

TOWN COUNCIL MEETING  
September 28, 2009

Work Session 6:00 p.m.  
Topic: No bin/no barrel program

Public Works Superintendent Dennis Smith prepared informational flyers and handouts for residents detailing the no bin/no barrel program. In addition to mailing flyers to residents, the cost of which is paid through a recycling grant from Resource Recovery, an ad will run for three weeks in the Reminder before the November 16 start date of the program.

President Spear suggested that along with the pictures on the handouts, it might be a good idea to list what is and is not recyclable; Mrs. Flanagan asked that sanitation workers be more careful throwing the bins around so as not to break them.

Mr. Smith stated that residents should leave recycle bins at the curb until after the garbage has been collected; this way the sanitation workers know that the bins were out. They will let DPW know if bin(s) are left out *all* the time, in which case DPW will then follow up with a phone call to the resident. President Spear believes residents should be educated so they know that by recycling it actually reduces tonnage, which reduces cost and increases recycling revenue. Residents need to know why we are doing this.

Mrs. Flanagan questioned the legality of refusing to pick up garbage, and Mr. Smith responded that recycling is required by state law.

Council made a few recommendations to Mr. Smith, suggesting that the town purchase smaller bins for the elderly with money from the recycling grant. Mr. Shibley commented that it should not be required that garbage cans have tight fitting lids; he also believes that the number of garbage cans you are allowed to put out is not an enforceable issue. Mr. Spear asked for another change from "No residence *shall* have more than one container to no residence *should* have more than one container". Mrs. Flanagan prefers wording "member of household" rather than "family unit". The Council asked to see final draft of flyers before they are mailed out.

Motion was made by Laura Flanagan seconded by Glen Shibley to adjourn work session. All voted aye.

Present: Kenneth Cloutier, Raymond Spear, Glen Shibley, Laura Flanagan

Town Manager Thomas Hoover  
Town Solicitor Patrick Rogers

Absent: Councilman Frank Hyde

Pledge of Allegiance  
Invocation by Pastor Chris Baker of Knotty Oak Baptist Church  
Review of Emergency Evacuation Plan

- President's Comments

The Town Council is extending the application period for the Charter Review Commission, Juvenile Hearing Board and Planning Commission. Applications will be taken for the Personnel Board, Pawtuxet River Authority, Redevelopment Agency, Sewer Assessment Board, Coventry Land Trust and the Assessment Board of Review with the deadline on October 7, 2009. The Town Council will review applications at the first meeting in October. President Spear thanked all persons who served on Commissions.

President Spear announced that due to lack of funds, the historical preservation community grant that was applied for was not granted.

Motion made by Vice-President Flanagan seconded by Ken Cloutier to reschedule the next Town Council Meeting from October 12, 2009 to October 14, 2009 due to the holiday. All voted aye.

Motion made by Laura Flanagan seconded by Glen Shibley to approve Town Council minutes of September 14, 2009. All voted Aye.

- Colonel DaSilva gave presentation on the H1N1 virus, outlining precautions that can be taken as well as treatments

RESOLUTIONS

Resolution declaring October Domestic Violence Awareness Month in the Town of Coventry

Colonel DaSilva announced that October is Domestic Violence Awareness month. Human Services Director Pat Shurtleff explained some of the programs and resources which are available to residents at the Department of Human Services.

Motion made by Kenneth Cloutier seconded by Glen Shibley to adopt resolution. All voted aye.

Resolution regarding the Sewer Subcommittee

Solicitor Rogers noted changes made to the resolution regarding the composition of the Sewer Subcommittee. Currently there are nine members, three of those members are at-large appointments made by the Town Council; two are designated appointments, one as representative of the EDC and a second as a member of the Conservation Commission. Currently the EDC is not active and there were no members willing to serve from the Conservation Commission. As a result it was thought that it would maximize the pool of talent in the Town of Coventry not to be restricted to the EDC or Conservation Commission, therefore ensuring that you get the highest quality of members on the Sewer Subcommittee. These would be at-large slots for council appointment.

Motion made by Laura Flanagan seconded by Kenneth Cloutier to adopt resolution. All voted aye.

CONSENT AGENDA

1. Resolution appointing members to the Sewer Subcommittee
2. Resolution appointing members to the Juvenile Hearing Board
3. Resolution appointing members to the Friends of Human Services
4. Resolution appointing Donald Fascio to the Municipal Pension Board of Trustees

President Spear advised that Item #4 appointment to the Municipal Pension Board of Trustees is being omitted since we currently have a full board.

Resolution appointing members to the Sewer Subcommittee

Motion made by Laura Flanagan seconded by Glen Shibley to appoint William Hall to a term expiring January 1, 2012; George Avedisian, John Mullaney, Glen Skurka to terms expiring January 1, 2011; alternate Leonard Piette to a term expiring January 1, 2013 and alternate John Colaluca to a term expiring January 1, 2012. All voted aye.

Resolution appointing members to the Juvenile Hearing Board

Motion made by Laura Flanagan seconded by Glen Shibley to appoint Ann Funicello to a term expiring December 1, 2010; Jim Kuipers with term expiring December 1, 2010; James Sullivan with term expiring December 1, 2011; Irene Jones, alternate, with term expiring December 1, 2009; Douglas Aldrich, alternate, with term expiring December 1, 2009. All voted aye.

Resolution appointing members to the Friends of Human Services

Motion made by Laura Flanagan seconded by Kenneth Cloutier to appoint Jean Salemi, Lois Tallman and Marilyn Nagy to terms expiring May 1, 2012. All voted Aye.

All new committee members present were sworn into office by President Spear.

LICENSES

Application for new victualling license by Mikeway II Inc., dba Subway, 2405 Nooseneck Hill Road

Motion made by Mrs. Flanagan seconded by Glen Shibley to grant license contingent upon issuance of a certificate of occupancy. All voted aye.

Application for new victualling license with additional hours by Dancing Beans LLC dba Tim Horton's, 732 Tiogue Avenue

Applicant Paul Rao, 43 Cobblestone Terrace, stated that this is a new franchise. He is requesting a victualling license to operate with the same hours as the previous owner. The additional hours license is required because of 5:00 a.m. opening.

Motion made by Laura Flanagan seconded by Kenneth Cloutier to grant license with additional hours. All voted aye.

Application for new victualling license by Big Daddy's Pizza & Ice Cream/Ashley's Breakfast (new ownership)

Motion made by Glen Shibley seconded by Ken Cloutier to grant license. All voted Aye.

PUBLIC HEARINGS

Ordinance pertaining to the appointment of members to the Library Board of Trustees

Solicitor Rogers commented that as part of the Council's efforts to repopulate the Library Board of Trustees, this particular board required that all nominations and recommendations come from within the Board of Trustees itself. The Council wishes to maximize the names of who could be considered, and not be limited to only those who were recommended by the Library board, but anyone who was qualified.

Motion made by Laura Flanagan seconded by Kenneth Cloutier to dispense with reading ordinance. All voted aye.

Motion made by Laura Flanagan seconded by Glen Shibley to adopt ordinance. All voted Aye.

Gifford Street abandonment

This is a petition that comes before the Town Council through the Planning Commission to abandon a portion of Gifford Street. Gifford Street is a paper street, meaning that even though it is on an official map, there is no physical evidence that a street is there.

The petitioner, Laurie Moriarty, lives at the corner of Gifford St. and Salem St., and seeks to abandon a 15 foot portion of Gifford Street which abuts her property. This was referred to the Planning Commission and a recommendation to grant the request has been made to the Town Council.

There is a peculiarity in that there is a drainage swale on town property, which is adjacent to this property, and abuts Laurel Avenue and also the petitioner's property. The Town needs access in order to maintain the flow of the drainage swale. The petitioner has agreed to grant the town an easement over this property in order to access the drainage swale for maintenance purposes.

There are two non-abutters who are neighbors and have objected to this abandonment as it went through the Planning Commission process. The applicant does have an encroaching shed on this portion of Gifford Street. If she is successful in her petition, the shed will remain at its current location. If not, she has agreed to relocate the shed onto her property since it cannot remain on a public right of way.

The Planning Commission voted 7-1, recommending that the Town Council approve the abandonment. The Town has been made aware that a DEM investigation took place on this property because the petitioner allegedly did some work on the right of way removing brush. DEM has indicated that this particular matter was more of a citation than an investigation. President Spear indicated that he has heard from the State that an inspection was made and that the Town will get official confirmation that this matter has been cleared.

Mrs. Flanagan asked if any of the abutters wished to purchase this land, and if so, would that be something that the Council would need to take into consideration? Manager Hoover commented that no one has contacted the town to purchase and in this case only two other abutters could actually do that.

With reference to Mrs. Moriarty's agreement to grant the town an easement, Mrs. Flanagan asked why the town can't access its property over Gifford Street. Manager Hoover responded that the portion that the town owns is a swampy area. Dennis Smith tells me that the portion that would be taken over by Ms. Moriarty would be an advantageous ingress to that property.

Mrs. Flanagan expressed concern that neither the planning director or zoning officer were present at tonight's hearing, and asked if anyone in attendance tonight had been out to see this property. Ron Flynn of the Planning Board remarked that he has been to the site, the end of Gifford Street is overgrown and not accessible; however, if cleared of brush and trees, could be used to access town's land. Manager Hoover replied that a DEM permit would be necessary to clear a right of way. To use Ms. Moriarty's property, you would not need a DEM permit.

Mr. Cloutier stated that he has received the emails and letters from abutters and asked what would happen to this property if it were abandoned. Mrs. Moriarty had indicated to President Spear that if abandoned, there will be no problem with eyesores on the property.

Mrs. Flanagan doesn't know why we would consider granting something that is creating such havoc in that neighborhood when we could clear our own street and have the access we need. Mr. Shibley stated that what is cleared was done without authority and he is not in favor of abandoning any property unless it is a nuisance to the town. He further questioned how this would be beneficial for the Town of Coventry. President Spear noted that the property would be purchased and put back on the tax roles.

President Spear stated that the Planning Board reviewed this, had hearings, heard directly and indirectly from residents. They are aware of the street, its usage, and having looked at it completely, felt it was appropriate and have recommended to us that it be abandoned.

Manager Hoover stated that the total purchase encompasses about 1,740 square feet. It has been valued at \$2,400 for tax purposes, with a purchase price of \$870. This would increase Ms. Moriarty's taxes about \$90.00 a year. Mrs. Flanagan questioned why we are selling for \$870.00 if the value is higher and whether or not the easement had been discounted off the value of the land.

Laurie Moriarty, 6 Salem Street, stated that there has been heavy equipment on her property due to construction to the house and yard. When she constructed a fence on the property, she left enough room for the DPW trucks to get through. She also stated that she has received clearance from DEM.

Manuel Kotkofski, Laurel Avenue, presented pictures of Moriarty's house. He complained about vehicles parked on town property and is concerned that the property will be used for commercial purposes.

Neighbor Ellen Kendrick has on-going problems with erosion and drainage, doesn't believe the town needs an easement and requested the abandonment is denied.

Brian Campbell, 60 Laurel Avenue, commented that Gifford Street has been cleared and brush has been removed. Mr. Campbell has concerns about dumping there. Jackie Kotkofski also expressed concern about dumping.

Mike DeIPadre, 11 Gervais St., explained that the town has a trench that goes through the Moriarty property and that is where the easement would be located. The Town needs an easement whether or not you grant the abandonment. Mr. DeIPadre denied clearing trees on Gifford Street.

Manuel Kotkofski's biggest concern is that this will be turned into a commercial property. When asked if he has any drainage issues on his property, he responded that he does not, but there is a puddle in back of his shed from all the backhoe work. Mr. Kotkofski stated to President Spear that Ms. Moriarty has disobeyed an order regarding parking trucks on the property.

President Spear said if this is approved, there will be something included in the sales agreement to make sure this doesn't happen or there will be consequences.

Ellen Kendrick raised questions with regard to the exact description of the portion to be abandoned. Manager Hoover responded that this does not include the entire street, only 15 feet immediately adjacent to their property, which will be only 1740 square feet. The map indicates the entire street is 9413 square feet, so you can see it's a much smaller portion than that.

Solicitor Rogers remarked, for consideration and discussion, that if the town doesn't have access to its lot and the most direct way is an easement across their property, if there is a rainstorm and there is a clog on the town property, and the town now has knowledge of water coming into this person's property, the town could potentially have a liability issue in fixing their landscaping or cleaning out their basement, when the town is aware of the problem and not taking efforts to mitigate against it.

President Spear would like the opportunity for a site visit and ask that Council consider a motion to table this so we can take a look at the problems.

Motion made by Glen Shibley seconded by Laura Flanagan to table abandonment. All voted aye.

Mrs. Flanagan commented that she would like the Planning Director, Zoning Official, Planning Board Chairman and Superintendent of Public Works to attend the next hearing on the abandonment.

No further public comment.

Motion made by Ken Cloutier seconded by Laura Flanagan to adjourn meeting. All voted Aye.

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Town Clerk

