

Town Council Meeting  
April 14, 2014

EXECUTIVE SESSION – 6:00 PM

- A. Review of qualifications for Sewer Subcommittee appointments as per RIGL 42-46-5 (a) (1)
- B. Review of qualifications of candidates to fill the vacant District 5 Town Council seat as per RIGL 42-46-5 (a) (1)

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to recess to Executive Session for review of qualification of candidates. Roll call vote. All voted Aye.

Executive session was reconvened in public as several candidates, Tammy Duxbury, Michael Grattan and James Pierson wished to have their qualifications discussed in open session. At the conclusion, Town Council reconvened Executive Session in private for further discussion.

TOWN COUNCIL MEETING – 7:00 PM

Present: President Gary Cote, Vice-President Kerry McGee, Councilwoman Carlson, Gregory Laboissonniere, Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Boy Scout Troop 31 Crompton  
Moment of Silence  
Review of Emergency Evacuation Plan

A motion was made by Vice-President McGee second by Councilwoman Carlson to adjourn Executive Session. All voted Aye.

President's Comments

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

Approval of Town Council minutes March 24, 2014 and Town Council/School Committee work session minutes from March 31, 2014

A motion was made by Councilwoman Carlson 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 regarding the reappointment of Lt. Dennis Skorski to the Police Pension Board
3. Resolution approving sewer-tie ins for 78 Boston Street and 1373 Main Street

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to

approve consent agenda. All voted Aye.

## LICENSES

1. Application for second hand license by Thomas Gervasio doing business as DAI Collectables, 1000 Knotty Oak Road

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

2. Application for victualing license by the Doghouse Café, Inc., 1373 Main St

Proprietor Denise Davenport explained that she will operate a bakery, will also make dog treats in the bakery, and sell stadium style hot dogs. She plans to open in 2-3 weeks after some sewer work is complete.

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

## RESOLUTIONS

1. Discussion and resulting action requesting the Rhode Island General Assembly to establish a holiday by observance to recognize and honor Blue Star Mothers, and that as with the Gold Star Mothers Holiday, this newly created holiday would also show deference to the fathers and other family members of veterans

Councilman Laboissonniere advised that one of his constituents asked to be included on the agenda to represent the Blue Star Mothers, who are requesting that the RI General Assembly establish a holiday to honor that group. Betty Leach, a veteran and widow, gave a brief history of how the Blue Star Mothers of America began in the 1940's, was chartered by the US Congress in 1960, and that to qualify as a Blue Star Mother you would have to have a child in the service who has completed boot camp or basic training. It is a non profit, non political group that supports each other, the troops and assists the mothers and families of those who serve in the armed forces.

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

2. Discussion and resulting action terminating the Town of Coventry's member participation with WB Community Health and entering into an agreement with the Rhode Island Interlocal Risk Management Trust for medical and dental insurance effective July 1, 2014, with no change in employee medical and dental benefits

Manager Hoover explained that the town has found that they can get a better price by leaving WB Health and entering into an agreement with the Interlocal Trust, for one year. Total savings to the town would amount to \$39,096 considering both medical and dental. Originally WB sought a 26% increase, we got them down to 15%, but the Trust will be approximately a 13% savings on medical.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to

approve resolution. All voted Aye.

3. Discussion and resulting action authorizing the award of a contract to Ahlborg Construction Corporation for the renovation of the High School Sports Complex at a cost of \$1,152,243.42 to be financed by previously issued School Improvement Bonds under the referendum that was passed by voters in November, 2012

Mr. William Finnegan, Chairman of the Building Committee, explained that they are asking to award up to \$1,131,000, which is what is left on the bond for renovation of the sports complex, to Ahlborg, who was the low bidder at \$1,247,000. We have taken some deducts on that bid and got down to \$1,131,000, so we are asking for an award of up to \$1,131,000. This is the last piece of approved work from the bond referendum for the high school. Finance Director Bob Thibeault advised that this resolution was written by our bond counsel. There is still approximately \$21,000 left from a previous bond, which represents the difference between the \$1,152,000 and \$1,131,000.

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

4. Discussion and resulting action authorizing the Town of Coventry to finance its share of environmental remediation of the Arnold Road Landfill in connection with the Rhode Island Department of Environmental Management Litigation by the issuance of not more than \$5,000,000 in bonds and notes

Manager Hoover explained that this resolution would give us the ability to bond up to \$5 million. The resolution was prepared by our bond counsel, Karen Grande, for financing for the remediation of the Arnold Road Landfill. RI General Law allows the town to issue judgment bonds at the rate of 5% of the total general fund by vote of its Town Council. This was done in 2010 for the cancellation of the lease and purchase of property in and around the Arnold Road Landfill. Shortly after, I appeared before the General Assembly Subcommittee on a bill sponsored by our legislative delegation to allow 5% more of the general fund to be issued by the Town of Coventry for actual remediation of the landfill. This bill was approved by the General Assembly allowing the Town to have a 10% maximum allowance of the general fund in the issuance of judgment bonds.

This is going to cost less than \$5 million, but remediation will take four to six years. The town's responsibility is 60% with the other principal responsible parties at 40%. The town's 60% is not only for remediation but for years of monitoring and testing wells. This bond will finance attorney fees, engineering and project administration fees. The estimated amount that Coventry is expected to expend is \$2,425,000, however, bids have not yet been received, and during the course of the several years of remediation, the authorization of the remaining 5% or approximately \$5 million is recommended. President Cote remarked that this project will be done under the supervision of the Department of Environmental Management.

Councilman Laboissonniere asked for clarification that we will only issue \$2.4 million of the \$5 million total at this point. Anything over that \$2.4 million would need to come back to council as needed. Manager Hoover confirmed.

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

5. Discussion and resulting action authorizing the Town Manager to execute and deliver to the Rhode Island Department of Environmental Management on behalf of the Town of Coventry a Consent Decree and Participation Agreement with regard to the environmental remediation of the Arnold Road Landfill

Attorney Richard Sherman, our environmental attorney on this project, gave a brief status report of the landfill remediation project, that the BUD program has been approved, the PRP group has been identified, an RFP for consulting engineering has been accomplished and an RFP for a BUD capping contractor has been prepared. An RFP for gas extraction will go out this week.

This resolution authorizes the town manager to sign documents so that we may proceed further with remediation of the landfill, which we believe will begin by mid June. Tonight's resolution package contains a Remedial Action Consent Decree and a Remedial Action Participation Agreement among the seven performing parties, setting forth the rights and obligations of those parties, enabling parties to exercise their rights to compel those parties who do not live up to their obligations. Neither of these documents alter the obligations of the town, which were set forth in a 2010 agreement whereby the allocation of the costs for the remediation were fixed by contract. Our best guess is that the remedy will cost the town approximately \$4 million out of an estimated \$6-7 million due to revenue from the BUD program, which should realize over \$2 million.

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

6. Discussion and resulting action authorizing the Town Manager to award a contract to Cagney Food Service of Cranston, RI for operating the food stands at the Paine Field and Memorial Field Little League facilities at an annual payment of \$1,600 for each site in addition to a monthly payment of \$135 for electricity and water collectively at both sites, with any net revenue to be donated to the Coventry Little League

Parks and Recreation Director Guy Lefebvre explained that at the end of the 2013 season, Coventry Little League was interested in hiring a private vendor for the concession stands at two fields due to a lack of volunteers. We went out to bid, at no cost to the town, for Wood Street and Paine Field. The Coventry Girls Softball League at Paine Field wants to stay with the all volunteer system.

President Cote asked if this is all driven from a lack of volunteers to work the concession stands and Mr. Lefebvre responded that it is, but also after the two little leagues merged, they were faced with operating three stands and three different locations. Things became more complex for them and they couldn't get the support to run all three stands. It is a large organization with more than 500 children participating. If we go with Cagney, he would pay the town \$1,600 for each location and will also pay the town the monthly fees for water and electricity on the first of each month. What is left at the end of the year will be given back to the little league. Ultimately none of this is any cost to the town.

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

7. Discussion and resulting action authorizing the Town Manager to award a contract to Ocean State Transit for bus transportation for the Department of Parks and Recreation at a cost of \$48 per hour and \$.60 per mile

Mr. Lefebvre advised this is the annual summer camp transportation and the 5<sup>th</sup> year that we have recommended Ocean State Transit. The funds for transportation come from recreation fees, at no cost to the town, at \$48.00 per hour; .60 mile.

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

8, Discussion and resulting action authorizing the Town Manager to award a contract to Cerrone Chevrolet for the purchase of used administrative vehicles for the Police Department at a cost of \$33,800

Chief Volpe stated that after a second attempt requesting bids, Cerrone was low bidder and selected as vendor. After reviewing the funds we had available, we are only able to purchase two vehicles. Cerrone had the best cars with the best mileage, warranty and pricing.

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

9. Discussion and resulting action regarding authorizing the Town Manager to award a contract to Tasca Ford of Cranston, RI for the purchase of one (1) 2015 Ford F-350 truck w/ dump body at a price of \$35,670, a contract to Ryder Truck Exchange of Warwick, RI for the purchase of one (1) 2007 International 4300 cab & chassis at a price of \$24,000 for the Department of Public Works and vehicle fit-outs for three (3) purchased vehicles at a price not to exceed \$46,690, all funded from the balance of their Fair Share Development Fee account totaling \$106,360

Public Works Director Kevin McGee is requesting a disbursement of impact fee funds for these capital expenditures. The two trucks will replace obsolete equipment.

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

10. Discussion and resulting action regarding the approval of a change in design on the Flat River Road/Industrial Drive sewer project from a gravity line to a low pressure force main along Flat River Road between the recently placed pump station and Industrial Drive

Manager Hoover advised that after testing by independent contractors, it was discovered that a gravity line would likely be in excess of \$1 million in extras. We asked Geremia to come back with an alternative, and that was to abandon the gravity line and put in a shallower force main. By doing that we will be able to realize savings to the original contract cost of \$373,000. This is 80% funded by the United States Economic Development Administration and it is very important to stick to a time line. We have a current deadline of 9/30/14 to complete this project and are in discussions with the USDEA now. There are some recovered funds that will be redistributed and it looks promising that we will receive some extra money for this project.

Councilman Laboissonniere asked how much vacant land there is in the industrial park and President Cote replied he thinks over 60 acres of land is still vacant.

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

## PUBLIC HEARING

1. Transfer of Class B Ltd. Liquor license with new victualing license from Hunan Balcony Inc., 687 Washington Street to Hunan Balcony Chen Inc.

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

Chen Lee was sworn in by Solicitor Tobin and explained that the restaurant will operate under the same name, but it is a new corporation under new ownership.

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

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve transfer pending good standing notification from Division of Taxation. All voted Aye.

2. Request for a change in operating hours by Pastryak Asphalt, LLC, 75 Airport Road

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

Mr. Mark Block of 108 Plainview Road, Connecticut was sworn in by Solicitor Tobin and advised that he is here as a spokesman for Pastryak Asphalt, speaking on its behalf this evening. Pastryak currently operates from 7 am to 7 p.m. Their requesting consideration of increasing those hours to begin at 6 am; however, in return for the earlier hour to commence operations, the company would then relinquish hours in the evening, closing business by 5 p.m., operating shorter hours in total.

He referred to an ordinance passed by the Town Council last year, whereby if anyone wants a change in hours, they have to appear before the Town Council for that extension. As per ordinance, there are only ten days where this may occur during the year. The work is seasonal, from April to December, and those ten days would occur depending on what contract they are working on.

Councilwoman Carlson feels that if the heavy trucks come down the road during the time when the school buses are out, then it creates a more dangerous situation.

Proprietor Carl Pastryak was sworn in by Solicitor Tobin. Mr. Pastryak testified that he does not have any idea of which ten days this would occur, it is all based on contractual obligations. The plant is shut down between December 15 and April 1. This would not be a daily occurrence and I am only asking for ten days.

Vice-President McGee understands that Mr. Pastryak is following procedure set by the ordinance. Actually by finishing work earlier on those ten days it would give the neighbors more time in the evening on those days, so there are really two sides to that argument. You are following the ordinance, so I don't have a problem with this.

Councilwoman Carlson asked if this is due to out of state contracts and Mr. Pastryak responded that it is just due to normal business.

Solicitor Tobin sworn in Nicholas Gorham, 7042 Flat River Road, who pointed out that Mr. Block is not an attorney licensed in Rhode Island, but a Connecticut licensed attorney and

therefore cannot represent Mr. Pastryak.

Solicitor Tobin swore in Deborah Pagano, who believes that this is an environmentally sensitive area. In addition, residents' sleep will be disrupted, and then your ability to focus is effected. In addition, there are many retired people that don't want to wake up at 6 a.m. The town has a noise ordinance to follow. According to the ordinance, he also needs to state the reasons for the extended hours.

Charlotte Porter of 26 Sandra Circle was sworn in by Solicitor Tobin and testified that the turbines which start up in the morning shake her house and she can't open the windows.

Mary Vandervelde was sworn in and remarked that she is concerned about traffic flow with no sidewalks in the area and only one way in and out.

Nancy Sullivan, 6 White Oak Court, was sworn in and commented that there will be more traffic if the plant is open early. We all know when the switches go on because we are all monitoring this. Now they want to start at 6 a.m., when will they really arrive, 5:30 am? They need to prove the reasons for their extensions and I trust that you will make them adhere to this ordinance.

Solicitor Tobin swore in Tammy Duxbury, 2 Orchid Trail, who indicated that the applicant needs to state the nature of the business to be conducted. She reminded those who attended the court session that one of the things mentioned in court was that approximately 90% of Mr. Pateryak's business was in Connecticut. He chose to put his business in Coventry. If he is dealing with Connecticut and the product has to be there by 7 a.m., then he needs to move his business to Connecticut or stop taking contracts in Connecticut. She urged the Town Council to reject his request.

Dan Lance, of Westwood Estates was sworn in and he is also concerned with the times of operation. Linda Bradley, 12 Lisa's Way, was sworn and advised that she abuts Pastryak's property and wakes up to beeping trucks, smells of asphalt, diesel and can't open her windows.

Ellen DeWolfe, 15 Catalpa Way, thinks that it takes one hour to produce one load of asphalt and asked that Council keeps that in mind when making this decision. Increased traffic is also an issue in the morning.

Ron Gizzarelli, 55 Harrington Road, said that he understands business is entitled to operate, but they shouldn't be able to function beyond the ordinance. I don't know why houses were allowed to be built near the business back then. The health and safety of the public is paramount. My position is that business and public should work together to try to minimize what is wrong. It is not the business's fault, they were there before many of the houses were built.

Irene Drew, 23 Catalpa Way, feels this will also create a drain on the police resources.

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

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve request. Vote taken: Vice-President McGee and President Cote vote Aye; Councilwoman Carlson and Councilman Laboissonniere vote No. Motion fails.

LIQUOR CONTROL BOARD

1. The Town Council acting as the Liquor Control Board to consider a violation of Bella's Sports Bar, 1152 Main Street, Coventry, RI

Because proper notification of the hearing was not provided to Bella's Sports Bar, the hearing was continued to April 28, 2014. All voted Aye.

Public Comment

Deborah Pagano asked if there were any decisions made regarding representation in District 5. President Cote replied that candidates will be notified by the Town Manager.

Nancy Sullivan of White Oak Court spoke about a proposed 1.96% tax increase. We still have to pay our taxes, car payment, mortgage and insurance. Treat this budget session like you would in your own home.

Peter Tanner, 387 Hammet, advised Council about an off road motorcycle event for charity which he would like to hold in Coventry on Cahoone Road on September 13 and 14. He has started an application process with the Chief of Police. They hold events in West Greenwich, have become a good member of the community there and have given about \$40,000 in scholarships to graduating seniors. On that Saturday we plan on about 105 youth; on Sunday about 150-175 adults on 150 acre piece of property. We have spoken to the fire department about hiring an ambulance.

Manager Hoover advised Mr. Tanner to continue to work with the police on this project.

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

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Town Clerk