

Town Council Meeting
November 9, 2015

EXECUTIVE SESSION – 6:00 PM

1. Discussion of proposed “Agreement and Stipulation Concerning Mutual Cooperation and Reservation of All Claims” KC CA #13-5001 pursuant to GL 42-46-5 (a) (2) pertaining to litigation
2. Discussion of issues arising from litigation and potential litigation involving Central Coventry Fire District and Anthony (Coventry) Fire District pursuant to GL 42-46-5 (a) (2) pertaining to litigation
3. Discussion of Agreement for Impact Fees for the “Highlands” arising from litigation and potential litigation KC CA #03-444 and KC CA #13-5001 pursuant to GL 42-46-5 (a) (2) pertaining to litigation
4. Discussion of claim for compensation for Clerk of the Municipal Court pursuant to GL 42-46-5 (a) (2) pertaining to litigation

TOWN COUNCIL MEETING – 7:00 PM

Present: President Shibley, Councilwoman Duxbury, Councilman Laboissonniere, Councilman McGee, Vice-President Carlson, Town Manager Thomas Hoover, Town Solicitor Nicholas Gorham.

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

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

Pledge of Allegiance
Invocation by President Shibley
Review of Emergency Evacuation Plan

President’s Comments

- Congratulations to the Coventry Police Department for making three arrests involving a credit card scam targeting Ocean State Job Lots throughout the state of Rhode Island
- Compliments to the Department of Public Works and Saccoccia Construction for their work in taking down the building on Route 3, across from Bennys. Now that the building is down, work on the spillway is being done.
- The new recycling and trash program is going extremely well after only two weeks. There may be a few kinks to work out, but basically DPW is doing a great job.
- Compliments to Representative Sherry Roberts and her work with the Regional Technical Career Center students, providing for a new program established with Electric Boat. EB cannot find enough experienced, talented and skilled workers and after successfully completing this program, students are just about guaranteed employment with EB.
- On the plus side, there is a possibility that our JRROTC program may be taken over by the Navy or the Marines.
- General Nathanael Greene Homestead Assoc. is having their annual fall cleanup day on Saturday, November 21 from 8 am to 1 pm at 50 Taft Street. Anyone interested in donating a few hours will be welcomed.
- The Coventry Library had an outstanding book and bake sale this past Friday and Saturday. It was very well organized and well attended.
- Vacancies exist on the Coventry Personnel Board, Juvenile Hearing Board, Sewer Assessment Board of Review and the Historic District Commission. Anyone interested is encouraged to apply.

Proclamations:

President Shibley presented proclamations to Lt. Matthew C. Blair and Detective Ryan DeSisto for receiving the 2014 Justice Awards for Drug Enforcement. Detective Michael Pacheco also received a Justice Award but was unable to be present this evening to receive his proclamation from the Town Council.

In addition, a certificate of recognition was presented to Judith Butzier for 37 years of service as a crossing guard in the Town of Coventry. Senator Raptakis and Representative Nardolillo presented citations from the State Senate and the House.

A motion was made by Vice-President Carlson seconded by Councilman Laboissonniere to move Consent Agenda to current position on Agenda. All voted aye.

CONSENT AGENDA

1. Discussion and resulting action on abatements and additions for the month of October, 2015

Vice President Carlson asked what would cause taxes to come off the tax freeze. Tax Collector Monique Houle responded that if someone passes away, moves, asks to be taken off or no longer qualifies for the freeze.

2. Discussion and resulting action on releasing the Town of Coventry Tax Collector from collecting outstanding and uncollectable motor vehicle and tangible taxes from 1996 through 2008

Councilwoman Duxbury asked that once the town has tried to collect these taxes and is not successful, how long before it is turned over to the collection attorney.

Tax Collector Monique Houle said some cases are turned over to Hodosh, Lyons and Hamer; some cases are not worth it as the town has to pay fees to the collection agency as well as a percentage of what they collect. Generally we wait three years on motor vehicles, as we have two years where we can stop the registrations. Once everything has been exhausted, we send to Hodosh, Lyons and Hamer and they will send out letters and/or file lawsuits. I also go to Kent County Court to get judgments, and even a judgment doesn't mean that we will get the money. We have a couple of sizeable Coventry Building and Wrecking judgments of over \$187,000, and have probably collected \$4,000 or \$5,000. There is another judgment against D. Gorman Landscaping and we haven't seen a dime. In addition, sometimes a business will go out of business and reopen in another name. I would like to see legislation passed that you cannot open another business unless your previous taxes are taken care of.

We have an opportunity where if a business owes money to Coventry, not to let them get Coventry's business. For example, RT Nunes owes us \$4,000, so I took them off the contractor's list, but was told to put them back on the list by Manager Hoover. Councilwoman Duxbury suggested that our interim town manager is asked to make some sort of policy where we do not engage people in contracts if they owe the town taxes. Solicitor Gorham stated that can be done with a resolution. It could also be placed in the town's bidding ordinance as a qualifying condition.

Mrs. Duxbury referred to Gorman Landscaping and asked if a landscaping license is a state level license or if the town can require licensing to landscaping companies. She would like to look into enforcing a licensing requirement, even if it cost a nominal amount, so that we have the ability to not allow people to operate in our town if they owe taxes. Solicitor Gorham advised that you cannot license businesses without a specific enabling act. He doesn't think that cities and towns are empowered to license landscaping companies. Ms. Houle thinks that West Warwick requires some type of licensing and she was asked to find out what West Warwick does.

Mrs. Duxbury would like to look into the legality of sending employer i.d. numbers to the state, not granting contracts to businesses that are operating in our town and owe us taxes. She would also like to see all the top delinquent taxpayers listed on the tax collector's home page. She inquired about probate estates where the town is owed taxes, whether or not we could place a lien in the estate. Ms. Houle replied that if someone passes away this year, we won't know about it until next year when we send the bill and it comes back. However, most of the time in an estate, the estate will settle up. If there is no estate, then you don't get the money. Ms. Houle agreed to look into the legality of passing employer ID numbers on to the state.

Councilwoman Duxbury feels that when you "write off" the books, you lose site of it. She wants to be sure that the taxes that are written off will still be retained in a file after we have

exhausted all efforts. Ms. Houle said that if there is any way they can collect those written off taxes, they will. There is a system that keeps track of who those people are and if they come back into town and try to register a vehicle, then we collect those taxes.

Councilman McGee said there are a couple of businesses on the delinquent list that are still operating. Ms Houle replied that if they have moved out of town there is nothing she can do if they don't pay us, those are the people that don't care. Sometimes it costs more to try to collect than what is owed in a lawsuit.

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

Approval of Town Council minutes from October 20 and 26, 2015

Motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve minutes. All voted aye.

COUNCIL DISTRICT UPDATES

Councilwoman Duxbury, District 5, thanked the Board of Canvassers for the very efficient running of the election for the Central Coventry Fire District. She also thanked the Coventry Police Department for the recent attention given in response to the Westwood Estates residents' complaints of early morning operations. It has been a very difficult season for the people in Westwood Estates. Lastly, we had a resident or two whose wells were dry because of Johnson's Pond being lowered. Although we cannot discuss it now, I am hoping that there is something that can be done for them pertaining to their problems. However, there are some good things going on in town, such as the citation for the retiring crossing guard and the justice awards.

Vice-President Carlson, District 1, thanked several people who helped with the Celebrate Coventry Halloween event: the Department of Public Works for providing a locked storage area in the annex, Officer Richard Pendola, Col. MacDonald who came in costume, Greg Asselin and Mark Robitaille for their help in setting up in the morning, the Parks and Recreation staff, Councilman Laboissonniere for providing live music and the ROTC students for manning the games and helping with setting up and taking down. The next meeting of the Celebrate Coventry Committee is November 17 at 7 p.m. at the Westwood Estates Clubhouse, 1A Liena Rose Way.

Councilman Laboissonniere, District 2, advised that the paving on Hope Furnace Road is complete and the binder coat and connections into the road have been done on Route 116. He wanted to mention again the education connection between Coventry High School and Electric Boat. Thinking of the long term, I have some classmates who just celebrated 40 years of service with EB. I commend Rep. Sherry Roberts for her help in that; it will set up some employment stability here in Rhode Island.

President Shibley, District 4, remarked that the clean up has begun on Tiogue Avenue now that the building has been taken down across the street from Bennys. Regarding the new trash program, I have only heard compliments in my neighborhood. As far as the leaf bags, DPW is doing the best they can to stay on top of it. Sandy's Country Store is close to opening on Pilgrim Avenue and as far as East Shore Drive, there are still some issues, but they are being addressed and things are progressing.

PUBLIC COMMENT

Robert Lawrence, 26 Darton Street, regarding the East Shore Drive situation, commented that although he has been here a dozen or so times, he never really gets any answers regarding the illegal encroachment agreement and non-compliant stairs. There are trees being taken down, fences being taken down. Last Sunday on Middle Road there was a bobcat moving rocks. I did not see a DEM permit. Has the Council thought any more about getting rid of the encroachment agreement and the non-ADA compliant stairs. President Shibley responded that these issues are being worked on.

Roland Gamelin, 10 White Rock Road, is concerned about the Coventry Fire District situation. We don't get any communication from the dysfunctional board that is supposed to be running that district. The level of service is not what it is supposed to be. There are complexes for the elderly, nursing homes, schools, etc. in that district. Besides being understaffed, the experienced guys on the department are retiring and we are finding ourselves in a predicament. Don't know how this has been allowed to get to this point.

President Shibley said the Town Manager has been in discussions with the fire agencies. The Council is also concerned, but we don't have the answers. This comes under the authority of the state, basically the General Assembly, not the town. Each district has its own charter and that poses a concern because there are four individual districts. Hopefully Anthony will survive. Also, with the 2-2 vote, they did not get their 5th board member. Councilman McGee added that it is unfortunate that it has gone the way it has, but our hands are tied. However, when people call 911, they will get service. Maybe a little delayed, but they will get service.

Stacy O'Gorman, 31 Elton Street, in referring to the Tiogue Lake right of way situation, thanked the Council for installing signs on the right of ways and went on to recap for the public where, exactly, the rights of way are located.

LICENSES

1. Application for renewal of Victualling license by James Burrill dba Sandy's Specialties Country Store, 192 Pilgrim Avenue

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

A. RESOLUTIONS

1. 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
2. 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 explained that these two resolutions are a result of negotiations between former Town Manager Hoover, Atty. Vincent Ragosta, Vice-President Carlson and the IBPO. There are increases of 2.5% for the first two years, 3% in the final year in exchange for an increase in payment to the town pension plan by the police officers of 1% a year on the final two years of the agreement. There is also an increase in the officers' share of the health insurance premium. Mr. Ragosta, Mrs. Carlson, the rest of the negotiation team and myself recommend adoption.

President Shibley believes that this is comparable to other police departments throughout the state and, with some give back, I think they are good contracts, both from July 2013 to 2015 and also the second one, July 2015 – July 2018, covering a five year span.

A motion was made by Councilman McGee seconded by Vice-President Carlson to adopt Resolutions 1 and 2. All voted aye.

3. Discussion and resulting action authorizing the Interim Town Manager to sign an agreement regarding Village Green Impact Fees

Manager Kerbel explained that resolutions #3 and #6 are agreements with the person who is taking over the development and he has agreed to pay impact fees that have not been paid in the past, ranging from \$1,700 to up to \$5,000. The purpose of that range is because we have not settled on exact amounts, but the significance is that we will be receiving impact fees. The developer is anxious for building permits.

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

5. Discussion and resulting action approving the replacement of cabling in the Library.

Library Director Lynn Blanchette is requesting release of \$8,993.10 in impact fees to replace cabling in the public library, which will allow the patrons faster internet and download speeds as well as enabling the library to take advantage of newer equipment. Manager Kerbel requested that the amount of \$8,993.10, the amount being released from impact fees, is stated in the resolution as the auditors like to see the funding explanation in the resolution.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to approve the resolution and include the amount of \$8993.10 in the resolution. All voted aye.

5. Discussion and resulting action on proposed "Agreement and Stipulation Concerning Mutual Cooperation and Reservation of All Claim" KC CA #13-5001

Manager Kerbel advised that this resolution sets in place the beginning of further discussions and agreements with the receiver of the Centre of New England, where the town will be entitled to some fees. Neither party is giving up their right for any of the pending lawsuits, but this is the beginning of the process of a good faith effort to reach a settlement with them. My understanding is that a payment will be made this week.

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

6. Discussion and resulting action on proposed Agreement for Impact Fees for the "Highlands" arising from litigation KC CA #03-444 and KC CA #13-5001

This involves an agreement to pay impact fees for a total of eight building permits that will be issued to MT Corporation, which is relative to CONE and the Pine Hills Development

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

B. ORDINANCE (First Reading)

1. Amending Section 113-5 of the Coventry Code of Ordinances, Campgrounds and Trailer Parks

Solicitor Gorham explained that the way the ordinance is right now, the Council really doesn't have a choice as to whether to issue a year round license or a non-year round license. The current provision of the ordinance states that with 20% capacity during the winter months, they can continue to operate as a campground. This proposed amendment will give the Council a little more flexibility in that you can either accept or reject that separately.

Councilman McGee remarked that right now they can operate at 20% capacity in the winter. He doesn't see what this proposed ordinance proves, is it so that we can tell them from one year to the next if they can operate all year? What reason could we possibly give not to issue them the winter license? We charge them taxes for a full year and they should be able to work at 20% during the winter, as it is written now. We toured the campground, there was no problem and I see no need for the ordinance. You would be taking business away from them in the winter. It happens all the time that people will come from out of state to work on a project for a length of time and stay in the campgrounds.

Solicitor Gorham responded that up until a few years ago, none of the campgrounds could operate year round. All this ordinance amendment does is give the Town Council some flexibility. If you think that every campground in town should be allowed to unconditionally operate all year, then vote against the amendment to the ordinance. Even though there may be no problems with one of the campgrounds, there may be issues with another. This would give the Council the ability to say no.

President Shibley added that this simply gives the Town Council the discretion to address a situation, and if there was a problem, the Town Council would have the ability to say no.

Vice-President Carlson said this also includes adverse affects on surrounding neighbors. We have only toured one campground because we were only allowed to go to one. We should be able to address problems and say no; the way it is now it is all or nothing. If you have a campground with problems, then you have the ability to say no.

Councilwoman Duxbury wanted to clarify that this ordinance would enable us to prohibit winter camping if we find that a campground, for example, has excessive police activity, yet still allow another campground to operate. Or as another example, where someone is camping year round and sending kids to our schools. If you are camping year round, you are not paying taxes to send kids to our school system. It is only a motor vehicle type tax, not as a homeowner would have to pay. Solicitor Gorham agreed and indicated that is a factor you can put into consideration.

Ms. Duxbury said that camping is recreational and not meant to be residential. What we have now is the danger of people making it their residence and using town services such as police, fire and perhaps our school system. That is not the intended use of camping, it is not meant to be your permanent place of abode.

A motion was made by Councilwoman Duxbury seconded by Vice President Carlson to advertise ordinance for public hearing. Vote taken: 4 in favor; Councilman McGee votes no. Motion passes.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to adjourn meeting. All voted aye.

Town Clerk