

Town Council Meeting
October 20, 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 42-26-5 (a) (2) Update on Centre of New England receivership
3. Per RIGL 42-46-5 (a) (2) Update on litigation re Whitetail Estates and discussion of conditional agreement on settlement of litigation

TOWN COUNCIL MEETING – 7:00 PM

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

Pledge of Allegiance

Invocation and Moment of Silence in memory of Bradford Gorham

Review of Emergency Evacuation Plan

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 Councilmember Laboissonniere to seal minutes of Executive Session. All voted aye.

President's Comments

President Shibley made several announcements:

1. The new trash and recycling program is getting underway, with a start date of October 26. Advertisements will be placed in the Reminder, Kent County Times, on the town's website and the town's facebook page.
2. In addition, the townwide revaluation program has begun. A gentleman has already been to my house, looked inside and outside. The whole process took about 5-7 minutes.
3. Sadly, Bradford Gorham, father of our town solicitor Nick Gorham, passed away recently. Mr. Gorham served our nation as a former US Marine and served our state as a Representative, a minority leader and a state Senator. He graduated from Dartmouth College in New Hampshire then went on to graduate from Harvard Law School. Mr. Gorham will be laid to rest in Vermont.

Approval of Town Council minutes of September 14, 21 and 28, 2015.

A motion was made by Councilmember Laboissonniere seconded by Councilmember McGee to approve minutes. All voted Aye.

Proclamation –2015 National American Miss RI Preteen Taylor Stevenin

Ms. Stevenin was unable to be present this evening to accept her certificate.

COUNCIL DISTRICT UPDATES

District 3 Councilman McGee was happy to report that the binder coat is finally down on Route 116, with the exception of a section where there was a small water main break at Foster Drive. Travel is much better. He is not sure when the top coat will go down.

He asked DPW Director McGee where residents can find information on the new trash program and Mr. McGee responded that there will be an insert in the Reminder and an ad in the newspaper. Everything will be outlined including where to place the bins and what to do with the old barrels.

District 5 Councilwoman Duxbury advised of meetings which were held recently, the last one with Col. MacDonald and Lt. Witt in attendance, regarding the industrial park at 75 Airport Road and trying to come to some resolutions with regard to the odor, noise and what the police can do to help us with that. She also reported that the sidewalk project is nearly complete.

District 1 Councilwoman Carlson spoke of the recent visit with a group from Selwyn, New Zealand, who were in Coventry on a Sister City visit. It was a very enjoyable time, they had a breakfast here at the Town Hall, visited local areas, went to the Fryeburg Fair and toured Garland Pen where they received gift

pens with their names inscribed. They have extended an invitation to us to visit Selwyn.

She further announced that:

- There will be a meeting tomorrow night at 7 p.m. at Western Coventry Fire Station with DPW Director McGee and Amanda Cornell, to answer questions and concerns about the automated trash program
- The topcoat is on Route 102 and they did a fantastic job.
- The Celebrate Coventry Committee is having a Halloween event at the Town Hall Annex this Saturday from 12 pm to 3 pm for little kids; from 3 pm to 6 pm for kids up to 12 years old, which includes entertainment, and from 6 pm to 8 pm for kids ages 13+. Between 6 pm and 8 pm the entertainment will be things such as legends, hauntings, paranormal events, that kind of thing.

District 2 Councilman Laboissonniere referred to the paving project being undertaken between Scituate and Coventry DPW on Hope Furnace Road. The process itself is very interesting, where they are actually heating the asphalt that is already down on the road and smoothing the road rather than pulling it all up. DPW Director McGee responded that although this is a new process for Coventry, it has been done in New England. The results are impressive. Councilman Laboissonniere replied that some areas were so good that people think it was a top coat. Mr. McGee advised that the top coat goes on next week.

President Shibley, District 4:

- Received a number of questions on lawn bags and pickup. Residents will have to be patient until the town can get to them.
- With regard to the condition of Arnold Road, paving will not happen until the spring of 2016, so until then, potholes will be patched.
- In addition there were a couple of concerns on Arnold Road where a caller said that fire trucks were blocking vision. Col. MacDonald has reached out to that resident and also talked to Chief Murray.
- We continue to talk with our legal counsel to resolve the issues on East Shore Drive. Signs have been posted on all of the right of ways and the picnic table at the Middle Road/East Shore Drive right of way has been removed.

PUBLIC COMMENT

Ken Jackson, 2799 Harkney Hill Road, informed the Town Council that at the first meeting of the Charter Review Commission, discussion took place with regard to recommendations of the Citizens Advisory Commission on procedures to change the Town Charter. He asked that the Council considers taking action on those recommendations.

Solicitor Gorham added that recommendations include who would have custody and responsibility to maintain the charter in an accurate fashion, and that a resolution would be appropriate in this case. Solicitor Gorham asked that Mr. Jackson give the recommendations to the Town Clerk for distribution to Council members.

Mr. Jackson then questioned large purchases made by the school department and feels that the School Committee is not following our purchasing ordinance. The Council is the only group that can clear this up. The School Department just spent \$22,000 on software without advertising or getting bids. I don't see where any comparisons were done and would like Council to look into it.

Charlotte Porter, 26 Sandra Circle, referred to a Consent Judgment which states that overnight heating is not allowed by the asphalt plants. However, Sunday a person from Connecticut was going into Airport Road at 2 p.m and started the machines. The odor was awful. I am getting odors around the clock now. They are not supposed to be heating anything from 7 p.m. to 7 a.m.

Robert Lawrence, 26 Darton Street, thanked Council for putting up signs at the right of way, but we still need boundary markers. The encroachment agreement is not a legal document and was never approved by Council.

Marc O'Gorman, 31, Elton Street, feels that tensions are higher than ever in the East Shore Drive right of way disputes. A house on Elton Street was recently egged by five individuals, and that was caught on camera.

He thanked Council for the right of way signs, however, one was vandalized with spray paint. There was another incident where a woman in a car was chased by a man on foot. The police feel that all of

these incidents are right of way related.

Sprinkler system pumps and pipes that were installed on the public row at 83 E. Shore Drive were removed for the winter. However, the contractor that was seen doing the work on town land does not have an irrigation license. This was caught on video and he could be facing major fines.

Finally I would like to put a dock permitting plan on file with the town, which shows the boundaries of 83 E. Shore Drive including the public ROW at the bottom of Elton Street. This is the right of way with the private sprinkler installed on it by the owner of 83 East Shore Drive. There should be enough information on this survey for the town to have the private sprinkler system removed from the public row and the privacy fence that once bordered these two separate properties replaced with a new fence.

Mary Vandervelde, 7 White Oak Court, had questions about having excess trash and/or recycling in the program and how that would be handled. Director McGee replied that you would need to call DPW for a special pickup. She asked why the Reservoir Road sidewalks weren't put on the same side of the road as the high school. Ms. Duxbury indicated that she was told, due to an inadequate amount of right of way on that side of the road, it would have required a "taking of land" where the town would have had to purchase and compensate homeowners. Additionally, since the phone poles are on that side of the street, it would have caused an even greater obstacle for handicapped access.

She asked how a person would repair or fix their mailbox, since it is cemented in. Mr. McGee answered that each mailbox is boxed in its own concrete, you only need to remove the concrete around the actual post, which is the responsibility of the resident if they wish to replace their mailbox.

Lastly, Ms. Vandervelde thinks there was a bond approved years ago for a road project on Route 3, where the road was supposed to be repaved with a middle turn lane and sidewalks. I think this was supposed to be completed by 2004, but it's now 2015. Councilwoman Carlson suggested that Ms. Vandervelde get in contact with her State representatives or senators; Ms. Duxbury added that she will make a note of it, as we will be having a meeting with our state delegation soon. Director McGee thinks the funding was reduced because of repairs needed for roads and bridges.

.Pete Wisnieski, Fish Hill Road, member of Veterans Memorial Post 9404 on South Main Street. was present along with financial secretary of the Post, Scott Duckworth. The VFW Post has been at 29 S. Main for years. The organization was formed after World War 2 and up until the past 5 or 6 years had a good, strong presence of members. This is not the case now, membership is down and we struggle, but are surviving. Mr. Wisnieski wanted to thank Councilwoman Duxbury and Representative Robert Nardolillo, both of whom have offered a tremendous amount of help to the organization. Mr. Wiesnieski presented tokens of appreciation to both Councilwoman Duxbury and Rep. Nardolillo.

LICENSES

1. Application by Frederick Seng, dba Elwood's Dog House, for one day Peddler's license on October 31, 2015.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve a one day Hawker's license. All voted Aye.

RESOLUTIONS

1. Discussion and resulting action on placing a moratorium on solar-powered electrical generating stations

Solicitor Gorham explained that this is a three month moratorium on solar generating stations, which should give us the breathing room needed to enact the changes to the zoning ordinance.

President Shibley asked about the solar generating station in Cranston and Solicitor Gorham replied that Cranston has proposed amendments to their zoning ordinance, advocated by Mayor Fung. If you want to have solar generated stations, you need to have some kind of safeguards in place, in some cases it should be a special use permit. Right now this is a permitted use in Coventry, but I think that if you want to have these solar stations, you need to have some kind of safeguards in place.

Discussion took place on whether the ordinance pertains only to commercial or both residential and commercial. President Shibley and Councilman Laboissonniere feel it would hinder individual homeowners for their own personal use. Councilman McGee agrees that homeowners should not be denied and Ms. Duxbury agrees, adding that people may have already signed contracts for their own personal solar power and should not be denied.

Solicitor Gorham indicated that the way it is written, it does include both residential and commercial. However, he feels that this is a fair point and an amendment was proposed to amend the resolution to apply only to those situations where it is "greater than 25 KW (commercial); typically a home owner application is less than 25 KW. Homeowners should not be denied.

Solicitor Gorham suggested an amendment, on Page 2 of the moratorium, Section A1, to add generating stations of "*greater than 25 KW*" in the town of Coventry

Again on Page 2, Section A 2, generating stations of "*greater than 25 KW*"

And lastly on Page 2, Section 3, who have applied for permits for solar installations of *greater than 25 KW*...

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

ORDINANCE (First Reading)

1. Amendment to the Zoning Ordinance to allow for reasonable siting of solar energy facilities

A motion was made by Councilwoman Carlson seconded by Councilwoman Duxbury to refer to the Planning Commission for recommendation. All voted Aye.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to adjourn meeting. All voted Aye.

Town Clerk