

Town Council Meeting
June 27, 2016

EXECUTIVE SESSION - 6:00 P.M.

R.I.G.L. 42-46-5 (a) (1) (2)

- Candidates for Zoning Board of Review, Pawtuxet River Authority, and Kent County Water Authority
- Ucci vs. Town of Coventry SU 2016-0091
- Cambio v. Commerce Park Realty et als PC 2013-350
- Teixeira v Town of Coventry USDC 2104-150M
- McGowan v. Commerce Park PC 2013-5001

The Council suspended the closed session at approximately 6:30 p.m. and upon starting the open session agenda, the President announced in open session that at the conclusion of the posted open session Agenda items, they would go back into closed session to address matters that they had not yet addressed in closed session (Ucci, CONE and Texeira) which were read to the public in full, from the closed session agenda, verbatim. The reason given by the president was that they had not been able to finish the closed session in the time allotted and did not wish to delay the public session, as posted (for 6:30pm) any further. The president also announced that no additional open session business would thereafter be discussed or acted upon; the Council would, upon re-convening in open session, vote only to adjourn.

WORK SESSION – 6:30 pm - Charter Review Commission and Human Services Charter change request

Charter Review Commission Chairman, Ken Jackson, presented recommendations to the Town Council on suggested changes to the Town Charter for the November ballot. Below are recommendations as presented:

➤ **Recommendation #1 -Section 2.03 Recall**

Section 2.03. Elections; recall:

(b) Recall

The recall petition, as it pertains to a town-wide office holder, shall be signed by at least ~~thirty (30)~~ **twenty (20)** percent of the registered voters of the town and, in addition, by at least twenty (20) percent of the registered voters in each Town Council district for certification purposes. In regard to a district office holder, the recall petition shall be signed by at least ~~thirty (30)~~ **twenty (20)** percent of the registered voters of said district for certification purposes.

EXPLANATION: The change will bring the requirement percentage better in line with other Towns and Cities in Rhode Island. Please refer to the Municipal Charters in Rhode Island published in December 2006 and revised in 2013 page 115 of the report.

➤ **Recommendation #2 -Section 3.01 Number; term, constituency of Town Council members**

Section 3.01 Number; term; constituency [Amended 11-2-2010]

At the general election to be held in November 2012 and every fourth year thereafter, three (3) members, one each from districts 2, 3, and 5, shall be elected, and at the general election to be held in November 2014, and every fourth year thereafter, two (2) members shall be elected from the remaining two (2) districts, each for a term of four (4) years. **Beginning with the general election to be held in November 2018, no member of the town council shall serve more than two (2) consecutive terms.**

EXPLANATION: It is the belief of the Charter Review Commission that amending these sections of the charter to limit the number of consecutive terms to two (2) would allow more opportunities for and encourage more people to consider running for the Town Council. A predictable change in the makeup of these elected bodies should bring in new energy, fresh ideas and different perspectives/points of view.

➤ **Recommendation #3 - Section 3.16 Ordinances, publication, public hearings**

Section 3.16 Ordinances

First Reading: Every proposed ordinance, other than an emergency ordinance, shall be read a first

time by title at the meeting at which it is introduced and **a summary shall be published in one (1) or more newspapers of general circulation in the town** ~~in full in one (1) or more newspapers of general circulation in the town~~ **and in full on the town's official website and displayed in two (2) or more locations in conspicuous fashion until such time as the Council shall vote on the merits of such ordinance.** No ordinance, except an emergency ordinance, shall be adopted by the Town Council at the meeting at which it is introduced but it shall be referred to the next subsequent regular or special meeting.

EXPLANATION: The Town will be able to reduce the high cost of publishing an entire ordinance in a local newspaper saving tax dollars. The ordinance will be available in full on the Town's website. This will permit residents to access the full definition of the ordinance at no cost to them. The ordinance as stated above will always be posted in a conspicuous place at the Town Hall for reference and upon request a copy can be obtained.

Mandatory public hearing: The Town Council, except for an emergency ordinance, shall hold a public hearing on every proposed ordinance after the proposed ordinance has been introduced and **published in summary in one (1) or more newspapers of general circulation in the town** ~~in full in one (1) or more newspapers of general circulation in the town~~ **and in full on the town's official website and displayed in two (2) or more locations in conspicuous fashion until such time as the Council shall vote on the merits of such ordinance.** No action shall be taken on the ordinance until the conclusion of the public hearing. The Town Council, by majority vote, may amend or otherwise act on the proposed ordinance at the public hearing.

EXPLANATION: The Town will be able to reduce the high cost of publishing an entire ordinance in a local newspaper saving tax dollars. The ordinance will be available in full on the Town's Official Website. This will permit residents to access the full definition of the ordinance at no cost to them. The ordinance as stated above will always be posted in a conspicuous place at the Town Hall for reference and upon request a copy can be obtained.

Publication: Every ordinance which imposes a penalty for the violation of its provisions shall be published in full by the Town Clerk **on the Town's Official Website and displayed in two (2) or more locations in conspicuous fashion** ~~once 18 as a paid advertisement, within one week of the adoption of the ordinance, for a period of not less than 20 days. in a newspaper having general circulation in the town.~~

EXPLANATION: The ordinance will be available in full on the Town's Official Website which allows residents to access it at no cost to them and for those who do not have an electronic device to access the Town's Official Website the ordinance will be posted in a conspicuous place in the Town Hall. It will also be available in hard copy for those requesting the full description of the ordinance.

➤ **Recommendation #4 - Section 4.02 Election**

Section 4.02 Election

At the general election to be held in November 1974, and every fourth year thereafter, three (3) members shall be elected. The district shall be determined by the Board of Canvassers and Registration and at the general election to be held in November 1976, and every fourth year thereafter, two (2) members shall be elected from the remaining two (2) districts, each for a term of four (4) years. **Beginning with the general election to be held in November 2018, no member of the school committee shall serve more than two consecutive terms.**

EXPLANATION: It is the belief of the Charter Review Commission that amending these sections of the charter to limit the number of consecutive terms to two would allow more opportunities for and encourage more people to consider running for School Committee. A predictable change in the makeup of these elected bodies should bring in new energy, fresh ideas and different perspectives/points of view.

➤ **Recommendation #5 - Section 4.10 Forfeiture of office**

Section 4.10 Forfeiture of office

(NEW SECTION)

A School Committee member shall forfeit office if the member (1) lacks, at any time during the term of office, any qualifications for the office prescribed by this Charter, or by law; (2) violates any express provision of this Charter; or (3) is convicted of a crime involving moral turpitude.

EXPLANATION: The Charter Review Commission supports the idea that both the offices of a Town Council Member and School Committee Member should be treated equally by the Charter. The proposed new Section 4.10 adds forfeiture of office language to Article IV School Committee that is word-for-word the same as in Article III Town Council under Section 3.04.

➤ **Recommendation #6 - Section 5.01 Appointment, qualifications and compensation of Town Manager**

Section 5.01 Appointment, qualifications, compensation

[Amended 11-2-1976, 11-4-2008, effective 1-1-2009; 11-2-2010]

The Town Council shall appoint a Town Manager for an indefinite term and fix the manager's compensation. The Town Manager shall be chosen by the Town Council. The manager shall hold a master's degree in public administration, business administration or related master's degree from an accredited college or university as a minimum degree for the appointment, together with at least five (5) years actual experience ~~as-a~~ **in a position of a** city, town or county government ~~manager or assistant manager~~ **management.** The manager must maintain residency within the Town of Coventry within six (6) months of appointment.

EXPLANATION: By redefining the requirements, an individual who has a strong background in other management functions within a town or city or county will qualify as a candidate. Please refer to Slide 20 Recommended Correction to the Home Rule Charter from 2010 General Election for further information.

➤ **Recommendation #7 - Section 7.04 Written opinions and opinions expressed during town council meetings**

Section 7.04 Written opinions and opinions expressed during town council meetings

All written opinions of the Town Solicitor furnished to the Town Council, the Town Manager, and all departments, offices and agencies of the town shall be filed with the Town Clerk and shall become a public record. **All unwritten opinions of the solicitor expressed during any Town Council meeting shall be recorded in the Town Council Minutes as such.**

EXPLANATION: The recording of all unwritten opinions in the minutes of a meeting will permit anyone to reference what was said at a later date.

➤ **Recommendation #8 - Section 8.19 Amendments after adoption**

Section 8.19 Amendments after adoption

(f) Limitations: ~~Referendum a Approval by Electors. Capital Improvement programs or projects not subject to the provisions of Section 8.55, with an anticipated total cost for such program or project in excess of one hundred thousand dollars (\$100,000.00) shall not be initiated before referendum approval by the electors.~~ **Nothing in this section shall prevent the making of contracts or spending of money for capital improvement projects or other projects, provide that any payments from the Town's General Funds or Property Taxes must be approved annually by the electors at an annual or special Financial Town Meeting. This section shall not apply to projects which have been approved by the electors in accordance with Section 8.55 of this Charter.**

EXPLANATION: 8.19(f) the amendment would eliminate the need for all-day referendum for a Capital Improvement Program, if the program has been approved by the voters at the annual Financial Town Meeting.

➤ **Recommendation #9 - Eliminate Section IX (Personnel Board) The Commission's explanation for elimination is that there are many other means allowing for all of the functions defined currently in Article IX.**

(ELIMINATE SECTION IX)

EXPLANATION: The personnel board can be eliminated since there are many other means which allows for all of the functions defined in current Article IX.

In addition the Commission has also made a recommendation for corrections to two amendments which were approved by the voters in 2010 as follows:

The first recommendation would be to add a notation within Article V, stating that ballot question 9 as presented to and approved by the voters on the 2010 ballot, adding – **“and shall any person serving as interim town manager not meeting these requirements be eligible no more than one hundred eighty days”**. As it reads today, the language stops at “appointment”, entire amendment should show.

The second recommendation would be to add a notation within Article XVIII on Ballot question 11 **“provided however that if court revenue does not sustain operation of the Court, the Council shall possess the power to abolish the Court”**.

Both ballot questions 9 and 11 were approved by the voters.

For the future, the Commission recommends that each question, amendment and explanation thereof, shall be posted verbatim at every polling place on Election Day, on the Town's official website and at least two additional locations within the town for at least two weeks prior to the election. Advertising in local newspapers and other media should also be considered.

A list of supporting documentation was submitted which included July 26, 2010 Town Council minutes showing the final revisions of questions and explanation, the election ballot presented to the voters and election results.

Human Services Director Pat Shurleff requested a change in the charter pertaining to qualifications for a Director of Human Services as follows:

Section 12.31 The Director of Human Services – Applicant must have a Master's Degree in the Human Services Field from an accredited college with seven (7) years of demonstrated experience in Human Services including supervisory, diverse client contact and case management, working knowledge of State and Federal programs aimed at low and moderate income persons and families, experience as an active member of a team of professionals and paraprofessionals in a multi service facility or agency, oversight of agency delivering Human Services or Bachelor's Degree from an accredited college in the field of Human Services with 15 years of demonstrated experience in diverse client contact and case management, working knowledge of programs available for low and moderate income individuals and families, experience as an active member of a team of professional and paraprofessional multi service facility or agency.

Charter Review Committee member Nancy Sullivan asked Council to follow the procedures that the Charter Review Commission recommended when considering changes to the Charter. This Charter Review Commission was a cohesive group of people that had great exchanges of information and ideas. I hope you pass all of these recommendations on to the voters and let them decide what they want.

Finance Director Thibeault referred to Section 8.22 of the current Charter regarding payments and obligations. He stated that it is cumbersome that department heads have to go to the town manager before spending money. It would seem reasonable to be a little less restrictive about how that is done during the work year. Manager Waters agrees and stated that for him to approve every purchase is impractical and would basically be micromanaging. He feels that as long as department heads stay within their line item budgets, we could be less restrictive.

Councilwoman Duxbury asked the town manager if he would discuss expenditures with department heads and Manager Waters responded that he will in order to see how they are proceeding with their budgets. That is also part of their evaluations.

President Shibley thanked the Charter Review Commission for their hard work these past months on the Charter.

TOWN COUNCIL MEETING – 7:30 P.M.

Present: Councilman McGee, Vice-President Carlson, Councilwoman Duxbury, Councilman Laboissonniere, President Shibley, Town Manager Graham Waters, Town Solicitor Nick Gorham.

Pledge of Allegiance
Invocation
Review of Emergency Evacuation Plan

Proclamation – Superintendent Michael Convery

Councilwoman Duxbury presented a proclamation to retiring school superintendent Michael Convery, proclaiming June 30, 2016 as Michael L. Convery Day in Coventry.

Swearing In Ceremony – Police Officers

Colonel MacDonald led the ceremony, which included promotions, retirements, and new

personnel, as follows:

Retirement of Detective Kevin Harris

Promotions:

Major Frederick J. Heise
Captain Dennis P. Skorski, Jr.
Captain Peter J. Zalabowski
Lieutenant Bryan M. Ricci
Lieutenant David K. Nelson
Sgt. Ryan D. DeSisto
Sgt. James J. Poccia

New patrol officers:

Officer Bradford K. Scott
Officer Melvin S. Jimmy

Officers were administered the oath of office by President Shibley. A “Last Call” ceremony was conducted in honor of our K9 officer Enzo, who passed away unexpectedly this week.

Approval of Town Council minutes May 23, 2016

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve minutes of May 23, 2016. Vote taken: Aye (4); Mrs. Duxbury abstained as she was absent from the meeting on May 23. Motion passes.

President’s Comments

President Shibley made several announcements:

- He introduced Carol Cosma, a new Providence Journal reporter covering the Coventry area
- Wished his wife, Carol, a Happy 40th Anniversary!
- A hazardous waste training exercise was held last Friday at Boston Scientific, where emergency crews, DPW and the police department were on site. All went very well.
- On Saturday, Coventry EMA held a 24 hour non-stop field day event at Central Coventry Park, which was an American Radio Relay event with ham amateurs. This was the first time it was held in Coventry.
- The 5th annual motorcycle run was held out of our VFW on S. Main St., with proceeds going to the RI veterans.
- Beginning July 3, 2016 at 6:00 pm, we will begin our summer concert series. There should be some good entertainment over the 4th of July weekend.

COUNCIL DISTRICT UPDATES

District 3 Councilman McGee and District 5 Councilwoman Duxbury had no news to report from their districts. Vice-President Carlson, District 1, advised that last Tuesday the owner of Wind Energy Development was at Greene Library for a presentation and received a chilly reception. Mrs. Carlson believes that there needs to be a better notification system as neighbors do not live so close to each other in Greene and many didn’t even know when the turbines were initially being discussed. There are many unhappy people in Greene.

District 2 Councilman Laboissonniere talked about the new housing development that is going in on Station Street, so traffic will probably be slow at times. Sandy Bottom and Route 117 traffic has also been backed up due to water main work by Kent County Water.

President Shibley, District 4, added that last Saturday the town fishing derby was held Lake Tiogue. Great improvements have been made to the boating area across from Benny’s, with the surface scraped, new coating and millings applied to assist the residents as they put in their boats.

SCHOOL DEPARTMENT REPORT

School Committee member James Pearson reported that Coventry High School graduated 354 seniors at the Ryan Center on June 7. The School Committee thanked the Town Council and the town’s voters for their support of the school budget for the upcoming school year. In addition, CHS

received a grant from Skills Up RI to implement the new welding program in collaboration with Electric Boat (\$149,000 for startup equipment and supplies). A new Assistant Superintendent will be joining the school department on July 1, Ms. Laurie Weber, former principal at Chariho High School. And lastly, we are still waiting confirmation from the Asst. Secretary of the Navy regarding our proposal to become a Naval Junior ROTC unit.

CONSENT AGENDA

1. Annual fireworks display by Johnson's Pond Civic Association on July 4 (rain date July 5)
2. Renewal of 90 day peddler and hawker licenses for:
 - RI Organic, 301 Hopkins Hill Road from July 1 through September 28, 2016
 - JoJo's Cupcakes, 77 Isle of Capri Road from July 1 through September 28, 2016
 - Palagis Ice Cream, 55 Bacon Street, Pawtucket July 16 through October 13
3. Approval for sewer tie in for Seascape Lawn Care at 1610 Flat River Road, AP 60, Lot 13

Jo Jo from JoJo's Cupcakes thinks it would be good for the town if we had a Farmers Market in Coventry, and would like to look into it.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve items #1 and #2 on Consent agenda. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve Item #3 on Consent Agenda. Vote taken: Aye (4); Vice-President Carlson abstained.

RESOLUTIONS

Manager Waters asked that Resolutions #2 and #17 are considered at the same time as both our Sewer Subcommittee Chairman and our sewer consultant are present this evening for any questions.

1. Awarding contract for demolition of building at 63 Isle of Capri

Manager Waters explained that the town was awarded FEMA money after the floods in 2010. The town purchased the property at 63 Isle of Capri with FEMA money for the purpose of demolishing the building due to flooding. The bid award is to JR Vinagro for \$29,304. As of now, the town has no plans for the property. However, we have received concerns from neighbors about parking, turning this into recreation with a boat ramp, on-street parking causing congestion in the neighborhood. Right now there are no plans for that parcel, but all concerns are duly noted.

Vice-President Carlson asked what we are going to do with it and if we are going to fence it off. DPW Director McGee stated that the town has no plans. In addition, there are restrictive covenants from FEMA specifically that there can be no structures on the property, only passive activity. The entire current structure, will be graded, loamed and seeded, left in a natural state and the town will take care of cutting the grass. We will seed it and mow it. There will be no available parking at the site and the town can also restrict access, the town does not have to allow public access to property that it owns.

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

- Resolutions #2 and #17 will be considered at the same time.

#2 Authorizing expansion of sewer system and

#17 Allocating available funds for proposed sewer projects and authorizing the Town Manager to execute funding agreements and enter into contracts for services

Manager Waters explained that Resolution #2 authorizes the town to use sewer enterprise funds to advance the design along Arnold Road. Resolution #17 allocates available funding, authorizing the Town Manager to execute funding agreements and enter into contracts using clean water bond funds for the town's new sewer extension projects.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve Resolution #2. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to approve Resolution #17. All voted aye.

#3. Awarding contract for hot and cold patch to Johnston Asphalt, D'Ambra Construction and Pasteryak Asphalt, LLC

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve resolution. Vote taken: Aye (3); Councilwomen Carlson and Duxbury vote no. Motion passes.

Solicitor Gorham suggested that items #4 through #13 are voted all at once after Mr. McGee explains them and answers questions. Council agreed.

4. Awarding contract for pavement markings to Markings, Inc. of Pembroke, MA
5. Awarding contract for heating and air conditioning to Automatic Temperature Controls, Inc. of Cranston, RI
6. Awarding contract for emergency equipment rental services to Walter E. Reynolds General Contractor, Inc. of Coventry, RI and Rambone Disposal Services, Inc. of Johnston, RI.
7. Awarding contract for earth materials to Walter E. Reynolds General Contractor, Inc.
8. Awarding contract for electrical services to Miller Electric Corp of West Warwick, RI and Airhart Electric of Coventry, RI
9. Awarding contract for plumbing services to Dave Parrillo Plumbing, LLC of Hope, RI
10. Awarding contract for winter sand to Walter E. Reynolds General Contractor of Coventry, RI and the Estate of John Koszela of Coventry, RI
11. Awarding contract for pest control services to Coventry Pest Control
12. Awarding contract for erosion control to Warwick Winwater Works Co. of Warwick, RI
13. Awarding contract for pipe and castings to EJ Prescott Inc. of Lincoln, RI

Mrs. Duxbury questioned Mr. McGee about the number of bids received for each item and Mr. McGee responded that although there were multiple bids on some of the items, there were also several items that only received one bid. She asked how many bidders we had on the hot and cold patch; Mr. McGee replied four. She was happy to see that pest control was going to a local company, but with only one bidder, hopes that we are getting the best price.

When asked about advertising, Mr. McGee indicated that besides the Kent County Times, he also sends out invitations to companies and places the ad on the town website. He suggested that due to the workload of some of the companies, they don't bid.

After further discussion and several questions, a motion was made by Councilwoman Duxbury seconded by Vice-President Carlson to approve Resolutions #4 through #13. All voted aye.

14. Awarding contract for purchase of asphalt paver to Steve Magiera, West Warwick, RI

DPW Director Kevin McGee advised that one of our distributors notified us that they had a customer going out of business, looking to sell an asphalt paver with only 200 hours on it, which is basically five weeks worth of work. Owning this paver would allow us to do our own paving up to a 100 foot section and save us from going out to bid. We are doing a lot of this ourselves by hand now. The paver comes with a 30 day warranty; normal life expectancy is 10,000 hours. It will give us more productivity and the ability to get a better job done for the town. We are familiar with the dealer, Steve Magiera of ATS Supply. In the past we have tried to do these patches by hand, but power pavers get you a better product that lasts longer. It seems to be an ideal fit for the town and will not cost us more money as you will be able to measure the asphalt exactly, come out with a better product, and we won't have to go out to bid to pay someone else to do these jobs. Some jobs are as much as 100 feet in length. Additional training for employees will be provided at no cost by ATS. We will not have to hire additional employees. This will be paid for out of the infrastructure bond. We have approximately \$6.5 million left in the fund, \$4 million is allocated towards Arnold Road and about \$275,000 allocated to crack filling, which will begin this week. We will come back to you on the next

portion of the paving project, that should cost about \$1.75 million.

Councilwoman Duxbury asked if there were any plans to do sidewalks. She has received complaints about the bad shape of the sidewalks on Wood Cove Drive especially. Mr. McGee replied that he is holding off on the sidewalks due to National Grid having to do some work putting in new lines. He will wait until National Grid completes their work. She also mentioned that Kingswood is in bad shape and Mr. McGee agreed, but stated there are other areas that are worse.

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

15. Discussion and resulting action regarding the transfer of unencumbered FY 14 Town capital appropriations (Ref. #18a)

16. Discussion and resulting action regarding the transfer of unencumbered FY 14 School capital appropriations (Ref. #18b)

Finance Director Bob Thibeault explained that for both the town and the school departments, there is expiring capital from FY 14. In Section 8.20 of the Town Charter, monies must be returned to the general fund unless the town council invokes Section 8.19(b) of the charter, which allows the town manager to basically roll those capital items forward for another three years. In addition to that, in the event that the town or school ends the year with a deficit, it has been included in the resolution that both the town and school have the ability to take this same capital and use it toward deficit reduction. Otherwise, it will roll forward as originally intended with Council approval unless council wants to change the purposes for the capital items.

Councilman McGee doesn't know whether he likes the idea of capital money going to pay down debt when we have such a need for capital improvements in town. Mr. Thibeault projects a surplus of about \$166,000 on the town side with the schools breaking even. If that does not happen, this gives us the flexibility to spend as capital or deficit reduction.

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

18. Authorizing Town Manager to sign amendment to the Municipal Net Metering Finance Agreement

Manager Waters explained that what this amendment will do is allow for a termination clause, as currently there is no clause in the 25 year WED contract (including extensions). When I reviewed the contract I was a little concerned that it did not allow us an "out" for whatever reason, for 25 years. So I insisted on inserting a termination clause that, with giving a 90 day notice by either party, the contract can be terminated.

The current contract includes the town buying electricity from the Coventry wind turbines in the western end of town. In the second part of the amendment, the electricity purchase from the western Coventry turbines would be moved to the Portsmouth turbine. When Vice-President Carlson asked why, Manager Waters advised that this is the way the contract would have to be changed to please National Grid. The pricing that they offered us in the original contract stays the same, it is all inclusive. It just changes the location of where the energy is coming from. Mrs. Carlson indicated that we are still in this for 35 years. Mr. Waters stated that the contract runs from January 1 through December 31, with automatic renewal up through the 35 years. She asked if there is another projected date where we will be seeing power from the turbine and Mr. Waters replied no, not to his knowledge.

Mrs. Carlson mentioned that Mr. DePasquale stated in one of the meetings that he would pay for our electric bill from December 2015 on since it has been three years since the contract was signed and we still have seen no wind generated power. Manager Waters has not seen that covenant in the contract.

Mrs. Duxbury was concerned about where the town stands if the Portsmouth turbine breaks and we can't get energy. Manager Waters responded there is a clause where the owner has 12 months to make repairs to a turbine. If it takes more than a year, we can exit out of the contract. She asked if we have a safety net where if he is not able to provide the energy to us, or is out of business, there is some kind of bonding or escrow that protects the town against purchasing higher electricity costs. Manager Waters will review the contract, but the town would probably have to revert to National Grid rates.

Portsmouth owns its own turbine. There was discussion about what happens to our contract if

the turbine gets sold and whether the terms of the contract would convey to the new owner. Councilman Laboissonniere wondered if they have a 90 day out, and if they find a buyer who will pay more than Coventry, then we would not be benefitting at all from anything by having ten turbines in Coventry, with two of them on Picillo property that was supposed to provide us with our electricity? Manager Waters explained that we would have other options, could go back to the League, as they are going to outsource electricity again. There are also private energy sources that the town is knowledgeable of, that can shop electric rates for us. We might even be able to get better rates on the open market than with a contract.

Councilman Laboissonniere is not comfortable voting at this point and Vice-President Carlson agreed. A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to table resolution. All voted aye.

PUBLIC HEARINGS

Amendment to Coventry Code 106.6 Fair Share Development Fees

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

Town Manager Waters referred to Coventry Code Section 106.6 fair share development fees, where it was discovered that the wording of our current code is not compliant with state law. State law requires that municipalities issue building permits before collecting the impact fees; impact fees are collected before issuing the certificate of occupancy. **Town** code reads that we collect impact fees before a building permit is issued. It is contrary to state law, so this ordinance corrects that, making us compliant with the state statute.

No public comment.

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

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

PUBLIC COMMENT

Robert Lawrence, 26 Darton Street, spoke on the right of way issues on Lake Tiogue, including signage and a fence which he believes the abutter erected on town property, a non-compliant walk, steps, a sprinkler system and wall. He also referred to an e mail between Manager Waters and Planning Director Paul Sprague, where he feels that deprecating comments were used about residents regarding the Tiogue Lake boundary situation.

Ed Bertrand, 73 Isle of Capri Road, is concerned about open public uses at 63 Isle of Capri. It is a very small, narrow street where traffic, parking, privacy and safety would be issues. People from outside wouldn't respect the privacy of the neighborhood.

Tony Ferrucci, 92 Isle of Capri, invited Council to come out and walk the property. He has had his own basement flooded and there are a number of properties where blacktop had to be put in for runoff.

Evelyn Wheeler, RIACHC Advisory Commission on Historical Cemeteries and Chairperson of the Narragansett Historical Cemetery Commission, was in attendance to talk about an ordinance that was adopted by the state, RIGL 44-3-63, allowing towns to pass their own ordinance allowing property owners who have cemeteries on their property to get a tax abatement. Lincoln has done this and set the abatement at \$5,000. You could set an abatement for anything you want.

President Shibley stated that Council will take this under consideration and turn it over to the town manager and solicitor for review.

Charlotte Porter, 26 Sandra Circle, reported that Pasteryak Asphalt was using trucks on Sunday. She asked if there are evacuation plans for 75 Airport Road, for the high school, the neighborhood? Evacuation plans are needed.

At the conclusion of the open session agenda, the president again announced that it would go into to closed session to address matters that they had not yet addressed in the posted closed

session and named those matters (Ucci, CONE and Texeira), verbatim from the agenda. The president announced, again, that no additional open session business would thereafter be discussed or acted upon; the Council would, upon re-convening in open session, vote only to adjourn and upon roll call vote the council entered closed session, again, for that purpose.

At the conclusion of the closed session, the council returned to open session at 9:45 pm voted to seal the minutes of the closed session.

Thereafter at 9:47 pm the council voted to adjourn the meeting.

Town Clerk