

TOWN COUNCIL MEETING
Coventry Town Hall Council Chambers
1670 Flat River Road, Coventry, RI
September 8, 2008 – 6:00 p.m.

Work Session:

- Interview for Town Council vacancy in District 4

Town Council interviewed Robert Thibeault for vacancy in District 4. Mr. Thibeault stated that he is experienced, was previously a councilman, and knows the workings of the Town Council since he has done this job before. Since I am not running for election in the fall, I can dedicate all my energy to this position.

Councilman Cloutier questioned whether Mr. Thibeault has stayed in touch with what is going on in the town?

Mr. Thibeault – I attend meetings regularly and stay informed on the issues.

Councilman Colaluca noted that he thought Mr. Thibeault did a great job working on the TIF commission and that he enjoyed working with him.

- Charter Review recommendations

Chairman of the Charter Review Commission, Arthur Capaldi, Esq., began the work session. Attorney Capaldi stated there was over 75 years of dedication and experience with the members who sat on this commission, including two judges, two council presidents, and a State Representative. There are people who volunteered their time for a year and a half to make a presentation to the public. These recommendations came from much experience in how the town works every day.

We believe these recommendations are beneficial and fruitful, but if you don't think so, that is your prerogative. Vote against them, or if you think our changes are good, vote for them. Study these changes and make your decisions – that's what it is all about. You have until November to study these changes. This was a bi-partisan committee of very respected people from both sides.

President Pomfret outlined the recommended charter changes:

1. Board of Canvassers and Registration (redistricting)
2. Town Council - number, term and quorum
3. School Committee – Filling vacancy
4. Town Manager – Appointment, qualification, compensation
5. Probate Court
6. Financial Provision
7. Department of Finance (qualifications, Director of Finance)
8. Department of Finance (qualifications, Treasurer)
9. Department of Public Works (qualifications Director of Public Works)
10. Building Inspector
11. Municipal Court

Ray Spear
Phillips Hill Road

Mr. Spear recommended pulling the questions off the ballot and allowing the new Town Council in November to consider these changes. Would also allow more time for discussion.

President Pomfret – We had this work session because people didn't have all the information about the charter changes. Chairman Capaldi did a wonderful job as did the other members and I think they deserve a lot of respect for this. We are here today because some people asked us to do this, including Senator Raptakis, and that is why we are here today.

Atty. Capaldi – These are only recommendations. I don't see why we shouldn't have trust in the citizens of the Town and let them decide whether they want them. If Mr. Spear doesn't like some of these changes, he can go out in public and speak against them.

Charlene Szczsponik – Questioned the recommendation to lessen the qualifications of the Town Manager and Director of Public Works.

Atty. Capaldi – I was on the selection committee for the last search committee for a Town Manager. There were so many qualified people that we could not consider because they didn't have the proper degree. We had people with outstanding backgrounds and could not consider them. We felt, as a committee, that they would have made excellent administrators in the town. Many of the Presidents of the United States could not become a Town Manager in Coventry because they did not have the proper degree. We did not lessen the requirements; what we did was open up the base from which to select.

Laura Flanagan – We need to keep the Charter the way it is, I believe that if we lower the requirements, we will be hurting our town for many years to come. You are setting a very low bar. Also, wanted to know the last time that this Town Council actively sought a town manager.

President Pomfret – The last time was Mr. Kerbel, and I don't remember the date when he left.

Ms. Flanagan – Should keep the charter the way it is and actively search for a candidate. How can you say that lessening those requirements somehow benefits us?

Diane Kowal – I am a teacher in Coventry. If I didn't have the degree required to be a teacher, then I couldn't be one.

President Pomfret – Councilman Colaluca did some research and found that Hopkinton is the only community in Rhode Island requiring a master's degree. When you vote, you don't have to vote on all eleven issues together, they will be separate.

Atty. Capaldi – The Charter Review Commission met for a year and a half. You can get this charter, the minutes of our meetings with the actual conversations that took place. You can look at this between now and November and become familiar with it.

Lisa Tomasso – Stated it is a problem using the term general election vs. regular election. Regular election is not defined in the charter, whereas general election is clearly defined in the charter. You are interchanging these terms. The charter indicates there is something special about the term "regular" election.

Mr. Perry - Every two years there is a regular election. Presidential occurs every four years. Any other election is a special election.

Attorney Capaldi – Regular and general are the same thing.

Warren West – In the original charter, regarding the school committee, members would serve overlapping terms. Under these provisions could you end up with every member of the school committee being elected in the same year?

Mr. Perry – No, there would be a special election to elect someone to complete that term. Would be on the same cycle; would have three members running for four years, and the others running for four years in the "off" election.

Scott Guthrie pointed out that someone would only be filling an unexpired term.

Atty. Jean Boulanger – Explained the recommendation for at-large council members. This was proposed by a former town council president. He knew people in town who felt unable to run for office because there was already a good leader in their district, yet felt they had a lot to offer to the town and wanted to participate in the electoral process.

Dorothy Berube stated that she believes this town is in better shape because we have had professionals in charge until now. Need to keep professionals running the town. We are a large town, have more complex finances.

Mrs. Berube to Atty. Capaldi – You voted on all of these changes, including the last one?

Atty. Capaldi – Yes. The last one has nothing to do with me personally.

Wayne Asselin - Raised questions concerning redistricting; the proposed at-large members on the Town Council and how that would be implemented; whether or not it would require a special election if it went into effect on January 1, 2009; if you change qualifications, would this apply to current employees?

Atty. Capaldi – It wouldn't apply to current employees. I believe recommendation regarding at-large council members would take place at the next election in November.

Mr. Asselin –Regarding number 6 - Financial Provision where an all day referendum is required to increase or decrease the budget by \$175,000.00 - where did you come up with that number, \$175,000? Why tie into CPI?

Atty. Capaldi - Due to increases in expenses, etc. This was recommended by Mr. Moffitt of the Charter Review commission.

Mr. Asselin – Number 9, qualifications for DPW director?

Mr. Colaluca – Right now, 5 years, no degree.

Mr. Asselin – Dept. of Finance?

Atty. Capaldi – This was upon the recommendation of Mr. Moffitt.

Mr. Asselin – Building Inspector? Why do you propose that #10 be passed, providing for Dept. of the Building Inspector, the head of which is the Town manager?

Atty. Capaldi – DPW was supervisor over the building inspector. On many occasions I have spoken to the building inspector. According to the zoning ordinance, all decisions should come solely from the building inspector. Under the present charter, he has two supervisors over him – the manager and the town engineer. I strongly feel that the building inspector should have and be in charge of his own department, and make solely decisions that he wants to make. He is the expert and should have the final decision. Under the Zoning Ordinance, you take appeals from the building inspector's decisions – not his superiors.

Asselin - #11, Municipal Court?

Atty. Capaldi - That is something I proposed. Contrary to the rumors that I have heard...I have a four year appointment. You have the town ordinance that creates the municipal court. The Town Ordinance can be changed in one council meeting. If you get a judge that you don't like, they can change salary, take away employees, or they can do away with the entire municipal court. My goal in putting this in the charter was to preserve the court system that we have without interference by town Council. It basically took the ordinance that we have and put it into the charter. I have added things, for instance our ordinance does not have any way of terminating the judge, or how you terminate the judge.

At the present time I have a four year appointment and cannot be fired unless it's for cause. That's not stated anywhere in the ordinance. So I took what we had in the ordinance and put it in the charter for protection of the future court. This is for the future and has nothing to do with me personally.

Town Council Meeting

Present: Kenneth Cloutier, Anthony Colaluca, Justin Pomfret, Frank Hyde

Acting Town Manager Paul Sprague

Town Solicitor Patrick Sullivan

Pledge of Allegiance led by Acting Town Sergeant, James Spearman

Invocation by Ken Cloutier

Review of evacuation plan

Motion made by Anthony Colaluca seconded by Kenneth Cloutier to approve minutes of the August 25, 2008 Town Council meeting. All voted Aye. So voted.

President Pomfret placed agenda Item H2, Resolution regarding Charter recommendations, as the next item. Commended the Charter Review commission for the hard work the past year and a half. Motion made by Frank Hyde seconded by Ken Cloutier to place Item H2 next on agenda. All voted Aye. So voted.

Motion made by Ken Cloutier seconded by Justin Pomfret to delete Paragraphs #2 (Town Council – Number, term and quorum), #8 (Department of Finance), #9 (Department of Public Works), #10 (Department of Building Inspector), and #11 (Municipal court). All voted Aye. So voted.

Mr. Cloutier – Wasn't sure of the purpose of some of these and I wasn't confident that they should go forward. Want people to understand what they are voting for.

Mr. Colaluca – Question in regard to #8, Department of Finance. Mr. Capaldi said these amendments won't affect anyone currently in place. If we did adopt #8, would it affect the current person, or be grandfathered?

Atty. Sullivan – There is no express provision either way, so it could potentially. The only advice I can give you right here without research is that it doesn't provide for that.

President Pomfret – It is very vague.

President Pomfret stated that Senator Raptakis sent in letter, as he is out of the country. He mentions a couple of things and is grateful that the Town Council held this meeting to reconsider the charter proposals.

President Pomfret - There was one I didn't want to see all along. It is hard to get five council people together and to meetings. By adding another two, would only cause more problems. Also, in my district, District 1, some people are afraid that they would be losing representation; that two at-large members would always be concerned with the other end of town, where the majority of people are.

My. Hyde – Never been a fan of adding two more people to the Town Council. I feel that if it's not broken, don't fix it. There are a few things here that I'm not sure why the Charter Review Commission chose to make some changes.

Mr. Cloutier – Doesn't make sense that the job description and salary for Municipal Court should be in the Charter. Maybe the ordinance needs to be worked on.

Mr. Hyde – So for clarification, we are good with #1, #3, #4, #5, #6, and #7. It took a lot of guts to do this, but I think it's admirable.

Public Comment

Wayne Asselin – Suggested having Charter Review report on the town website.

Laura Flanagan – Commend you on removing items from the ballot. I have a copy of Senator Raptakis' letter, he wanted it read into the record.

Dear Council President Pomfret:

As the Town Council accepts public comment on proposed changes to the Coventry Town Charter, I would ask this letter to be read into the record as I will be out of the country during your meeting.

I am concerned by several of the proposed changes to the charter, most notably recommendations to expand the size of the council and to reduce the education and professional requirements for the Town Manager and Director of Public Works. The addition of at-large council members to the current body is a big-city reform that is unnecessary in a community the size of Coventry. Most of the towns in Rhode Island have no more than five council members and at-large seats have been used exclusively in cities where it is necessary to have representation on the council removed from the interests of a particular neighborhood and focused on the entire community. Where is the compelling evidence that this change is necessary? Where is the public outcry for more council members? At a time when some council seats are going unchallenged in our community, there does not seem to be an urgent need to create new council positions.

Altering the education and experience requirements for two important municipal positions has the appearance of trying to tailor job specifications to favored candidates who currently lack the necessary skills. Furthermore, while some have pointed to the difficulty in finding qualified candidates for these positions, I think the citizens of Coventry deserve the most experienced, knowledgeable professionals to fill these important roles. The search process needs to be about finding the best people for our town, not simply expanding the pool of qualified applicants by watering down our standards.

I am grateful to the council for holding this public hearing to consider the charter amendment proposals. For the charter review process to be effective, it is not enough to simply throw a collection of charter changes on the ballot for the voters to consider. The charter review process must be an accurate reflection of the needs of our community and the interests of our citizens. Only then will we have charter changes which are worthy of the support of the voters of Coventry. Adequate public input will move us in that direction.

Sincerely,

/s/ Lou Raptakis

Robert DiPadua

Mr. DiPadua – I ran as a councilman at-large years ago. I believe that we should have two more at-large. Things could be looked at differently with more people sitting in the chairs.

CONSENT AGENDA

1. Tax abatements for months of June and July 2008 in the amount of \$209,845.31 with additions of \$128,099.87 (tabled at 8/25 council meeting and continued to 9/8/08)
2. Application by Roland Daigle for renewal of Private Detective license
3. Application by Seth Mellor for renewal of Private Detective license
4. Resolution awarding contract for road resurfacing to T. Miozzi Inc., 960 Tiogue Avenue
5. Application by Kent Excavating Inc. of Warwick, RI, for new Sewer Contractor's license

President Pomfret asked Tax Assessor Patricia Picard why the numbers were so high regarding tax abatements. She explained that this was a revaluation year and they received many appeals, which is common during a reval year.

Regarding Item #4, awarding contract for road resurfacing - President Pomfret stated that he wants to do a little more checking into this first.

Motion made by Frank Hyde seconded by Ken Cloutier to approve Consent Agenda items #1, 2, 3 and 5. All voted Aye. So voted.

RESOLUTIONS

1. Resolution appointing member to Town Council to fill vacancy in District 4

Motion made by Frank Hyde to appoint David Florio. President Pomfret noted that Mr. Florio has withdrawn his application, although he would have made a good councilperson. No second. Motion fails.

Motion made by Justin Pomfret seconded by Ken Cloutier to appoint Bob Thibeault. Vote: Justin Pomfret - Aye; Ken Cloutier – Aye; Frank Hyde - Abstain; Anthony Colaluca – Nay. Motion fails.

PUBLIC HEARINGS AND ENSUING ACTION

1. Amendment of Zoning Ordinance and Map, Assessor's Plat 24, Lot 125 (The Woods at Red Brook) from Residential 20 to R-20 Planned Development (Continuance of Public Hearing from August 25, 2008 to September 8, 2008)

Attorney John Brunero requested that the Town Council continue this item to the December 8, 2008 Town Council meeting, as Councilwoman Gustafson from West Warwick wanted to look into traffic control on New London Turnpike. Motion made by Frank Hyde seconded by Anthony Colaluca to continue to December 8, 2008. All voted Aye. So voted. Attorney Brunero will notify Councilwoman Gustafson of the continuance.

2. Ninety-day B Ltd. license renewal for Father & Sons Restaurant, 1532 Main Street

Motion made by Frank Hyde seconded by Ken Cloutier to open public hearing. All voted aye. So voted.

Present: Harry Hall, Jr.,
Harry Hall, III, Congdon Street, Coventry, RI

President Pomfret asked the clerk if there have been any problems within the last 90 days. Clerk stated that she checked with Police Department and there have been no issues.

Motion made by Kenneth Cloutier seconded by Anthony Colaluca to close public hearing. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Anthony Colaluca to approve license renewal. All voted Aye. So voted.

PUBLIC FORUM

President Pomfret invited anyone who would like to address the Town Council on any issues to come forward at this time.

Motion made by Anthony Colaluca seconded by Kenneth Cloutier to adjourn Town Council meeting. All voted Aye. So voted.

Adjourned 8:00 p.m.

Town Clerk