

Town Council Meeting
October 26, 2015

EXECUTIVE SESSION

Per RIGL 42-46-5 (a) (2) re Village Green Condominiums/Impact fee agreement
Per RIGL 42-46-5 (a) (2) re two (2) police contracts

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to go into Executive Session. All voted aye.

Roll call vote: Vice-President Carlson, Councilman McGee, Councilwoman Duxbury, President Shibley, Councilman Laboissonniere, Interim Town Manager, Rich Kerbel, Town Solicitor Nicholas Gorham. Also in attendance were Attorney Vincent Ragosta, Robert Thibeault, Col. John MacDonald.

TOWN COUNCIL MEETING

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

Pledge of Allegiance
Invocation
Review of Emergency Evacuation Plan

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to come out of Executive Session. All voted aye.

A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to seal minutes of Executive Session. All voted aye.

PRESIDENT'S COMMENTS:

President Shibley remarked that the new townwide trash program began today. There are new guidelines for trash pickup, the bins must be near the curb, metal bars toward street, lids remain down and we ask that residents be patient, as well as DPW workers. It will be a learning experience and hopefully within a month it will be just like we've always had it. The town will save money, will recycle more product and it will be better for ecology.

There are some boards and commission vacancies and we encourage any interested individuals to apply. Vacancies include the Historic District Commission, the Coventry Personnel Board and the Citizens Advisory Commission.

The Coventry Fire District is looking for a candidate for their Board of Directors and is accepting letters of interest until October 27. Letters should be addressed to Mr. Robert Catafamo, 571 Washington Street (Anthony district) as they need a 5th board member. And finally, our interim Town Manager, Mr. Rich Kerbel, has been here one month and as far as I am concerned, is doing an excellent job.

PROCLAMATIONS – Attorney General Justice Awards

Manager Kerbel advised that this item is being delayed to the November 9, 2015 Town Council meeting due to one of the officers having a previous commitment.

COUNCIL DISTRICT UPDATES

District 2 Councilman Laboissonniere advised that paving is almost done on Hope Furnace Road, with just a few things left to finish on Route 116. He asked DPW Director McGee if both bins need to be outside in order for trash to be picked up. Mr. McGee responded that there is a two week grace period and DPW will still pick up. However, DPW workers will attach stickers to residents' bins, directing them on what needs to be corrected.

District 1 Councilwoman Carlson announced that a Halloween party will be held on Saturday, October 31 at the Town Hall Annex. Little kids events will be from 12:00 – 3:00; entertainment from 3:00 to 6:00; and for those 13+ and up, from 6:00 pm – 8:00 pm there will be fun with legends, paranormal, hauntings and a graveyard walk. This is being put on by the Celebrate Coventry Committee.

Mrs. Carlson advised that an informational meeting was held last week at the Western Coventry Fire Station regarding the new automated trash program. DPW Director McGee and Amanda Cornell, part time recycling coordinator, attended along with about 45 residents, to answer questions about the new program.

Also, if anyone is interested in volunteering for the Celebrate Coventry Committee, there is a meeting this Wednesday at Westwood Estates Clubhouse, 1 A Liena Rose Way. We are planning some fun things; the committee is non-partisan and volunteer.

District 5 Councilwoman Duxbury announced that Central Coventry Fire District is having their annual meeting this Thursday night at 7 p.m. at Coventry High School. They will be voting on three board members as well as a budget. Please pass the word along, we need a good turnout.

District 3 Councilman McGee asked if residents will have their garbage picked up if they don't put out their recycle bin. DPW Director McGee stated that because of the large size of the recycling barrel, residents do not have to put recycling out every week. Councilman McGee also asked about a couple of spots on Route 116, near Gervais Street and Foster Drive, that are not paved yet. DPW Director McGee advised that the area near Foster Drive was delayed due to a water main break, but the entire project will not be finished until spring of 2016, when they will put on the final course of pavement and restripe. However, the binder coat will be on for the upcoming season.

District 4 Town Council President Shibley commented that the Mai Tai Restaurant has reopened and he wishes them a successful new beginning. Doherty's Lakeside Ale House continues to move along with their renovations. The demolition of the old boat house across from Benny's is starting today and should be done by the end of the week.

Lastly, he thanked the Parks and Recreation Department for repainting the old railroad bridge over Route 117. There had been graffiti there for months and it looks a lot better with the new paint.

SCHOOL DEPARTMENT REPORT

School Committee member David Florio reported that the School Department has hired Craig Levis as the new Assistant Superintendent. He is currently the Director of Special Education in Smithfield, RI and will join Coventry School Dept on November 30.

Final recommendations for full day K are expected by the end of November. Principals have been actively involved in restructuring educational space for additional classrooms. All Day K will have no impact on library or media space in public schools, the only problem may be Hopkins Hill where we might need a modular unit, which could cost some money. However, if we do not incorporate all day K, the town will miss out on a lot of money from the state.

Official notice has been received that our current JROTC program will deactivate on June 30, 2016. However, the Marines and Navy have shown interest in our program and they require an enrollment of only 50 cadets. We expect more information on that in mid-December.

The School Department welcomed representatives from New Zealand and they were given a tour of the high school and middle school on October 6. The school department hopes to arrange a student and possibly a teacher exchange program with the Selwyn School District in the future.

PUBLIC COMMENT

Robert Lawrence, 26 Darton Street, thinks that the Town Council should make some rules and regulations about right of ways before a development with \$400,000 homes goes in over near East Shore Drive. You need to have rules about encroachments, how to treat these right of ways and you need to get rid of the stairs that are not ADA compliant. Right now it is horrible to live over there at East Shore Drive.

Charlotte Porter, 26 Sandra Circle, was waken at 5:45 a.m. this morning by Miozzi trucks. They are not supposed to work between 7 p.m. and 7 a.m., but they were out there leaving before 7 a.m.

Jerry Bouchard, 64 Rebecca Street, was part of the automated trash pilot program in Harris area. He feels the program works very well and has noticed that most of the time after the trucks have gone by, the lids are back on, the cans are upright, helping to keep the neighborhood clean.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Duxbury to move the public hearing of the amendment to the Coventry Zoning Ordinance up to the current position on the agenda. All voted aye.

PUBLIC HEARING

Amendment to the Coventry Zoning Ordinance to allow for reasonable siting of Wind Energy

Attorney William Bernstein, special counsel for the wind ordinance, received a hand delivered letter from the developer's attorney, where it was indicated there may be some procedural issues. While I will not comment on the strength or weakness of the issues raised, it caused me to recommend to the Town Council that we readvertise again for three weeks and refer the amendment to the Planning Board for further input. The ordinance has changed somewhat from when it was first read, and includes recommendations that we are considering, which incorporate some of the suggestions made by the developer and his counsel, as well as some changes put forward by Mr. Mays. However, in an effort to avoid unnecessary litigation, the council would be well advised to readvertise for another public hearing and refer this amendment to the Planning Board for review again. Whether or not the issues have merit, we can avoid potential litigation by readvertising.

Vice-President Carlson is concerned about the cost of advertising again, commenting that we have already advertised six times. Attorney Bernstein advised that the ordinance should be sent to Planning and advertised again since there are changes the Planning Board needs to look at.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to readvertise the amendment with the recommended changes three times and to refer to the Planning Board for review. All voted aye.

There was a question as to whether the ad, as large as it will be, could be advertised in time for the next council meeting. President Shibley believes that it is not wise to cut it close and we should perhaps look at a December meeting. Date is yet to be determined.

CONSENT AGENDA

1. Approval of Tax abatements and additions for the month of September 2015
2. Resolution approving sewer tie-in at 1101 Main Street, AP 45, Lot 38
3. Releasing the Town of Coventry Tax Collector from collecting outstanding and uncollectable motor vehicle and tangible taxes from 1996 through 2008

Although Councilman McGee recognized that many of these companies on the list are out of business, he questioned why the Tax Collector is not going to collect taxes from a couple of companies that he knows are still in business. He commented that Wallace Construction, for example, is still in business, but they are in Providence. He asked that this be looked into.

Finance Director Thibeault explained that after the normal process that the town goes through to collect taxes, these delinquent taxes are turned over to a collection agency. The agency has a financial incentive for collecting, and they are still unable to collect. Our auditor recommends that every two or three years that these very old collectibles need to be written off the books. However, an effort will still be made to collect. Councilman McGee is satisfied that since an effort would still be made to collect, he is not interested in delaying a vote on this item tonight.

Councilwoman Duxbury had similar concerns to Mr. McGee regarding collection and asked what prevents a taxpayer from going out of business and opening under a new name to avoiding taxes from a previous business? She remembers speaking with Monique Houle, Tax Collector, about trying to send employer identification numbers on tangible taxes to the state so that if these people try to go to the state for a letter of good standing, the state would see that the town is owed money. She also questioned whether we could put liens on the probate estates of deceased taxpayers, where the estate would become responsible for the unpaid taxes.

Mrs. Duxbury prefers to table this issue until there are more answers, especially since we are looking to write off \$190,000. Mr. Thibeault will look into the issues raised.

A motion was made by Councilmember Duxbury seconded by Vice-President Carlson to table this item to the November 9, 2015 Town Council meeting. All voted aye.

A motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve

items 1 and 2 on the Consent Agenda. All voted aye.

RESOLUTIONS

1. Discussion and resulting action awarding contract for the purchase of two detective vehicles for the police department

Col. MacDonald indicated that the vehicles will be federally funded with a Byrne JAG grant.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve resolution. All voted aye.

2. Discussion and resulting action awarding bid for 2013 Dodge Charger for Police Department.

Col. MacDonald explained that the charger is a replacement for a damaged vehicle totaled in a West Warwick crash. It will be funded with mostly insurance money along with some impact fees.

President Shibley thinks that a 2013 Dodge Charger with only 597 miles is a great deal and Col. MacDonald agreed.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve resolution. All voted aye.

3. Discussion and resulting action on awarding bid for a van for the Human Services Department

Human Services Director Pat Shurtleff explained that last year we were able to get a van for the Project Friends Program using Project Friends funding. Now we have an opportunity to purchase another one. Our vans have well over 200,000 miles, are used every day, and then this opportunity came about and we do have the funding.

President Shibley clarified that although you chose the bidder who is slightly higher, this is a newer vehicle (2016), 8 passenger van with a faster delivery date. Ms. Shurtleff agreed.

Councilwoman Duxbury appreciates that Human Services is always so frugal with their purchases and just wanted to be sure that funding is available through Project Friends and not town funds. Ms. Shurtleff responded that is correct.

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

4. Discussion and resulting action on awarding a contract for sealcoating

Public Works Director Kevin McGee explained that this contract is for crack filling and the first area scheduled is Oak Haven. He has picked out about a dozen roads with about 160,000 linear feet of cracks to fill. The funding is from the 2014 infrastructure bond. The sealing will prolong the life of the surfaces for another 5-7 years. This company is on a state list, so the price is as low as it can go.

Councilwoman Duxbury asked how far along we are with the infrastructure bond, what are our commitments. Mr. McGee replied about \$4 million out of the \$10 million.

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

5. Discussion and resulting action on authorizing the Town Manager to execute collective bargaining agreement between the Town of Coventry and the International Brotherhood of Police Officers, Local 306 for period of July 1, 2013 – June 30, 2015

6. Discussion and resulting action on authorizing the Town Manager to execute collective bargaining agreement between the Town of Coventry and the International Brotherhood of Police Officers, Local 306 for period of July 1, 2015 – June 30, 2018

Manager Kerbel asked that items #5 and #6 are tabled to the November 9 meeting.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to table resolution #5 and #6 to the November 9 Town Council meeting. All voted aye.

LICENSES

1. Application for a new victualing license by Farida and Sons, Inc., dba Veterans Market, 182 Arnold Road

Applicant Muhammed Ghauri, 12 Third Avenue, Woonsocket, RI, of Farida & Sons, new owner of Veterans Market, was present. President Shibley informed Mr. Ghauri that there is an issue with \$1,031.55 in delinquent taxes that need to be paid before the license can issue. Mr. Ghauri agreed to pay the taxes.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve victualling license subject to paid taxes. All voted aye.

2. Application for new victualling license with additional hours by Speedway LLC dba Speedway, 764 Tiogue Ave. (formerly Hess)

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve new victualling license with additional hours. All voted aye.

3. Renewal of victualling licenses (food only, no alcoholic beverages)

President Shibley advised that this is the annual renewal list for all victualling licenses. Licenses are in order to be granted.

Councilwoman Duxbury asked that if the Town Clerk's office works with the Tax Collector's office to verify that first quarter tangible taxes are paid, what about real estate taxes? Sometimes business owners only rent the buildings. Can we make sure the real estate is also paid? In addition there are people who own both the building and the business.

The Town Clerk stated that they only check that tangibles or personal property are paid for the first quarter, not real estate, because a renter isn't responsible for the building owner's taxes.

Solicitor Gorham said that he supposes it is within the Council's power to grant the license with the proviso that the taxes be paid by the tenant pursuant to a lease, theoretically a landlord would have a "triple net" lease, meaning that the tenant is responsible to pay the landlord's taxes, then if taxes go unpaid they can't just say it is the landlords fault. But here you are getting a little deep into it and we would have to explore whether they have "triple net" leases.

Councilman McGee does not want to penalize a business owner due to the landowner; Mrs. Duxbury agrees.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to grant license renewals. All voted aye.

PUBLIC HEARINGS

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

1. Renewal of Class A liquor licenses (package stores)
2. Renewal of Class B liquor licenses (full liquor licenses, including those establishments with live show entertainment and dance licenses)
2. Renewal of Class B Ltd. Liquor licenses (beer and wine only)
4. Renewal of Class D liquor licenses (club license including those with live show and dance)

There were no questions or concerns raised by the public.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve Class A license renewals. All voted aye.

A motion was made by Councilwoman Duxbury seconded by Councilman Laboissonniere to approve Class B license renewals. All voted aye.

A motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve Class B Ltd. renewals. All voted aye.

A motion was made by Councilwoman Duxbury seconded by Councilman McGee to approve Class D license renewals. All voted aye.

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

Town Clerk