

Town Council Meeting
December 15, 2015

EXECUTIVE SESSION – 5:00 P.M.
PER RIGL 42-46-5 (a) (1)

1. Discussion Town Manager Candidate

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 Councilman McGee seconded by Vice-President Carlson to seal minutes of Executive Session. All voted Aye.

Joint School Committee/Town Council Meeting
With State Legislators
6:00 p.m.

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

School Committee Chairwoman Kathy Patenaude, School Committee members Florio, Kalunian, Pierson, Superintendent Michael Convery, School Attorney Katherine Duncanson

Review of Emergency Evacuation Plan

AGENDA

1. Big River Reservoir Legislation

Interim Town Manager Kerbel advised that the town submitted a proposal asking for support to explore a yard waste composting facility on Big River Reservoir property, as the town exceeds the cap each year at the central landfill. However, the request was denied by the State Water Resources Board. Senator Raptakis stated he would introduce legislation to remove the barrier to study the issue. In addition he will ask the Water Resources Board to explain why Coventry was denied the right to use that parcel of property.

Representative Nunes offered to explore some type of legislation with Senator Raptakis. There may be some additional costs or recuperation that the Town Council can pursue. Currently there is an agreement with the Water Resources Board for all their holdings in town. If they don't want to work with the town, he suggested renegotiating the agreement .

2. Taxing of Renewable Energy Projects

Manager Kerbel remarked that the League of Cities and Towns may desire to either waive taxes or set up one statewide method to tax renewal energy projects. If projects are going to be developed, the towns should have the option of how and if those properties are taxed, it should not be a statewide decision. In Coventry we want to tax wind energy projects as real estate at the commercial rate. If there are statewide bills adopted, the towns' resources should be considered. He is concerned at the town level how a determination will be made on whether or not we are going to tax and what the benefits are.

3. Fire District Legislation

Interim Town Manager Kerbel asked that legislators are vigilant and keep the Council informed of

any legislation proposed on a statewide basis to solve fire district problems.

Councilman McGee thanked the Chairmen of the two fire department boards (Central Coventry and Coventry) for their hard work. Representative Nardolillo and Senator Raptakis also recognized the hard work the two chairmen have put in and suggested that a study commission is formed to evaluate the costs and best options for the town. We need to put those numbers out there so people will know.

Senator Raptakis pointed out there is no maximum levy or cap for fire districts. He will also introduce legislation to try to do what was done for the cities and towns throughout the state under S3050 and will try to control the tax rate or the maximum levy in the fire districts also. As it is you could end up with a board raising taxes 10-30%.

Representative Morgan agreed stating that without taxpayer protection, including a tax cap and debt limits, they can run up the bill and the tax rate without the taxpayers having any kind of protection in the charter.

Councilwoman Duxbury asked Representative Nardolillo what kind of involvement he hopes to have from the town. Representative Nardolillo replied that if the state goes forward, introduces a bill and has a study commission controlled by the department of administration, they in turn would appoint members, legal counsel, Town Council members and members of fire districts to study the problem. The town could have their own study commission with their own local fire chiefs, members of Town Council and public members.

She asked if there would be any support to repeal the fiscal stability act as it applies to the fire districts. The only thing that happened at the state level was just added layers of extra debt for CCFD. Representative Nardolillo will be submitting a bill to repeal. Evidence shows there was no positive outcome and cost the district about \$400,000-\$500,000 in legal fees. Senator Raptakis will introduce a bill asking the state to reimburse Central Coventry for that money. Councilman McGee agrees it's a great idea to submit a bill to recoup that money. He wants to make sure everything is being done to get the word out to get people to the district meetings.

Fred Gralinski commented that the Fire District's Charter Commission is already on board. The charter and the fire district need to be fixed first before any legislation is put in. He remarked that Senator Raptakis wants to give senior deductions. We don't need state help like that. As far as the state cap on how much we can raise our taxes, we need to get our charter fixed and state in the charter what that cap would be.

Representative Morgan asked if there can be a bylaw change voted on at a regular meeting and Solicitor Gorham said it's better to have it in the charter.

4. One Year Delay in Adoption of Comprehensive Plan – Update

Manager Kerbel stated that the town is required to do five year updates of its comprehensive plan. However, in 2015 the state came out with new guidelines and we cannot prepare our update until they give us the guidelines. We need legislation to give us a one year delay.

5. Sex Offender Registration

Town Manager Kerbel advised that there has been a challenge to the 1,000 foot requirement. Our police department is concerned that whatever is adopted is workable on the local level as well and not put an undue burden on the police department without giving it the resources to do the enforcement.

Coventry Police Chief, Colonel MacDonald, stated there are less than ten level three offenders in Coventry. The level threes are transient in the state and they either move into town or around town. We have to do mailings on those offenders that move. The budget is around \$8,000 for mailings every year

along with emails that are sent to the school systems. Notice to the public used to be by district area, now we notice an area about a half mile around the house that the offender is moving into, whether or not there are children in the school system.

Senator Raptakis asked if the law needs to be changed because these offenders can plea bargain down from a sex offender to a simple assault. Colonel Macdonald agreed that where it's a sex offense you would normally see someone have to register. However, if they plead out to a felony assault it doesn't require sex offender registration. For sex offender registration it's usually ten years or more even if they are a level one.

Representative Morgan asked Colonel MacDonald if they monitor when families move in and out of that 1,000 foot radius. Colonel MacDonald said they are just required by law to send out one mailer. Not once a year, just once. The website is updated and maintained in order to see who is in the community; who the offenders are in town. The Colonel suggested enabling legislation for periodic noticing.

RIDOT Responsible for maintaining all improvements in RIDOT ROW

Manager Kerbel said there have been amendments to legislation that give RIDOT the major responsibility from curb to curb on state roads, not for all improvements. That falls back on the town. The council president brought to our attention that sidewalks on Route 117, a state road, are in a state of disrepair. We ask that you look into the RIDOT legislation and make them responsible for all improvements, not just curb to curb.

President Shibley pointed out that the area is directly across from the Gorton Funeral Home, on 117. The sidewalk is broken apart from the curb. Anyone trying to cross going to a funeral service could fall. It is a state road and it goes beyond the curb. Is it the state or town's responsibility?

DPW Director McGee explained based upon the Department of Transportation's transition plan, sidewalk maintenance obligates the municipalities to maintain the sidewalks on state highways. It also talks about the town being responsible for any debris and making sidewalks safe for travel for pedestrians. However, we don't have the funds or manpower to go along all the state roads. Representative Nardolillo commented that we have had several bad years and need to look at the roads first, then we will look at the sidewalks. I will revisit this monthly to inquire where we stand on our sidewalks. Money is always the problem. Senator Raptakis thinks Council should compose a letter to the director of DOT and the governor, that this is an emergency situation. They do have some funds to make certain repairs.

5. Rhode MAP RI update

The Town Manager asked for an update; Senator Kettle reported that it passed the House but stalled on the Senate side.

6. RI League of Cities and Towns Legislative Goals

Town Manager Kerbel explained each year the League of Cities and Towns adopts legislative goals. We ask that you pay attention to Mr. Beardsley and Mr. Schaffer in what they say at the League and if you have questions you can check with us. He asked the legislators are cognizant of those goals.

7. School Funding Formula

Superintendent Michael Convery explained that Coventry has been receiving approximately \$650,000 for the last few years. One thing the Superintendents' Association is concerned about is that the current formula is under revision. We are planning on that additional funding going forward. If the formula changed now, it could be detrimental to Coventry.

Representative Serpa had a meeting yesterday to discuss proposed education legislation for this

coming year. The governor did assemble a group to look at the school funding formula. A number of the urban areas have sent a letter to the governor requesting more money for their English language learners and their more expensive Special Ed students. I don't think that commission wants to add money because there is no money to add. We are all vigilant and we will protect that money for Coventry.

10. Educational items – School Superintendent, Michael Convery

Superintendent Michael Convery asked for the legislators' support in revising Title 16 Educational Law; particularly the added technology.

Social media has become increasingly disruptive. We are looking to have support to amend the limits of our authority to investigate social media particularly when it approaches criminal behavior or is disruptive to the school environment. We are limited in what we can do if something didn't happen *in* the school. It takes a tremendous amount of time and is affecting the educational environment in the school. School Committee member Florio agreed that there is a need to expand the scope of what tools are available to administrators and law enforcement.

We are also requesting district oversight of drivers' education programs; currently we understand teachers are hired through CCRI and our building administrators have no authority or ability to monitor that teacher's performance.

Additionally, several years ago through a tragedy in Sandy Hook, Coventry made our buildings more secure. We have a plan to revise our safety procedures and protocol and seek your assistance to strengthen and define the responsibility of school safety plans.

Representative Nunes was involved in legislation in 2013 requiring a certain amount of lockdown drills. RI Emergency Management was interested in working with the school department. Lately we haven't had any input. Lockdown drills were mandated for a certain amount of times per year. School Committee member Florio is looking for more direct oversight by RIEMA. Its' 36 separate districts are not overseen by one idea or philosophy.

Representative Nunes thinks the initial intent with legislation was to not be too burdensome to each individual district. If that's the position of Coventry and other school districts he asks that we set up a meeting with the Superintendents' Association and RIEMA. Representative Serpa asked if more clear guidelines were needed, as the plans were meant to give some latitude and ability to develop them with the local public safety personnel. Member Florio suggested more guidelines, training and involvement of other agencies. If the police come to Coventry and then they go to Exeter-West Greenwich, there would be a similar safety procedure and protocol. If there was a very horrific incident and out of district police and fire had to respond to another school district, then there wouldn't be a completely foreign set of procedures.

Representative Nunes pointed out the original draft of the bill did have consistency procedures in every school, but that was taken out because of predictability. However, in current plans there are elements that are not disclosed to the public

Council President Shibley asked if the Police Chief can articulate as to how Rhode Island police chiefs handle their school systems within the state. Colonel MacDonald answered there is current Alice training, providing a menu of options, active resistance and lock down.

Senator Raptakis spoke on the Department of Transportation, with regard to Route 3 from Harkney Hill Road to St. John and Paul Church. He would like to see a study commission look at expanding the center turn lane because it is very dangerous making the turn into the post office. If they can continue what they did from Rte. 95 in West Greenwich all the way to Harkney Hill, then they can continue that right to St. John and Paul Church to have that middle turn lane. He asked that the Council pass a resolution or discuss this, and other DOT issues, at a later date. Colonel MacDonald supports the exploration of a middle lane due to the number of accidents.

The Chief spoke about solicitation/peddlers. Although our ordinance is pretty strong, we looked at whether or not the ordinance also applies to services, like the person who scammed the elderly with asphalt driveways. It's worth looking at the law at the state level and whether or not it is strong enough; then re-examine our own ordinance to explore the services part of that ordinance. In addition, he would like to see legislation introduced that would allow municipalities to raise the cost for VIN inspections.

DPW Director McGee commented that the town is in the process of developing the new transportation improvement program, TIP, which has to be submitted to the state by January 8th. One of the items we talked about is getting sidewalks from South Main St. to Harkney Hill Rd. and that will be submitted in our TIP program. Secondly we were contacted by RI Resource Recovery regarding electronic waste, old tv's and computers and they would like us to be one of the state collection centers. They are locating one, by state law, in each county and Coventry will be the Kent County location.

Parks and Recreation Director, Jay Primiano asked for continued support of the east coast greenway and bike path from Summit to the Connecticut border. Additionally where roadways have sufficient width we would like to consider bicycle lanes.

IT Director, Ed Warzycha, spoke in reference to identity theft and breaching computer network systems. Legislation leaves no definition of what's protected, what's not protected; it also does not say who actually makes that determination. That law leaves us potentially vulnerable to some very big fines if our network is somehow breached, yet somebody else is making a determination whether or not we adequately protected that network.

Public Comment

Ken Jackson , 2799 Harkney Hill, stated that 80% of our budget is for the schools. The legislators need to look into the constant increase that every town and city faces with labor costs, teachers and support staff.

Ken Norberg, 25 Northup Plat Rd., asked about the rezone of the floodplain maps by FEMA, specifically Johnson's Pond. He asked if this began at the state or town level. Solicitor Gorham explained the mandate came from the federal government and we had to adopt it by October 1st. Otherwise, there would have been severe ramifications for the town. We had no choice but to adopt it. It was good for some people and bad for others as it changed the overall maps for what's deemed a flood zone. For insurance purposes that means everything.

Town Manager Kerbel added that the maps were redrawn by the federal government. It's a calculation that's done almost every year based on new development. They redrew the maps nationally and required changes in every community's floodplain legislation. They were spending money each time there was a flood, houses were being rebuilt, and losing more money on the flood insurance program, so they redrew the maps and are increasing the rates so that when they pay out the program is theoretically more sustainable. The town cannot challenge the study.

Councilwoman Duxbury said if the town did not pass a change in the ordinance that you would not be able to obtain the federally funded flood insurance. Our only option was to make sure we could give our residents that live here the best opportunity they could to get flood insurance at a reasonable rate.

Michael Durand, Sharon Drive, asked if anybody from the state is going to give us assistance and take a look at why the flood maps and elevation levels were changed by FEMA to begin with. Senator Raptakis thinks the issue falls upon members of Congress. He is waiting to hear back from Representative Langevin and thinks the federal delegation should also contact FEMA and ask for some overview or adjustments in Coventry.

Marc O'Gorman, 31 Elton Street, questioned who is responsible for improving and maintaining DOT owned storm water outfalls, specifically on East Shore Drive at the bottom of Middle Road. It's

basically a storm drain running off private property into Tiogue Lake. Representative Chippendale responded that DEM is the party responsible when you are depositing storm water into an existing body of water. DEM has regulatory oversight.

Charlotte Porter, 26 Sandra Circle, stated that she has called DEM 245 times in the last 4 years. She lives with two asphalt plants 400 feet away, offensive smells and cannot open her windows. Representative Chippendale replied that DEM is short staffed and cannot send out inspectors. In addition, their air quality monitoring systems are inadequate in number and also in qualified personnel to actually utilize the equipment. It's not acceptable; there are measures in place where they have an obligation to perform air quality monitoring and he will try to get an answer and get back to her.

Senator Raptakis added that there are other pieces of legislation we can look at to regulate the asphalt plants even further.

Debra Bacon, 16 Catalpa Way, reported to legislators that she believes that certain members of the School Committee recently posted inappropriate postings on facebook. She handed out copies of the postings to both the legislators and Town Council. She believes that students, teachers and administrators should have consequences for what they post. If you believe these posts have crossed the line, then I urge you in the 2016 session to create cyber ethics and cyber citizenship accountability legislation which would also include a penalty and discipline in the code of ethics for all elected officials in our state, including elected school committee members.

School Committee Chairwoman Patnaude explained that there is nothing that she can do about posts RI General Law does not address the issue of cyber ethics and cyber citizenship.

Representative Nardolillo responded that elected officials are held to a higher expectation and standard. Social media can be a disaster in certain circumstances. As a school committee member or any elected official, I do believe we must be appropriate with what we say and do.

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

The School Committee closed their portion of the meeting.

Town Clerk