

Town Council Meeting
May 23, 2016

EXECUTIVE SESSION 6:00 P.M.
R.I.G.L. 42-46-5 (a) (1) (2)

- Discussion - Contract for Major at Coventry Police Department
- Discussion - Appointments to Planning Commission

A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to come out of Executive Session. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to seal minutes of Executive Session. All voted aye.

WORK SESSION – 6:30 P.M.

1. Presentation on sewer extension options

Sewer Subcommittee Chairman, Glen Skurka, presented a proposed sewer plan for the Town of Coventry. The first step is to identify the intended goal and move forward. He suggested that the town retain only one qualified designer for the entire sewer system. Critical areas need to be identified, designed and an aggressive funding strategy needs to be developed. The goal should be to utilize all the existing infrastructure in order to maximize sewer use within the town and therefore maximize the downstream treatment to reach 100% capacity. That is when you will get 100% efficiency. Crucial areas are those that are environmentally sensitive, areas of high cesspool use and densely populated neighborhoods with limited areas for on site wastewater treatment systems. A lot of money was spent on the sewer facilities plan. We own about 2.5 million gallons per day, we are paying for it, but just using a portion.

Procedures from the past where a design was requested for just a small segment of the town with a design based upon the lowest bid should be eliminated as that resulted in multiple designers for different areas of the town, resulting in tunnel vision designs. Procedures for the future would be to establish a single designer for the entire sewer facility plan, allow one design team to have all the access and information to achieve the town's goals and then the town will have the flexibility to limit or increase construction based upon construction costs utilizing real design data. Eliminate the guess work with one goal, one team and one outcome and plan for the entire town.

The town's #1 priority sewer project is Arnold Road. We need a design for the entire neighborhood and can minimize costs by incorporating sewer work with an already funded road reconstruction project.

In addition, to save more money on sewer projects, utility contractors should not do the paving, all they do is sub it out to paving contractors. We need to break the link between the design and construction process. Paving operations should be under a separate bid. Also, a few sewer projects can be going on at the same time utilizing a construction schedule where several contractors are working on certain projects at one time. This all results in the town and a design team working as one to achieve one goal; we need the ability to manage an entire project instead of just completing a task. Regarding Arnold Road, we need to figure out a design for the entire neighborhood and this is a no brainer since we have already funded road repair. The Quidnick neighborhood is already designed and almost ready to go with just some minor updates.

He emphasized looking at the entire town as one project, with several phases worked on at the same time. The more aggressive you get, the more money you save. Councilman McGee asked how we would finance all this. Mr. Skurka replied that preliminary numbers have been done on some neighborhoods, but without an accurate design, everything is guesswork. A design of the entire sewer system could cost \$800,000, but if we take even just the pavement out of it, we can cut the costs at least 30%. In addition there is a 15% contingency built into this. If I had to guess a rough number design for the town, I would guess about \$600,000. As far as contracting, Weston and Sampson needs to be the one to do this, the responsible party, and if something doesn't work, we can go back to them. There should be one contractor, not multiple people giving us multiple designs.

Councilman McGee is happy with the work that Weston and Sampson has done. We do have money in our sewer fund to cover the costs of design, we are paying interest on it and we need to spend it. It is foolish to have it sitting there and not using it. Mr. Skurka believes there is enough money to do Arnold Road, but it really doesn't matter because Arnold Road has to be done, priority one. Vice-President Carlson asked how much is in the fund and Finance Director Thibeault responded approximately \$2.1 million. Mr. Skurka encouraged Council to not just look at Arnold

Road, but to start the funding strategy to get these projects finished. When Councilwoman Carlson asked for a timeline, Mr. Skurka thinks that with an aggressive schedule, you could hope to get to 85% capacity by 2020. It's not going to get any cheaper the longer we wait. There is a new cesspool law out there, a lot of people are going to have serious problems and we have nothing to offer to these people. The law states that you cannot sell your house with a cesspool, cesspools need to be replaced with a septic system and that can be very expensive. It would be ideal to have sewers available. The life span of a sewer system is much greater than a septic system.

Mr. Skurka further explained that priority areas include those with high water tables or small lots where it is really constrained for septic systems. President Shibley agreed with Mr. Skurka and stated that we have always done sewers piecemeal. Arnold Road is high priority and we need this. In the long run we will save money, it's only common sense. Councilman Laboissonniere agrees and would like to see this whole project come to fruition. Manager Waters will meet with the sewer staff on a regular basis to keep the momentum going.

TOWN COUNCIL MEETING

Present: Councilman McGee, Vice President Carlson, Councilman Laboissonniere, President Shibley, Town Solicitor Gorham, Interim Town Manager Thibeault; Councilwoman Duxbury was absent.

- Pledge of Allegiance
- Moment of Silence for Jamestown Police Officer Ryan Bourque, a Coventry resident, who was killed by a vehicle travelling the wrong way on Route 95 this week. Also, for Officer Ronald Tarantino from Auburn, Massachusetts, who was fatally shot last Sunday morning at a traffic stop.
- Review of Emergency Evacuation Plan

Approval of Town Council minutes, April 28 and May 9

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve minutes of April 28, 2016. Vote taken Aye – 3; President Shibley abstains because he was absent on the April 28. Mrs. Duxbury is absent tonight. Motion passes.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve minutes of May 9 with correction on Page 3 indicating that President Shibley abstained from a vote approving the minutes of April 25, as he was absent. The vote should be four approve, one abstained. All voted Aye.

President's Comments

The recent reenactment of the raid on Spell Hall at Nathanael Greene Homestead on May 14 and May 15 was very successful and had a great turnout.

Congratulations to Pool and Patio for celebrating 30 years in business in the Town of Coventry.

A new town e mail address has been set up by Town Manager Waters to help residents make inquiries regarding code enforcement such as zoning or planning violations.

Congratulations to our Coventry High School seniors, who will graduate on June 7 at the Ryan Center.

Kent County Water Authority Report

Mr. Edward Inman, Coventry's representative on the Kent County Water Authority, began his presentation by explaining that Kent County Water Authority is responsible for the clean, potable water that goes to homes, government agencies and businesses. KCWA is regulated by the PUC and the RI General Assembly. There are also ancillary organizations that give input and mandates, such as Dept. of Environmental Management, the Environmental Protection Agency, the Department of Health and several others.

Right now the biggest concern is the rate increase. There are two proposals in front of the PUC and I realize that the Town of Coventry would like the opportunity to testify at the PUC hearing. There are two different rate hikes, one at 12% and the other at 23%. However, the cost of water does not change whether the hike is 12% or 23%. In addition, there has been no rate increase since 2011 and

by the time this proposed hike goes through there will be no authorization to raise rates until at least January of 2017. So this has been a seven year period without an increase, so if you factor in the years, the 12% increase would come out to a 1.5% increase per year, which includes things like the production, transportation and treatment of water, the infrastructure maintenance and the actual purchase of wholesale water. We buy primarily (90%) from the Providence Water Supply board and 10% from well heads. We are trying to move to a 75%-25% match so that we have more control of the price of water. Providence has just filed an 8% pass through cost, so they are going to raise their rate by 8%, which will get tacked onto KCWA, over which we have no control.

Specifically the difference between the 23% and the 12% raise has to do with the fire districts. The fire districts pay KCWA to maintain water used for fire protection. The fire districts have said for years that they want us to directly bill the customer, and enabling legislation allows us to do that, but we have to first petition the PUC. We personally have had some issues collecting from the fire departments, but essentially that is what is going to happen if we switch the current system. It won't change the customer's amount, but it will be a change in the collection method, depending on who is collecting it, whether Central Coventry collects this through their taxes or Kent County Water collects.

Our bond rating is AA, both with Moody's and S&P. We have an operating budget around \$20 million, currently 32 full time employees with capacity of 34 (two unfilled at this time). Our non-union pension fund is 80% funded and after the age of 62, employees are allowed to collect up to 40% of their salary. We are directly regulated by the PUC.

Councilman McGee stated that he has been on the Council for six years and never received a report from KCWA. He appreciates Mr. Inman's presence at the meeting tonight and hopes for a better relationship with the water authority in the future.

Vice-President Carlson asked that if a hydrant installation is requested, who is the requesting party? The builder? The Town? The Fire District? Mr. Inman replied that it would be the builder. There are certain standards that have to be met under the fire codes regarding location of hydrants. When asked about integrating the costs and passing costs on to the customer, Mr. Inman replied that the customer pays it anyway, whether it is through the fire district tax or the water authority. But he cautioned that if a reduction does come to the fire district, conversely there should be a drop in fire tax rate.

Mr. Laboissonniere asked if the 8% pass through from Providence would be in addition to the 12% or included in that 12% increase. Mr. Inman said it is an add on.

Mr. Inman went on to explain the composition of the PUC as a five member judiciary board with powers regulated by the General Assembly. In terms of presentation in front of PUC, that will be an issue handled by our attorneys. Councilman McGee stated that historically the PUC grants KCWA what they want, but the taxpayers are stressed.

Manager Waters mentioned that he was approached by Walker Ridge Association back in mid April about a pump station that their association has to maintain. If the residents of that neighborhood are willing to have a special assessment for KCWA to take over the pump station, what would it take for KCWA to take over both Walker Ridge and Hunter's Crossing? Mr. Inman responded that it is a long process, even if the people are willing to pay. The pump station at Walker Ridge is a decent station, but needs maintenance. If the infrastructure is updated, that additional cost will be born by everyone out there. He has also spoken to Councilwoman Duxbury about the Hopkins Hill condos, where there is a significant problem as some people are on public wells that will not be able to sustain the facilities and some are on Kent County Water. Councilman McGee asked for more dialog, perhaps with the town manager included, to come up with some kind of resolution. Mr. Inman agreed to meet with Manager Waters.

Linda Bouchard, 22 Elton Street, asked what the purpose was in having water pouring out of hydrants on Arnold Road a couple of weeks ago and Mr. Tim Brown of KCWA said that the system is flushed out twice a year and this was the spring flushing.

COUNCIL DISTRICT UPDATES

Councilman McGee, District 3, reported that Route 116 is 99.9% finished, the final coat of pavement is on and they did a great job. There has also been street sweeping going on in the district. Besides that everything is going smoothly.

Vice-President Carlson, District 1, advised that ROTC has passed one more hurdle and hopefully in maybe another month we will know if the Navy will take over.

Councilman Laboissonniere, District 2, informed residents that a road project began on Station

Street between Highwood Drive and Ginger Trail. The road will be closed temporarily for the most part during the day.

President Shibley, District 4, thanked DPW for paving several roads in the Oak Haven neighborhood. Construction on the new auto parts store on Tiogue Avenue is moving right along.

SCHOOL DEPARTMENT REPORT

School Committee member Ann Dickson began her report by thanking the Town Council for its support of next year's proposed school budget.

The Air Force JROTC program will be officially deactivated on May 26. However, the Superintendent recently received a call from the Navy JROTC program office, stating that Coventry's application has made its way to the desk of the Navy. We expect a final decision within thirty days. Also, on May 26 Governor Raimondo will visit CHS to recognize our technical and career program.

On Thursday, Feinstein Middle School will hold a Salute to Veterans and a pasta dinner at 4 p.m.

Coventry High School received a grant from the Office of Naval Research for \$16,000.

The Tiogue Elementary School was selected as the RI Elementary Rookie of the Year and National Elementary Rookie of the Year for their outstanding participation in the NEED Project (National Energy Education Development)

Western Coventry Elementary School was selected as the RI Elementary School of the Year and National Elementary Runner up. There will be an award ceremony in Washington, DC in late June.

The School Committee expects to appoint a new Asst. Superintendent at tomorrow night's School Committee meeting.

On May 19, at the CHS Senior Awards Night, 56 students received awards, over \$322,000 was awarded. In addition some students received scholarships directly from their attending colleges.

And finally, in May the high school and the middle school 7th grade held their concert programs.

RESOLUTIONS

1. Discussion and Approval of Warranty Deed, Declaration of Restrictions, Release of Declaration of Restrictions and Deed of Easement in the matter of Central Coventry Park

Solicitor Gorham explained that this item came up a couple of meetings ago and pertains to a small kite shaped piece of land that is being given to the town by Cedar Creek. Cedar Creek is actually helping the town atone for erroneously erecting a cell tower against national park service policy and covenants. We essentially made a promise that we wouldn't develop the Central Coventry Park and we violated this promise when we put a cell phone tower in the middle of the park.

In exchange for dedicating this small piece of land that the Cedar Creek folks are going to dedicate to us, it will be placed under the same set of restrictions that the whole park is currently under.

One other minor fringe benefit to all this, the federal government is going to remove their own restrictions on a piece of property on Fairview Avenue that was dedicated originally in 2001 by Mr. DeBlois of Fairview Building. There are restrictions that we have as a town to protect that property which are very much redundant of the restrictions that the federal government is removing. So in the deed all the town restrictions will remain in effect and that property will remain reserved, but not under the federal standards because those are being removed.

The government has approved all of these documents and Attorney John Brunero is here on behalf of Cedar Creek tonight. Attorney Brunero has been working with Cedar Creek and John Assalone for probably eight years. When we were establishing the subdivision, we had a right of way to put a road in and the neighbor asked if we could move it over. The Planning Commission agreed and former Parks and Recreation Director Guy Lefebvre was thrilled that as a result, we could give him about an acre of land for the park.

When asked how the Fairview Avenue property is involved in all of this, Solicitor Gorham thinks that the federal government was angry that we violated the covenants with the cell tower so they decided to encumber more than just Central Coventry Park, and also encumbered this additional piece of property (Fairview). Now that things have been worked out, they are allowing us to remove that encroachment on Fairview, which was redundant to begin with, it is open space and will remain

open space. We only managed to get the federal government out of the picture. This resolution just authorizes the Town Manager to execute the documents on the town's behalf.

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

Appointing two members to the Coventry Planning Commission

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to reappoint Richard Kalunian and Jason Osenkowski. All voted Aye.

Authorizing the Town Manager to execute an employment agreement for the Major at Coventry Police Department

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve authorization of an employment agreement. All voted aye.

Authorizing purchase of 2010 freightliner hook lift truck with 24 month warranty

DPW Director McGee explained that this is a back up truck for the 10 cubic yard containers, servicing the schools and community groups. This was bid, we had one qualified bidder, and that was Cassone with a total bid of \$61,495.00; the truck at \$58,000 with a 24 month warranty at \$3,495.00. It has 150,000 miles on it, and that isn't bad for a diesel.

Mr. McGee explained that this is the last item to be funded through the automated trash/recycling bond and will complete the vehicle purchases. This truck replaces the 1990 hook lift truck, which can no longer be registered because it is not road worthy. If this is approved tonight, we could get delivery as early as Friday. In addition, the truck can also be used for sanding and plowing if need be. There is still over a million dollars left on the automated bond. Mrs. Carlson asked if there were any plans for the remaining million dollars, and Finance Director Thibeault stated that we only bonded what we needed. There are no plans for the remaining million dollars.

Authorizing reallocation of unused Department of Human Services Capital Improvement funds for the purchase of a Town Hall Emergency Generator

Manager Waters said the request to purchase an emergency generator came before Council a number of meetings ago. The town is looking to purchase a generator on an auction type site, maybe gov.deals, where surplus is auctioned off. This would require a waiver of the town's purchasing requirements as this is a non traditional way that we would be purchasing an emergency generator. There is no competitive bidding except that we are bidding against other purchasers. The unused portion of the Human Services capital improvement fund would go to purchase the generator for the Town Hall.

Councilman Laboissonniere stated that it looks like we have a cap of \$45,000 on this one. What if it comes in at \$45,001? Mr. McGee replied that then we lose it. Manager Waters advised that if we are not successful, we could retire the capital money and put it back into the fund balance, but we have three years to use it.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve resolution. All voted aye.

Authorizing approval of the third year of the contract for audit services

Finance Director Thibeault explained that even though this is the last year of the three year contract with Baxter Dansereau, our contract reads that we have to come back to the Town Council every year to approve an individual year as well; this remaining year of the contract is \$52,000.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve resolution. All voted aye.

Authorizing the refunding of the Town's 2007 and 2009 sewer bonds and issuance of a 2016 sewer bond

Mr. Thibeault explained that we were contacted several months ago by the RI Infrastructure Bank (formerly Clean Water) pertaining to refunding (which basically would be refinancing) the 2007 – 2009 sewer bonds. A 2016 series would be issued, thus saving us money. The bank is going to other communities to see if they want to participate. If enough of them want to participate, the bank will let us know what the actual savings is, but we won't know exactly how much the savings will be until June, but my guess is that it could be over \$100,000.

Councilman Laboissonniere asked what happens if other communities do not join in and Solicitor Gorham responded that it probably wouldn't happen if enough of them do not join, but you won't know unless you try.

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

Approving Hammet Road project bid award

The Hammet Road project went out to bid, there were two bidders, the low bidder was RT Nunes and Sons at \$524,847, which came in under our estimate of \$600,000. This will be funded by the infrastructure bond.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve bid award. All voted aye.

Supporting legislation to restore funding for State Aid to Libraries

Lynn Blanchette, Library Director, advised that the RI Library Association is asking RI cities and towns for a resolution to support their efforts in getting a state grant in aid to public libraries restored to the 25% level.

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

LICENSES

1. Application by S & T Fireworks for Hawkers license (temporary fireworks sales) at 792 Tiogue Avenue (June 27 through July 5)
2. Application by Keystone Novelties for Hawker's license (fireworks) at 635 Washington Street (June 24 through July 5)
3. Application by New England Novelty for Hawker's license (fireworks sales) at 9 Reservoir Road (June 23 through July 5)
4. Application by American Promotional Events Inc., TNT Fireworks for Hawker's license at 650 Centre of New England Blvd. (June 20 through July 6, 2016)

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve items 1,2,3 and 4 for fireworks licenses subject to all requirements being met. All voted aye.

5. Application by Our Lady of Czenstochowa for Class F with dance license (June 24 through June 26, 2016)

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve licenses and waive the fees. All voted aye.

L. PUBLIC HEARINGS

Application for new Second Hand License for "Treasure Keeper", 603 Washington Street

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to open public hearings on the new and renewals of second hand licenses. All voted Aye.

Treasure Keeper applicant Jennifer Sherman, 2005 Providence Pike, North Smithfield told Council that she plans to sell antiques, refurbished furniture, handcrafts and consignment items. She will be closed on Mondays and open Tuesday through Sunday.

There were no questions or comments from the public.

Renewal of Second hand licenses for:

- a. Trade Winds Merchants, 15 Sandy Bottom Road
- b. Homestead Interiors, LLC, 1112 Main Street

There were no questions from the public on Trade Winds Merchants or Homestead Interiors.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to close public hearings. All voted Aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve both the new second hand license and the renewals. All vote aye.

ORDINANCE (First reading)

Fair Share Development Fee Ordinance

Manager Waters explained that the current town code states that all impact fees shall be paid before the issuance of a building permit. State law requires that the impact fees be paid before the certificate of occupancy is issued. This proposed ordinance brings us into compliance with state law.

A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to advertise ordinance for public hearing. All voted aye.

PUBLIC COMMENT

Mark O’Gorman, 31 Elton Street, addressed the issue of the right of way at 83 East Shore Drive stating that the agreement the town entered into with Lori Lanoue has not been forgotten. We have watched this right of way get taken over by a walkway, steps and a sprinkler system. Numerous calls were made to zoning, trees were taken down, no permits were taken out for anything and the town defended these actions. Now there is a surveillance system pointing at the beach area. I think members of the public need to be aware that they are being recorded while enjoying the lake. He feels that his district is not being represented and thanked Manager Waters for his correspondence on some of the issues. Mr. O’Gorman also claims that a survey for 83 E. Shore Drive shows that a fence was placed on town property and asked that the fence is moved to the abutter’s property. Manager Waters will have Planning look into it, but he did state that the survey that was submitted to Planning does show that the fence is on Ms. Lanoue’s property. He will submit his survey to Planning to see if they match up.

Doug DeCubellis, 12 Orchid Trail asked that the town make some rules and regulations as to fences. There are unanswered questions such as the placement of fences, setbacks, maintenance of, and authorization to walk on another person’s property to maintain the fence. Does shrubbery constitute a fence?

Charlotte Porter, 26 Sandra Circle reported that trucks are running on Reservoir Road at 5:30 a.m. to 7:00 a.m. waiting for asphalt. She has called the police. The police said the trucks are not making enough noise, but they are idling, backing up and beeping.

Lynn Bouchard, 22 Elton Street, talked about the abutment at the end of the street, at 183 E. Shore Drive. The right of way keeps getting smaller. I thought I had access to the lake. This issue continues to go on and keeps getting pushed off to town solicitor and town manager. That right of way is supposed to have 25 feet frontage.

Nancy Sullivan, 6 White Oak Court, spoke on the consent judgment regarding the asphalt plant, that it was improperly entered into and took away peoples’ enjoyment of their homes, exposing residents to increased toxins over the past years. The current Town Council has made great strides in the best interest of the residents. She also feels it was wrong to deny residents access to town meetings by removing the proposed meeting management system from the budget. There was a petition, signed by many residents, but not supported by the Town Council, except for two members.

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

Town Clerk