

TOWN COUNCIL MEETING
July 19, 2010

Work session – Charter Review recommendations

President Spear opened work session, stating that tonight is an opportunity for council members to discuss Charter Review recommendations. A special meeting will be held on Monday, July 26, for the purpose of hearing any public comment.

Attorney Joseph Larisa formulated basic questions for the ballot in November and hopes to get a sense of the questions Council would like to see on the ballot in order to develop the final language.

The following is proposed:

1. Town Council approval of all collective bargaining agreements (including school contracts). School Committee would bring agreements before the Town Council for ratification.
2. Fix FTM trigger – any *change* by amendment or amendments totaling \$180,000 or more goes to all-day referendum; Capital budget to be presented simultaneously with Operating budget.

This is a little different than what the Charter Review Commission recommended. Basically this is an issue that has been unclear for years, whether individual dollar amounts get added, subtracted or if it is “net”. When you have two \$100,000 questions and one negative \$50,000 question, does that go down to \$150,000 so that none of them get on because they’re both below the threshold? One suggestion is to delete the words “add or subtract” and just say “any change”. So, if you have amendments that change the proposed budget by more than \$180,000, it would go to an all day referendum. So, for instance, if you have \$100,000 and \$100,000 (that changes the budget by \$200,000), it would go to all day referendum. If you had a \$100,000 question, it wouldn’t. If you had a \$200,000 question, it would. But if you had a \$100,000 question and another \$100,000 question to add to spending, then a cut of say \$100,000 or \$50,000, even though those three would come down to \$150,000, under the present Charter it could be argued that nothing goes to referendum. Instead of adding and subtracting, if you had a “change” of more than \$180,000, you have a change up of \$100,000, another change up of \$100,000, and a change down of \$50,000, those total \$250,000 in changes and all of them would go on the ballot.

In the same question, there was an issue of the capital budget being presented simultaneously with the operating budget. These would be lumped into the same question.

3. Four year staggered terms for Council members commencing in 2012; non-partisan elections for all local offices; elimination of lame duck appointments.
4. Increased Town Manager minimum qualifications; application to “Acting” Town Manager after 60 days. (An acting town manager would be removed after 60 days if not meeting minimum qualifications).
5. Technical changes – voting districts apportioned by persons, not voters; Departments of Safety and Welfare/Planning and Development Article XII and XIII updated; gender neutral terminology and punctuation and grammar.

Vice-President Flanagan asked for brief explanation of non-partisan elections. Atty. Larisa indicated this would eliminate any reference to party on the ballot. For example, if three persons were vying for two seats, the primary would narrow that field to the top two, regardless of party affiliation. It would not be a Democrat or Republican primary.

Vice-President Flanagan reported that she has researched Municipal Courts in RI, found that 23 communities have Municipal Courts, of which six are established by Charter. Coventry Municipal Court operates by ordinance, as do 17 others. She expressed concern with including Municipal Court in the Charter and feels that by keeping it per ordinance it puts more of the burden on the court to work efficiently. Also, if financially the Court should become not feasible, then we couldn't eliminate it if it were in the Charter.

With regard to a personnel review board, Manager Hoover advised that he recently learned of a state requirement that towns and cities must maintain a personnel review board.

Atty. Larisa informed Council that four of the 16 recommendations were not included for consideration, namely #7a (Elimination of FTM); #8 (Investment of retirement funds); #9 (Eliminate Personnel Board); #13 (Restrictions on eligibility for fringe benefits, now done by ordinance); #14 Municipal Court (keep as ordinance). Manager Hoover advised final questions for ballot must be completed by August 4 deadline.

There was further discussion regarding non-partisan elections, four year staggered terms commencing in 2012, and elimination of lame duck appointments. Councilman Hyde asked how you would determine who would begin the staggered terms. Attorney Larisa explained this would begin opposite school committee terms. If school was Districts 2, 3, and 5, then Council would begin Districts #1 and 4, with no party designation on ballot. Elimination of lame duck appointments prevents appointments being made to boards and commissions between the time a new Council is elected, certified and sworn in.

Atty. Larisa has combined twelve areas into to five issues, becoming effective upon passage. Councilman Cloutier and President Spear agree that less questions are better and not as confusing as long as they are worded clearly.

7:00 P.M. Town Council Meeting

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

Town Manager Thomas Hoover
Asst. Town Solicitor Mark Freel

Pledge of Allegiance led by Town Sergeant
Invocation by President Spear
Review of Emergency Evacuation Plan

President's Comments

President Spear announced a Special Town Council meeting on July 26 at 6:00 p.m. to discuss proposed Charter changes and there will be a public comment session at that time.

Approval of Minutes - Motion made by Laura Flanagan seconded by Ken Cloutier to approve minutes of May 24, 2010. All voted aye.

Consent Agenda

1. Renewal of 90 day Hawker license for Robert Arrico, Victory Fruits & Vegetables, 18 Waterman Hill Road (8/1/2010 – 10/30/2010)
2. Renewal of 90 day Peddler license for Michael Rodriguez, Mike's Ice, 1 Garrett Lane, West Warwick (7/20/2010 – 10/18/2010)
3. Application by John Guisti and Norman Marsocci for fireworks permit on July 25, 2010

Motion made by Laura Flanagan seconded by Frank Hyde to approve Items #1 and 2. All voted aye.

Councilman Shibley asked that correction be made to Mr. Guisti's application as he needs to indicate on his application whether or not he is a corporation. Mr. Guisti completed application as sole proprietor. Motion made by Glen Shibley seconded by Frank Hyde to approve fireworks permit. All voted aye.

LICENSES

1. Application by Mary Day of Indigo Realty LLC dba Indigo Lounge, 599 Tiogue Avenue for Live Show Entertainment license.

Motion made by Frank Hyde seconded by Ken Cloutier to approve application. All voted aye.

Resolution appointing member to the Pawtuxet River Authority

Motion made by Frank Hyde seconded by Laura Flanagan to appoint John Donovan to the Pawtuxet River Authority. All voted aye.

Resolution appointing member to the Coventry Land Trust

Motion made by Glen Shibley seconded by Frank Hyde to appoint Ann Dickson to the Land Trust. All voted aye

Resolution appointing member to the Coventry Housing Authority

Motion made by Frank Hyde seconded by Laura Flanagan to appoint Paul Pasch to the Coventry Housing Authority. All voted aye.

Resolution appointing members to the Personnel Board

Motion made by Frank Hyde seconded by Laura Flanagan to appoint Michael Durand, Diane Capwell and Scott Duckworth to the Personnel Board. All voted Aye.

President Spear administered the oath of office to new members.

Resolution authorizing the Town Manager to designate Bottom-Line Solutions, LLC as the

Manager Hoover recommended approval of this resolution as there is no cost to the Town for this service, compensation is awarded through insurance carrier commissions and it will save on health insurance costs. Motion made by Laura Flanagan seconded by Frank Hyde to adopt resolution. All voted aye.

Resolution awarding a new contract for fire alarm dispatch services to the Hopkins Hill Fire District

Previously we had a five year contract with Hopkins Hill Fire Department. Manager Hoover recommends a three year contract. Chief Frank Brown of Hopkins Hill Fire District prefers a five year contract, has submitted a five year proposal, and believes that five years provides more stability. Manager Hoover's concern is that the community should be looking at other ways to deal with this responsibility. He will look at other alternatives for the future and feels a three year contract is most responsible. Motion made by Laura Flanagan seconded by Frank Hyde to approve a three year contract with Hopkins Hill Fire District. All voted Aye.

Resolution authorizing the issuance of tax anticipation notes

Manager Hoover recommends approval as the current notes are due to expire at the end of July 2010. The proposed resolution will roll them over for one more year. Motion made by Laura Flanagan seconded by Glen Shibley to approve resolution. All voted aye.

Resolution maintaining the \$6,000 exemption on Motor Vehicle Excise Tax within the Town of Coventry for FY 2010/2011

Manager Hoover explained that the state has reduced the minimum exemption for automobiles to \$500. Coventry will maintain the \$6,000 motor vehicle exemption for the citizens of the community for fiscal year 2010/11. Motion made by Laura Flanagan seconded by Frank Hyde to approve resolution. All voted Aye.

Resolution renaming the Laurel Avenue Bridge the Honorable General Nathanael Greene Memorial Bridge

Councilman Shibley remarked that with a historical hero in our neighborhood, it is fitting that we should have a ceremony in the spring renaming the bridge to the General Nathanael Greene Memorial Bridge and possibly fundraise for a statue. Motion made by Glen Shibley seconded by Frank Hyde to approve resolution. All voted aye.

Resolution approving sewer tie-ins for Thomas Marcotte at 1120-1122 Main Street and Gorton-Menard Funeral Home at 721 Washington Street

Manager Hoover noted that although Village Pub does not appear on the agenda, it appears on the resolution as it was an emergency situation which was taken care of administratively on June 29. Motion made by Laura Flanagan seconded by Glen Shibley to approve resolution. All voted aye.

Resolution awarding a contract for asphalt products

Manager Hoover concurs with DPW Superintendent Dennis Smith's recommendations for contracts. Successful bidders are PJ Keating Company and T. Miozzi, Inc. for hot patch; Johnston Asphalt for cold patch and all patch. Mr. John Assalone asked that the town makes sure that Miozzi is up to standards and doesn't operate his business on Reservoir Road during night hours.

Motion made by Laura Flanagan seconded by Glen Shibley to approve resolution awarding contract for asphalt products. All voted aye.

Resolution awarding a contract for construction materials

Motion made by Ken Cloutier seconded by Frank Hyde to approve resolution awarding a contract for construction materials to Richmond Sand & Stone, Walter E. Reynolds and PJ Keating. All voted aye.

Resolution awarding contract for drainage pipe

Motion made by Frank Hyde seconded by Laura Flanagan to approve resolution awarding contract for drainage pipe to Warwick Winwater Works. All voted aye.

Resolution awarding a contract for pavement markings

Motion made by Laura Flanagan seconded by Glen Shibley to adopt resolution awarding a contract for pavement markings to Highway Safety Systems, Inc. All voted aye.

Resolution awarding a contract for replacement of a portion of the Town Hall Annex roof

Manager Hoover noted that roof replacement will be funded from 2008-09 Capital Improvement Program. Motion made by Laura Flanagan seconded by Frank Hyde to approve resolution. All voted aye.

Resolution awarding a contract for the replacement of a Town Hall Annex HVAC unit

Manager Hoover recommends the low bidder, Lincoln Energy. Funding is from an energy grant. Motion made by Frank Hyde seconded by Ken Cloutier to adopt resolution replacing HVAC unit. All voted aye.

Resolution opposing location of marijuana compassion center

Manager Hoover informed Council that the Planning Department was approached a couple of months ago regarding the compassion center. Presently there is an application in to the State of RI to put a marijuana compassion center at 3-5 Battey Avenue. The proposed growing location is a warehouse on Clark Mill Street off Hopkins Hill Road. As shown in this resolution, administration objects to the proposed location of these facilities. The police have concerns about both the compassion center location and the growing facility location as well, both being in highly residential areas. The state plans to choose three sites (one in northern RI, one in southern RI and one in the center of state).

Colonel Dasilva is opposed to both locations, the compassion center and the growing location. He discussed the narrowness of Battey Avenue, the close proximity to the bike path and the Middle School and further remarked that he has security and parking concerns. Battey Avenue is used as a cut-through to the bike trail and for kids walking to school. Currently the property is a residential duplex.

Planner Paul Sprague stated that a special use permit would be required through zoning and no plans have been submitted at this point. We would need plans for parking, set backs, maybe a traffic study. It's not as easy as just moving in there. Solicitor Freel agreed that a special use permit would be needed and there are many other factors like health, public safety, parking, and infrastructure.

John Assalone believes marijuana should be sold from a drugstore.

Dorothy Berube remarked that Battey Avenue is a poor location, a very tiny street bordering the bike path; also children cut through there on the way to school.

Motion made by Glen Shibley seconded by Laura Flanagan to adopt resolution opposing location of marijuana compassion center. All voted aye.

INTRODUCTION OF ORDINANCES

Amendment of Mobile Home Park Ordinance (First reading)

Councilman Hyde sponsored this ordinance in order to bring the mobile home ordinance in line with the census, make it more accurate.

Manager Hoover thinks it is appropriate to increase the limit, but subject to the review of the Town Council. This amendment would put it under the control of the Town Council, the change would be 32 units for 1,000 residents (currently at 30 units). If approved, it will change the maximum number and up the limit by 68 units.

Motion made by Frank Hyde seconded by Ken Cloutier to accept first reading. All voted aye.

Councilman Hyde asked for updates on Boston St. and Route 117 road repair.

Manager Hoover replied that Route 117 is out to bid and should start work around the middle of August, completed by the first of October. The project will run from the Community Center to Knotty Oak Road with spot repairs all the way down to Fairview Ave. Boston Street is part of a federal aid project, with work about a month away.

PUBLIC COMMENT

Charles Vacca, 124 Fairway Drive, asked whether road damage was done when sewers were installed. Manager Hoover replied that the flood damage work is being financed by a special appropriation of the federal government, but the work is being done by the state. State is being reimbursed by the government for the repairs.

Kevin Hitt, 26 Sugar Maple Drive, spoke concerning the cell tower at Coventry High School and referred to the Town Council minutes of April 12. The Town Council voted to pass

a resolution approving a cell tower at CHS on April 26. Mr. Hitt believes that the Town Council should have waited before voting on the CHS cell tower until after the presentation by Cox Communications on April 28. He feels there are potential health issues with a cell tower and he presented a petition of opposition signed by 391 residents.

Mrs. Flanagan advised that at the April 12 Council meeting a young woman expressed concern regarding her children who attend Hopkins Hill school. We tabled voting on the resolution in order to have time to research, get educated and vote with certainty. Before voting on April 26, Councilwoman Flanagan had the opportunity to speak with two physicians on the issue. One didn't hesitate to tell me that the amount and type of radiation transmitted was not enough to cause cancer and she wouldn't be concerned. The other doctor basically said the same thing. I called the American Cancer Society and explained to them that I had constituents with major concerns. They directed me to an informational piece on their website titled "Do Cell Phone Towers Cause Cancer"?

Mrs. Flanagan read: "Some people have expressed concern that living, working or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time there is very little evidence to support an idea that living, working or going to school near a cell tower might increase the risk of cancer or other health issues. She read an article to the public where information on the energy level of radiofrequency RF waves is relative low, especially when compared with the types of radiation that are known to increase cancer risk, such as gamma rays, x-rays and uv light. The energy of RF DNA molecules, given off by cell phone towers, is not enough to break chemical bonds in DNA molecules, which is how these stronger forms of radiation may lead to cancer".

The article goes on to state a second issue has to do with wavelengths. RF waves have long wavelengths, which can only be concentrated to about an inch or two in size. This makes it unlikely that the energy from RF waves could be concentrated enough to affect individual cells in the body. Thirdly, even if RF waves were somehow able to affect cells in the body at higher doses, the level of RF waves present at ground level is very low – well below the recommended limits. Levels of energy from RF waves near cell phone towers are not significantly different than the background levels of RF radiation in urban areas from other sources, such as radio and television broadcast stations.

For these reasons, most scientists agree that cell phone antennas or towers are unlikely to cause cancer. This information is backed up by the Environmental Protection Agency, Federal Communications commission, Food and Drug Administration, National Cancer Institute, National Institute of Environmental Health Sciences and the World Health Organization.

Mrs. Flanagan feels convinced that cell towers are safe and Mr. Hitt replied that he would like to see research on the other side of the argument.

Manager Hoover indicated that from an administrative standpoint, the problem was with Hopkins Hill School. After looking at the April 26 minutes, he found that it was stated by President Spear that the informational meeting was for the purpose of listening to objections, questions, and comments as pertaining to the Hopkins Hill cell tower site. The Town has a binding contract with Cox and are subject to those terms, legally, fiscally and otherwise.

Attorney Freel remarked that the town has a binding contract. The town's only recourse would be to breach the contract which would cost thousands. The federal government (Federal Telecommunications Act) says that towns and cities have less discretion than usual to

decide when appropriate to have cell towers. In the event that this was the subject of a private application, across or down the street from this location, the town's ability to deny it would be extremely limited. It only came before Town Council because of the contract.

Mrs. Flanagan asked Mr. Freel what the chances would be if we broke the contract and he responded that our chances to prevail would be very low.

Tara Lamy, 46 Kiley Way suggested renegotiating the location and Deidre Trabucco, 7 Sugar Maple Drive, does not believe the council made an informed decision.

Concern was noted pertaining to whether kids might try to climb the tower. Mr. Warzycha, IT Director, commented that this is not a climbable tower; it is a monopole and will have a fence around it.

Mr. Spear indicated that if the town does not do this there is nothing to prevent someone from building this on their own property next to the high school.

Greg Laboissonniere asked if we have any others in town located on school property and Mr. Spear replied there has been one at Blackrock School for 7 years, haven't had any problems or concerns at that location.

Mr. Warzycha added that the financial benefit to the town could be as much as \$70,000 - \$80,000 a year.

Mr. Shibley advised that only fifteen people attended the Cox informational meeting. Don't think the whole council would have voted for the other two sites if there had been so much concern.

Gerard Levesque, 19 Sugar Maple concerned about property values.

Mr. Hyde would like to have a meeting with Cox, have them come in and answer questions for the people. President Spear will check into it.

Greg Laboissonniere, 131 Colvintown Rd., feels that renaming the Laurel Avenue Bridge is also good for tourism. He also asked if mobile homes qualify for low – moderate income housing; Mrs. Flanagan responded that they do not.

Motion made by Laura Flanagan seconded by Frank Hyde to adjourn meeting.

Adjourned at 10:15 p.m.

Town Clerk