

Town Council Meeting
March 10, 2014

EXECUTIVE SESSION – 6:30 p.m.

- A. Discussion of the job performance, character and health of an individual who has been appropriately notified in advance in writing of the discussion as per RIGL 42-46-5 (a) (1)

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to seal minutes from Executive Session. All voted Aye.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to reconvene regular session. All voted Aye.

TOWN COUNCIL MEETING

Present: President Gary Cote, Vice-President Kerry McGee, Councilwoman Karen Carlson, Councilman Gregory Laboissonniere, 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 acknowledged the resignation of former Town Councilman Ted Jendzejec and publicly thanked Mr. Jendzejec for his years of service to the Town of Coventry. He always served in the best interest of the taxpayers, whether people agreed with him or not.

As a result of Mr. Jendzejec's resignation, a vacant seat currently exists on the Town Council and a legal opinion has been requested of Solicitor Tobin with regard to filling the vacancy.

Solicitor Tobin's opinion, after researching state law, particularly Section 45-5-18, finds that the law defers to local charter provisions in instances such as this. Sections 3.05 and 3.06 of the Coventry Home Rule Charter deals with vacancies of town council officers, stating "if a vacancy shall occur in the Town Council less than twelve (12) months prior to the next regular election, the vacancy shall be filled for the unexpired term by the remaining members of the Town Council." Since this was within one year of the next regular election, the provision indicates that the Town Council fills that position. If it is not filled, there would be four remaining members until November, when there would be a regular election. Solicitor Tobin pointed out that this same situation occurred three years ago with a seat on the School Committee and an almost identical opinion was rendered.

The terms "regular" and "general" election are interchangeable. It is my view in reading and interpreting the charter that the Town Council will make a determination to fill the unexpired term of Mr. Jendzejec. At the time of the general election, we will have an election to fill the remainder of that unexpired term.

Councilman Laboissonniere commented that his thought process is that the next regular election for District 5 would be in 2016; however, Solicitor Tobin stated that a regular election would not be just for that district seat, the charter doesn't say that, it only refers to a regular election, as was the case in 2011 with the School Committee.

Approval of Town Council minutes February 24, 2014

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

CONSENT AGENDA

1. Discussion and resulting action on tax abatements and additions for January 2014
2. Discussion and resulting action on participating in the World Wildlife Fund's Earth Hour City Challenge and take part in Earth Hour at 8:30 PM on March 22, 2014

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

PUBLIC HEARING

1. Application by John Assalone for Transfer of Class B liquor license from Andiamo Restaurant, Inc., 1650 Nooseneck Hill Road to Airport Road Development Inc., dba Open Sometimes

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

There were no questions or comments from the public. Motion was made by Vice-President McGee seconded by Councilwoman Carlson to close public hearing. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve liquor license transfer subject to the release of all claims, a certificate of good standing and approval from the Board of Health. All voted Aye.

2. Application by WOW on Washington, 433 Washington Street for a year round Live Show Entertainment license, with an additional request for permission for an outside one day live show entertainment license for the St. Patrick's Day parade.

Proprietor Alexandria Kazarian explained that she is seeking a year round inside live show entertainment license. In addition, she is requesting a one day license for St. Patrick's Day, where she plans to have entertainment on the patio area of the restaurant, not in the parking lot.

Chief Volpe has concerns about the safety plan, as it becomes very congested with a lot of pedestrian traffic during and after the parade. Ms. Kazarian will go to the Police Department to discuss this with Chief Volpe.

A motion was made by Councilwoman Carlson seconded by Councilman McGee to approve live show entertainment license on a year round basis and one day license for St. Patrick's Day. All voted Aye.

Application by Heather Santos for new victualling license for Coventry New York System, LLC at 726 Tiogue Avenue

Councilwoman Carlson asked about parking situation. Ms. Santos responded that there will be off street parking for at least ten cars or so with inside seating for 25-30 people.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to approve license subject to Board of Health approval. All voted Aye.

RESOLUTIONS

Dr. Almeida asked that item I-4 be taken out of order and heard first. Motion made by Councilman Laboissonniere seconded by Councilwoman Carlson to move resolution to first position. All voted Aye.

1. Discussion and resulting action regarding the lease purchase of equipment for the Coventry School Department Technology Plan

Dr. Almeida explained that in FY 14 the Council appropriated \$300,000 to the school department, which was dedicated to technology, and is also part of the annual maintenance of effort. That \$300,000 didn't take us far, so we have come to believe the best plan is to lease/purchase the devices so that this transition can happen more quickly. The lease purchase would be for every child grades 6-12. Elementary grades 3-5 will have at least one chromebook laptop cart at each level.

President Cote asked if with this three year contract there is an increasing fee going forward or if the three years at \$300,000 will cover it all. He also asked what kind of interest rate will be charged. Dr. Almeida replied that everything is built into the cap, which is at \$850,000 so we won't hit \$900,000 during those three years. The interest rate with TD bank is 1.55%, and because of the low interest rate were able to do grades 6-12 instead of the original grades 7-12. A \$24.00 maintenance fee per device is also rolled into this funding. In addition, insurance on the devices will cost \$20.00 per family. The device will be brought home, the student can get right back onto his work. In addition, students and teachers can share documents electronically. Chromebooks works off a platform, no downloading is needed. Carrying cases will not be issued, the child is responsible to obtain their own.

Councilwoman Carlson asked about maintenance and the family's responsibility if lost or broken. Dr. Almeida responded that anyone using a chromebook will receive a care and maintenance policy. We will fix it once, but if lost or stolen, the child pays for it.

Councilman Laboissonniere asked about the number of chromebooks needed by the school department. Superintendent Almeida responded that these are approximate numbers, somewhere between 3200 and 3400, which includes 10-12 extra for when repairs are needed. There will be one central place for inventory control, which hasn't been determined yet. Inventory will be rotated, for instance when the seniors are done, the device will go to the sixth graders.

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

2. Discussion and resulting action requesting the Rhode Island General Assembly to amend RIGL Chapter 44-7, Section 44-7-28, with regards to tax liens on mobile or manufactured homes, to include the Town of Coventry

Finance Director Bob Thibeault explained that in order for Coventry to get first status in collecting taxes and not lose out on the money, there has been discussion to possibly amend General Law 44-7-28, giving the town first lien holder status. Solicitor Tobin further explained that real estate taxes are fairly easy to collect; however, mobile and manufactured home taxes are considered tangibles and not real estate. As a result, it may not come in front of a mortgage. If the structure is foreclosed or removed, it is questionable as to whether the town would ever get paid. We would like to have the property considered to be real estate, and add Coventry to that same statute, 44-7-28, to collect taxes as real estate.

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

3. Discussion and resulting action requesting the Rhode Island Congressional Delegation and the Rhode Island General Assembly to provide resources for a responsible and stable capital program to maintain and improve Rhode Island's transportation infrastructure

Manager Hoover indicated that the RI League of Cities and Towns has asked all cities and towns to jump on board with this legislation. Essentially it joins state and local government in trying to determine what happens after the federal transportation authorization expires on October 1 of this year. Unless some positive action is taken by Congress, the General Assembly and the departments of transportation in each state, we will be in trouble. We don't have to tell anyone how bad the roads are and it is going to be a much sadder case if we cannot get a reauthorization of this federal transportation act.

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

4. Discussion and resulting action regarding the transfer of \$65,003 in unencumbered appropriations in the Department of Public Works from this fiscal year's capital improvement items for the purpose of purchasing currently needed items per Section 8.19 (d) of the Coventry Home Rule Charter with resulting action being the purchase of two (2) used dump body trucks

Public Works Director Kevin McGee is requesting a transfer of funds. Manager Hoover explained that we would be reallocating funds that we do not need anymore due to either a job coming in below budget or not being done at all. Mr. McGee added that nine vehicles in the DPW fleet are in deplorable condition and need to be replaced. One had to be taken out of service and another can only be used as a spare vehicle. With this transfer of funds, we can

replace two, maybe three vehicles and will be able to get the 20-25 year vehicles off the road and replace them with ten year old vehicles.

Councilwoman Carlson asked about the status of the Traffic Calming Committee since some money is coming from that account. Manager Hoover stated that Traffic Calming is inactive right now and Chief Volpe has basically been taking care of things administratively for the past year.

Councilman Laboissonniere asked about transferring funds from the transfer station and Manager Hoover replied that we have done lesser repair and still met the immediate need. There are no immediate plans now at the transfer station. We do not need to do a massive amount of repair and as far as future needs, Mr. Mcgee responded that the need will be diminished if the pilot program takes off and is picked up in November.

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

5. Discussion and resulting action on the sale of the Town owned MacArthur Boulevard building to the Comprehensive Community Action Program

President Cote advised that CCAP has showed an interest in buying the building and Manager Hoover and Solicitor Tobin have been in negotiations with them for quite a while. Manager Hoover added that CCAP works closely with our Human Services Dept. They will provide the needed major repairs to the building and they will maintain it. The agreement will allow us to co-occupy the building for ten years with two five year options. The parking lot needs major repair and the building needs to be hooked up to sewers. Approval is recommended in order that the town may move forward to the closing. The Town will also maintain continued access to the ball fields.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve resolution. All voted Aye.

PUBLIC HEARING

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

Solicitor Tobin explained that this proposed ordinance mirrors state law, in that all town and city councils SHALL indemnify all police officers, public officials, members of boards, agencies and commissions from all expenses and damages arising out of any claims or settlements. It does not cover intentional acts or malice of individuals working for the town. It requires us to cover the employees for any costs/expenses. You do get an "out" if an employee displayed willful disregard of the law. In addition, the Interlocal Trust will defend a number of types of cases also. This ordinance would be in the event there is no coverage or there is a conflict between the town's attorney and individual involved.

Councilman Laboissonniere asked if the town is aware of what is covered and what is not. Solicitor Tobin explained that every claim or lawsuit first goes to the Interlocal Trust to make sure that they are going to cover it, and if not, we are notified immediately. Coventry is heavily insured.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to open public hearing. All voted Aye.

Ken Jackson, 2799 Harkney Hill Road, stated that there are currently 45 lawsuits against the town and he wonders if this ordinance would affect only those issues going forward and not going back. Solicitor Tobin believes it will only affect issues going forward.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to close public hearing. All voted aye

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve ordinance. All vote aye.

PUBLIC COMMENT

Deborah Pagano, 27 Catalpa Way, questioned the accurateness of Solicitor Tobin's opinion with regard to the vacant council seat in District 5. Just because this opinion is consistent with a prior opinion, doesn't mean it is the right opinion. She is concerned with

council representation in District 5. Not only are we without representation, but have to wait until November. There are serious issues in this town and you are not giving us equal representation like the rest of the town.

President Cote responded that if three or more council members agree, someone would be appointed and the position wouldn't remain vacant until November. Going forward, the Town Council needs to work on this in order to come to a resolution among members.

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

Town Clerk