

Town Council Meeting
August 22, 2016

EXECUTIVE SESSION - 6:30 pm
RIGL 42-46-5 (a) (1) (2)

- Ucci v. Town of Coventry SU 2016-0091
- Six month review of Town Manager's job performance

A motion was made by Councilmember McGee seconded by Councilmember Laboissonniere to come out of Executive Session. All voted Aye.

A motion was made by Vice President Carlson seconded by Councilmember McGee to seal minutes of Executive Session. All voted aye.

TOWN COUNCIL MEETING – 7:00 p.m.

Present: Councilmember McGee, Vice-President Carlson, President Shibley, Councilmember Laboissonniere, Town Manager Waters, Town Solicitor Gorham

Pledge of Allegiance

Invocation

Review of Emergency Evacuation Plan

Approval of Town Council minutes from July 25 and August 1, 2016

A motion was made by Councilmember McGee seconded Vice-President Carlson to approve minutes. All voted aye.

President's Comments

- President Shibley announced that Ms. Raena Blumenthal was recently hired as the new Parks and Recreation Director and has relocated from New York.
- Attendance was good at the summer concert series last night, many seniors were present. Next Sunday, August 28, will be the last concert, with Irish music from 6 pm to 7:30 pm.
- The soccer season began over the weekend at the Fish Hill Road field. Many individuals are excited for the start of the new season; there is no lack in attendance, though we wish we had twice the parking area.
- Lastly, a primary will be held on Tuesday, September 13, 2016 and I encourage all voters to get out and vote.

School Department Report

School Committee Member Florio reported that all day kindergarten will begin on Thursday, September 1.

The modular unit has been delivered and is in the process of being set up at Hopkins Hill School. It will be ready for occupancy by the start of the school year.

An instructor for the new Navy National Defense Cadet Corps (NNDCC) at Coventry High School will be appointed at the August 23, 2016 School Committee meeting.

Superintendent Levis is in the process of creating a Student Cabinet, which will meet monthly and afford an opportunity to listen to the student voice.

Lastly Coventry School Department is the first in the state to offer telemedicine services to their staff, allowing employees to access medical care with a doctor through Skype. This is an effective way of receiving medical care while hopefully reducing the district's medical expenses and need for emergency rooms or hospitals.

Council District Updates

Councilman McGee, District 3, reported no issues in his district. He did ask Manager

Waters when the old millworkers' building in the Anthony area will be torn down. Manager Waters is working with the state regarding demolition.

Vice-President Carlson has received calls from District 5 residents regarding the recent tar patching on the roads. With the temps in the high 90's, it's probably not set yet, but people are asking how to get this off their cars and tires. DPW Director McGee replied that the crack fill is to preserve the roads, but it can be removed easily with sealant remover that can probably be purchased at Benny's. If it is a problem, people can get in touch with Public Works.

Mrs. Carlson questioned the "quad copter" mentioned in the Town Manager's report and asked if that is basically a drone. Manager Waters replied that the town is looking at a quad copter, which is basically a drone, and would be available for use by all departments. We are just exploring this now and how it would benefit departments, such as allowing Planning to look at larger parcels of land from a higher view. She asked the cost and Mr. Waters said he is looking at options anywhere from a couple hundred dollars up to a couple thousand dollars. He is also working on a policy which would insure guidelines as far as how we use it, set the rules and is seeking legal advice as to where it can be used and to what extent. She asked if this was definite and he replied that he is only looking at it now, but feels the benefits would outweigh the cons.

Vice President Carlson asked about cameras at DPW. Mr. McGee said this has been in the works for a while, to monitor the DPW yard. It has been three years in the making and is funded from the IT budget.

She asked for an update on the Shady Valley project and Mr. McGee stated that he needs to wait for the pond level to go down, probably another six to eight weeks, because they need to put the walls in during the dry season. She also wanted to know if an assistant engineer had been hired for the summer and Mr. McGee responded not at this point, and if we can keep up with things, then we won't need it.

Councilman Laboissonniere had no updates from District 2 at this time.

District 4 President Shibley announced that a new business called Jayco, a medical supply store, is opening on Pilgrim Avenue. The public will be able to walk in and rent medical equipment. Their primary business is in Cranston on Park Avenue; Coventry is their second location in Rhode Island. They plan four or five more locations throughout the state.

LICENSES

1. Application by Greene Public Library Association for Class F license on September 15, 2016

A motion was made by Vice-President Carlson seconded by Councilman McGee to approve license and waive fees. All voted aye.

2. Application by Father John V. Doyle School for Class F license on September 30, 2016

A motion was made by Councilman McGee seconded by Vice-President Carlson to approve license and waive fees. All voted aye.

3. Application by John Studley for annual Labor Day fireworks event on September 4, 2016 located at 47 Indian Trail

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve license contingent upon fire marshal approval and proof of police detail. All voted aye.

4. Application by RI Public Health Institute for Peddler's license on September 15, October 20, November 17 and December 14, 2016

Dr. Amy Nunn was present representing RI Public Health and explained that this organization currently delivers fruits and vegetables to many different communities with 27 different sites around the State of RI. They work collaboratively with the Department of Health and serve public housing, community centers, health centers, senior centers, etc. Early on, this was a project that began as a study by Brown University and we found that it was a great service, especially to seniors and public housing. We continued the project past the research and turned it into a program, obtaining grants from the USDA.

We will operate two different vehicles on the days requested; our representatives run the market. Dr. Nunn asked for flexibility with the dates requested, as sometimes due to rescheduling at sites, community centers or due to inclement weather, it is necessary to change the dates. Councilman Laboissonniere suggested that the Town Manager should be given the authority to allow changes in dates if need be.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve license with a stipulation that the Town Manager has the authority to allow rescheduling dates if necessary. All voted aye.

5. Application by Shantel Mello for victualling license at STR8 Jucin, 1132 Main Street

Dave Thomas and Shantel Mello were present to answer questions.

Council was concerned about several issues that appeared on the police report and asked Colonel MacDonald for clarification. Colonel MacDonald verified there were several incidents in the past regarding Ms. Mello. Ms. Mello agreed, commenting that she was drawn into one situation without her knowledge, through a past relationship. On another occasion her bank accounts were hacked into, which led to bad checks.

Councilman Laboissonniere asked what type of business she plans to operate and Mr. Thomas replied that it is a juice bar. He added that he is also a proprietor of the business, however, his name is not listed on the application in front of the council this evening. Vice-President Carlson referred to the signage that has been erected and whether zoning approved the sign. Mr. Thomas replied that the landlord said the signage was approved.

President Shibley stated that Mr. Thomas's name should also appear on the application and believes that the application should be done over again to make it accurate, then resubmit. Council was in agreement that it could be addressed at the next meeting with a new application.

Application by Rhody Rovers Motorcycle Club for an event, the Charity Scholarship Ride, on October 22 and 23, 2016

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve application. Discussion follows.

A motion was made by Vice-President Carlson seconded by President Shibley to allow public comment on this application. All voted aye.

Applicant and representative of Rhody Rovers, William Newcomb was present to answer questions.

Vice-President Carlson first asked if an application had been submitted to DEM and if he has a permit from them?

Mr. Newcomb stated that DEM does not have an issue with this as far as wetlands. They did a site walk and saw no problem except for a small section in the kids loop that they want us to avoid.

Vice-President Carlson said she talked to DEM and they said that you would need to apply for a permit. Mr. Newcomb responded that if that is the case, that is what they will do.

She asked what kind of racing they will be doing that weekend and Mr. Newcomb replied that it is a motorcycle event for all levels and ages. She pointed out that he has already advertised on the metrosite and Mr. Newcomb indicated that they did, as part of the metroschedule which gets posted on the site at the beginning of the year. If we do not get approval, we will remove our date from the schedule. She was concerned there could be quite a large crowd since it is advertised all over New England.

There was discussion with Colonel MacDonald regarding the number of attendees, how many police details would be needed if attendance was over a certain number. Mr. Newcomb indicated that there could be a few people there on Friday night, to camp out, because some of the kids are starting early Saturday morning. The Colonel added that the Western Coventry Fire Chief has signed off on the medical and is comfortable with the plan.

Further discussion took place as to people obtaining an entry ticket the day of the event, as Solicitor Gorham referred to Section 9, where it states that ticket sales have to be made before the event, not on the day of the event, per the rules. If you are selling on the day of the

event, how does that comply with the ordinance? Plus, it makes it impossible for you to project how many people will attend. Mr. Newcomb responded that is why they put in the application for the 125+ people. If we had less than 125, we wouldn't need this permit. I have spoken with the Chief, if he wants a detail there, we will be more than happy to have one.

Solicitor Gorham also stated that zoning regulations do not permit or prohibit this, doesn't address it at all. So the only way to address this is to require a special use permit, which is what you are required to do, as it is not specifically delineated in the zoning ordinance. Mr. Newcomb replied that he has spoken with the zoning department and has been assured that he does not need a special use permit, just a permit from the town.

President Shibley indicated that if Council does go ahead with the application, it would be stipulated that it would need a special use permit. Beyond that, there would be no ticket sales permitted the day of event.

When asked about liability insurance, it was verified that the town is included as a named insured on the liability insurance.

Councilman McGee feels this should have been approved last year. I was in favor of it last year and the Chief gave his approval. Why are we giving this guy a hard time? This is a charitable organization and it was denied last year by a technicality.

Councilman Laboissonniere added that even the noise ordinance speaks of organized racing events with a limit on decibel levels. There have been things put in place to try to keep things under control, and this applied to public or private property. The tools are in place to see that they abide by the rules. I do believe it requires a special use permit, but I also think we are splitting hairs to deny these property owners the right to use their property. I have no reason not to support this. If there is a DEM permit needed, they will get it. With the noise levels, my one question is whether we know or how we know what the decibel levels are for that type of event? Mr. Newcomb responded that every participant is checked when they come in and has to be 96 db or below. Those rules are based on National Motorcycle Institute Studies. What we do is compliant with everybody throughout the country. As far as the timing of the event, we are not going to start bikes up at 6 am.

Solicitor Gorham again stated that because this is not a permitted use, you have to get a special use permit, that is the law and you can't run from it.

Representative Chippendale agreed that it is a problem in Rhode Island, there is no place to ride. This is a situation where both sides are upset, in favor and opposed. There are concerns with narrow roads, offensive signs that have been erected, there is animosity and my concern is how to reconcile this. It needs to be addressed.

Tom Miozzi, 66 Steamboat Ave., Warwick has witnessed some Rhody Rovers events and they do a good job. We are talking about personal freedom here. Do our kids deserve their freedoms to be eroded? This is a charity scholarship ride and that says a lot in itself. Maybe the Rhody Rovers could invite the community to the event, or hold a cookout after. Everyone should work together, see how it works out. He hopes the Town Council will try it this year. In addition, for every dollar the Rhody Rovers raise for their charity scholarship, I'll match it dollar for dollar.

Vice-President Carlson asked if he would want to host such an event on his property in Coventry? Mr. Miozzi responded that if the neighbors and Rhody Rovers got along, he would be happy to host it. It is a way to come together for an admirable cause.

Gary Cote, 29 Pettine Street, has ridden motorcycles for 50 years. The motorcycle community has raised more money for charity in Rhode Island than any other organization. It's great that an off road motorcycle organization is willing to raise money; the money goes to scholarships for CHS students. This is a two day event out of 365 days in the year. Mr. Brown should be able to do what he wants with his own property that he pays taxes on and has for years. If a special use permit is required, the town should take into consideration that he has been trying to get an application for that permit.

Mr. Newcomb added that in 2014, \$1200 was given in scholarship money to Coventry High School (three checks for four hundred dollars). In 2015 we took money out of our own pockets for the high school because we couldn't hold the event.

Ken Jackson, 2799 Harkney Hill Road, stated this event has a big impact in Greene and most of the people in attendance here tonight do not live in the western end. The motorcycle group has been harassing the neighbors out there with fireworks and signs. At minimum I would

ask that a police detail be assigned. He also suggested using a private rescue company, saving Western Coventry's own rescue as a last resort.

Senator Nick Kettle, 5 Autumn Ridge, has nothing against Rhody Rovers, they do good work, and have received awards from the West Greenwich Town Council, but here they are not riding in WG, but in a residential area. They are in a conflict here. People live in the western end for a reason, peace and quiet. The neighbors feel threatened and this is infringing on their right to feel safe.

Peter Tanner, 387 Hammet Road, has been a member of the Rhody Rovers for over thirty years and has helped organize many events. They have put on very safe events over the years. In 2014 there were no issues at that event, just a few bumps and bruises that were handled on site, no transports. There were really no complaints either in 2014. This activity keeps youth out of trouble, gives them something to do. It's a hobby for a lot of kids, gets them to concentrate on a sport that takes focus and endurance. The motorcycle community has stepped forward and this is a chance to give us the opportunity to put on a nice event. Like Mr. Cote said, this is two days out of the year, down in a valley location where you hardly know that anybody is there. I wish you would reconsider and give us the opportunity.

Mrs. Carlson remarked that she was there during the event two years ago, in an abutter's back yard, and can attest to the noise. There were complaints.

Cheryl Robbio, 5461 Flat River Road, is concerned that a precedent will be set if the event is allowed, and other clubs will come in and want to have a rally, etc. She has concerns about police response time, environmental impacts, the dryness of the dirt and the area, and campers coming in with no regulations, like a regular campground would have. There is anxiety on both sides, and she suggested they take this event somewhere else.

Paul Rollins, 662 Carrs Trail, what concerns me is how can a permit be so vague as to state 125+ people in attendance. How many is that? Who controls and enforces these rules? The ticket sales? The alcohol? It's all too vague, that's my point. Colonel MacDonald said the police would inspect and count heads if need be.

Keith Taylor, 1 Hayward Road, has heard the arguments here. If the wrong information was given to Mr. Newcomb about a special use permit, then the Council needs to take responsibility for that. But we really need to do this for the people of our community. This group wants to do something great for our children.

Vice-President Carlson asked Manager Waters to talk to Mr. Sprague in Planning/Zoning to see what happened with the special use permit issue.

Rena Lavoie, 59 Pound Road, Chepachet, feels there is more to this than just a kid on a dirt bike. As a military veteran, I find it helpful to race my dirt bike; I find solace in that. I hope that we can come together, like Mr. Miozzi suggested, communicate and find a resolution.

Councilman Laboissonniere likes the idea of bringing the community together. Maybe there is some way we can have a work session with neighbors, talk about the application and the preregistration so that we know the number of attendees, the number of police details and try to come to agreements for everyone in the area. Currently it is very volatile and nobody wants to see that.

Mrs. Carlson thinks many issues arose from that weekend in 2014. As representative of District 1, I have to be on the majority's side and I totally understand they are doing this for charity and it's all about the kids. But, there are constituents who are very worried about these races and their peace and quiet.

There are additional concerns about DEM and stocking the brook in the spring, the dryness out there in the area leading to fire issues, and using gas to refuel the bikes. This is a big issue for both sides. It is the responsibility of the Council to make sure the ordinances are adhered to. I also think we need to get a report from DEM. Secondly I don't know what the discussion was with Mr. Sprague in the Planning Department, but I believe this requires a special use permit.

Councilman McGee said whether you agree or not, he was told he did not need a special use permit. If you want him to get one, do not hold back on a "time" technicality, because he is not going to make the 90 days. He has done his due diligence. Solicitor Gorham replied that there is time and if they apply immediately they can get on the docket for the zoning board.

Gary Cote remarked that with this timeline, how will you know how many people you are going to have if you can't sell tickets until two days before the event?

President Shibley has heard from both sides and would like to make some amendments and see if we can get it done, at least this year, and see how it goes. My amendments would include no ticket sales the day of the event, a limit of 125 persons on the property, a special use permit and assigned police details (s).

Discussion took place on how many persons should be allowed at the event, the ordinance requires a permit if more than 125, should an all inclusive number be set for the entire event, or should riders be separate from attendees. Mr. Newcomb said that in 2014 there were 300 or so riders and no issues. Manager Waters commented that the application states number of attendees, approximately 125 per day.

Councilman McGee is not willing to change his motion (which was previously seconded by Councilman Laboissonniere before discussion on the topic) to approve the application without amendments, so the vote on the current motion is to approve without amendments. Vote taken: 1 (Mr. McGee) in favor; 3 opposed. Motion fails.

A motion was then made by President Shibley seconded by Councilman Laboissonniere to approve the license with the stipulations that (1) Apply for a special use permit; (2) no ticket sales the day of the event; (3) arrange for police detail.

Again there was discussion on whether the application means 125 "attendees" per day. Councilman Laboissonniere thinks it could mean 125 ticket sales, President Shibley asked if maybe it was supposed to mean 125 registrants. Solicitor Gorham suggested 125 paid attendees per day. Mr. Gorham also feels that the police should know the cap of how many people can be there at once. The Colonel said that his understanding is that if the number exceeds 125, a police detail is required. However, there is no "cap" stated as far as the event permit goes. Solicitor Gorham added that the Council has the power to limit the number of people who can attend the event. President Shibley suggested a limit of 500 individuals, including attendees, family and registrants. Mrs. Carlson thinks that is a huge number and asked how many police details would be needed for that many people; Colonel MacDonald responded that he would recommend at least two, to be paid for by the association.

A motion was made by President Shibley, seconded by Councilman Laboissonniere, to approve application with the following stipulations: 1. Obtain a special use permit; 2. Limit the number of persons at the event to 500; 3. Provide at least one police detail; 4. No ticket sales the day of the event. Vote taken: 3 (Aye); 1 No (Vice-President Carlson opposed). Motion passes.

RESOLUTIONS

1. Appointing Richard Polselli to the Planning Commission

Vice President Carlson asked about the appointment procedure, as there were four or five candidates for this position, one that she did not hear about and some not interviewed. Manager Waters suggested that the application could have been past deadline and as far as the interviews, candidates are invited, but it is up to them whether or not they show up.

She asked if any council members are customers of Richard's Oil (Richard Polselli) and Solicitor Gorham advised that it wouldn't matter. She asked if it matters if Mr. Polselli is helping with campaign signs for council members and Solicitor Gorham doesn't think that matters either.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to appoint Richard Polselli to the Planning Commission. Vote taken: 3 Aye; 1 No (Vice-President Carlson votes No) Motion passes.

2. Re-appointing Norma Smith and Travis Bamford to the Historic District Commission.

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

President Shibley administered oath of office to Mr. Polselli, Mr. Bamford and Ms. Smith.

3. Affirming award of contract for road repair

Director of Public Works, Kevin McGee, advertised the bid request, mailed out six separate packages and received 5 bids. Mr. Miozzi was the most qualified and low bidder at \$1,022,184.80.

Mrs. Carlson asked for an update from the 2014 infrastructure bond including a breakdown as to how the money was spent.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve award of contract. All voted aye.

A. Appointment of Town Council member to District 5 pursuant to Section 3.06 of the Town Charter, Filling vacancy, effective immediately

Councilman Laboissonniere read the following statement regarding the appointment of Town Council member to District 5:

On July 25, 2016 Councilwoman Duxbury announced her resignation. That night, she and others implored the Council not to appoint a replacement for District 5. This would be in direct violation of the Town Charter Section 3.06, which states that the Council SHALL be filled for the unexpired term by a qualified elector of the same district if the vacancy shall occur less than 6 months prior to the next general election.

The effective date of the Councilwoman's resignation was July 28, 2016 which is 103 days from election day, which is clearly less than 6 months.

The Charter does not disqualify a declared candidate from being appointed to the seat. Mr. Madonna is the only candidate that expressed his interest to me personally in being appointed to the Council if we saw fit to appoint him. Mike Madonna has proven himself to be an excellent public servant that I think would be a great choice and serve the people of District 5 very well.

However, in the spirit of bi-partisanship and good service to all, I ask the Council to support a person that has been involved in service throughout town for many years. He has twice been a member of the Charter Review Commission and is actually the catalyst behind section 2.07 of our Charter; Non-partisan elections and who will honorably fulfill the unexpired term in District 5.

I make a motion to appoint Wayne Asselin to the District 5 seat for the remainder of the term.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to appoint Wayne Asselin to District 5, per section 2.07 of the Town Charter.

Vice President Carlson believes a precedent has been set for not filling a seat; in 2008 the Council did not fill the vacant position in District 4 and in 2014 there were four applications taken in and people were interviewed. She asked if Mr. Asselin or anyone else applied for the current vacancy. Councilman Laboissonniere stated that he approached Mr. Asselin to see if he would be interested in filling in. Mr. Asselin did not apply, I made a motion to appoint him. Mrs. Carlson does not agree with the process and feels there should be applications, interviews and the vote should be up to the D5 voters.

Mr. Laboissonniere responded that it will be up to them in November.

. Vote taken: 3 Aye, 1 Opposed (Mrs. Carlson opposed). Motion passes.

PETITION FOR ABANDONMENT – Portion of Carr Street and Lambert Street

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to send to Planning for recommendation. All voted aye.

ORDINANCE (Introduction)

1. Amendment to the Coventry Zoning Ordinance, rezoning Assessor's Plat 53, Lot 26 (1320 Main Street) from Industrial 1 to Planned Development (PD)

Solicitor Gorham indicated that per the enabling statute, the proposed amendment to the Zoning Ordinance should be referred to the Planning Commission immediately.

A motion was made by Vice-President Carlson seconded by Councilman McGee to refer to Planning. All voted aye.

2. Amendment to Coventry Code of Ordinances, adding Chapter 205, Clothing Collection Bins

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to

advertise for public hearing. All voted aye.

B. PUBLIC HEARING

1. Application for Second Hand license (change in ownership, location and corporation name) for Homestead Interiors

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

Applicants Lorene and Paul Bernier, 209 Shady Valley Road were present. Mr. Bernier explained that they are expanding their business more into restoration, refinishing and repurposing. We currently have a place on Main Street but want to move up the road a bit to a bigger place. We have been in business about a year at the current location and want to move to 790 Washington Street.

Mr. Bernier explained that they had to file this application because his sister wanted out of the business, he and his wife will continue with it at a new location. Col. MacDonald referred to an issue on the background check which Mr. Bernier explained as an argument he had with his sister and she ended up calling the police. She basically left us high and dry and we had an argument.

Ken Jackson, 2799 Harkney Hill Road, can't see this having any impact on the license, give these people a chance.

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 application. All voted aye.

Public Comment

Stacy O'Gorman, 31 Elton St., submitted a copy of a legal complaint filed by Denise and Derek Oneppo, with the Town of Coventry's answer and counterclaim, regarding 25 East Shore Drive and the public right of way at Middle Road.

Joseph Daniels, 26 Elton St., Coventry, talked about obstructions on the Elton Street right of way, that residents have been bullied not to use it. Now there is a dog fence on the right of way. He is asking the Council to please help out the neighborhood.

Ken Jackson, 2799 Harkney Hill Road, feels that Vice-President Carlson should be shown more respect; she has the same rights on the Council as everyone else.

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

Town Clerk