

Town Council Meeting
June 17, 2013

EXECUTIVE SESSION . 6:00 PM

Review of qualifications for Boards and Commissions per RIGL 42-46-5 (a) (1)

1. Planning Commission
2. Zoning Board
3. Library Board
4. Housing Authority
5. Friends of Human Services
6. Pawtuxet River Authority
7. Land Trust

TOWN COUNCIL MEETING . 7:00 PM

Present: President Gary Cote, Vice-President Kerry McGee, Councilman Jendzejec, Councilwoman Carlson, Gregory Laboissonniere

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Invocation by Vice-President McGee
Review of Emergency Evacuation Plan

President's Comments

President Cote travelled with the Rolling Thunder motorcycle group on a ride to Arlington Cemetery in Washington DC over the Memorial Day weekend. He spoke of the very emotional experience it was to be there for the commemoration of Memorial Day.

In addition, he thanked citizens who attended last week's Financial Town Meeting.

Approval of Town Council minutes May 13, 2013

Motion made by Vice President McGee seconded by Councilwoman Carlson to approve minutes. All voted aye.

POLICE PROMOTIONAL AND SWEARING IN CEREMONY

Sgt. Gary Miller was promoted to Lieutenant; Detective Keith Clarke was promoted to the rank of Sergeant; and Bradley J. Hertzler joined the police department with the rank of Patrolman. Each officer was sworn into their new rank by President Cote.

SCHOOL DEPARTMENT REPORT

School Committee member David Florio reported that things are going well with the school department. He commented that high school graduation took place on Saturday, June 15 with 359 graduates. Honors ceremonies have taken place recently at the high school and middle school. Principal Michael Hobin was named Principal of the Year.

CONSENT AGENDA

1. Approving April tax abatements

Motion was made by Councilman Jendzejec seconded by Vice-President McGee to approve Consent Agenda. All voted Aye.

LICENSES

1. Application for Hawker's license by TNT Fireworks, located at 710 Tiogue Ave.

Motion was made by Vice-President McGee seconded by Councilman Jendzejec to approve license. All voted aye.

2. Application for Hawker's license by Charles Norris to be located at 548 Tiogue Ave.

Mr. Norris stated that he will operate exactly as he did last year with property owner

Barry Blier's permission, at the same location, on the grassy area. Motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve hawker's license. All voted aye.

3. Application for Fireworks license for July 4, 2013 by John Guisti, 17 Osprey Drive

Motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve fireworks license provided that Mr. Guisti submit confirmation that police detail has been arranged and that he has received approval from the state fire marshal. All voted aye.

4. Application for Firearms license (Change of Location Only) by Kyle McCarthy and Paul Percivalle, Mid-State Gun Company

Kyle McCarthy of 16 Beach Street and Paul Percivalle of 542 Plainfield Pike, proprietors of Mid State Gun Co., explained that they currently have a firearms license for the current location on Sandy Bottom Road. What they are asking is to approve a firearms license at their new location on Tiogue Avenue.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve new firearms license. All voted aye.

5. Application for Firearms license by Jason B. Lund for Rhode Island Gunworks, 303 South Main Street

Applicant Jason Lund of Knotty Oak Road advised that his gun shop will be located in the NAPA building on South Main Street. He will predominantly repair and restore guns. However, the federal license required also includes selling as well as repair and restoration, and he indicated that he may occasionally sell a gun that he has repaired or restored, but the focus of his business will be restoration.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve firearms license subject to the receipt of retail sales license. All voted aye.

6. Application by Apple Valley Grandco Inc. for new Victualling license for Kentucky Fried Chicken, 825 Tiogue Avenue

Mr. Robert Rianna of Cedar Swamp Road, Smithfield is the new owner of Kentucky Fried Chicken and is applying for a new victualling license. He plans to bring a new look and image to Kentucky Fried Chicken on Tiogue Avenue.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve new victualling license. All voted aye.

7. Application by Coventry Memorial VFW Post 9404, 29 South Main Street, for a live show entertainment license

Vice-President McGee advised that the VFW would like to have a country and western band a couple of days a month, in order to raise funds for veterans.

Councilman Laboissonniere has concerns, wanting to make sure that the VFW remains a Class D Club, members and guests, and not to become public. Vice-President McGee responded that any money raised goes strictly into funds for veterans, this is not a club for profit and they are not open to the general public. Mr. Laboissonniere has also heard that the VFW was going to install keno.

President Cote added that they are a ~~for~~ charity+business, not for profit and Councilman Laboissonniere indicated that he has no problem with any charitable work they do for the veterans. He just wanted to relay his concerns.

Motion made by Vice-President McGee seconded by Councilwoman Carlson to approve live show entertainment license. All voted aye.

8. Application by Janice Olivier for victualling license for Honey Cone frozen yogurt shop to be located at 577 Tiogue Avenue

Janice Olivier, Hope Furnace Road explained that she was previously approved by Council for a yogurt shop on Sandy Bottom Road. However, the septic system was insufficient

at that location so she is asking for a license at 577 Tiogue Avenue.

Motion made by Councilwoman Carlson seconded by Vice-President McGee to approve license at 577 Tiogue Avenue subject to Board of Health approval along with submission of the certified food manager certificate. All voted aye.

LIQUOR CONTROL BOARD

1. The Town Council acting as the Liquor Control Board to consider a violation of Harris Bar and Grill, 666 Main Street (1st offense)

Proprietor Dennis Colicchio, 3 Hill Farm Camp Road explained that he has been cited for serving a minor. He apologized for the incident, stating that they do card people and unfortunately these things happen, but it was not our intent.

Chief Volpe's recommendation was a warning, since this was the first offense.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to issue warning. All voted aye.

2. The Town Council acting as the Liquor Control Board to consider a violation of Bill's Package Store, 672 Main Street (3rd offense)

No one was present from Bill's Package Store. A motion was made and seconded to table this item tonight and for Solicitor Tobin to set up a show cause hearing, as to why this Class A license should not be revoked. All voted aye.

RESOLUTIONS

1. Authorizing the purchase of 2 . 36 inch Wright Stander mowers and 1 . 48 inch Wright Stander mower from Kent County Lawn Mower, 75 Tiogue Avenue, at a total price of \$21,193.96; and the purchase of 1 Billy Goat brush mower, 1 John Deere 72 inch diesel mower and 1 John Deere Gator diesel utility vehicle from Howard Johnson's Inc., 1978 Kingston Road, Peacedale, RI, at a total price of \$26,400 for the Coventry Department of Parks and Recreation, utilizing past C.I.P. and grant funds

Councilwoman Carlson had questions pertaining to the CIP funds which were earmarked from past budgets and where those funds appear in our current budget.

Manager Hoover explained that once it is approved in a particular fiscal year, it needs to be spent within a certain amount of time. Many times we do not spend the amount that was estimated, so we asked our solicitor if we can spend money no longer needed for those purchases for other items, in this case the lawn equipment. Councilwoman Carlson asked where this unused money sits for all this time and Manager Hoover responded that it remains in the capital fund and can only be changed by the council.

Solicitor Tobin also agreed that in the Charter, any unspent money on the operations side of the budget can be spent for other purposes within that department with approval of the Town Manager. The Charter doesn't distinguish between operational and capital. Mrs. Carlson added that without it being a clear line item, it is hard to see where it is. Solicitor Tobin replied that it is separated in the capital budget.

Finance Director Przybyla further explained that there are amounts of money allocated to various projects for a period of time. After that time it reverts back to the general fund, unless reallocated for other projects. It does not appear in the annual budget. Manager Hoover will give the Town Council a complete listing of what is still outstanding.

Parks and Recreation Director Guy Lefebvre explained that this will be paid for through \$20,000 DEM funding, with the balance from CIP funds. A motion was made by Vice-President McGee seconded by Councilman Carlson to approve. All voted Aye.

2. Authorizing the purchase of aluminum bleachers, to be installed at Rice Field, from International Design & Construction, of Brookville, FL, at a total price of \$18,640 for the Coventry Department of Parks and Recreation, utilizing past C.I.P. funds

Mr. Lefebvre explained that bleacher seating would be for 400, with ten sets of bleachers and meeting guidelines with seating for disabled. These are aluminum bleachers,

galvanized and maintenance free.

Motion made by Councilman Jendzejec seconded by Councilman Laboissonniere to approve resolution. All voted aye.

3. Authorizing the purchase of two 2013 Ford F350 4X4 pickup trucks, to include snow plows and sanders, from Flood Ford of East Greenwich, 2545 South County Trail, East Greenwich, RI, at a total cost of \$78,095, utilizing past C.I.P. funds

Manager Hoover explained that this is the same situation with the capital improvement funds. Acting DPW Director Chuck Smith was asked why not get small dump trucks rather than pickups, and he responded that they would save money on each pickup truck as the dump trucks were each \$12,000 more than the pickups. In addition, there were no 2013 cab and chassis left over for dump trucks.

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

4. Authorizing the award of a five (5) year contract for fire dispatch services to the Hopkins Hill Fire District at a cost of \$333,500 in the first year and increasing to \$404,700 in the fifth year

Manager Hoover advised that we have been running the dispatch services on a three year contract, which is due to run out at the end of the month. Chief Volpe recommended the award of a new five year contract to Hopkins Hill.

Chief Frank Brown of Hopkins Hill Fire Department, 23 Linwood Drive, added that Hopkins Hill has provided this service for eight years and always come in under budget. There are no issues with the fire alarm building or the equipment.

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

5. That the Town of Coventry shall follow RIGL 44-5-8, as amended by the General Assembly, requiring municipalities to require immediate payment of taxes on only a late installment and to impose an interest charge only on that late installment beginning for the FY 2013/3014 fiscal year

Councilman Jendzejec brought this issue forward, stating that RIGL 44-5-8 was amended in 2011 to allow cities and towns to collect late payments on installments only. Rather than be penalized for the entire bill, it would apply to the installment due. This resolution proposes that the town of Coventry follow the amended version of 44-5-8 and collect penalties on only the installment due.

Manager Hoover advised that he believes the impact could mean a possible loss of over \$93,000 on annual basis if we go in this direction. We predicate the budget revenue based on 99.5% collection rate, 98% motor vehicle. Also, we do a lot of tax sales, typically in June, when people fail to pay their tax and the tax collector deems that the tax is due in full. The tax collector's estimate is that we could lose \$1.6 million. I have reviewed this with the finance director and he agrees there is no way we will be able to collect our 99% collection rate.

Councilman Jendzejec disagreed, stating this has nothing to do with tax sales, only penalties collected on that installment. It's simply choosing Paragraph B over Paragraph A. A penalty is still levied, but not as high. There is nothing forbidding the town to do tax sales.

Solicitor Tobin stated that in order for the Tax Collector to have a tax sale in June, the process begins somewhere around February, a four month process. The theory behind Section A is that if you are a whole year behind, the tax collector puts you on the list. You are taken off the list by payment or agreement. The Tax sale list could be greatly reduced.

Councilwoman Carlson would like to see numbers from previous years. She feels that if we approve this resolution, the town may lose its leverage in collecting taxes. Manager Hoover added that we need to get the tax bills out. If we approve this resolution, we would have to do another mailing and adjust everyone's tax bills.

Councilman Laboissonniere asked about changes that would need to be made in the accounting system and Finance Director Przybyla has checked with our software firm and they are able to accommodate the calculations.

Councilman Jendzejec stated that it is discouraging that the Council does not have enough information to make a decision. Councilwoman Carlson doesn't think this is a bad idea, but the timing isn't right. Councilman Laboissonniere questioned what other communities do this and have information they can pass along on what their success rate is.

President Cote and Vice-President McGee both feel they don't have enough information to make an educated decision. Manager Hoover suggested that it might be prudent to put this on the July agenda, get it all discussed, get information and numbers from other municipalities with how it has effected them. If it turns out that it is a good thing to do, then we would have to send out another mailing.

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

6. Supporting a referendum relating to putting before voters a Constitutional amendment to include the Rhode Island General Assembly under the jurisdiction of the Rhode Island Ethics Commission for adjudication for non-compliance or violation of the Rhode Island Code of Ethics

Manager Hoover explained that the intent of this resolution would make the Ethic Commission rules and regulations applicable to the General Assembly. Support is requested in the form of a resolution. Vote taken: 4 Aye, Councilman Jendzejec abstains. Motion passes.

ORDINANCES

1. Prohibiting the use of groundwater for potable purposes in an area proximate the former Town Landfill on Arnold Road

Attorney Richard Sherman of Edwards Wildman gave a brief explanation of the ordinance and its intent, including remediation as it relates to groundwater and impact. A motion was made by Vice-President McGee seconded by Councilwoman Carlson to advertise ordinance for public hearing. All voted aye.

PUBLIC COMMENT

Deborah Pagano, 27 Catalpa Way commented that she thought the moderator at the Financial Town Meeting was rude and asked whether he would be back again next year.

Cheryl Ihrig, 18 Florida Avenue, requested that the Town Council amend the town ordinance on dogs, as dogs should not be allowed on Briar Point Beach during the summer season, June 15 through Labor Day.

Ken Jackson, complained about the way the Financial Town Meeting was run and it needs to be changed.

Nicholas Gorham, 7042 Flat River, complimented Councilman Jendzejec for introduction of a tax amnesty resolution. However, he feels that Solicitor Tobin should recuse himself from giving an opinion on the resolution since it is his responsibility to perform tax titles, which the town pays him to do. He also stated that the issue of the Financial Town Meeting needs to be addressed with regard to rules. The people do need to have the final say, but not by voice or standing vote, it should be paper ballot. He spoke in favor of forming a Charter Review Commission to study the FTM.

James Pierson, 8 Nicole Lane, also spoke in favor of forming a Charter Review Commission.

Raymond Budziak, 429 Fairview Ave., questioned purchase of DPW trucks and thinks that employees should come to work with their lunch, not eat in the trucks.

Motion made by Vice-President McGee seconded by Councilwoman Carlson to adjourn meeting. All voted aye.

Town Clerk