

Town Council Meeting
March 9, 2015

EXECUTIVE SESSION – 6:00 PM

- A. Review of qualifications for Boards and Commissions appointments as per RIGL 42-46-5 (a) (1)
 - 1. Board of Canvassers
 - 2. Board of Canvassers' Alternates
 - 3. Assessment Board of Review
 - 4. Sewer Subcommittee

- B. For the purpose of discussing matters of litigation as per RIGL 42-46-5(a) (2)
 - 1. Evergreen vs Town of Coventry

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to come out of Executive Session. All voted Aye.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to seal minutes of Executive Session. All voted Aye.

TOWN COUNCIL MEETING – 7:00 PM

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

Pledge of Allegiance
Invocation by Manager Hoover
Review of Emergency Evacuation Plan

President's Comments

President Shibley announced that there would be an EcoDepot at the Public Works Garage on April 11 from 8 am-1 pm, where you can bring your hazardous materials, waste, paints, etc. to be disposed of. Citizens can call DPW for further information if needed.

Public Comment was inadvertently left off tonight's agenda, but there will be Public Comment following the question and answer session with the Dept. of Environmental Management.

Approval of Town Council minutes from February 23, 2015

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to approve minutes. All voted Aye.

COUNCIL DISTRICT UPDATES

There was no news to report from council districts this evening.

Rhode Island Department of Environmental Management

Mr. David Chopy, Chief of Compliance for DEM, was present this evening to address a particular item pertaining to a drawdown of water on Johnson's Pond this fall in order that repairs could be made to the outflow and trash rack. Manager Hoover indicated that it was initially reported that the water would have to be drawn down 17 feet. Consequently, he was informed that DEM approved a drawdown of 9-12 feet. There is concern for residents living around the pond with shallow wells that might be impacted by the drawdown. If a resident is left without water, we have no solution and wanted to know what the position of DEM is on that matter as the drawdown is scheduled for the second week of September this year.

Mr. Chopy advised that DEM has not approved any plans to repair the dam. There was a meeting with a consultant back in December where he suggested ideas for repairs along with the statement that within the next five years, the gates will not function, so they wanted to get a head start on the repair. However, DEM has not required them to do this; they are doing it on their own. We have yet to receive an application for the repairs. However, it was our understanding that in order to perform the work they would have to lower the water substantially and we gave them advice on the rate of lowering so that it wouldn't impact wildlife habitat. We do expect to see a plan as to how they intend to do the drawdown with the specifics.

Manager Hoover stated that he got the 9-12 foot drawdown number from Mr. Guglielmi at DEM, along with a pretty extensive report with plans. Mr. Chopy maintains that he has not seen any plans, but did receive information about the drawdown. It is the plan to maintain full pond level up until Labor Day, then lower gradually. In any case, they need to submit an application to DEM. In this case it is a high hazard dam and we would look at it from a dam safety perspective and make sure wetlands issues are addressed, as we also coordinate with the wetlands division.

DEM cannot address the questions about private wells and in addition the Department of Health has no jurisdiction. If the wells dry up, property owners would have to take some action against the dam owner. Manager Hoover asked that Mr. Chopy talk to Mr. Guglielmi and take a close look at the report. There were some other options suggested, such as a coffer dam, but I understand DEM dismissed that because of the high cost.

Councilwoman Duxbury asked if there was a restriction on the height of asphalt piles or if he had any information with regard to contamination. Mr. Chopy replied that there are no state restrictions on asphalt, it is specifically exempt in the statute and is legal to be used like any kind of earthen materials. Anything that would restrict height would need to be addressed by a local ordinance. In addition there are no issues with contamination.

Councilman Shibley mentioned the vacated building on Route 3, across from Benny's, that the town is ready to take it down but has been waiting for a grant. Mr. Chopy replied that an agreement was worked out eight or nine years ago with the town to remove the building and restore the spillway channel. Manager Hoover indicated that we are just waiting for the funding, but if we do not get the grant/funding by July 1, we will take it down anyway and it will be taken down within the next year. The cost is about \$30,000 including restoration of the spillway.

Manager Hoover asked whether septic complaints are still under jurisdiction of DEM and Mr. Chopy said yes, DEM will investigate citizens' complaints.

Public Comment:

Michael Baird, 2172 Plainfield Pike questioned Mr. Chopy as to when the original violation was issued to the town regarding the vacant building on Route 3. Mr. Chopy replied that he does not know if it was a formal citation issued to the town, it may have just been a letter issued that there was a problem with the building. I would have to look at my records, but the town did make some progress and took action regarding the spillway. It was cleaned and the channel partly reestablished. Manager Hoover added that the town also has complied and cooperated with DEM pertaining to letters as they concern Little Lake George and Breezy Lake.

Mr. Baird asked if the town received any fines, penalties or fees because the building hasn't come down yet and Mr. Chopy replied that they have not.

Barry Blier, 548 Tiogue Avenue

Mr. Blier asked if the dam on Tiogue Lake is a high hazard dam. Mr. Chopy replied that it is and Mr. Blier went on to state that he owns the property that abuts the building that needs to be demolished. He had his property appraised, it is a distressed piece of property and no matter what he wants to do, has to deal with DEM and wetlands. Therefore, he is offering his property to the town for \$171,000, a savings of about \$300-\$400 thousand.

Charlotte Porter, 26 Sandra Circle, stated that her home is situated 350 feet from an industrial park that contains two asphalt plants, one cement plant and a wood reclamation facility. We have tried to summon help from the town and DEM concerning strong odors emanating from the businesses at 75 Airport Road. In November 2012, residents met with state officials, DEM Director Janet Coit, and David Chopy of DEM. Director Coit commented on odors she noticed. An ABC television broadcast took place in May of 2013 with regard to the strong odors of asphalt covering that area. On October 24, 2014 Senator Raptakis smelled the odor of asphalt and lodged a complaint with DEM. My question is why does DEM never smell the odor? How do we work with town officials and DEM to address this problem?

Nancy Sullivan, 6 White Oak Court, thinks that Council should focus on the zoning and permitting process of businesses in town. Often businesses will open or expand without going through the proper process, then violations or cease and desist orders are issued. We welcome new business to Coventry, but need to start out on the right foot and follow proper protocol.

Richard Reynolds, Village Green, believes taxes are unfair at the Village Green senior community. We pay the same as everybody else for taxes and receive no services. We have to pay for snow removal and trash removal. People that live here are anywhere from 65 to 85 years old.

Mr. Reynolds suggested that the town cut taxes if we get no services, or leave the taxes the same but plow and pick up the trash.

Ron Gizzarelli, 50 Harrington Road, lives on Tiogue Lake and is involved with the Tiogue Lake Association. He has concerns about the spillway and doesn't know how a building ever got built there, but it did. When the building comes down, it is important that the area becomes a holding area to protect the lake and not allow anything coming down the hill to flow into the lake.

Mike Baird, 2172 Plainfield Pike, offered to tear down the building for \$25,000, a \$5,000 savings over your expected cost of \$30,000 and in addition will give the town a 6-8 month repayment plan. President Shibley advised that it has to go to bid first, but council will take under consideration.

Kenneth Jackson, 2799 Harkney Hill Road said that Coventry School Superintendent Almeida advised that February vacation will stay as it is. A survey was sent home to parents, I returned it with a note asking him to call me and that my feeling was that they could get rid of February vacation. The survey didn't state how much money could be saved, but it was distributed to people who had children in the school system, not to the general public.

Secondly, with regard to JRROTC, at the last council meeting you made a comment that it is only numbers that we are looking for and we need 100 students in the program. We have 78 kids in that program. Last week a certain member of the School Committee made a comment that if we have only 50 kids, it is not worth funding. This is an organization that teaches young men and women responsibility, authority and chain of command and there are valuable lessons taught. So please don't forget about JRROTC. Lastly, he expressed concern about asphalt getting into our waterways.

Tom Forcier, 30 Lori Lane, has an issue with DEM. He lives by Water's Edge Campground. DEM approved a 15 site septic system, but there is problem with the septic system. I have run-off onto my property and it polluted my well. This constitutes a violation. DEM approved the septic system and I don't understand how they could approve this. One department doesn't work with the other, there is no communication between departments and it is deplorable what's going on in my neighborhood.

Guy Lefebvre, 79 Indian Trail, is concerned about the neighborhood on Indian Trail, located on Johnson's Pond. Mr. Chopy did state that the Johnson's Pond dam is a high hazard dam, and to his knowledge no application has been made yet to make repairs. Is it reasonable to think that six months from today would be a sufficient time frame to review and respond to the application if the drawdown is scheduled for September? Secondly is it reasonable to think that a 12 foot drawdown can be achieved in a 48 day period? Perhaps you cannot answer at the moment, but these are questions for thought, something to consider.

LICENSES

Application by Kimberly McGee for 90 day Hawker license

Kimberly McGee, 301 Hopkins Hill Road, explained that she would like to open an organic farm market with a tent and tables in front of her house. There are 200 feet in front of her house and she expects/hopes it would be mostly a "walking" market, mostly people from the neighborhood.

Manager Hoover reported there are no problems with the town except for a concern regarding parking from the zoning officer. Ms. McGee assured Council that if a need arises, there is enough room on her property for about 10 cars. If even more room is needed, a space can be cleared where we could put in a driveway. When asked about signage, she indicated that she would like to put up a tasteful, small sign. Manager Hoover said that the zoning officer does not have a problem with that.

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to approve hawker license. All voted Aye.

Application by Keystone Novelties Distributors for temporary Hawker license

Neil Shaw of Attleboro, MA represented Keystone Novelties and advised that Keystone has about 25 temporary hawker sites throughout RI. They have been issued the State of RI retail sales permit and have operated this business in the past at the same location on Washington Street as requested this evening. Local people are hired to run it. In addition, Manager Hoover stated that the police and the zoning officer have no concerns with granting of this license. Mr. Shaw clarified that it is basically a business selling glorified sparklers, nothing that flies in the air, and would only be from June 25 to July 5.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to approve license. All voted Aye.

Application by JoAnn Miller of JoJo's Cupcakes, LLC for 90 day Peddler license

JoAnn Miller, 77 Island of Capri Road, is asking for a 90 day peddler license for the sale of cupcakes from her truck. Manager Hoover replied that she operated this business last year, the town has no problem with it and she has met state requirements.

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to approve peddler's license. All voted aye.

Application by Palagis Ice Cream for 90 day Peddler license

Manager Hoover noted that even though no one is present from Palagis, he gets a peddler license for his truck every year. The town has no concerns. A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to approve license. All voted Aye.

PRESENTATION

Coventry Small Business Forum Recommendations

Councilwoman Duxbury introduced Craig Penardo, owner of Main Street Wine & Spirits. Back in September, a Small Business Forum was formed, a gathering of small business owners in town, for discussion and feedback, suggestions and recommendations. They had their final meeting in February and have come up with some suggestions. Mr. Penardo is here this evening to give a presentation of their findings.

Mr. Penardo, acting as spokesman, prepared a power point presentation of findings from small business owners, those who operate brick and mortar establishments and those who operate remotely. Small business owners feel it is important to have more collaboration with leaders of the community. Coventry needs to be as supportive of small business as it is to large corporations. Maybe it would be possible to create a business portal on the town website to connect business to vital resources the town has to offer, but there is a need to increase statewide visibility of Coventry's economic business culture in order to attract customers and other small business investors.

It is critical to build an environment of trust and identify mutually beneficial goals between the town and the small business community. In addition a plan is needed when dealing with the economic revitalization of small rural main streets in contrast to larger cities. To get started we should begin with a small group of stakeholders, community members affected by the economy, work closely with Coventry Economic Development Commission, who will then relay information to the Town Council. The group needs to set achievable goals in collaboration with the town, conduct an audit of town policies, procedures and practices to measure "business friendliness" and prepare a list of all economic development resources. We need to think globally, interact regionally and act locally, concentrating on what we can change.

We have to promote the town, need to identify group participants, ask for town commitments, identify expert resources in helping us build our partnership between the town and the small business community. (See full presentation in council folder)

Councilwoman Duxbury thanked Mr. Penardo and the small business owners who helped put this together. We need to get some small wins, so we can at least show that we are making some progress. There are some ideas that won't cost much money, or maybe get funding elsewhere, for example, enhancement of bus shelters to make things a little more appealing. Maybe we can talk with people at the state level and do something a little nicer, or maybe put advertising in the bus shelters. Another idea is for a business portal on the town website. One town that she visited on the web has a link where you could link in, do licenses on-line, there is a lot you can do, although I realize resources are an issue.

Mr. Penardo agreed, and stated that there seemed to be a positive climate in the forums, but we need to attract more small business, get them excited about Coventry, we have to show Coventry as pro business. Also, I don't want to forget the businesses that are already here and struggling. We need to revitalize as well and support the businesses that are already here.

Manager Hoover recommended possibly taking a look at a central position in the town that would enhance all this as well as rejuvenate the EDC. We would like to have this EDC rejuvenated by the beginning of the fiscal year in July. Mr. Hoover did attend some of the business forums and looks forward to partnering with the small business community.

President Shibley remarked that the Town of East Greenwich has a very nice manual, listing town resources, businesses and agencies, which is very helpful to people coming into town; it's something that people can refer to when needed. He thanked Mr. Penardo for his presentation.

RESOLUTIONS

1. Discussion and resulting action on an agreement for payment in lieu of property and tangible property taxes on eight (8) private turbines to be installed in Western Coventry by Wind Energy Development

Manager Hoover asked that Council return this resolution to him as we have found that we need to do a little work on some calculations so that we can develop a better recommendation.

A motion was made by Councilwoman Carlson seconded by Councilwoman Duxbury to refer to administration for further negotiation and return at a later date. All voted Aye.

ORDINANCES

1. Amending Coventry Zoning Ordinance, Article 6 – Zoning Use Regulations

Solicitor Gorham explained that this amendment simply clarifies the cultivation of marijuana, where and when it will be grown. Also, that cultivation can be undertaken by not more than two patient card holders within their dwelling for medical use only and not for sale of distribution. There will be a public hearing on this and the public will have their chance to comment.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to advertise for public hearing. All voted aye.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to adjourn meeting. All voted aye.

Town Clerk