paying a quarter of the annual required contribution, the town paying a quarter and the unions paying 50%. We are asking for your assistance to protect what is rightfully Coventry's.

Senator Raptakis suggested all eight members of the General Assembly send letters to the Governor and Administration that we are concerned that a loss of this kind of money to the town is very harmful and also to voice their opposition to distribution of that money to other cities and towns. Hopefully they will see the progress of the community and keep that \$166,000 aside until this is resolved. Solicitor Gorham added that the law does not say, in this situation, that we should forfeit the money. The problem is that's the interpretation adopted by the administration.

Representative Chippendale asked whether the pension is just not ironed out yet. Manager Hoover indicated the School Department will put 12.75 % towards the pension plan and that is not an actuarial number, it's a negotiated number. It falls far short of what is needed in order to meet the 100% annual contribution. Our ARC right now is far less than what's needed, but we are trying to achieve the financial improvement plan agreement for this particular plan.

Councilman McGee stated that we have two plans in place, the Municipal and the Police, therefore there is no reason why the state should be holding back all the money.

Johnson Pond drawdown for outflow repairs

The Quidnick Reservoir Company indicated they will begin the drawdown of Johnson's Pond in September, bringing the pond down 17ft, which could impact some wells, wildlife and fish. We need the assistance of DEM, the Emergency Management Agency, and the Johnson's Pond Association in order to try to rectify this. The Quidnick Reservoir Co. has made applications to DEM and has been approved to take the pond down 9 – 12 ft., which is still a problem. We have to work with DEM, the residents and the Quidnick Reservoir Co. to come up with another alternative to people losing wells and water. He asked for the assistance of the state delegation in working with DEM to provide us assistance in getting this done.

Vouchers and School Choice

Vice President Carlson is concerned that parents in Rhode Island don't always have a choice for education and would like to see school vouchers, which helps parents if they do choose a charter school or if their want to go to private schools. She also feels that keeping the ROTC program is important.

Representative Chippendale cosigned a bill for a scholarship program which does not have Charter School language in it yet, but it is a bill to seek change. It creates a school program with a limited number of scholarships. Parents know best what programs fit their child. This legislation

would allow this type of choice.

Rhode Island League of Cities and Towns Legislative Goals

Manager Hoover provided an informational packet issued by the RI League of Cities and Towns showing their goals, and these legislative goals are supported by the Town of Coventry.

Proposed Legislation A) Charter Amendments and B) Amending RIGL 44-5-11.8 Tax Classification – residential properties containing commercial or business uses

The Charter Revision bill, which Senator Kettle submitted, passed the Senate and is crossing over to the House. Senator Raptakis said the charter change has been voted on already and the tax levy will be voted on Wednesday. Both bills should reach the Governor's office for his signature within the next two weeks and become law.

Town of Coventry Sewer Ordinance revisions

Manager Hoover advised that the town solicitor is looking over the revised sewer ordinance. This town bill talks about sewer assessments and the way we have been assessing; there would have to be an amendment of the enabling act.

Solicitor Gorham explained the amendments to the proposed sewer ordinance probably require enabling legislation on some fine points. Because we have been in litigation with the Centre of New England over the propriety of the sewer assessments, they're looking at it to make sure that we don't do anything with the General Assembly that suggests that we have been doing anything wrong in assessing the sewers in the Centre of New England.

Authorizing the issuance of bonds and notes to evidence loans from the Municipal Road and Bridge Fund administered by the RI Clean Water Finance Agency for calendar year 2015

Manager Hoover advised that the town received approval from the electorate last year on the road and bridge bond. We will undertake the Hammet Rd. and Island Drive projects by borrowing from the Clean Water Agency which gives us the advantage of about a percentage and a half savings on our finance rate for the borrowing.

PUBLIC COMMENT

Steve Hogan, a member of the Board of Directors for the RI Rifle Association, cited General Law 11-47-18, and 11-47-11, noting the differences between "MAY" and "SHALL" with regard to permitting concealed weapons. He noted that General Law 11-47-58 states the control of firearms, ammunition or their component parts regarding ownership, possession, transportation, carrying, transfer, sale, purchase, licensing registration and taxation shall rest solely with the *state*, except as otherwise provided in this chapter.

Ken Jackson, 2799 Harkney Hill Road, commented on certain problems he believes we have in town, which include 1) a crisis with the marijuana issue; 2), incentive monies being withheld from the town with regard to pensions; 3) problems with school issued Chrome books 4) DOT destroying our landscape by putting the greenway all the way to Connecticut; 5) maintenance of the greenway and removal of horse waste.

Deborah Pagano, 27 Catalpa Way, believes the town has ignored the Comprehensive Community Plan and should be held accountable to protect the public health, safety and general welfare of the people. Reservoir Road is a narrow, one lane road where there was an airpark in an industrial zone. There are now two hot mix asphalt plants, a concrete company and there is an ever growing wood business there. There is a lot of traffic, eighteen wheelers, and no sidewalks. Just because something was ok previously and grandfathered in, doesn't mean it should be allowed to continue forever. DEM maps show that property sits atop groundwater, in a flood zone, has wetlands. There are concerns about fire, no running water, truck emissions. A school cannot be built within certain footage of an asphalt facility, yet in Coventry we have two. RI General Law gives the Town Council the power to change zoning if it goes against the well-being of the town.

Ron Gizzarelli, 50 Harrington Road, remarked that 1) full day kindergarten in Coventry would be helpful; 2) medical marijuana, co-ops and compassion centers should not be located around schools; 3) we need to fund and expand Human Services; 4) automated refuse is long overdue. In addition, when making promises to public employees, the only time anything should change is when new employees are hired. You should never take away promises made because many public employees give up other opportunities to stay in their positions. They are looking forward to that pension which keeps them on the job, keeps them loyal and more efficient. We need to pay our

public employees what they are entitled to.

A motion was made by Vice President Carlson seconded by Councilman Laboissonniere to adjourn meeting. All voted Aye.

Town Clerk