

TOWN COUNCIL MEETING

May 24, 2010 – 6:00 p.m.

Present: President Raymond Spear, Vice-President Laura Flanagan, Glen Shibley,
Absent: Kenneth Cloutier, Frank Hyde

Town Manager Thomas Hoover
Town Solicitor Patrick Rogers

Pledge of Allegiance led by President Spear
Invocation by Rev. Barbara DaCosta of First Christian Church
Review of Evacuation Plan

President's Comments

- President Spear announced that vacancies still exist on the Land Trust
- Town Council meetings during the summer months will be on June 21, July 19 and August 23. Additional meetings will be called if needed.
- Town Council expressed condolences to the Capwell family

Report of the Charter Review Commission

Chairman Joel Johnson presented recommendations of the Charter Review Commission for Town Council consideration. A Town Council work session will be held on the proposed amendments in order to determine what should appear on the ballot in November.

Overview of recommendations to be discussed:

1. Non-partisan elections for local elective offices and the frequency and basis for apportionment of voting districts.
2. Implementation of staggered, four year terms for Town Council members
3. Town Council ratification of School Department collective bargaining agreements
4. Town Manager qualifications
5. Financial provisions relating to capital improvement budget to ensure consistency with Comprehensive Community Plan
6. Whether to retain or eliminate the Financial Town Meeting
7. Practices relating to investment of retirement funds
8. Elimination of the Personnel Appeals Board
9. Updating terminology and functions to reflect present day practices in the Department of Safety and Welfare
10. Duties and responsibilities concerning the CIP as it relates to the Planning Dept.
11. Prohibition of lame duck appointments to out-going Town Councils
12. Restrictions on eligibility for fringe benefits of officers and employees
13. Inclusion of Municipal Court in the Charter
14. Global edit of the Charter regarding the use of gender-neutral terminology, punctuation and grammar

Manager Hoover commented that August 4 is the last date to decide on issues to be included on the ballot.

CONSENT AGENDA

1. Application by Our Lady of Czenstochowa Church, 445 Washington Street for Class F and Dance license for annual festival to be held on July 9, 10 and 11, 2010
2. Resolution encouraging the return of the 34th America's Cup Challenge to the City of Newport, Rhode Island
3. Resolution releasing the remainder of the road maintenance bond for Hawk Crest Properties, LLC as recommended by the Planning Commission
4. Resolution awarding contract for bus transportation for summer recreation programs

Vice-President Flanagan asked to remove Items #3 and #4 for discussion.

Motion made by Laura Flanagan seconded by Glen Shibley to approve Items #1 and #2. All voted Aye.

With regard to Item #3 releasing the remainder of the road maintenance bond for Hawk Crest Properties, Manager Hoover explained that in order to get all the proper infrastructure accomplished in a subdivision, the town requires a bond until successful completion and acceptance. This has been done, the remaining amount in the bond is \$39,000, and the Planning Commission is recommending it's release.

Motion made by Glen Shibley seconded by Laura Flanagan to adopt resolution releasing bond. All voted aye.

With regard to Item #4 awarding a contract for bus transportation, Vice-President Flanagan asked whether Ocean State is the low bidder. Jason Licciardi from Dept. of Parks and Recreation explained that Ocean State is the low bidder once you calculate the hours and mileage.

However, since Ocean State did not supply the required proof of insurance along with the bid package, a motion was made by Mrs. Flanagan seconded by Mr. Shibley to table award of the contract to the June 21, 2010 Town Council meeting in order to be supplied with proof of \$1 million liability insurance. All voted Aye.

LICENSES

Application for new Private Detective license by Eugene Monteiro

Upon examination of Mr. Monteiro's credentials, it was determined by Solicitor Rogers that per R.I.G.L. 5-5-3, in order to be eligible for a license, an applicant must "not have been convicted in any jurisdiction of a felony". He further indicated that although Mr. Monteiro has a certificate of release from New York, it is not binding upon the council's decision. Rhode Island law seems very clear, you shall not have been convicted of a felony and that language would appear to be a bar to the council issuing this license.

Eugene Monteiro, 11 Manning Court, hoped he would be able to apply for a license in RI. He just moved back from New York, has a security consulting business, and has to subcontract out when he needs a private detective.

Solicitor Rogers remarked that since RI law seems to offer no flexibility for the Town Council to grant this license, he suggested that possibly the council could grant a couple of weeks in which Mr. Monteiro could do some additional legal research. President Spear asked Mr. Monteiro if he would like to have an extension and he replied that he would.

Motion made by Laura Flanagan seconded by Glen Shibley to table license to June 21, 2010. All voted aye.

Application for renewal of Auto Salvage license for Capozzi's Auto Sales and Salvage, Inc., 2011 New London Turnpike

Planning Director Paul Sprague reported to council that there has been an informal agreement with the Capozzis for only two autos for sale on the street at one time. Councilman Shibley remarked that he would like to have it stipulated that he is restricted to only two out front on the street for sale at one time, as he is concerned that there is no barrier at this point for him to put four, five or more out there.

Motion made by Glen Shibley seconded by Laura Flanagan to approve auto salvage license subject to no more than two autos out front on the street for sale at one time. All voted aye.

Ron Gizzarelli, 50 Harrington Road, has never seen Mr. Capozzi's business as intrusive, feels a five or six car limitation is more reasonable, and a stipulation of two is being unfair to the business.

ABANDONMENT

Petition for abandonment of a portion of John Franklin Road

Manager Hoover gave brief overview, explaining that the developer wishes to abandon a paper road due to the development of a subdivision.

Motion made by Glen Shibley seconded by Laura Flanagan to refer to Planning Commission for a recommendation. All voted Aye.

RESOLUTIONS

Resolution appointing member to the Coventry Planning Commission

Motion made by Laura Flanagan seconded by Glen Shibley to adopt resolution appointing Robert Thibeault to the Planning Commission. All voted aye.

Resolution appointing moderator for the June 8, 2010 Financial Town Meeting

Motion made by Laura Flanagan seconded by Glen Shibley to adopt resolution appointing Joseph Larisa as Moderator for the Financial Town Meeting. All voted aye.

PUBLIC COMMENT

Denise DeGraide asked if moderator gets compensated; Mrs. Flanagan replied that she believes \$75.00.

Ron Gizarelli, 50 Harrington Road, told council that moderator should know parliamentary rules.

Wayne Asselin, Lorraine Ave., asked for status of Laurel Avenue Bridge. Manager Hoover gave update, disassembly is beginning today and should be done and fully removed by June 19. Bridge should be completed by spring of 2011.

Ron Gizzarelli, 50 Harrington Road commented on repeated absences of council members.

Motion made by Laura Flanagan seconded by Glen Shibley to recess to Executive Session. All voted Aye.

EXECUTIVE SESSION – RIGL 42-46-5(a) (1) (2)

For the purpose of reviewing qualifications of applicants for boards and commission
For the purpose of discussing matters of collective bargaining

Motion made by Councilwoman Flanagan seconded by Councilman Shibley to adjourn Executive Session and seal minutes. All voted aye.

Town Clerk