

Town Council Meeting
July 23, 2012

EXECUTIVE SESSION

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

1. Planning Board
2. Board of Tax Assessment Review

Motion made by Vice President McGee seconded by Councilman Mattson to adjourn to Executive Session. Roll call vote. All voted aye.

Motion made by Councilman Mattson seconded by Councilman Jendzejec to close Executive Session. All voted aye.

Motion made by Vice-President McGee seconded by Councilman Mattson to seal minutes of Executive Session. All voted aye.

TOWN COUNCIL MEETING

Present: President Gary Cote, Vice-President Kerry McGee, Councilman Jendzejec, Councilman Mattson, Councilman Spear

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Invocation by Dennis Derosiers of Knotty Oak Baptist Church
Review of Emergency Evacuation Plan

President's Comments

President Cote apologized for missing the last Council Meeting and thanked everyone for their cards, gifts and support during his wife's recent illness. He also thanked Vice-President McGee for filling in for him at the meeting.

Approval of Town Council Minutes from June 25, 2012

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve minutes. All voted aye.

PROCLAMATION

President Cote presented Katelyn Gagnon with a proclamation honoring her for her part in rescuing a drowning victim from the Woodland Manor Pool. State Senator Glen Shibley was present and also offered congratulations.

LICENSES

Application by Kanan Patel for new filling station and victualling licenses for Yashodhar Inc. dba Coventry Mart, 1100 Main Street

Attorney Nicholas Lambros, Esq. represented Mr. Patel. Motion was made by Vice-President McGee seconded by Councilman Mattson to approve licenses. All voted Aye.

PUBLIC HEARINGS

1. Pawtuxet River Riverbank Restoration in coordination with the USDA-Natural Resources Conservation Service

Motion made by Councilman Mattson seconded by Councilman Jendzejec to open public hearing. All voted aye.

Planning Director Paul Sprague and Peter Boyle, Project Manager from Fuss & O'Neill, led the discussion on the riverbank restoration, a project being accomplished in coordination with the USDA-Natural Resources.

Kevin Farmer, Professional Engineer, is also the State Conservation Officer for the US Dept. of Natural Resources and has been working with the town to secure a grant for remediation of the riverbank. A contract has been awarded to engineering firm Fuss & O'Neill. Peter Boyle is the project manager and conducted this informational public hearing outlining plans for restoration and remediation. The overall purpose of the project is to restore the riverbank by building new walls, removing the existing riverbank walls, removing debris, stabilizing the Anthony Mill tower and the riverbed. A small amount of Concordia's property and parking lot will be eliminated.

Further discussion took place regarding plans for the restoration of the river bank, including restoration of the mill, stabilizing the tower, and reconfiguration of the river bottom and the measures that will be taken to re-direct the flow of the river. (See power point presentation in Town Council folder). This is a significant project, involving both Anthony Mill and Concordia.

President Cote asked if this is all being done with grant money, as the taxpayers will not pay out-of-pocket for any over runs. Mr. Farmer replied that the project is still on target, with construction taking approximately eight months. DEM has given us authorization to shift the river.

Keith Taylor, 1 Haywood Road, asked if there were any procedures in place if we have flooding during the construction period. Mr. Boyle responded that the flow of water is fed by Flat River Reservoir and Tiogue Lake. The attempt would be to have the gatekeepers control those dams as far as water flow through.

Attorney Farmer explained that the government is paying for 100% of the project and is going to provide additional funding to cover the change order, we just need to change the agreement to add the additional funds as stated in the proposed resolution. This doesn't cost the town anything, but town is the sponsor.

Motion was made by Councilman Spear seconded by Councilman Mattson to close public hearing. All voted aye.

Manager Hoover suggested that the following resolution be taken out of sequence on the agenda and voted on now:

Resolution authorizing an amendment to the agreement for consulting services for design, permitting and engineering services for the Pawtuxet River Riverbank Restoration to Fuss & O'Neill at a cost of \$30,100 to accommodate necessary hydraulic design changes

Motion was made by Vice-President McGee seconded by Councilman Mattson to vote on resolution, out of sequence, authorizing an amendment to the agreement for the Pawtuxet Riverbank Restoration at a cost of \$30,100 to accommodate necessary design changes. All voted aye.

Motion made by Councilman Spear seconded by Vice-President McGee to approve resolution. All voted aye.

Amending Chapter 180 Peace and Good Order of the Coventry Code of Ordinances to include Chapter 180-7 Property Maintenance

Motion made by Councilman Mattson seconded by Councilman Spear to open public hearing. All voted aye.

Planning Director Paul Sprague explained that this ordinance mainly addresses foreclosed and abandoned homes. It relates to the height of grass in the front yards only, establishing a 12 inch maximum height in the front yard. This does not apply to ornamental grass or agriculture.

President Cote added that an ordinance will also help enforcement, especially where the banks own abandoned property. The ordinance would require them to maintain the property so it doesn't devalue surrounding properties. The ordinance would give our building inspector some leverage if someone isn't maintaining their lawn

Arthur Capaldi, Esq., 148 Town Farm Road, commented that if the banks are the problem, then this legislation should relate to the banks, not the citizens. I really think this is overkill. I see legislation that is attempting to do something good, but to put a law on the books dealing with the height of grass, think your time is better spent on something else.

Vice President McGee remarked that the Council has received many calls pertaining to properties not being maintained. I don't think this is intended for just bank properties, but that the intention is to make everybody maintain their yards.

Councilman Spear asked the difference between the current ordinance and the proposed. Planning Director Sprague explained that the current ordinance requires that your property is maintained in good order, it does not speak to the height of the grass. He noted that the proposed ordinance does not address agriculture or ornamental grass.

Conrad Burns, 863 Tiogue Avenue asked if it addresses commercial and industrial property; President Cote responded that it does not.

Mary Alba, 1757 Harkney Hill Road, asked if the Town Council has considered the elderly who are not able to cut their grass themselves, and in some cases can't afford to get it done. She requested that the language in the ordinance is changed to address only vacant or unoccupied properties.

Greg Laboissonniere, 131 Colvintown Road, asked if a fee schedule has been established as to how much you would charge the bank or home owner to cut the grass. If you are going to consider this ordinance, people will have to know what it is going to cost to have someone from the town come out and cut the grass.

Mr. Florio suggested that Town Council refer this ordinance to the Planning Board for a recommendation before making a decision.

Motion made by Councilman Spear seconded by Councilman Mattson to close public hearing. All voted aye.

Councilman Spear agrees that based on discussion this evening, it might be beneficial to give further consideration to the ordinance before acting on it. He suggested that it is tabled until the next Council meeting.

Councilman Mc Gee feels this is long overdue and needs attention. Whether or not you are elderly, you still have the responsibility to maintain your property. We get many calls on this topic.

Motion made by Councilman Mattson seconded by Councilman Spear to table to next Town Council meeting.

Councilman Jendzejec thinks Mr. Florio had a good idea to send it to the Planning Commission to get some feedback. They can study it, take testimony and send a recommendation to Council. I don't think that if the Town Council just tables it for a month that it will change anything.

Motion was amended by Councilman Mattson, seconded by Councilman Spear, to refer ordinance to Planning Commission for study and recommendation. Vote taken: 4 Aye, one opposed (Vice-President McGee opposed). Motion carries.

Vice-President McGee asked if we would have feedback by our next meeting in August. Manager Hoover said that he believes we won't get this back until September.

LIQUOR CONTROL BOARD

The Town Council sitting as the Liquor Control Board to review and consider a liquor law violation at Fat Belly's, 760 Tiogue Avenue for serving underage drinkers

Mr. Scott Parker, owner of Fat Belly's was present. Solicitor Tobin reported that he has spoken with Mr. Parker, who has decided to accept certain warnings, penalties and conditions this evening. He has agreed to provide to the Town Council proof of bartender certification (TIPS), a warning of violation of underage drinking to be placed in his file and remain there for three years as a first offense. Any further violation would be cause for a formal show cause hearing. In addition, Fat Belly's is required to make a donation of \$250.00 to either MADD or Coventry Substance Abuse Task Force.

Mr. Parker agreed to adhere to those conditions and forego the formal show cause hearing at this time. Chief Volpe agreed that this was acceptable to him and confident that Mr. Parker will maintain the integrity of his business.

Mr. Parker did want to comment that this incident occurred with a very experienced employee who was filling in and is an employee of a Providence location where bouncers take on the responsibility to check the identification of patrons before they can get in the door. The worker felt awful about it and was suspended for two weeks. President Cote asked Mr. Parker not to put the Town Council in this position again; we just can't have this happen again. We were glad to see Fat Belly's come to town and are glad to have you stay.

Manager Hoover advised that the Substance Abuse Task Force can be contacted through Pat Shurtleff at the Department of Human Services. They operate on a grant through the state and that would be an excellent place to put the donation.

A motion was made by Vice-President McGee seconded by Councilman Spear that along with a \$250.00 contribution, the violation report also be placed in their file. All voted aye.

CONSENT AGENDA

1. Approving the tax abatements for June 2012
2. Renewal of Hawker license by Robert Arrico dba Victory Fruits & Vegetables, 18 Waterman Hill Road
3. Resolution approving sewer tie in for Brady Sullivan Anthony Mill LLC, 624 Washington St.
4. Authorizing the release of the remaining bond balance of \$10,100 plus any accrued interest, to The Natick Factor, LLC for the development of Windy Hill Estates – Residential Compound

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve the Consent Agenda. All voted aye.

RESOLUTIONS

Authorizing the payment of \$500,000 upon principal for the refinancing of the tax anticipation notes for the Town of Coventry Sewer Fund

Manager Hoover advised of the necessity for this resolution and Finance Director Przybyla reported that Webster Bank has given a very good percentage rate of 2%. Manager Hoover recommended approval. The \$500,000 payment will be taken from the sewer fund, as we have received two large payments from Amgen and Rhodes, both in excess of \$600,000 and it is affordable at this time. The Sewer Subcommittee also recommends approval.

Motion made by Councilman Mattson seconded by Councilman Spear to approve resolution authorizing payment. All voted aye.

Approving the award of contracts to provide drainage pipe to the Department of Public Works to E. J. Prescott Inc., Warwick Winwater Works Company and Seekonk Supply, Inc.

President Cote asked Mr. Clarkin of DPW why we are awarding to three vendors. Mr. Clarkin explained that the second and third companies are backup in case the materials aren't available from the lowest bidder. I think it makes sense to have backup in case of emergency.

Councilman Mattson asked if we will use the low bidder first; Mr. Clarkin replied that we will as long as the product is available.

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

Approving the placement of appropriate language on the November 2012 ballot for the passage of a referendum on a \$5,000,000 bond for air quality and energy efficiency improvements, cost of financing to be offset by savings from energy efficiencies at no cost to the taxpayers of the Town of Coventry and further requesting Secretary of State approval of a certification form for same from the Town of Coventry Board of Canvassers

President Cote wanted it understood that the entire bond will be paid back through energy savings, at no cost to the taxpayer.

Manager Hoover stated that he has spoken with bond counsel, Karen Grande. She indicated that the language is appropriate for the ballot and added that it would also be

appropriate for the Town Council to designate November 6 as the ballot date, and asked that Council include that in a motion.

Motion was made by Councilman Spear seconded by Councilman Jendzejec to approve resolution for placement on the November 6, 2012 ballot. All voted Aye.

Approving the award of a contract to provide catch basin cleaning for the Department of Public Works to Lloyd Truax Inc.

Mr. Clarkin, DPW, stated we awarded the bid to this company last year.

Vice-President McGee brought attention to Mr. Clarkin's memo recommending the bid award to Truax. It appears that the hourly rate for the second bidder, Diffley, is lower than Truax. The memo is confusing and he would like further explanation. Mr. Clarkin agreed and asked that the resolution be tabled at this time.

Manager Hoover added that for the past three years, all cleaning has been done by hand and not hourly, therefore the price per catch basin prevails rather than the hourly prices. However, there is no problem in tabling this bid for a better explanation.

President Cote felt that by tabling the resolution, we would get a clearer explanation at the next council meeting.

Motion was made by Vice-President McGee seconded by Councilman Mattson to table resolution. All voted aye.

Approving the award of a contract to provide pavement markings for the Department of Public Works to Markings Inc.

Mr. Clarkin reported that this was the only bidder and the same company as last year, with only a slight increase over last year.

Motion made by Councilman Spear seconded by Councilman Mattson to approve resolution. All voted aye. So voted.

PUBLIC COMMENT

Greg Laboissonniere, 131 Colvintown Road, referred back to the ballot question in Resolution #3, pertaining to a \$5,000,000 bond for air quality and energy efficiency improvements. He asked if there is a written efficiency study with hard numbers on the savings.

Manager Hoover explained that it is a bond with a maximum of \$5,000,000; actually we have lined up about \$2.6 million of work to be done between town and school buildings. Before any debt can issue, all work has to be certified for energy savings. Studies have not been done yet, but will have to be completed before issuance of any debt. If the efficiency isn't there, we do not have to move forward.

Motion made by Councilman Spear seconded by Councilman Mattson to adjourn meeting. All voted aye.

Town Clerk