

TOWN COUNCIL MEETING
May 9, 2011

Present: President Gary Cote, Vice-President Kerry McGee, Ted Jendzejec, Raymond Spear, Carl Mattson, Jr.

Town Manager Thomas Hoover
Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Invocation by Reverend Auld from Summit Baptist Church
Review of Emergency Evacuation Plan

President's Comments

President Cote apologized for missing the School budget hearing on May 5, explaining that he was called out of state to work.

A moment of silence was observed in memory of Bruce Capwell, Jr.

President Cote announced that the Council has received a ruling from the Attorney General's Office with regard to an open meetings violation, which had been filed against this Council. In particular the three newest members. The Attorney General has determined there was no violation of the open meetings law and has fully dismissed the case. Councilman McGee commented on the cost to the town to defend a frivolous case.

Approval of April 4 and April 7, 2011 Town Council Minutes

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve minutes. All voted Aye.

RESOLUTIONS

1. Requesting that the General Assembly support proposed Legislative changes as set forth in the following bills: H 5643, H 5670, H 5674, H 5686, S 0640 and S 0689 concerning limitation of damages, joint tortfeasors and interest in civil actions, as requested by the Rhode Island Risk Management Trust (Tabled from April 11, 2011)

Attorney Ian Ridlon from the RI Interlocal Trust was present to explain and answer any questions regarding pending legislation.

Discussion took place with regard to the increase in liability/monetary damages from \$100,000 to \$250,000, proposed under House Bill H5674. Attorney Ridlon stated that the bills being submitted are meant to strengthen three sections of RI General Law, safeguarding municipalities and school departments and to protect public officials and employees who are the subject of personal lawsuits. He remarked that it is significant that the tort cap only applies to an entity (municipality).

Discussion ensued pertaining to House bill 5643, prohibiting the award of pre-judgment interest on any award made for pecuniary damages against the state, political subdivisions and/or employees while performing any act or omission under the scope of such employment;

H5670 placing limitations on the joint and several liability of the State of Rhode Island and its officials, employees and political subdivisions; H 5674 providing that any tort action against the employees, agents or departments of the state, or any damages that are ordered to be paid shall not exceed the sum of \$250,000 also increasing the amount of monetary damages from \$100,000 to \$250,000.

House bill 5686 prohibits lawsuits against city, town or fire district officials or employees in their personal capacity; S0689 makes changes to the limitations of actions against cities and towns and their officials and employees to more adequately protect them from municipal liability.

Senate Bill 0640 incorporates all aspects of the four house bills.

Councilman Jendzejec sought clarification on whether the town would be held responsible for up to \$250,000. Atty. Ridlon replied yes, but there would not be prejudgment interest on that, right now there is no limitation on what the award is going to be. You will get more control over what these cases are worth. He further explained that in any civil action where a verdict is rendered or a decision made for pecuniary damages, in whole or in part, against the state, there shall be no award of pre-judgment interest. Post judgment interest shall be calculated at the rate of 12% commencing four weeks after the date the judgment was entered, per annum and accrue on the principal amount of the judgment. This provides a greater scope of protection.

Manager Hoover asked what most cities and towns have done and Atty. Ridlon replied that in four years, one has referred the legislation back to us, but did adopt it the following year.

Motion made by Councilman Jendzejec seconded by Councilman McGee to amend date on resolution to May 9, 2011. All voted Aye.

Motion made by Councilman Spear seconded by Councilman Mattson to adopt resolution as amended. All voted Aye.

2. Approving the reinstatement of a loan program from the Waterman/Fiske Trust Fund

At the request of Human Services Director Pat Shurtleff, the Town Council was asked to revisit the loan program previously offered through the Waterman/Fiske Fund. Manager Hoover added that Mrs. Shurtleff has supplied the Council with guidelines and he suggested that a committee composed of the Finance Director, a Town Council member and Ms. Shurtleff review and approve all loans.

Councilman Mattson asked for more information on the Waterman/Fiske Fund, including documents relating to that fund and the resolution adopted by the previous council changing the criteria for general expenditures. Manager Hoover suggested that it would be appropriate for the Council to absorb this information a little bit more and hold off the vote tonight in case there are further questions.

Motion made by Councilman Jendzejec seconded by Councilman Spear to table resolution. All voted aye.

3. Authorizing the filing of an application to the State of Rhode Island, Department of Administration, Division of Planning, Office of Housing and Community Development, for the annual Community Development Block Grant Funding in the amount of \$800,000

Planning Director Paul Sprague explained that this is the annual resolution pertaining to CDBG appropriations. The CDBG program at the town level is administered by the coordinator in the Planning Dept. Coventry can apply for CDBG monies up to \$500,000; last year the town's award was \$210,750.

At this time the Planning Dept. is requesting that the Town Council authorize the Town Manager to submit an application for funding based upon the needs of the community to assist low and moderate income persons/families.

Priority ranking order is as follows:

Housing Rehabilitation	\$225,000
Onsite Wastewater	\$240,000
Coventry Housing (40 new units)	\$300,000
Cornerstone Adult Day Care	\$ 5,000
Coventry Housing Assoc 1 st time buyer assistance	\$ 10,000

Motion made by Councilman McGee seconded by Councilman Spear to approve resolution. All voted Aye.

4. Authorizing the filing of an application to the State of Rhode Island, Department of Administration, Division of Planning, Office of Housing and Community Development, for Community Development Block Grant – Disaster Relief pursuant to the Supplemental Appropriation Act, 2010, in the amount of \$2,582,434

Manager Hoover explained that this is a resolution related to the flooding last year. There are areas which need mitigation done (see listing) and this is an all-encompassing application with a deadline this week. Some homes haven't been able to be re-occupied and in the long run it would be better to buy them out and remove the structures. You would be strictly dealing with property in the flood plain.

Councilman Jendzejec asked how the cost of \$1,756,300 was arrived at and Mr. Sprague replied that it was the assessed values plus cost of demolition.

Motion made by Councilman Spear seconded by Councilman McGee to approve resolution. All voted aye.

5. Affirming the award of a contract for the redevelopment of the Village Green Project in Anthony Village to D'Ambra Construction Co., Inc. at a cost of \$142,191

Parks and Recreation Director Guy Lefebvre was explained that this project is funded by a 2006 grant from DEM. It is a 90/10 matching grant. New curbing and benches will be put in and the monument will be moved forward so that it is in a more prominent position. Our 10% match will come from in-kind labor from Parks and Recreation Dept.. If more cash outlay is needed, we will use impact fee money. DEM, who is involved because this is a state road, has recognized our 10% in-kind donation as appropriate. He added that although D'Ambra was not the lowest bidder, the lowest bidder did not include pertinent information in his bid.

Motion made by Councilman Mattson seconded by Councilman McGee to approve resolution. All voted Aye.

6. Requesting that the General Assembly oppose any and all mandatory binding arbitration legislation proposed in the current legislative session

Manager Hoover noted that this resolution is identical to the one passed a couple of weeks ago by the School Department regarding teacher's contracts.

Motion made by Councilman Spear seconded by Councilman McGee to approve resolution. Vote taken: 4 Aye; 1 abstain by Councilman Jendzejec.

PUBLIC COMMENT

Ron Gizzarelli, Harrington Road, would like to see more public participation and public comment listed on agenda items before voting takes place.

Bob DiPadua, 62 Laurel Avenue, thinks further discussion and information is needed with regard to the Waterman Fiske Fund.

Councilman Spear reminded Council that we need to make sure that only the interest is used and the principal is not being threatened. Clear guidelines are needed regarding the issuance of the loans.

President Cote commented that he has every intention of reinstating this loan program as long as we will not be in violation of any rules and regulations.

President Cote read Councilman Jendzejec's letter of resignation from the Sewer Subcommittee, effective immediately.

Motion made by Councilman Mattson seconded by Councilman Spear to recess to Executive Session. Unanimous voice vote. All aye.

EXECUTIVE SESSION - R.I.G.L. 42-46-5 (a) (1)

1. To review qualifications of applicants to Town Boards and Commissions

Motion made by Councilman Spear seconded by Councilman Jendzejec to recess back to regular session.

Vote taken: Raymond Spear – Aye; Kerry McGee – Aye; Thaddeus Jendzejec – Aye; Gary Cote – Aye; Carl Mattson, Jr. – Aye.

Motion made by Councilman Spear seconded by Councilman Jendzejec to seal the minutes of executive session. Unanimous voice vote.

Councilman Spear made a motion to adjourn the meeting, seconded by Councilman Jendzejec. Unanimously voted to adjourn at 9:15 p.m.

Town Clerk