

Town Council Meeting
September 22, 2014

TOWN COUNCIL MEETING

Present: President Gary Cote, Vice-President Kerry McGee, Councilwoman Karen Carlson, Councilman Gregory Laboissonniere, Town Manager Thomas Hoover

Newly elected District 5 councilwoman Tammy Duxbury was sworn in and joined Town Council after being administered the oath of office.

Pledge of Allegiance led by Town Sergeant
Moment of Silence
Review of Emergency Evacuation Plan

President's Comments

President Cote announced that his name will not be on the ballot in November as he has decided to dedicate more time to his family. However, out of respect for Vice-President McGee and myself, the party in control now since the special election has asked that Vice-President McGee and I maintain our current positions on the Town Council until the general election in November. We want to publicly thank those three members of the Town Council for that decision.

Approval of Town Council minutes September 8, 2014

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

Swearing in of District 5 Town Councilwoman Tammy Duxbury

Attorney Nicholas Gorham administered oath of office to Mrs. Duxbury.

RESOLUTION

1. Discussion and resulting action pursuant to Article VII, Section 7.01 of the Town of Coventry Home Rule Charter affirming the Town Manager's appointment of Nicholas Gorham, Esquire, as Town Solicitor replacing Frederick G. Tobin, Esquire

Town Manager Hoover read letter of resignation from Town Solicitor Frederick Tobin, effective at 5:00 p.m. on September 22, 2014.

A motion was made by Councilwoman Duxbury seconded by Councilwoman Carlson to approve resolution appointing Nicholas Gorham as Town Solicitor. All voted Aye.

SCHOOL DEPARTMENT REPORT

Mr. Florio updated the Town Council in the area of technology along with some concerns about Chromebooks and reasons why the Superintendent has developed a provision for the Chromebook initiative.

He also informed Council of the superintendent's partnering with Google to bring a Google summit to Coventry on February 28 and March 1, and of Dr. Almeida's involvement with RIDE to access additional funding for internet access, as the original grant for wireless only covered classroom and we need to cover the cafeterias and auditoriums as well.

A professional development day will be held on November 3 focusing on the common core transition and finally, both Feinstein Middle School and CHS have been awarded grants to personalize their learning environments.

CONSENT AGENDA

1. Discussion and resulting action regarding removing the Town Council meeting date of October 13, 2014 from the Town Council meeting schedule

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to hold one Town Council meeting on October 27 due to the Columbus Day holiday. All voted aye.

LICENSES

1. Application for the Heritage Days weekend event, September 26-28, 2014, at the Paine House involving a Friday evening Beer Tasting, a Saturday Smithsonian Museum Day and A Sunday Colonial Luncheon in conjunction with Coventry's 275th Anniversary

A motion was made by Councilwoman Carlson seconded by President Cote to approve application. All voted Aye.

RESOLUTIONS

1. Discussion and resulting action regarding amendments to the Power Purchase Agreement and Lease for the installation and operation of wind turbines at the Town owned Picillo Farm

Manager Hoover gave overview, stating that back in July of 2012 the town entered into power purchase agreement with Wind Energy Development for installation of two turbines at the Picillo property, west of 102. The turbines would produce about 8 megawatts of electricity, the majority to be used by the school department for its facilities and the remainder by the town. The school never came around to agree to participate in the agreement, so one of the portions of this amendment is to decrease the purchase down to 1.2 megawatts at this time. Wind Energy had to go through the PUC, make minor tweaks that have no impact on the purchase agreement, but it should be changed for accuracy sake. And although the town has 8 more turbines which were approved by our Zoning Board, they are located on private property all in western Coventry and are completely separate from the town.

This evening Mark DePasquale, President of Wind Energy Development and his attorney, Seth Handy, are present and although they have been working with the PUC, will update you on their problems with National Grid in scheduling power hookups.

Attorney Gorham advised that since he represents two of the four landowners who have an interest in the turbines, he cannot participate as counsel for the town on this issue or take part in discussion or negotiation. However, the town will have representation, but this evening if there are questions, I see no harm in asking them tonight. Manager Hoover would like to proceed with a short presentation. Once these turbines are up and producing, over the next 20 years hundreds of thousands of dollars will be saved, if not millions. This is a very advantageous agreement.

Attorney Handy discussed the history of the agreement. He talked about the amendment to reduce the anticipated usage down to 1.2 megawatts and extending the term of the agreement from 20 to 25 years with three 5 year extension options. The lessee originally was Wind Energy LLC. Now we know that the projects will be WED Coventry 1 and 2, so the leases are put in their names. There is also a proposed utility easement so we can serve the turbines. President Cote added that the right of way would be a defined right of way, designed and mapped and maintained by the lease holder.

Councilwoman Carlson asked whether Wind Energy is in litigation with National Grid. Atty. Handy responded that they are not in litigation, but a dispute related to the costs of tying in and the time required for the two Coventry turbines.

Councilwoman Carlson said that although she believes green energy is the way to go, she does have concerns and asked when we will actually see turbines operating at Picillo.

Mr. DePasquale replied that they are scheduled to be on line next year. National Grid gave us a price to hook up, and what we are in dispute about is the amount of money they are charging us; the other issue is the time factor. We are currently working with National Grid to get the connection and expect their final estimate within the next 90 days. Attorney Handy added that National Grid wants to charge over \$900,000, which is associated with updating the substation. However, the tariff basically says that they cannot charge a customer for that update. This is a significant dispute, which makes the project difficult to afford. We wanted to move Cov 1 and Cov 2 forward as quickly as possible, then ran into the problem with National Grid. Councilwoman Carlson asked which substation they are going to use and Mr. DePasquale responded that it is the substation coming off of Picillo Farm, but it needs to be rebuilt.

Vice-President McGee remarked that these should have been up and running by now and that someone didn't do their due diligence. Mr. DePasquale responded that National Grid did estimate two years in their proposal, so it would have been two years anyway; however, they are not supposed to charge you for upgrading their system.

Councilwoman Carlson asked what happens if National Grid wins that argument and whether we could lose those turbines. Attorney Handy does not anticipate that they will win the argument and is confident that we will not lose the turbines. President Cote stated that in his opinion, it would be ridiculous to put up the turbines if you can't "plug them in". Mrs. Carlson went on to ask where the parts and the workings come from. Mr. DePasquale replied that the turbines are made in Germany, blades and towers in the United States, some electrical components and the generator from China. The turbines we are proposing in Coventry come out of Germany and are the same as the turbines in North Kingstown. I also believe that there may be some parts in the turbine that come out of China.

Mrs. Carlson asked if they are North American Reliability approved if they come from China and Atty. Handy explained that the turbines are given to us with a ten year warranty and in addition we have guarantees on them. They come with a life expectancy of 25 years and sometimes will outlive that. We are obligated to remove them if they break.

She asked if Wind Energy is aware of the small RI Conn Airport and if they have checked with the FAA. Attorney Handy said that they have and Manager Hoover added that there were also at least two public hearings held in western Coventry, one at library and one at the Western Coventry Fire Station where that question was brought up along with other concerns, such as migratory birds. A pretty thorough job was done at those hearings.

Councilwoman Duxbury asked if anything been done on the site at all and Mr. DePasquale explained that they are anticipating beginning road construction for the whole project, have conducted soil borings on Cov 1 and 2 and performed geotechnical work for the foundation along with two small holes to check density of the water table under the turbines. We qualified for an ITCC tax credit in 2011, which meant we spent a million dollars at that point. We now have about 3 million invested. We have filed with and been approved by the FAA. We have the building permits for all turbines and they are on hold waiting for National Grid. Once National Grid makes their decision on cost, we are working with them on the UL listing. These turbines are state of the art, very quiet. We plan to cut roads and do the remainder of geotech work by the end of October, early November and hopefully erecting everything by July/August. The project is ongoing every day, with four people working full time on the project. On October 16 we are having a showcase in North Kingstown with all the legislators, state representatives and senators to discuss some issues and try to change some laws to push National Grid to move faster.

Councilwoman Duxbury also asked about parts of the turbine manufactured in China, that she had read about some sort of compliance that had to be met with regard to National Grid. Mr. DePasquale agreed, it is in reference to UL listings and we have already gone through the process. Each turbine is in compliance, there are three at the Bay Commission, one in North Kingstown. Also, the warranties have been extended another ten years because Wind Energy has negotiated for a 10 year warranty. No other manufacturer gives a ten year warranty, usually never past five years, but we paid a fee to purchase ten extra years, and that covers everything 100%. The German technology is state of the art. We certify the turbines for thirty years, there is very little in these turbines that fail.

In addition, the Western Coventry substations are antiquated and need a considerable amount of work. The substation that the solar farm hooks into needs to be updated too. Further discussion took place regarding the new lease agreement, the easement, rates and how they were arrived at.

Manager Hoover advised that the reason the school department did not take advantage of this is because they are locked into three or four other agreements where they receive their power essentially through brokers. The town is trying to get back into a consortium to beat that .14 cents we are paying with National Grid until the turbines are up and running. We don't put this agreement into effect until our two turbines are built and producing electricity.

Councilwoman Carlson asked if everything is all set with the Western Coventry Fire District for training and Mr. DePasquale replied that the fire department is being trained by a team and consultant.

Councilwoman Carlson made motion seconded by Ms. Duxbury to open to public for questioning as there are people present who came for this topic this evening. Councilman

Laboissonniere asked whether we should open this up for questioning without legal representation. Solicitor Gorham commented that this issue has been assigned to Attorney Bill Bernstein, legal representative, who will be involved in this matter on behalf of the town. The Town Council agreed to proceed with questions.

John Humble, member of the Board of Directors of the Western Coventry Fire District, stated that the fire department needs to know what they are looking at as far as a timeline, both the best and worst case scenarios, from beginning to completion of construction.

Mr. DePasquale replied that there is a 30 day erection process and we are shooting for this to begin in June or July, Cov 1 and Cov 2 will be the first ones up.

Ken Jackson, Harkney Hill Road, doesn't think there is a way to meet the July date. They don't build substations or modify them in 30 days. He also suggested that if we got back into the Direct Energy program, perhaps we could get a better rate for electricity than what we are paying now.

David Florio, 153 Princeton Ave., questioned whether we should be discussing anything without legal representation. President Cote and Manager Hoover both responded that Wind Energy is just answering questions, there is no testimony.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to table this issue until we have legal representation. All voted Aye.

2. Discussion and resulting action regarding the waiving of fees on all Coventry 275th Anniversary Committee events in an effort to accomplish fundraising

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

3. Discussion and resulting action regarding the increase of sewer usage fees as recommended by the Sewer Subcommittee and Chapter 191-13 of the Coventry Code of Ordinances

Councilwoman Duxbury asked if we are raising our fees because West Warwick raised theirs. Manager Hoover explained that a couple of years ago we entered into a contract with a fee consultant to estimate how we would have to increase fees. They recommended that we consider increasing fees every year to accommodate keeping the sewer fund whole. However, about two years ago we put a moratorium on construction of sewers in the town because quite frankly the project was projecting a cost of over \$20,000 a unit, in the most economically challenged part of town. So, the Council and administration did not push for a fee increase. What is upon us now, besides West Warwick charging a user fee for their plant, is that we collect fees for West Warwick and collect about a 15 cent surcharge for our own administrative tasks on that. We also collect a user fee for Coventry, because we have infrastructure too.

Finance Director Bob Thibeault added that we pay Weston and Sampson about \$10,000 a month, we have had two significant increases, and the electrical costs of running the pump station have gone up about 80% in the last year or two, which comes to about a \$130,000 net increase.

Councilwoman Duxbury asked then if the 20% increase would cover us operating. She remarked that she is concerned about the residents in the Highlands being bombarded with sewer fees. So, for me to vote to increase something 20% is a big thing. Do people owe us fees, are they delinquent? She would rather try to collect delinquent fees than increase fees to the people who are using the system. Finance Director Thibeault replied that there is approximately \$200,000 out in delinquent fees. Ms. Duxbury asked if these are residents or commercial properties that owe us the money and she would need to know that before she votes to increase fees. That could take care of raising rates, at least for a couple of years.

Vice-President McGee also feels that raising fees by West Warwick with no input from Coventry should be addressed. West Warwick does not own that plant on their own and

they should not be able to raise the rates without Coventry having input.

Finance Director Bob Thibeault advised that you cannot tax sale someone who is in arrears on either the assessment or the sewer use fee; only on property taxes. Solicitor Gorham thinks that maybe enabling legislation is needed to be able to conduct a tax sale on sewer issues, he will research that.

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

4. Discussion and resulting action regarding the award of a contract to DiPietro Roofing for the replacement of the roofs on the property of Mary Thompson, 10 Prince Street, at a cost not exceeding \$9,875, to be financed by the Waterman/Fiske Trust Fund in accordance with a mortgage deed and promissory note

Councilman Laboissonniere advised that Mrs. Thompson's situation was brought to his attention through Senators Kettle and Raptakis. After visiting her home recently, it was found that her roof is leaking very badly and there is a strong smell of mildew. We had to do something to help her out. Human Services Director Pat Shurtleff explained that Mrs. Thompson's financial situation fits the criteria for the Waterman Fiske Fund. In addition, she is probably the oldest resident in the Town of Coventry at 101 and has lived here all of life. Mrs. Shurtleff added that Mrs. Thompson is extremely competent at 101 years old, maintains and takes care of herself. Her income is roughly \$700 - \$800 a month with no other benefits. She qualifies for a loan from the Waterman Fiske fund; Councilwoman Carlson, Bob Thibeault and I are on the loan committee. Mrs. Thompson was concerned about paying back the loan, but I explained to her that when she passes away, the town will be repaid.

Manager Hoover advised there was some urgency to the roof repair along with a few other needed repairs such as replacement of some plywood and a rotted canopy that needed to be rebuilt. The total cost was changed to \$10,925. .

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to amend resolution to \$10,925 and approve at that cost. All voted Aye.

5. Discussion and resulting action regarding the awarding of a contract to DeJana Corporation for the purchase of four (4) snowplows at a total cost of \$27,635 to be financed by the Department of Public Works' scrap and impact fee accounts

A motion was made by Vice-President Mc Gee seconded by Councilman Laboissonniere to approve resolution. All voted Aye.

6. Discussion and resulting action regarding the awarding of a contract for design and engineering services for the installation of sidewalks on Reservoir Road to Crossman Engineering of Warwick, RI at a cost of \$26,750.

Due to a discrepancy in bidding amounts, Councilwoman Duxbury feels it would be prudent to ask Commonwealth to adjust their bid, so that the bidders are both bidding on the exact same thing.

Manager Hoover remarked that the costs of the bids are well known now, and they are so far apart he doesn't see how Commonwealth could even come close. Ms. Duxbury still thinks that you can't make a proper decision with the bid amounts that far apart and she asked whether they were both asked to bid on the same thing. DPW Director Kevin McGee replied that three bidders were all given the same information. One bidder did not reply; Commonwealth took it upon themselves to bid 5 sets of plans for each item, which was their interpretation of what we were asking for. Crossman Engineering did exactly what we asked. Why would we spend more money when we have a contractor who will do this for less, and that was exactly what we asked for?

Ms. Duxbury feels that we are only looking at one number and that you need two comparable bids. Councilman Laboissonniere asked whether you would expect that anyone would be lower and in addition, the low bid could climb if we rebid, since they all know what the bids are now. Manager Hoover recommends that this resolution is approved. DPW Director McGee said that unfortunately Commonwealth did not follow the directions, all potential bidders received the same e mail.

Ms. Duxbury does not agree and feels that when the bid is opened and there is a noticeably big difference, that we should go back to that bidder to clarify whether they knew exactly what the bidding requirements were that we were requesting.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to approve resolution. Vote taken: Three voted aye; Councilwomen Carlson and Duxbury vote No. Motion passes 3-2

PUBLIC COMMENT

Charlotte Porter, 26 Sandra Circle, reported that she recently called police at 3:30 a.m. due to problems again with the asphalt plants. Officers responded, they told me no one was working, but the smell was so bad it woke me up. Also, Michael Baird was starting his trucks very early in the morning, the police told me it was only him moving his trucks, but it was like he put a one ton boulder in the back of it. I thought this was supposed to start at 7 a.m.

Ken Jackson, Harkney Hill Road, asked how the town is going to come up with approximately the \$230,000 costs from police negotiations. Finance Director Thibeault explained that it would be a combination of monies from medical and dental, police retirement funds that are not needed for this upcoming year, five funded vacancies and two positions not hired yet. Half came from the police budget and the other half from DPW and Parks and Recreation.

Mr. Jackson asked if we have any reserve put aside for our lawsuits; Mr. Hoover answered that we do not, and although there are over 50 lawsuits, some are very small. Solicitor Gorham is in the process of taking them over and assigning them accordingly.

A motion was made and seconded to recess into Executive Session. Roll call vote. All voted Aye.

EXECUTIVE SESSION

1. For the purpose of discussing matters of litigation as per RIGL 42-46-5(a) (2):
Evergreen vs. Town of Coventry

Motion was made by President Cote seconded by Councilman Laboissonniere to return to regular session. All voted Aye.

Motion was made by President Cote seconded by Councilman Laboissonniere to seal minutes of executive session. All voted Aye. Meeting adjourned.

Town Clerk