

Town Council Meeting
September 28, 2015

EXECUTIVE SESSION – 6:00 PM

1. Per RIGL 42-46-5 (a) (2) Update on litigation re real estate assessments (Fiskeville Realty LLC, Jubilee Plaza LLC)
2. Per RIGL 42-46-5 (a) (2) Update on bankruptcy litigation Central Coventry Fire District
3. Per RIGL 42-46-5 (a) (2) Update on litigation re Mike's Tree Service v. Coventry Zoning Board
4. Per RIGL 42-46-5 (a) (2) Update on litigation re Whitetail Estates and discussion of conditional agreement on settlement of litigation

A motion was made by Councilmember McGee seconded by Vice-President Carlson to come out of Executive Session. All voted Aye.

A motion was made by Councilmember Duxbury seconded by Vice-President Carlson to seal minutes of Executive Session. All voted Aye.

WORK SESSION – 6:30 PM
Picillo Potable Water Ordinance

A motion was made by Councilmember McGee seconded by Councilmember Duxbury to postpone work session indefinitely as neither Peter Nangerone or Attorney David Graham were present to discuss the proposed ordinance. All voted Aye.

TOWN COUNCIL MEETING

Present: Councilman McGee, Vice-President Carlson, President Shibley, Councilwoman Duxbury, Councilman Laboissonniere, Interim Town Manager Richard Kerbel, Town Solicitor Nicholas Gorham.

Pledge of Allegiance led by Coventry Police Honor Guard
Police Officer's Prayer recited by President Shibley
Review of Emergency Evacuation Plan

Police Promotional Ceremony:

President Shibley administered the oath of office to each of the following promoted officers:

Colonel John MacDonald, Chief of Police
Detective Captain Benjamin J. Sedam
Lieutenant Matthew C. Blair
Lieutenant Benjamin H. Witt
Sergeant Alyssa M. Cloutier
Sergeant Kenneth D. Gebo

President's Comments

President Shibley had two announcements:

Although the new trash and recycling containers have been delivered to households, please do not use them yet. Trash in the new containers will not be picked up until the new trash program begins. A new part time recycling coordinator, Amanda Cornell, is available at the Department of Public Works to answer any questions that you may have on the new program.

In addition, informational flyers were mailed to taxpayers on the 2016 revaluation project. It has been nine years since the last full revaluation. If you have questions you can call the Tax Assessor's Office at 822-9163.

Introduction of Parks and Recreation Director Jay Primiano

Interim Town Manager Kerbel introduced Jay Primiano, the town's new Parks and Recreation Director. Mr. Primiano previously worked in Charlestown and was a soccer coach in North Kingstown

and at URI for many years. He is available to anybody who wants to talk to him and looks forward to working with us.

Approval of Town Council minutes from August 31 and September 10, 2015

Councilmember Duxbury referred to the August 31 minutes, on Page 6, third paragraph, and requested that it is amended to read: "who has been reviewing documents all week, as late as the morning of the August 31 meeting, did not see any document...."

In addition, in the September 10 minutes, Page 5, last paragraph, amend to read "Councilwoman" Duxbury.

A motion was made by Councilmember Laboissonniere seconded by Councilmember Duxbury to approve minutes as amended. All voted aye.

Proclamation - Sister City Visit from Selwyn, New Zealand

Vice-President Carlson read a proclamation welcoming the visiting New Zealand delegation, the Mayor, his wife and four other couples. We are very honored to have them visit, touring not only Coventry but New England, Boston, and the Fryeburg Fair.

COUNCIL DISTRICT UPDATES

District 3 Councilman McGee announced that DPW will be sending informational flyers out within the next two weeks regarding the new trash program. DPW Director Kevin McGee commented that there is a tentative start date of October 26. With regard to the Route 116 road repair, it is a mess right now, no doubt inconvenient and dirty, but be patient, it will be complete in a couple of weeks.

District 5 Councilwoman Duxbury announced a meeting on Wednesday, September 30 at 7 p.m. at the Westwood Estates community room. Colonel MacDonald will be present to address any concerns or questions that residents may have regarding such issues as traffic on Reservoir Road, issues in the Wood Estates area or the Industrial Park, hours of operation, start times, etc.

District 1 Vice-President Carlson advised that Route 102 road repair and paving is almost finished; they did a great job. She reminded residents not to put out their trash bins until the new program begins as their trash will not be picked up until the start date. Lastly she thanked DPW Director McGee for getting the trenches done for the electrical work at the annex for the new Coventry Lumber Pavilion.

District 4 President Shibley reiterated that any trash being put out in the new bins, at this point, will not be picked up. There will be further notification to all residents, two weeks in advance of the program start. There is a new part time person at DPW who can answer any questions regarding the new trash program.

Secondly, e mails are coming in regarding the condition of Arnold Road, with all the holes and beat up areas. DPW Director McGee advised that Arnold Road will be repaved, but not until the spring of 2016. So in the meantime, if there is a major pothole, it will have to be filled.

District 2 Councilman Laboissonniere thanked the police department for their assistance with traffic on Route 116 and also thanked DPW for some quick repair work on Ginger Trail. There have also been some people concerned about the street sweeping, and he was informed by Mr. McGee today that it is going to move into the Highwood Section very shortly.

SCHOOL DEPARTMENT REPORT

School Committee Member Donna Kalunian reported that the opening of school and the first few weeks have gone very well. She gave an update on the full day kindergarten issue for next year, and after looking at space conditions at the elementary schools and completing a feasibility study, recommendations have been narrowed down to two, which are to either use our existing space or purchase/rent portable classrooms. Final recommendations are expected to be presented to the School Committee by early November. There will be additional funding from the state toward one-time costs, however, the state will not cover the entire cost and there will be a request to the town for increased funding.

Ms. Nicole Hitchener has been appointed the new principal of Blackrock School, replacing Alicia Caste, who is on a one year leave to the RI Dept of Education. Interviews for Asst.

Superintendent took place last Wednesday night. Final interviews are being scheduled and hopefully the position will be filled on or before November 1.

PUBLIC COMMENT

Chief Volpe spoke on behalf of the Rhody Rovers motorcycle club, who contacted him to support their application for an event they are planning on the property of Thomas Brown on Carrs Trail. The group was very successful with it last year and was able to make a donation to Coventry High School for scholarships. Although there were a lot of people who attended last year's event, we had no major complaints and the event went very well. The group was a pleasure to work with and I am sure can provide you with whatever further information you need.

Stacy O'Gorman, 31 Elton Street, submitted to the Council a copy of a warning letter from RIDEM to Lori Lanoue, 83 East Shore Drive, advising her that a portable pump and hose on her property is a violation of the RI Freshwater Wetlands Act. There has been no DEM approval and this situation represents an unauthorized alteration to freshwater wetlands. The portable pump must be removed. In order to pump water from the lake, a permit is needed from DEM. This violation could result in a penalty of up to \$5,000.

Kenneth Jackson, 2799 Harkney Hill Road, is opposed to the Rhody Rovers' request for an event in Western Coventry. The road is not suitable for hundreds of participants. He doesn't want to misuse the western end of town.

Peter Tanner, 387 Hammet Road, is a member of Rhody Rovers and he spoke of the successful event held last year with no incidents. After the event, we donated three \$400.00 donations for scholarships to graduating seniors at CHS. He respectfully requested that the event application be placed on the next Town Council agenda, with time constraints waived.

Robert Lawrence, Darton Street, commented that there is still trouble at the Middle Road right of way. A neighborhood woman and her child were feeding fish a couple of weeks ago. The police received a trespass report. Mr. Lawrence's wife was also at the right of way with their dog, and Mrs. Onepo told her that if she sat on stairs on the right of way that she would be trespassing. This is a right of way and people should not be treated like that. The town needs to do something about the right of way.

John Cook, 1 Centennial Street, is a member of the Coventry Fire District Board. He requested, on behalf of the taxpayers and fire fighters, that the Town Council do something about the fire districts in town. He believes there is wording provided in the Charter where a fire district falls within the authority of the town. He suggested, as Councilman Laboissonniere previously did, to form an exploratory committee. Bring all the districts together, have the Town Council sit down and discuss with them where this is going. I want to fix this problem, have been at every Board meeting, and want to help. We need some kind of non-binding referendum, where the townspeople can speak and let you know what they want.

Earl Richards, Greene, RI, is a member of the Rhody Rovers motorcycle club and spoke in favor of the event planned on Mr. Brown's property. Numerous members of this club live in town; my children are also members. The club conducts youth oriented rides on Saturdays, this is not just for adults. Consider the youth when making your decision.

William Newcomb, 671 Washington Street, is a member of Rhody Rovers and wants the town to understand that we are trying to work with the town. We are not trying to bully our way in. We have held events in other towns. I personally went through the neighborhood last year, explained to residents what was going on and gave them my contact number. I received no phone calls, no complaints. I had heard that this year there are some people who do not want this to happen. I again went out and talked to the neighborhood. Again I got signatures and no objections. They fully supported the event with only two people saying otherwise. I would be happy to work with someone who is opposed to the event. I have done all I can to make myself available, and wanted to let you know that I will do all I can to work with anyone in the community. We just want to hold a quality, safe, family event.

Linda Ferri, 6109 Flat River Road, does not agree that the event is not a problem and is opposed. Her property borders Carr's Trail and feels that last year's event was basically held in her back yard. She stated that she did not know anything about it and spoke to neighbors who also did not know anything of it. This property is surrounded by homes, the trails are close to her property, massive RV's are in and out of there all weekend, and kids were on Route 117 on off-road bikes. The event was supposed to take place from 9 am to 3 pm, but began at 6:30 a.m. on Saturday and Sunday, running until 10 p.m. She was bothered by exhaust fumes and had to shut her windows.

There should be no discussion here if we just adhere to rural district regulations and uses. We have to be diligent in keeping it rural.

Paul Buddock, Rice City Road, has a son who participates in these motorcycle races and enjoys time on his bike. He rides every weekend and last year won 13 races.

Ken Jackson, 2799 Harkney Hill, commented that Hopkins Hill is a very good example of a well run fire district. Frank Brown is one of the best chiefs out there. Now that Central Coventry and the Coventry Fire districts are in trouble, they are running to the town for a bail out. These problems are all about bad management. Central Coventry was a disaster; let Central Coventry and Coventry solve their own problems and not bail them out for their own mistakes.

Scott Guthrie, 31 Maplewood Drive, feels this problem occurred because politics were embedded into public safety. You have to come up with something to guarantee that when someone dials 911, someone responds. It is clear the voters want a town-run fire department, no more fire boards. They want a Town Council and a leader that says this is what needs to be done.

He added that if he had been appointed to the Charter Review Commission, he would have been the person that said: " why don't we ask the voters what they want, allow the people to say what they want"? The most important thing this town has is business. He has heard there is another business leaving. We could end up a bedroom community with the highest tax burden in the world. Hire a consultant, let him come here and explain what we have to do for public safety. Apparently we are not doing something right. Whether union or non-union, paid firefighter or volunteer, it doesn't matter. We are in a situation where someone is going to lose their life, and when that lawsuit comes your names will be the first five names listed.

Ray Budziak, 429 Fairview Avenue, questioned why a man lost his life in a recent fire on Knotty Oak Road in the Anthony district with Anthony responding.

CONSENT AGENDA

1. Resolution changing date of Town Council meeting from October 19, 2015 to October 20, 2015

Vice-President Carlson requested that the meeting date is changed because Central Coventry Fire is having a Board meeting that evening, with elections taking place.

A motion was made by Vice-President Carlson seconded by Councilwoman Duxbury to approve resolution. All voted Aye.

2. Discussion and resulting action approving a residency and waiver for Parks and Recreation Director John Primiano

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

RESOLUTIONS

1. Discussion and resulting action on awarding a contract for demolition of the "dollar house" at 578-582 Washington Street

Manager Kerbel recommended that the Town Council award the bid in order that we can use CDBG funding, as this is time sensitive and needs to be done at this time.

Councilman McGee asked if there was money left from last year. DPW Director McGee explained that there were originally two bids for this project and both came in too high. The project was bid again, we received two bids again, one for \$69,000 and one for \$98,000. He sat down with the lowest bidder, Vinagro, and negotiated the price down to \$40,000. It is being funded by CDBG money for that project. However, since that time, the building has been deemed unfit and condemned. (The location is across the street from Anthony Fire Station). If we don't act on this tonight, we have to pay back the \$27,000 that we already spent on the building. HUD has allowed us to use the money for demolition.

Vice-President Carlson commented that in the resolution itself, Vinagro's name does not appear, it just refers to the lowest responsible bidder, and she asked that the resolution is revised to include Vinagro's name and the amount of the contract, \$40,000. DPW Director McGee does not know the start date of the project yet.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury

to approve resolution with amendments. All voted aye.

2. Discussion and resulting action on conditional agreement of settlement of Whitetail Estates

Solicitor Gorham gave overview of conditional agreement, resolving current litigation regarding Douglas Enterprises Ltd. and the proposed White Tail Estate Development. The agreement would involve the dismissal of the appeal of their subdivision application to the State Housing Appeals Board. The Town Council would entertain a proposed new plan along with a zone change that would enable the resolution to be approved by both the Planning Board and Town Council at the appropriate time. The public will have an opportunity at least twice to come with their feelings on this subdivision. The Planning Board and this Town Council do reserve the right to reject this. The parties have already submitted their briefs on the appeal and the Appeals Board is ready to hear it. Until then this settlement will hold that appeal in abeyance.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve conditional agreement. All vote aye.

LICENSES

A motion was made by Councilmember McGee seconded by Councilmember Laboissonniere to consider all three license applications at once. All voted aye.

1. Application for new Second Hand license by Lorene Bernier for Homestead Interiors, LLC, 1112 Main Street
2. Application by Kimberly McGee of RI Organic, 301 Hopkins Hill Road, for renewal of 90 day Hawker license
3. Application by Jo-Ann Miller of Jo-Jo's Cupcakes for renewal of 90 day Peddler license

Vice President Carlson asked for clarification as to the different addresses on the application of Homestead Interiors. Applicant Lorene Bernier explained that the business will be located at 1112 Main Street. The addresses on the application refer to Ms. Bernier's address in Coventry, the address of her partner in Bristol, and the address of the owner of the property. The plan is to open on October 10, 2015.

Councilmember McGee made a motion seconded by Vice-President Carlson to approve all three license applications. All voted aye.

PUBLIC HEARING

1. Transfer of Class B liquor license from NicMeg LLC dba Patriot Bar and Pizza, 2260 Flat River Road to Joseph Ryan dba The Pond Pub and Pizza (to include live show entertainment license)

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

Mrs. Duxbury questioned what type of live entertainment there will be, if it will be inside, and wants to make sure the taxes are paid before the town issues a license.

Mr. Ryan replied that entertainment would be a DJ located inside the premises. He has applied for the good standing certificate from the Division of Taxation, is just waiting for clearance.

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

Mrs. Duxbury suggested that we check the taxes before we issue the license and Councilman Laboissonniere responded that the clerk can't issue the license anyway until a certificate of good standing is issued, which means the taxes have been paid. The state sales tax and the property taxes are two separate issues.

Solicitor Gorham advised that there are usually taxes associated with the equipment, tangible taxes for carrying on the business. Councilman Laboissonniere added that normally people don't buy the corporation, they just buy the assets. The taxes that would be owed to the state are those from the previous corporation.

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

approve the transfer subject to receipt of the certificate of good standing. All voted aye.

2. Ordinance repealing and replacing Chapter 131, Flood Damage Prevention, Articles I & II, Sections 131-1 through 131-15 Floodplain Management Program Ordinance

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to open public hearing. All voted aye.

Solicitor Gorham began by explaining that this is an ordinance that raises the flood plain by five feet, so it covers a big amount of real estate. It is purely an act of compulsion by the federal government, because if we do not amend this ordinance, nobody in Coventry will be able to buy flood insurance. We have no choice, this ordinance is really to protect people from the hazards of floods and, more important, if you go to the marrow of this, the amendment increases who has to buy flood insurance. There will be a lot more people in Coventry who will have to purchase flood insurance and it will be more expensive. In effect, this is expanding who is required to buy flood insurance, but nobody can buy it if we don't pass this ordinance.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to close public hearing. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to adopt ordinance amendment. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to adjourn meeting. All voted aye.

Town Clerk