

TOWN COUNCIL MEETING  
Coventry Town Hall Council Chambers  
1670 Flat River Road, Coventry, RI  
March 23, 2009

6:00 p.m. – Work Session pertaining to Sewer pertaining to assessment methodology

Present: Raymond Spear, Glen Shibley, Laura Flanagan  
Interim Town Manager Paul Sprague  
Town Solicitor – Patrick Rogers, Esq.  
Absent from work session: Kenneth Cloutier, Frank Hyde

Bill Hall, Chairman of the Sewer Subcommittee, reviewed information relating to assessment methodology. The Subcommittee has reviewed reports from Geremia and Associates as well as Weston & Sampson. After discussion, Mr. Hall indicated that an ordinance is just about complete and would be in place before the Town Council for consideration shortly.

Mr. Jim Geremia gave a brief outline of his proposal including the philosophy of establishing a project and divide the cost by dwelling units, as did Weston & Sampson Engineers with an “across the board” sewer rate increase.

Manager Sprague commented that in order to receive necessary funding, we have to show the Clean Water Finance Agency that we have a methodology in place that will recoup the cost of what we are expending on sewers and that we can repay Clean Water for the money they loan to us.

Mr. Hall responded that that an ordinance would be in place for introduction at the next Town Council.

Motion made by Laura Flanagan seconded by Glen Shibley to adjourn work session. All voted Aye.

7:00 p.m. – TOWN COUNCIL MEETING

Present: Frank Hyde, Raymond Spear, Glen Shibley, Laura Flanagan

Interim Town Manager Paul Sprague  
Town Solicitor Patrick Rogers  
Absent: Kenneth Cloutier

Invocation by Fr. Paul Grenon  
Pledge of Allegiance  
Review of evacuation plan

Vice-President Spear presented proclamation to Jeff Hakanson, “Hero of Conservation” as he was recently cited by Field and Stream Magazine for his diligent efforts ensuring that Tiogue Lake is a pristine inland water body.

Motion made by Laura Flanagan seconded by Frank Hyde to approve Town Council minutes of February 23, 2009, March 9, 2009 and March 13, 2009. All voted Aye.

Councilman Hyde sought confirmation that previous minutes reflected setting aside \$20,000 for a gun range (Resolution #10-09-2966 as adopted on February 23, 2009).

CONSENT AGENDA

1. Tax abatements for months of January and February 2009 in the amount of \$22,321.60 with additions of \$2,881.74
2. Application for renewal of Sewer Contractor’s license for R.T. Nunes & Sons, Inc.
3. Resolution authorizing Town Manager to execute agreement with Quidnick Reservoir
4. Resolution approving sewer tie in for property located at 52 Boston Street

5. Resolution approving sewer tie in for property located at 1076 Main Street
6. Resolution approving sewer tie in for property located at 634-636 Tiogue Avenue
7. Resolution approving sewer tie in for property located at 38-40 Anthony Street

Motion made by Frank Hyde seconded by Laura Flanagan to adopt Items #1,#2,#4,#5,#6 and #7. All voted Aye. So voted.

Councilman Hyde asked to remove Item #3, agreement with Quidnick Reservoir, for discussion and questioned the cost increase between last year and this year.

Mr. Sprague replied increase is approximately \$4,000 with a 15 year contract.

Motion made by Frank Hyde seconded by Laura Flanagan to approve #3 Quidnick Reservoir agreement. All voted Aye.

## LICENSES

Application for new Peddler's license by Michael Rodriguez of Warwick, RI dba Mike's Ice.

Motion made by Laura Flanagan seconded by Frank Hyde to grant license. All voted Aye.

## PRESIDENT'S REMARKS

- Council Chambers – Rules of Conduct

Vice-President Spear noted that recently the council has seen two instances of rude and inconsiderate behavior at Town Council meeting. Mr. Spear detailed Rules of Conduct as follows:

Public Comment will be permitted at all Council Meetings, except when stipulated otherwise by the Council President. Such opportunity for comment shall focus on agenda items which are currently under discussion by the Council at the point of invitation for public comment, and shall be allowed by a raised hand of a requesting speaker and the personal recognition by the President.

Upon recognition, all comments shall be directed thru the President and be specific to the topic of current Council discussion, except for the agenda item noting Public comment, where comment is open to the desired topic of the acknowledged speaker

All comments shall be restricted to three (3) minutes and shall refrain from personal reference or attack and be absent from profanity or otherwise be insulting in nature.

Failure to comply with these stipulations will result in the invitation for the violator to leave the room without further comment. Failure fo compliance will result in a police escort from the room and depending on the circumstances, may well lead to charges of disorderly conduct.

- Town Solicitor – Litigation report and overview

Solicitor Rogers briefly outlined several major legal issues regarding the town:

1. Landfill suit (EPA/DEM)
2. Cardi corporation
3. Maisie Quinn sewer line

He explained that the federal government and EPA are involved in the landfill suit and this involved contaminated land at the former town dump. At some point, probably in 2010, there will be a discussion and negotiation about the land fill clean up, the responsible parties, and the costs which will be shared between all parties who contributed to the contamination. Possibly there may be federal money to help with the cleanup. This will go to trial in April.

Mr. Rogers further explained that the other two lawsuits involve Centre of New England. The Cardi/Cambio lawsuit, involves Mr. Cambio's purchase of the land surrounding the landfill

from Cardi, Mr. Cambio's plans to develop that property and the allegation that the contamination actually extends beyond the boundaries of the town dump. Cambio asserts that he has been deprived of the use of his land and his plans to develop there. This will go to trial in April to determine responsibility and the costs involved.

The third suit pertains to sewer assessments, again with Centre of New England. This is a contract dispute arising out of an agreement entered into in 2004 regarding the town's agreement to pre-fund upgrades on the Maisie Quinn sewer line. Mr. Cambio was to repay the town over ten years, at 1.9 million at 3% over 10 years, which is about 2.6 million. The Town fronted the money, upgraded the sewer line, and has not been paid by Mr. Cambio or his entities. Subsequently, five years later, this Council is being confronted by a lawsuit claiming: 1. The amount of money that was to have been paid by Cambio the \$1.9 million (or \$2.6 million with interest) is the entire amount that Mr. Cambio was obligated to pay the Town of Coventry for both the Maisie Quinn line and the entire Centre of New England. The dispute is as follows: was the \$1.9 million all that was expected to be paid by Mr. Cambio in connection with all the sewer upgrades of the Centre of New England or was the \$1.9 million on top of the sewer assessment to be applied to all owners, commercial and residential, in the Centre of New England. There is a contractual dispute over interpretation.

## DISTRICT REPORTS

- District 1 - Vice-President Spear is working on a request from a group of citizens in District 1 to review the residential compound ordinance as it relates to the construction of housing projects with segments of property where the roadway does not meet the standards of the community and where property owners are responsible for maintenance of the road, snowplowing and trash pickup. These residents pay the taxes the same as everyone else, and do not receive services. We will be asking for some consideration further down the road in terms of what can be done about it. Will be investigating the residential compound ordinance.

- District 2 – Laura Flanagan received calls regarding logging on Old Carriage Road. Dept. Environmental Management has informed Ms. Flanagan that the owner has a permit, but should not be splitting wood before 8:00 a.m. In that event, the police should be called. In addition, calls have been coming in regarding car damage on certain roads. There are a number of places receipts may be submitted if there is vehicle damage to your car. She advised that if someone encounters a problem, that she is willing to help.

Next, Ms. Flanagan is working on putting a game plan together for pension funds and trust funds. Have had several meetings investment firms over the past few weeks and will be meeting with Merrill Lynch in April to get a sense of where we are at.

Further, condolences go to the Lebel family, Berube family, Chase family, Jackavone family, the Ricci family and certainly to Vice-President Spear's family, who have all felt losses during the last couple of weeks.

- District 3 – Mr. Hyde mentioned that the Greenway is scheduled for a repaving later in the summer. He also asked that the Town Manager arrange to have the missing "Welcome to Coventry" sign, located near Clariant, replaced.

- District 4 - Glen Shibley – Route 3 is like a washboard and this should be looked into. Also, working on complaints from residents of Lydia Road regarding dirt bikes, ATV's and dust in the area and torn up sidewalks from plows.

## RESOLUTIONS

Resolution supporting State legislation for Tax Increment Financing

In an explanation by Solicitor Rogers, it was noted that this resolution supports legislation introduced in the General Assembly which would make it easier for towns and cities to have TIF projects exempt from the financial limitations of the S3050, providing an exemption for qualified tax increment financing projects. This is project/plan driven.

Motion made by Frank Hyde seconded by Glen Shibley to adopt resolution. All voted Aye.

### Resolution adopting Waterman/Fiske Assistance Program

Councilwoman Flanagan provided the history behind the Horatio Waterman Fund and Isaac Fiske Fund; that both gentlemen left their estates to the town to be used for the needy of the community. With the help of Pat Schurtleff in Human Services, we have been able to develop a program where we will provide income to help folks that are in need in our community. The Council has a duty to make sure these funds are used as intended. There is \$2 million dollars between the funds, and income only will be used to contribute to Tis the Season and the food bank. These funds produce about \$40,000 income.

Motion made by Glen Shibley seconded by Laura Flanagan to adopt resolution. All voted Aye.

### Resolution directing that Waterman/Fiske Trust income be used to fund Tis the Season and the Coventry Food Bank

Councilwoman pointed out that resolution directs \$12,000 to the Coventry Food Bank and \$2,000 to Tis the Season.

Motion made by Laura Flanagan seconded by Glen Shibley to approve resolution. All voted Aye.

### PETITION FOR ABANDONMENT OF PORTION OF GIFFORD STREET

Motion made by Laura Flanagan seconded by Frank Hyde to refer to Planning Commission for their recommendation. All voted Aye.

### INTRODUCTION OF ORDINANCE

#### Ordinance pertaining to the removal of Town Council appointees to Town boards, commissions and committees for cause

According to Solicitor Rogers, this ordinance would allow the removal of a town appointment for "cause". Two meaningful changes in this revised ordinance are: 1) change to "remove or suspend" for cause; 2) more than just boards and commissions, to include "authorities, agencies, panels and organizations"; 3) it is possible someone serving on a board might have an employment contract or might be subject to a collective bargaining agreement, and those might have a definition for cause. This ordinance would not override an individual's existing contract.

Mr. Hyde believes that Section 2-77 (b) 4 should be changed to "gross" negligence.

Solicitor Rogers – This speaks to negligent performance, someone not attending meetings, negligent performance of duties.

Consensus of Council to leave language as it is and to advertise for public hearing.

### PUBLIC HEARINGS AND ENSUING ACTION

#### Amendment of Zoning Ordinance and Map, Assessor's Plat 24, Lot 125 (The Woods at Red Brook) from Residential 20 to R-20 Planned Development - Continued from December 8, 2008

Attorney John Brunero was present. This hearing was previously continued in order to obtain a traffic study. Mr. Paul Bannon, Traffic Engineer and President of RAB Engineering in Cranston performed a traffic impact study.

Mr. Bannon submitted his findings, traffic counts and copies of his study to the Town Council. His conclusion was that there is adequate and safe access to this development.

Councilwoman Flanagan asked if he felt anything needed to change. Mr. Bannon said this development would represent only about 1% increase in traffic. The speed limit is 25 mph on New London Turnpike. There should be a stop sign at Red Brook Lane and April Court, but not on New London Turnpike.

Present - Attorney Albert DiFiore, Esq., representing Planning and Zoning Department, West Warwick, RI. Mr. DiFiore felt this would cause an adverse impact in the area. He raised issues as to the proper advertisement of the ordinance, noting also that a curb cut would be needed through the Town of West Warwick.

Solicitor Rogers – Solicitor DiFiore has raised three issues: #1 is proper advertisement; the Town Council can certainly conclude that the advertisement was corrected and amended; #3 regarding the curb cut is a West Warwick issue, nothing to do with this council; the narrow issue that he has raised in #2 is about the adverse impact. You have had a traffic study, and the issue is on the traffic study.

Mr. Lima – Mr. Lima pointed out that although this condo development would be on Coventry property, people will exit onto a West Warwick Road. People are complaining about that and feel this will devalue their property and will cause a traffic headache for West Warwick,

Cindy Fagan, Chairperson  
Coventry Planning Commission

Ms. Fagan, Chairperson of Planning Commission stated that there is a speed problem on New London Turnpike.

Mr. Spear – We are here to hear a traffic report. We have our answer, the major concern has been traffic and I am sure that the two communities can work to solve our problems.

Councilman Hyde asked Attorney Brunero if six affordable housing units could be made available; Attorney Brunero agreed to go to six. He also noted that Coventry would see a \$90,000 tax flow, plus impact fees of over \$200,000.

Mr. Revens, developer, will work with the Town Council regarding traffic issues. Attorney Brunero suggested that both communities write to the Department of Transportation, urging the department to do a study and install a traffic light.

Mr. Shibley will vote against ordinance, thinks it is too dangerous of a situation.

Motion made by Laura Flanagan seconded by Frank Hyde to amend Plat 24, Lot 135 from R-20 to R-20 Planned Development and continue to work with West Warwick on traffic problems. Motion passes 3-1 (Councilman Shibley votes no)

Ordinance adopting codification of the ordinances of the Town of Coventry

Solicitor Rogers signified that approval of this ordinance will allow for clear, simple uniform ordinances of the Town of Coventry. There are no substantive changes here, merely organizational.

Motion made by Laura Flanagan seconded by Glen Shibley to adopt ordinance. All voted aye.

DISCUSSION

1. Hiring freeze

Mr. Sprague – The topic was recently brought up whether this should be implemented. I have been with the town 25 years, the population has close to doubled. We have increased the number of ball fields and recreation areas, but not employees. Have only increased public works by one or two and the police force, in the last 8 years, from 52 to 60. We have not been replacing all positions that become vacant. In the Department of Public Works, we have one person on a truck; West Warwick has three. Most communities have two. Does not support a hiring freeze.

Mrs. Flanagan replied that we have to look around at what is going on in the economy. We need to review who we hire and if are they absolutely essential.

Mr. Spear – Are you suggesting that at least until we get the budget established for 2009-2010, that we ask the Town Manager to review with the Town Council vacancies that occur and his intention to fill them, and why he does not feel they should be subject to the freeze.

Ms. Flanagan - I think that any position that is to be filled during this budget cycle should receive the approval of the majority of this council.

Mr. Hyde agrees.

Mr. Spear - In the name of the financial crisis that we find ourselves in, if we could be privileged as a council to be advised of vacancies that occur and your plans and intentions for the necessity for filling them.

Mr. Vacca - Hiring freeze is most appropriate.

Anthony Nardolillo – Union president - If you cut back too much, you will cut back services. My position would be that you don't create new positions.

Ms. Flanagan - Mr. Spear's suggestion that by a piece by piece basis that this be evaluated is to prevent just that situation. To say that every municipal position that current exists is absolutely necessary is just not true.

Mr. Spear – We have taken a position, and that is that no further positions will be filled in Town government without reviewing with the council ahead of time and justification for filling them. I don't think it's necessary to put a freeze on, because the freeze stops everything. But, the discussion of this has led to an agreement between the manager and the council that we will be advised whenever a vacancy occurs as to propriety whether it is filled.

Mr. Sprague - This relates to municipal side only, not the school side.

#### Town vehicle use policy

Mr. Spear has heard concerns about cars being driven home by employees. I have a copy of the policy and would like the opportunity to sit with the manager and see what it represents. Current we have 13 town vehicles being used directly between work and home.

Mrs. Flanagan – Requested list of exactly, individually, who is taking cars home. Many times when you see municipalities cutting back and cars going home, the cars that folks are taking home are older vehicles, the dollars and cents that we would save don't really add up bigger issues to focus on that this.

Mr. Hyde added that some of these people are on call, and have to have a vehicle.

#### Community Garden

Dale Tatangelo from URI Master Gardeners.

Council agreed to location for 40 x 200 foot garden at Town Hall Annex in front yard of administration building.

Recreation Director Guy Lefebvre had no problem with that.

Motion made by Frank Hyde seconded by Glen Shibley to allow garden on strip of land in front of annex. All voted Aye.

PUBLIC COMMENT

Mr. Pendola requested the town look into abuse of fire and police services at 15 Airport Road. Chief DaSilva will look into this issue.

Motion made by Frank Hyde seconded by Laura Flanagan to adjourn meeting. All voted. Aye.

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Town Clerk