

Town Council Meeting
November 26, 2012

EXECUTIVE SESSION – 6:30 PM

Motion was made by Vice-President McGee seconded by Councilwoman Carlson to recess into executive session for the purpose of reviewing qualifications for various vacancies on boards and commissions, pursuant to RI General Laws 42-46-5 (a) (1). Roll call vote, all voted aye.

Review of qualifications for Boards and Commissions:

1. Tax Assessment Board of Review
2. Sewer Assessment Board of Review
3. Juvenile Hearing Board

Vice-President McGee moved to recess back to regular session of the Town Council. Councilman Laboissonniere seconded the motion. Roll call vote, all voted aye.

Motion made by Vice-President McGee seconded by Councilwoman Carlson to seal minutes of Executive Sessions from November 26 and November 13, 2012. Roll call vote. All voted Aye.

Town Council meeting

Present: President Gary Cote, Vice-President Kerry McGee, Councilman Jendzejec, Councilman Laboissonniere, Councilwoman Carlson

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Invocation by Reverend Auld
Review of Emergency Evacuation Plan

President's Comments

President Cote asked that Resolution #3 stating the Town of Coventry's position on the Coventry Teachers Association/School Related Personnel Pension Plan be moved from its placement on the agenda and discussed now. Motion was made by Vice-President McGee seconded by Councilwoman Carlson to move placement of Resolution #3 to the beginning of the agenda. All voted aye.

Manager Hoover explained administration's position that neither the Town nor the School Committee is liable for the apparent underfunding of the Coventry School Employees Pension Plan and Trust. He went on to explain that last July the State Auditor General sent a letter asking the town manager and the school superintendent to state their individual positions on this plan. In summary, what has happened over the years is that the town and the School Committee have funded this plan by an amount that was contractually obligated in the collective bargaining agreement.

After meeting with Attorney Ragosta and after several discussions in executive sessions, it is administration's position that there is no further obligation on the town's part. What I am suggesting is that this Council approve the resolution stating the opinion that we do not hold the liability for it.

Councilman Laboissonniere questioned whether the town has met its' funding obligations and Manager Hoover replied that yes, the town has met its' obligations through a line item in the school budget; currently he believes the percentage amount has worked its way up to 12% of gross wages. The School's budget is approved by the Town Council, and each year that we had a contractual obligation, we did put in that amount.

Councilman Jendzejec doesn't understand why we are considering acting on this tonight and noted that the School Committee hasn't acted on it yet. Someone has to be held responsible. I am afraid that sooner or later it will fall on the backs of the taxpayers. The two new members on the Town Council should be given enough time and facts to help them make an educated decision rather than a rushed decision tonight. We should think about pooling our resources to help fund this underfunded pension.

President Cote added that, after looking at facts, the Town of Coventry was never responsible for administering this plan. The taxpayers have already paid their share of the pension. If the Board of Trustees of this pension plan did not look out for its financial best interest on behalf of its members, it should be taken up with them, not laid on the back of the taxpayers for a bill they have already paid once.

Kelly Erinakes, President of the Coventry Teacher's Alliance, 3 Hazel St., spoke on behalf of the school related personnel. The town was fully aware of the SRP unfunded liability and if the pension is underfunded, then there should be equal responsibility. The Council is charged with the care of the town, and if a problem falls with the schools, it falls on you as well.

In addition, the school related personnel have also already funded their pension. These people have already given up cost of living increases, raised the retirement age on their pension and decreased their benefits by 50%. I have seen several communications from former school finance director Anthony Ferrucci telling the Town about the problems with this pension.

A motion was made by Councilman Jendzejec seconded by Councilman McGee to table this resolution until at least the new council members get time to do research and gain information. All voted aye.

PROCLAMATIONS

Recognizing Richard Sharkey on the receipt of his Eagle Scout Certificate

President Cote presented Eagle Scout certificate to Richard Sharkey.

Recognizing the efforts of all Town Departments and Fire Districts on their emergency efforts during Hurricane Sandy

President Cote presented certificates to the Coventry Department of Public Works, Coventry Police Department, Parks and Recreation Department, Human Services Department, Hopkins Hill Fire Department, Western Coventry Fire Department, Central Coventry Fire Department, Anthony Fire Department and the Certified Emergency Response Team.

Renewal of Campground licenses

- a. Hickory Ridge
- b. Camp Ayoho
- c. Colwell Campground

Manager Hoover explained that this is a yearly license renewal. All documentation has been reviewed, state and town requirements have been met. Renewal licensing is recommended for all three locations.

Councilwoman Carlson questioned the year round use of campgrounds and permanent residents at Hickory Ridge Campground. Solicitor Tobin responded that under the campground ordinance up to 20% of the units in campgrounds are permitted year round. This is the case with all of the campgrounds according to the ordinance.

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to approve campground license renewals. All voted aye.

PUBLIC HEARING

1. Amendment to the Municipal Services Ordinance

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

Councilman Jendzejec explained that many residents in his district live in manufactured home parks and pay full property taxes yet do not receive the same services that other taxpayers receive, including garbage pickup, recycling, and snow plowing. They only receive emergency response services. This ordinance is the result of research on what other towns do throughout the U.S. Many towns either pick up waste or reimburse the association to have it picked up. There are a few areas of this town, Paige Drive for example, that receive town services now but did not originally. One condo association, Washington Village, gets their recycling picked up. So, it seems that a few do, a few don't. This ordinance would make a level playing field for everybody in town.

Councilwoman Carlson asked about costs and whether fees are already paid to the parks for these services. With regard to costs, Manager Hoover responded that he ran an estimate on only refuse pickup, which could run as high as \$190,000 a year extra in the budget.

Councilman Jendzejec added that these residents pay both taxes and fees, but don't get the services. He also clarified that this would not include snow removal or road repair.

Councilman Laboissonniere offered background information on Paige Drive, stating the reason that residents began getting trash pickup was due to a public safety issue. He also recalls that at the time of construction of certain developments, agreements were made that town services would not be rendered.

John Assalone, representing himself regarding Westwood Estates, remarked that Westwood Estates gets great services from fire, safety and police, but wish we received services from DPW. Westwood and other manufactured home communities are a positive cash flow for the community. Years ago the residents of these parks did not pay a full tax rate.

Legislation was passed and now they pay taxes like anybody else. We pay the same rate now as the town does when they go to the landfill. Mr. Assalone asked whether Westwood residents are allowed to use the transfer station. President Cote assured Mr. Assalone that anyone living in the Town of Coventry has the same rights to the transfer station. Everyone is treated the same. The people in the manufactured home parks are welcome to use the transfer station.

Manager Hoover added that purchase of a \$20.00 coupon at DPW will allow four visits per year to the transfer station.

Liz Mills, President of Highland Association, 26 Stephani Drive, advised that when she lived in Cranston, that particular condo association was reimbursed by the city of Cranston for private trash pickup. After moving to Coventry, it didn't make sense that I was paying a full tax rate and also a fee and still not getting any town services, except for public safety. We don't have a problem with paying our share and we're conscious about trying to cut corners and save our homeowners some money. Right now we pay \$10.00 a month per unit for trash collection. If cooperation fails at the town level, our next stop would be go to the state level and lobby for this.

Warren West, 114 Wood Cove Drive, added that one of the reasons they do not have trash pickup is that the roads don't meet town standards and the town trucks are not supposed to be on those roads. We would need to upgrade the roads to put garbage trucks on them. In addition, there are different types of manufactured home parks in Coventry. Some are just essentially tenants but there are a couple of parks where homeowners actually own the park and operate independently. Where parks are owned by a corporation and people pay rent, it becomes very similar to an apartment building. Are we prepared to collect trash at every apartment building in town?

Councilman Jendzejec advised that this ordinance allows reimbursement when the town doesn't pick up. It stipulates that the organization that pays for the trash pickup must provide an RFP that is acceptable to the town, then enter into a contract. It is not just automatic that we will reimburse the organization/association any amount.

Ernest Nardolillo, 84 Coventry Drive, works for DPW and picks up refuse. The town doesn't have the equipment or manpower to take on any more responsibilities than we already have. We average 500-700 stops a day now with one guy on the truck. To ask any more is a breach on the body; it takes a toll as it is.

Warren West asked that since the budget is already set for this year, how would you pay for that service and how would you raise the money? Councilman Jendzejec responded that we would begin next fiscal year.

Sandy Clunan, 37 Enzo Drive, thanked Councilman Jendzejec for his proposal. She would like to work together with the town to resolve this issue.

Motion made by Councilman Jendzejec seconded by Vice-President McGee to close public hearing. All voted aye.

Councilman McGee said he understands what everyone was saying tonight, but there are some very difficult decisions that need to be made over the next couple of years. I think we should approach this in small steps.

Motion was made by Councilman Jendzejec to approve ordinance, no second was given to the motion, motion fails.

RESOLUTIONS

Authorizing the award of a contract to C.B. Utility Company, aka Brito Construction, for the installation of a pump station and combination gravity/force main/low pressure sewer line from its current terminus in the vicinity of 1277 Main Street to and along Industrial Drive, as well as a low pressure sewer line from Industrial Drive to The Department of Public Works building, Town Hall and the Town Hall Annex

Manager Hoover gave brief explanation that a grant request was made from the US Economic Development Administration for about \$4 million, of which we were awarded \$2,170,812. That amount would support a portion of improvement to sanitary sewers to the industrial complex on Industrial Drive. There are some major industries in that location, one being Boston Scientific. We indicated that we would match that grant and the Clean Water Financing Authority will let us secure low cost financing.

CB Utility Co. was the successful low bidder and tonight I am asking the Town Council to award the contract to CB Utility Co. This will provide immense benefits to these industrial and commercial users, as well as residents when they are ready.

President Cote added that Boston Scientific is working on a \$24 million upgrade. Currently they truck out their wastewater on a daily basis. If they hook up to a sewer line, they could use that money to pay the assessment and hire new employees. There is a considerable chunk of land in the industrial park open for further development. With regard to our flowage allotment, Manager Hoover stated that currently we are only using about 5%.

Councilwoman Carlson asked about a time line and Manager Hoover replied that the project needs to be started by the end of the week, November 30. The project needs to be complete within one year, by November 30, 2012, and there should be no problem accomplishing that.

Councilman Laboissonniere asked about low interest loans, and Manager Hoover replied that we would pay about 2.75%, with the first phase being a grant.

Motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve award of contract. All voted aye.

Releasing the Town of Coventry Tax Collector from collecting \$184,150.86 in uncollectable outstanding tangible taxes from 1996 through 2008

Finance Director Ted Przybyla explained that these are primarily motor vehicle taxes, tangibles and equipment. The Town will make every effort to collect them, this doesn't mean we will stop. If we are able to get something out of these companies and people, we will do it. We are not abating these taxes, just placing them on the secondary collections list.

Councilman Jendzejec suggested that we hold off on this issue until the council sees fit to pass the proposed tax amnesty ordinance.

Motion made by Councilman Laboissonniere seconded by Councilwoman Carlson to

release the tax collector from collecting uncollectable outstanding tangible taxes from 1996-2008. All voted aye.

Approving releases regarding the purchase of a new refuse packer cab, chassis and body for the Coventry Department of Public Works

Manager Hoover explained that after bidding the cab and chassis, there was an error with the installation as the end of the chassis was cut in order to get the body on it. We refused to pay as the truck didn't meet our specifications. After several discussions, ultimately this was turned over to Solicitor Tobin.

Solicitor Tobin explained that the town had a couple of options and one option was to see if the company could sell it to someone else and give us back the money for the cab and chassis, but that would have caused a delay of up to about 6-8 months. Another alternative was to see what we could get back in damages and the company agreed to pay us \$25,700. I would like to suggest tonight that the Council approve this resolution subject to an appeal period and the town receiving the releases.

President Cote advised that after receiving the monetary agreement of \$25,700, the federal government amended the guidelines, regulations and weight requirements on single axle trucks. So, with the new weight requirements you cannot put a 29 yard body on a single axle truck, it will no longer meet federal guidelines. So, we would end up with exactly what we have now, only another 6-9 months down the road. Manager Hoover added that by getting back \$25,700 we can put that money toward rehabilitation of the existing packers.

Motion made by Councilman Jendzejec seconded by Councilman McGee to approve resolution. All voted Aye.

Authorizing the award of contracts to the Estate of John Koszela and to Walter E. Reynolds for the purchase of winter sand for the Coventry Department of Public Works

Motion made by Councilman Jendzejec seconded by Councilwoman Carlson to approve resolution. All voted aye.

Approving Saturday, December 15, 2012, 9:00 AM to 3:00 PM, for the orientation of the new Town Council

Motion made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve resolution. All voted aye.

ORDINANCES

Authorizing a forty-five (45) day period during which a waiver of interest and penalties on overdue tangible tax payments and motor vehicle tax payments may be made (Tax Amnesty Program)

Motion made by Councilman Jendzejec seconded by Councilman Laboissonniere to advertise for public hearing. All voted aye.

PUBLIC COMMENT

Tom Forcier, 30 Lori Lane, lives adjacent to Colwell's Campground and has an issue with the new campground owner, Brian Bamford, installing a 500 foot road through a field. He questions whether there has been expansion of the campground, since before Mr. Bamford purchased the campground there had been no changes since 1986. Mr. Forcier also questioned the number of sites in the campground and whether there have been any plans submitted or permits issued.

William McElroy, 104 Peckham Lane, stated that he has basically the same questions and concerns as Mr. Forcier, particularly addressing the number of sites.

Sue Colwell, 70 Lori Lane, owns adjacent property to the field. She has seen gray water coming from a camper there and has concerns with regard to the septic situation, since contaminated water can cause illness. She submitted pictures.

Manager Hoover will have Planning Director Paul Sprague and Zoning Officer Jacob Peabody look into these matters.

Ruth Daniels, 95 Pembroke Lane, is a trustee on the SRP Pension Plan. The trustees and the School Committee have worked in good faith for the past four years that she has been a trustee. There was a town resolution approved that anything over a 10% surplus is to be divided between the police and municipal pensions, but the school related personnel need a fair shake too. She agrees with Councilman Jendzejec's suggestion that a portion of that money should be put away for the SRP until this problem is rectified.

Gary Moore, 65 Clarke Road, SRP Trustee, remarked that the unfunded liability needs to be addressed along with the pension plan and there is a lot of confusion about the plan. The people who are responsible for correcting these problems are not the people who were here when these problems started. I don't think we would be having this meeting tonight regarding the pension plan if things had happened differently, as the plan was well on the way to being 60% funded before the financial crisis hit. I'm sure the town plan was in much better shape also. Things have happened beyond the town's control and I think we need to sit down and figure out how to solve the pension crisis in Coventry.

Denise Gibbons, Pine Haven Road, commented that there has been level funding in the schools and many layers of different things impacting the pension. We want to work collectively with every entity involved because it's important to resolve this. It is the fair and equal thing to do if you are using surplus to help the pensions, then it needs to be split between the three pensions.

President Cote clarified that the town didn't give 10% to anybody, it was the amount over the 10% surplus that went to both pension plans.

Ms. Erinakes responded that the SRP is the only group of the three pensions plans who have drastically reduced their benefits. This is not the right thing to do by pitting one subsidiary of the town against the other. Talk this out before you go into court and spend more money.

Gail Whittaker, 1 Allison Ave., there are three pension plans and we all collect our paychecks from the town. We need to all be treated fairly.

Susan Brown, 93 S. Main St., doesn't feel she is being treated fairly.

Warren West, Wood Cove Drive, has a copy of the last report indicating that there is town responsibility toward that pension.

Bethany Horn, 1243 Maple Valley Road, is a SRP union member and believes all needed to be treated fair and equally.

Vice-President McGee stated that this Council inherited a lot of problems. We are not heartless; we do sympathize. The town did not pay our share of police and municipal pensions, we own that; but we did pay our share on your pension. Somebody needs to be held responsible for this pension. We understand that you deserve your pension. We are not in control of your pension and whoever was responsible should have known this pension was not funded. This is a terrible problem and in my opinion four or five contracts ago more money should have been negotiated for the pension. We don't have the answers right now and are trying to be honest with you, but it doesn't look good. Our job is to look out for the thousands of taxpayers in town.

Motion made by Kerry McGee seconded by Councilman Carlson to adjourn meeting. All voted Aye.

Town Clerk