

Town Council Meeting  
December 10, 2012

Work Session - Coventry Landfill Alternative methods of remediation

President Cote announced that the work session scheduled tonight is to discuss ideas for capping and remediating the landfill. Manager Hoover gave a brief history of the landfill along with the current status of the site including remediation.

Richard Sherman, Esq. and Richard Hittinger, environmental consultant, discussed methods of capping the landfill with certain materials and explained each alternative method of capping, which are included in the "Beneficial Use Determination", methods for remediation.

Richard Sherman talked about the decision regarding which plan to submit to DEM for remediation and how that proposed plan would be implemented. One aspect of capping the landfill is to prevent infiltration of surface water into the ground water, helping to reduce further contamination. As part of the capping process, one of the things that has to be done is called implementing a subgrade, where soil and other materials are moved around to create a base on which the cap will rest.

There is a state law which allows slightly contaminated soil to be used in the grading of the landfill for the cap. Basically this program allows soil that slightly exceeds standards in lieu of clean fill. Such material is available from construction sites, road sweeping and other excavations and would be brought to the landfill and stockpiled.

President Cote remarked that the Capuano Landfill on Pontiac Ave. is currently capping the landfill by this method. There are currently two such programs in Rhode Island, one in Cranston and one in Portsmouth.

Attorney Sherman further stated that the program requires approval by DEM. DEM has a certain protocol with very strict standards. A public hearing must be held in the town where the program will be implemented. We do think a BUD program makes sense for this town.

President Cote added that inspections and weight slips track how many tons we are taking in. Everything is pre-tested before it is put into a truck for delivery. The protocol has very strict standards and you never know when an inspector is going to show up.

Mr. Hittinger further explained that a landfill has to have a certain shape with no less than a 3% slope on top. A lot of this material is needed just to make the right shape and is considered urban fill for the most part. DEM does favor BUD programs.

Vice-President McGee asked about opposition in the towns using this program and Mr. Hittinger replied that in East Providence only one person showed up at the public hearing with questions.

Attorney Sherman referred to a chart summarizing three different BUD options. He stated his opinion that he believes the town should consider the 300,000 yard proposal and believes it is approvable by DEM. It could save the town in the area of \$4 million. We believe this to be a workable compromise and would leave about ten flat acres on top of the landfill.

Mr. Hittinger added that a soil cap is proposed and is under approval at DEM. The design and implementation of the closure has been delayed. We have looked into ground water contamination and alternative methods to treat the contamination. We have found the source for the contamination and will include treatment of the source area. Remediation may begin by late summer or fall of next year. If you accept the 300,000 yard recommendation, it will be 3-4 years before we complete everything, maybe even 5 years until the final grade and capping is complete.

President Cote advised that a lot of trucking is necessary to get 300,000 yards of materials onsite. This Council needs to make a recommendation, but first hold a public meeting so that citizens can voice their concerns and get answers. We have a very active Tiogue Lake Association and they have been very active in partnering with the town in accomplishing cleaning up our waterways. I know they will be very interested in this method and will want some assurances that this method works and there will be no ground water contamination.

With this project total remediation could cost about \$6 million. If by accepting the 300,000 cubic yard proposal we could save about \$4 million, the town will realize a significant savings. We are prepared to finance remediation through bond financing.

Mr. Hittinger and Attorney Sherman will prepare a presentation for the January 28 Town Council meeting based around the 300,000 cubic yard plan.

### TOWN COUNCIL MEETING

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

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Absent: Councilman Laboissonniere

Pledge of allegiance led by Town Sergeant

Moment of silence for Dennis Skorski, retired from Coventry Police Department

Town Sergeant announced evacuation plan

Motion made by Councilwoman Carlson seconded by Vice-President McGee to approve minutes from November 13 and November 19, 2012 Town Council meetings. All voted aye.

President Cote asked for motion to move presentation by the school department to a later position on the agenda as they are still currently in a school committee meeting. Motion made by Councilman Jendzejec seconded by Councilwoman Carlson to move presentation closer to the end of the council meeting. All voted Aye.

### CONSENT AGENDA

1. November tax abatements and additions

Motion made by Councilman Jendzejec seconded by Vice-President McGee to approve consent agenda. All voted aye.

### RESOLUTIONS

1. Appointing one full term member and two alternate term members to the Juvenile Hearing Board
2. Appointing one member to the Sewer Assessment Board of Review
3. Appointing one member to the Tax Assessment Board of Review

Motion made by Councilman Jendzejec seconded by Vice-President McGee to appoint Clint Shurtleff, Andrew Perra and Jaime Bernard to the Juvenile Hearing Board; Leonard Piette to the Sewer Assessment Board and Michael LeBlanc to the Tax Assessment Board of Review. All voted aye.

Mr. Perra was present; President Cote administered the oath of office.

4. Stating the Town of Coventry's position on the Coventry Teachers Association/School Related Personnel (CTASRP) Pension Plan

Vice-President McGee remarked that he doesn't have an answer to this problem but hopes we can come up with compromise, not go to litigation and continue to work towards a solution. We need to move forward, though, and a vote has to be taken on this resolution.

Councilman Jendzejec would like to have it clarified as to why we need to act on this resolution tonight. Manager Hoover responded that back in July the Auditor General asked for the positions of the town and the school department with regard to the pension plan and subsequently a couple of executive sessions were held. It is very important that the Town Council take a stand on this so that if it is approved tonight it will be sent to the auditor general and then we can complete our audit.

Councilman Jendzejec asked whether we would be voting on this tonight if the auditor general hadn't made that request, and since he did make that request, his "print" should be on the resolution clarifying that he requested it.

Motion made by Councilman McGee seconded by Councilwoman Carlson to approve resolution. Voice vote: 3 Aye, Councilman Jendzejec votes Nay. Motion passes 3-1.

5. Approving the increase of sewer user fees

Woodcock and Associates was hired to do a rate study. As a result, the Sewer Subcommittee unanimously approved increasing the user fees from \$1.55 to \$2.83 per 100 cubic feet. An ordinance has also been proposed to reduce the interest rate on the amortization of sewer assessments. The resolution proposes an increase in the user fee necessary to support the increased debt as determined by a rate review performed by Woodcock and Associates.

We currently have a \$5 million sewer debt, and had been rolling this over every year, paying only on interest. The banks have indicated that they won't roll it over anymore unless we pay more on principal, and we were able to do that last year from the sewer fund due to a payment from Amgen. All of this debt is scheduled to be issued in May of next year, and we are making plans to formulate that now.

After working with the Ordinance Review Subcommittee and the Sewer Subcommittee, a rate change has been recommended from 8% to 6%. Manager Hoover advised that we will be doing a major refinance of the sewer debt, and that will save sewer users money. Based on the recommendation of the Sewer Subcommittee, I would ask that we move forward with this resolution.

President Cote clarified that we are not only talking about an increase in usage fees, but a decrease in interest fees charged on sewer assessments. The proposed ordinance regarding sewer assessments will be advertised for public hearing.

Motion was made by Vice- President Mc Gee seconded by Councilman Carlson to approve resolution. All voted aye.

6. Approval of the Town Council meeting schedule for calendar year 2013

Manager Hoover explained that the calendar will be adjusted as needed regarding meetings that fall on holidays or during summer months.

Motion made by Councilwoman Carlson seconded by Councilman Jendzejec to approve Town Council schedule for 2013 and make adjustments as needed. All voted Aye.

PUBLIC HEARINGS - LICENSES

1. Town Council, acting as the Liquor Control Board, considering the Class B license (with victualling) of Sun Lee Enterprises, Inc., 856 Tioque Avenue

Attorney Seth Perlmutter represented Mai Tai Restaurant and advised that Mai Tai has suffered losses due to road construction in front of the restaurant and also due to the overall economy. However, they expect to have their debt cleared up in a month. Mr. Lau is going to New York to borrow money from another business that he owns. His outstanding debt this year is far less than it has been in the past.

President Cote remarked that he realizes how hard it is for business owners in this economy, but the Council cannot continue to make exceptions for the same business year after year.

Councilman Jendzejec remarked that you cannot use road construction as an excuse anymore, that was last year, and the bottom line is that he has to pay his taxes like everybody else. It is his responsibility as a business owner and he needs to understand that he has to pay his bills on time.

President Cote emphasized that there comes a point when enough is enough. All businesses need to follow the same guidelines. We have a responsibility to the taxpayers of Coventry and if we hold every other business to these guidelines, it includes Mai Tai also.

Manager Hoover added that Mai Tai also needs a good standing letter from the state, Central Coventry Fire Dept. has issues with fire safety and the town electrical inspector has reported problems with electrical.

Vice-President McGee stressed that this cannot keep happening, and he will not favor leniency next year.

President Cote stated that whatever consideration is given to Mai Tai tonight will be expected by the other two businesses. And if these three businesses get an extension this

year, maybe next year we could have 23 businesses looking for an extension. We are setting the town up for financial failure. The town runs on a very slim budget, just like Mai Tai. We need what is owed to us to meet our own obligations.

Motion was made by Councilman Jendzejec seconded by Vice-President McGee to issue an extension to the end of the December. Vote taken: 3 Aye; Councilwoman Carlson votes No. Motion passes 3-1.

2. Town Council, acting as the Liquor Control Board, considering the Class B license (with victualling, live show and dance licenses) of Chatermike Restaurant Corporation, 446 Tiogue Avenue

David Petrarca, Esq., 20 Centreville Road represented Chatermike Restaurant Corporation, 446 Tiogue Ave. He advised that the state taxes should be paid by the end of the week and the sewer assessment will also be taken care of.

Vice-President McGee advised that it will not be acceptable to come back again next year with the same situation.

Motion made by Councilman Jendzejec seconded by Vice-President McGee to give the same consideration to Chatermike Restaurant as was given to Mai Tai, an extension until the end of the month to come into compliance. All voted aye.

3. Town Council, acting as the Liquor Control Board, considering the Class B Ltd license (with victualling) of Gentleman Farmer, 2405 Nooseneck Hill Road

President Cote advised that if all requirements are not met by the morning of January 1, 2013, all three businesses will be shut down by the police department.

Motion made by Councilman Jendzejec seconded by Vice-President McGee to give the same consideration to Gentleman Farmer as was given to Mai Tai, an extension until the end of the month to come into compliance. All voted aye.

Motion was made by Vice-President McGee seconded by Councilwoman Carlson to move School Presentation to current position on agenda. All voted Aye.

School Projected Expenditures presentation by Superintendent Michael Almeida

Finance Director Ted Przybyla and Tax Assessor Pat Picard gave the Council a three year budget projection as per Ordinance 3-06-249, with regard to how much additional tax can be raised, if desired. Each year taxes are allowed to be raised by 4%, roughly \$2.5 million in additional revenue, through taxes. Ms. Picard submitted a three year budget forecast (see report in council folder). Noted in her report was a statistical revaluation in 2015, where she shows a reduction of values. Additionally, Manager Hoover mentioned the burden that the town has due to the pension situation.

Michael Almeida, School Superintendent, presented the school's three year projected expenses. Per Title 16, the School Dept. is required to report to the town at this time with projections. These are assumptions and as we go further through this process will be able to confirm our numbers and be more accurate. Many of the state aid discussions are yet to be held; this is a preliminary budget discussion.

Dr. Almeida submitted a three year projection of expenses for the Coventry Public Schools. Discussion ensued (see projection presentation in council folder). Dr. Almeida advised that contracts have held true. The fiscal burden is strictly due to unanticipated expenditures, as noted on the three year expense projection.

Tuition to the Greene School was \$200,000 more than anticipated from last year's tuition of \$100,000 along with a projected pension increase from 14.01% to 14.86%. There is a need to consider reopening Oak Haven School for Pre K and K and we also need to begin to meet annual required state assessments for technology hardware. This is a very preliminary discussion, but we need to make you aware of some of the initiatives.

President Cote responded that under Senate Bill 3050 the maximum allowable increase for FY 14 would be \$1,687,229, and you are requesting over \$900,000 for the schools. We are looking at a tax increase now to support the school bonds and we are going to need your help at the FTM to explain that to people. In addition, within five years we have to make 100% of our ARC payments. That doesn't leave much for the town to meet its' obligations. I don't know how Council feels about a 4% tax increase and I don't know what the equitable split would be on

that. I know you have pension obligations too, but you have to understand that the town also has obligations. I understand your request and that probably deep down inside you realize it is a wish list.

We have to find a happy medium. Taxpayers don't have to approve a budget just because we submit it. Superintendent Almeida also understands there are pension requirements. He reminded Council that he is presenting only a preliminary conversation in order that Council can understand some of the problems in the school department. President Cote agreed that this is just a starting point in which to begin conversations going forward in this process.

Superintendent Almeida was also joined in discussions by School Finance Director Robin Pelletier. After further discussion on the three year projection of school expenses, President Cote thanked members of the School Committee and school administration for their presentation and looks forward to working with them in the future.

#### ORDINANCES

1. Reducing the interest rate on the amortization of sewer assessments

Motion was made by Councilman Jendzejec seconded by Councilman McGee to advertise for public hearing. All voted Aye.

#### PUBLIC COMMENT

Coventry School Committee member Judy Liner requested that the Town Council work with the School Related Personnel to address their pension issues. Feel we would be better able to address the problem and brainstorm if we put our heads together. There are probably people in the community who could also help out with strategy.

Motion made by Councilman Jendzejec seconded by Councilwoman Carlson to adjourn meeting. All voted Aye.

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Town Clerk