

Town Council Meeting  
November 14, 2016

EXECUTIVE SESSION – 6:30 P.M.

- RIGL 42-46-5 (a) (2) 39 Leighas Lane

TOWN COUNCIL MEETING – 7:00 p.m.

A motion was made by Councilman McGee seconded by Councilman Asselin to come out of Executive Session. All voted aye.

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

Present: Councilmember McGee, Vice-President Carlson, President Shibley, Councilmember Laboissonniere, Councilmember Asselin, Town Manager Waters, Town Solicitor Gorham

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

Approval of Town Council Minutes from October 24, 2016

A motion was made by Vice President Carlson seconded by Councilman Asselin to approve minutes of October 24, 2016. All voted aye.

President's Comments

- President Shibley thanked voters of Coventry for approving Question 8 on the November 8 ballot, approval of a new Police Department/Human Services building. After several tries over the past decade or so, a \$12 million dollar bond was approved with over a 60% approval vote.
- Congratulations to both Councilman Laboissonniere and Councilman McGee on their re-election to the Town Council and also to Councilwoman-elect Debra Bacon to District 5. He also congratulated Ann Dickson and Dave Florio on their re-election to the School Committee along with two state senators and six representatives on their re-election.
- He announced a few upcoming community events: the monthly breakfast at the Senior Center on Friday this week along with a Thanksgiving celebration at the Senior Center starting at 11 am. Also, Christmas at Spell Hall (Nathanael Greene Homestead) will be on Saturday, December 10. Adult admission is \$5.00, children \$3.00.
- Candidates are invited to apply for vacancies on the Coventry Land Trust, Tax Assessment Board of Review, the Sewer Assessment Board of Review, Juvenile Hearing Board and the Planning Commission.

COUNCIL DISTRICT UPDATES

District 3 Councilman McGee had no news to report from his district, but thanked the voters of District 3 for their trust and re-electing him. He looks forward to working with the Town Council for the next four years. Additionally, he remarked on the road construction and traffic tie ups on Arnold Road. Right now it is a mess, so try to avoid Arnold Road if possible.

District 5 Councilman Asselin thanked the Town Solicitor, Zoning Official and Town Manager for working with the residents of Helen Avenue regarding the Ferrara Machine Shop and trying to come to a resolution. He commented on new stop signs on Reservoir Road, hoping that will solve some issues.

Vice-President Carlson thanked Mr. Asselin for his service on the Town Council for the last three months and commented that he has been a great asset. She reported news from District 1, that Shady Valley Road is fixed and it looks like the ponding problems seem to be under control. Maple Valley Road is being worked on as well as Town Farm Road.

Councilman Laboissonniere thanked the voters of District 2 for re-electing him to another four years on the Council and also congratulated Councilman McGee and Councilwoman-elect Bacon. There is a lot more to do in the next four years and he looks forward to working with the Council, Town Manager and administration.

President Shibley, District 4, remarked that Arnold Road is a long overdue project, but try to avoid that area right now if you can with all the construction going on.

PUBLIC HEARING

1. Petition for Abandonment – portion of Carr and Lambert Streets

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

Atty. Lou Baldi of 445 Budlong Road, Cranston, represents petitioners Michael Saccoccia and John Studley.

Solicitor Gorham explained that this is a petition for the abandonment of a portion of Carr and Lambert Streets. On the map and survey included you can see clearly what is proposed to be abandoned. In this case, the petitioner gave notice by certified mail to only the land owners who abut the portions of Lambert and Carr that will be abandoned. I pointed out that I thought the petition had to give notice to everyone on the street, but there is actually a Supreme Court decision that you do not have to, so the notice requirement has been met as required by law. Solicitor Gorham also raised the issue of damages, as it becomes a bit of a quandary, as we have to consider whether it is worthwhile to abandon this and subject ourselves to the risk that someone may come forward with a claim. Although Solicitor Gorham thinks this is a good plan, he wants to make sure the town doesn't get sued for damages.

Attorney Baldi stated that the only way to show damages is to prove that access to their property has been diminished or taken away. If you allow this abandonment, no one's access will change. The only way damages would be awarded was if there was harm done to the abutters, proof of it and an actual basis for the damages.

Vice-President Carlson questioned the proposed plan and Atty. Baldi explained that currently there is 34,915 square feet. If this is approved it would add about 13,000 square feet, giving us a total of appx. 41,250 sq ft. , so then we meet the 20,000 square foot requirements. The engineers can then plan the septic and well requirements to conform to DEM criteria.

Councilman McGee thinks it is better to abandon the property and receive taxes for the it, feels it would be better for the town.

Discussion ensued as to who received notice of the hearing. Mr. Baldi commented that he did not need to notify Lot 23, but did anyway. Lots 16, 17 and 18 on Lambert Street were not notified because they do not abut. There was discussion on who needed to be notified, with Solicitor Gorham explaining that anyone who abuts the portion to be abandoned needs to be notified via personal notice. However, the council can require additional notice if they want to.

Solicitor Gorham suggested to Council that they may want to ask the applicant to at least attempt to notify abutters who have property abutting Lambert and Carr Streets to sign off on damages; that may be the most prudent and safest way. Otherwise the town plays a guessing game as to whether we will get sued.

Atty. Baldi stated that everybody on that street has a right to claim damages, however, he feels that if we have to go get waivers from these people, and if they refuse to sign, then you are supplanting their decision against the council. Everybody under the law has been notified, along with additional public notice. If anyone has disagreements they are here tonight. But, if they refuse to sign a waiver, then they are making the Council's decision, it gives them have the power.

Councilman McGee added that by law, you have notified everyone, people have an opportunity to speak tonight. In addition, this abandonment came with the unanimous decision of the Planning Commission for approval. Solicitor Gorham agreed that everyone has received sufficient notice.

Maryann Ricci is the owner of 13 and 33 Carr Street (Lots 20 and 22) She asked what happens to the land after it is abandoned, who gets it? Atty. Baldi explained that it is split and divided, half and half; the abutter on one side gets half the road which is 15 feet wide by the length of what they abut. This road is 30 feet wide.

Mr. Terry Slattery, 7 Lambert Street, has been using this land as a driveway for the last six years, but does not own it. Mr. Baldi explained plans to Mr. Slattery, that the extra square footage is needed to put in the wells, per DEM. We will subdivide with 20,000 feet on each side, then do perk testing.

Eileen Sharp, 16 Lambert Street (Lot 19) asked if this is abandoned, would there be a no thru traffic sign put up? Solicitor Gorham advised that there will be a sign stating that the road is "not a public highway".

Councilman Laboissonniere is in agreement with this project, it is in his district and he feels

that by adding these homes it makes sense, helps the people who are there now by giving them more land.

Solicitor Gorham mentioned a provision whereby the town has the authority to sell this property to the abutting land owners, at fair market value. He doesn't know the value of the land, it could be nothing, but the town does have the right to demand payment. Councilman McGee added that it is possible that you would get more in tax revenue than you would at fair market value.

No further discussion. A motion was made by Councilman McGee seconded by Councilman Asselin to close public hearing. All voted aye.

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

PUBLIC COMMENT There was no public comment this evening.

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

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Town Clerk