

TOWN COUNCIL MEETING  
Coventry Town Hall Council Chambers  
March 12, 2007

WORKSESSION – 6:00 p.m.

- Jet ski regulations on Tiogue Lake

David Migneault  
82 Lakeside Drive

I have lived here for 17 years. I have a petition to review the jet ski ordinance regarding the ban of two stroke engines which takes effect March 31, 2007. There is no evidence to support this ban. I have seen federal government test results and they are all within standards. Tiogue is a motorized lake, believe we are being singled out and that is unfair. Only five or six two cycles left. This ordinance was intended to restrict the jet ski population. It has been successful. Parks and Recreation has only licensed about ten a year. This is only a three – four month season. Tiogue Lake Association represents only about 1/3 of the residents, not the remaining two thirds. There have been no safety issues or over-population regarding jet skis. There are motorboats on the lake that have two cycle engines. Tiogue is rated one of the cleanest lakes in the state.

This is a request to amend the ordinance removing the ban on two cycle engines, or at least allow the permit renewals of the two cycle engines.

Jeff Hakanson, President  
Tiogue Lake Association  
30 Lakeside Drive, Coventry

There have been five years to prepare for this. Restricting the two cycle engine is the last portion of the ordinance to be put into place. Presently there is less oil on the lake. We installed a buoy system to remind people of the 200 foot mark. In the 90's we were being inundated with personal watercraft.

Since then, the lake was deeded to the town. The Town created this ordinance. The state allowed the town to regulate or ban the jet skis. This is a state regulation allowing the town to do what they did. The Town Council at that time drafted this ordinance. We have to continue to go forward. Thousands of hours of work have gone into making that lake clean.

These jet skis go into shallow places, spread out the weeds all over the lake. The town has been trying to control the weeds. The two stroke engines discharge large amounts of chemicals into the lake. If you are going to start changing ordinances, it is a step backward for the environment.

As a result of this ordinance, you have to go to four stroke engines. We need to preserve and protect the lake for the future. Gave council a tape to watch from the Blue Water Network showing test cases of jet skis. This lake is in a dangerous situation; we are in the center of town, not out in the woods somewhere.

Bruce Thompson – Do you know the age of the remaining five jet skis?

Mr. Migneault – Probably average five years old, they are prior owned machines. When they reach their demise, we will be buying four strokes.

Brian Gartner  
East Shore Drive

Mr. Gartner – Since the ordinance was enacted, we have taken care of 80% of our problems. The lake is being used responsibly. People used to come with machines that weren't registered, that's gone now.

Bruce Thompson – Personally I don't see the need for any kind of change, amendment or exception to the ordinance. If anything, I think you would need something additional for further banning or reducing of horsepower down the road. Tiogue is an area that is under heavy use, not just from boats. I see no need to change the ordinance. Don't want to take a step backwards.

Bob Lemoi  
Glen Avenue

Mr. Lemoi – The problem isn't the boats or jet skis, it's the drain off from Centre of New England. Also, would ask that you not bring the pond to its full level. Too much water is coming into the lake. The lake is being filled with sand, gravel, muck.

Richard Sanetti  
64 Old North Road

Mr. Sanetti – The ordinance is working. To believe that the people who live on the lake want to see it polluted makes no sense. In Jeff Hakanson's words, the oil is gone, the smell is gone, and that was the water quality two years ago, imagine what it is today. Jet skis continued to operate during that period. Watercraft volume has dramatically reduced. It is unfair to ask someone to put away their equipment and not use it on their lakefront property. From this date forward, you have to have a four stroke engine. A proper amendment might be "do not allow" any more two cycle registrations on that lake. Let these four or five residents go and don't permit any more of these two cycles.

Ronald Ghizzarelli  
50 Harrington Road

Mr. Ghizzarelli - It is not true that two and four cycle engines have the same impact. The lake is eco-sensitive. Need to stay within the ordinance and go to four stroke. Believe there are health and safety issues. There is a videotape, and it will show you clearly how a jet ski will leave sludge on the water.

Kevin Prout  
23 Beach Street

Mr. Prout – I had one with a two stroke engine. I recently sold it and bought a four stroke jet ski. I'm with Mr. Thompson, should ban all two stroke.

President Pomfret – This is a work session. We've heard both sides, been given a videotape from Tiogue Lake Association. I think we will review that and if there is going to be a change to the ordinance, we'll put it on a future agenda for a Town Council meeting. Thank you very much.

#### TOWN COUNCIL MEETING – 6:30 p.m.

Present: Kenneth Cloutier, Anthony Colaluca, Justin Pomfret, Bruce Thompson, Frank Hyde

Town Manager Richard Kerbel  
Town Solicitor Patrick Sullivan

Pledge of Allegiance led by President Pomfret.  
Invocation given by Kenneth Cloutier.  
President Pomfret reviewed evacuation plan.

- PUBLIC COMMENT

Raymond Spear, Chairman  
Coventry School Committee  
261 Phillips Hill Rd.  
Coventry, RI

A year ago, the School Committee indicated an anticipated deficit of \$300,000 and ended the year in the black. Months ago I sat and listed to the Town Council tell the School Committee that they were going to be level funded for this year.

I was extremely upset. The School Committee and the Superintendent dealt with it. Following the FTM, the school sought relief, and was denied. After that, it was recognized that something needed to be done to improve communications between the School Committee and the Town Council.

There is an inappropriate resolution on the agenda tonight. All I know is that you plan to shut down our operation. Feel there was not proper notice or consideration. We need better communication that goes both ways.

Kenneth DiPietro, Superintendent  
Coventry School Department

Mr. DiPietro – Don't know if the Council has received a copy of the letter I sent to the Town Manager today.

We have reported the deficit as it has been projected. We don't know the full effect for the end of the year, but have given good faith estimates. We had public outcry for the loss of teachers and sports. We looked into the use of healthcare services reserves. Am pleased to report that we did earn the right to access the reserves. Our intent was to wait and see what we have access to. Possibly could get \$500 - \$575,000 from health care reserves.

We continue to monitor the costs. Don't know what the rest of the winter will bring. We haven't gone over-budget for four years. There is evidence on our part that we are doing what is necessary. We have been aggressive and think the school department has shown a responsive approach to the public. There is evidence on our part that we are doing what is necessary.

Jennifer Ramsey  
Representing Oak Haven PTA

Ms. Ramsay spoke regarding Oak Haven School being turned into an early learning center next year. Feels that this is wrong, the parents didn't know about this, there would be bussing issues, the time just isn't right for a move like this.

President Pomfret – My suggestion would be for you to go to the School committee meeting tomorrow night.

Kevin McGee  
50 Gervais Street

State law says that the town government will not operate with a deficit. The taxpayers spoke at the Financial Town Meeting. The FTM gave the school a budget to work with and not a dollar more. The School Committee is spending money they don't have. I applaud the Town Council for taking action to fix this. We need to have our finances in order. This spending tax freeze is being reviewed by the town.

Kim Paul  
81 Colvintown Rd.

Ms. Paul requested a meeting with President Pomfret, Mr. Colaluca, Town Manager Kerbel and Solicitor Sullivan regarding Global property on Colvintown Road..

Town Manager Kerbel responded that Mr. Sprague is working on it.

Denise Nasif  
Gerald Avenue

Ms. Nasif – In favor of keeping Oak Haven open and finding another solution. Oak Haven is not equipped for little children, would be a problem with the playground and bathrooms. Will have to spend money to renovate, would require more busses.

President Pomfret - Suggested attending the School Committee Meeting tomorrow night at 7 p.m. at Knotty Oak Middle School.

Kathy Patenaude  
Fieldstone Drive

Ms. Patenaude – Expressed her disappointment and surprise to hear about the resolution regarding a freeze. Not one of you has asked the School Committee what we are doing about the deficit. We have been respectful to you in not using the Caruolo Act and I am very hurt by this.

Gary Cote  
Pettine Street, Coventry

Mr. Cote – I live in Oak Haven. That neighborhood was built around the school. People buying homes there do so because it is a neighborhood and has a school. It is unfair to consider taking away our community school.

\*\*\*\*\*

Motion made by Anthony Colaluca seconded by Frank Hyde to approve minutes from February 26, 2007. All voted Aye. So voted.

### CONSENT AGENDA

1. Resolution #29-07-2736 releasing bond for Hope Furnace Estates.
2. Resolution #30-07-2737 releasing bond for Country Acres
3. Resolution #31-07-2738 supporting passage of Senate Bill No. S 0664.
4. Resolution #32-07-2739 awarding contract for investment advisor for pension funds
5. Resolution #33-07-2740 awarding contract for servers
6. Resolution #34-07-2741 awarding contract to ACS to retrieve historical data
7. Tax abatements for the month of February 2007 in the amount of \$978.28 with additions of \$7,197.47.

Motion made by Bruce Thompson seconded by Frank Hyde to approve Consent Agenda. All voted Aye. So voted.

### LICENSES

Renewal of Peddler's license by Scotti's Ice Cream, 2065 Elmwood Ave.  
Warwick

Motion made by Frank Hyde seconded by Ken Cloutier to approve license. All voted Aye. So voted.

Renewal of Peddler's license by Tom Gjergji, GJ's Lemonade & Ice Cream, 43 Clyde St., West Warwick

Motion made by Bruce Thompson seconded by Ken Cloutier to approve license. All voted aye. So voted.

Town Manager Kerbel reminded peddlers that they may not operate in town parks.

Renewal of Hawker's license by Brian Warnock, Joe's Produce, 1501 Nooseneck Hill Road

Planning Director, Paul Sprague, referred to a memo he sent to the Town Manager in reference to renewal of the above license. Mr. Sprague noted that Mr. Warnock of Joe's Produce is presently in violation of various provisions of the Zoning Ordinance including: lack of adequate lighting, inadequate parking and loading requirements and maintaining prohibited on-site temporary structures. Mr. Sprague feels a Development Plan Review should be submitted to the Planning Department.

Brian Warnock  
Hope Valley, RI

Mr. Warnock stated that he has spoken with Zoning Officer Jacob Peabody. The dumpster has been removed. All vehicles there are registered. The unregistered vehicle has been removed. The fill is for me, not for sale. I only sell bagged mulch and have not expanded my operation. This is a new laundry list I received. Would like to have some time to come up with a plan and continue this to another date.

President Pomfret suggested that Mr. Warnock work with Zoning and Planning and suggested this be continued for two weeks.

Motion made by Frank Hyde seconded by Anthony Colaluca to table license and put on the March 26, 2007 Town Council Meeting. All voted Aye. So voted.

## **RESOLUTIONS**

Resolution establishing a freeze on financial commitments of the Coventry School Committee

President Pomfret – Thanked Mr. DiPietro for coming in. You are running in violation of state law. We received your plan today. Had discussion three weeks ago that you are running in the red. I know you were level funded last year, problem is that you are in the red. Taxpayers have to know this. Was told three weeks ago almost \$700,000 at the time, working on some kind of a plan with WB to help us come out of that hole.

But, we are still in the hole. Don't want to establish a freeze. We can pass this resolution and establish a freeze, or maybe we can table this and come back in a couple of weeks, and keep working on the plan in the meantime. There is good communication, that line isn't broken. I understand you are angry and hurt, I am too as a taxpayer. The taxpayers came out at a referendum against spending any more money.

Mr. Hyde – In my mind, your plans for Oak Haven are not an option. Constituents in my district have children and it would be a disservice to displace them. I don't feel that this is an option.

Mr. Thompson – Does what the superintendent submitted suffice as a plan?

Mr. Kerbel – The plan as submitted still has a \$375,000 deficit, so it does not rectify all of the spending. But, this is only a draft, we can go back and ask how they would address the remaining dollars.

Mr. Cloutier – Is it realistic that in two weeks, we can have a more realistic plan?

Mr. DiPietro – Yes that would be more prudent at this point.

Mr. Colaluca – Operating at a deficit is against the state law. I feel that if we don't act tonight, we are breaking the law and not giving the taxpayers the respect that they deserve.

Mr. Pomfret – The school situation with Oak Haven, even moving the administration building, is that going to sink us into the hole more?

Mr. DiPietro – Not necessarily. We have aggressively contacted a number of people regarding resources and support to make this happen. We need to get the facts before the committee as far as where the funding comes from. We make every judgment based on all pertinent facts. We are not deficit at this time. We have until the end of the year. We have informed you that there is a potential deficit. We have gone from \$770,000 down to \$375,000. We are showing that we have moved the deficit continuously. You are asking us to take it to zero. I think that we deserve two weeks to be able to present that to you.

Mr. Pomfret – In my position, I represent the taxpayers as a watchdog. I see that there is a problem, we are going to address it, have good communication and work on a plan. This is not an attack and also has nothing to do with Oak Haven.

Motion made by Kenneth Cloutier seconded by Bruce Thompson to table resolution to the next council meeting in two weeks. All voted Aye. So voted.

Mr. Hyde – I believe Oak Haven School should stay the way it is. I would appreciate due consideration to the families who send their children there. Someone has to be their voice, and I'm here to do that.

## **PUBLIC HEARING**

Application for transfer of liquor license – Domenic's Restaurant and Lounge to Flare Restaurant and Lounge, LLC, 577 Tiogue Avenue

Solicitor Sullivan recused himself.

Flare Restaurant represented by Joseph Rothemich, Esq., 1070 Main St., Coventry, RI

Mr. Rothemich – We are looking for a conditional license. Domenic's owes quite a bit of money and there are many issues here. If we know that this transfer will go forward, we can begin to deal with Mr. Wallick and the creditors.

Mark Wallick, Esq., Jefferson Blvd, Warwick – I have a restraining order out of Kent County Superior Court. We are not opposed to the transfer, just want to make sure that people are getting paid before it is transferred out of Domenic's name. Once paid, I will withdraw the restraining order. This is a way of making sure everyone gets paid.

Motion made by Anthony Colaluca seconded by Bruce Thompson to open public hearing. All voted Aye. So voted.

Michael Pinga  
Westcott Bakery

Mr. Pinga – Have made an agreement with Domenic regarding repayment.

Pamela DiMicco stated that she is owed money also.

Domenic DiMicco  
15 Quiet Avenue

Mr. DiMicco – Pam had a lien on my liquor license dating back to 2003. She was paid, the lien was never released.

Attorney Rothemich – We will work that out if there is a problem.

Motion made by Bruce Thompson seconded by Kenneth Cloutier to close public hearing. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Anthony Colaluca to approve license transfer subject to all liens being satisfied. All voted Aye. So voted.

Application for Extended hours for DJ Providence Co., LLC, dba McDonald's, 1100 Tiogue Avenue, Coventry

Randy Boone, Coventry, RI and Roger Curtis, Carver, MA represented McDonald's. McDonald's is not open from 5 am to midnight. We are looking for permission to be open 24 hours.

Motion made by Frank Hyde seconded by Bruce Thompson to open public hearing. All voted Aye. So voted.

No one spoke in favor, no one opposed.

Motion made by Frank Hyde seconded by Kenneth Cloutier to close public hearing. All voted Aye. So voted.

Motion made by Bruce Thompson seconded by Kenneth Cloutier to allow McDonald's to extend hours. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Kenneth Cloutier to adjourn meeting. All voted Aye. So voted.

---

Town Clerk