

Town Council Meeting  
April 25, 2016

TOWN COUNCIL MEETING – 7:00 p.m.

Present: Councilman McGee, Councilwoman Duxbury, Vice-President Carlson, Councilman Laboissonniere, Town Manager Waters, Town Solicitor Gorham. President Shibley was absent

Pledge of Allegiance  
Invocation  
Review of Emergency Evacuation Plan

Approval of Town Council minutes March 28 and April 7, 2016

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve minutes of March 28, 2016. All voted Aye. (Mrs. Duxbury abstained as she was absent from that meeting.)

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to approve minutes from April 7, 2016. All voted aye. (Mrs. Duxbury abstained as she was absent from that meeting.)

Vice-President Carlson presented a Certificate of Recognition to Louis Testa, a 41 year employee with DPW, on his retirement from service to the town.

President's Comments

There were no President's comments this evening as President Shibley was absent.

Council District Updates

District 3 Councilman McGee reported no news from his district, all is going smoothly.

District 5 Councilwoman Duxbury spoke on the marijuana grows on Reservoir Road. Solicitor Gorham explained that the appeal process has been finalized. The town prevailed in Superior Court, an appeal was taken to Supreme Court and the appeal was rejected.

District 1 Vice-President Carlson advised that the Hopkins Hollow Bridge is closed for repair. For now you may need to detour around Route 102 to possibly Plain Meeting House Road.

District 2 Councilman Laboissonniere had no district news to report this evening.

School Department Report

School Committee Chairwoman Patenaude reported on the following:

- AFJROTC held their military ball on Saturday, April 3.
- The annual awards night at CHS is scheduled for Friday, April 29 at 6 p.m.
- The 36<sup>th</sup> annual CTA Scholarship Night was held, with 126 seniors receiving a total of \$100,000.
- The School Safety Committee is working on a plan to update safety procedures and protocols.
- The School Department is in the process of developing the first annual School Report, a booklet that will give an overview of demographics in each school, with highlights and activities. The booklet will be available at real estate offices, Town offices and on-line.
- On Saturday, April 9, the CHS Arts Department held an arts and crafts exhibition showcasing student's work in technical education, visual arts and music.
- On April 12, the CHS Drama Club presented a performance of The Face is the Place
- School nurse teachers Peg Carroll and Emilie Cunningham became National Board Certified School Nurse Teachers.
- The School Department was recently contacted by visitors from New Zealand, advising that they are eager to establish reciprocal relationships for students and staff to visit on an exchange basis.

PRESENTATION – Sewer Extension Options

Glen Skurka, Chairman of the Sewer Subcommittee presented several options to the Council for extending the town's sewer program. However, before proceeding with a presentation on a

specific area, he asked if the Town Council actually wants to proceed with continuing to sewer the town, how they would like to proceed and for which area of town. There are many different areas in need, but more importantly, the big issue is cost. If we move forward, you are looking at sending assessments out possibly in the amount of somewhere around \$18,000 per household.

Councilwoman Duxbury believes it is necessary for the economic development of the Town that we continue to develop the sewer system. Councilman McGee added that the town has money remaining from a bond and that money has to be spent. We need to get out there and spend it productively. There is a list of potential areas and I am all for moving forward with the program. It is not going to get any cheaper the longer we wait. There has been discussion about dividing areas up to split the costs, in order to make it more feasible. There are a lot of people out there that need sewers.

Councilman McGee agreed, adding that it would be much more beneficial for people to be able to tie into a sewer rather than have to put in a septic system. That money could be invested into the town rather than into their own yards.

Mrs. Carlson asked if Arnold Road would be the priority and Mr. Skurka replied yes, that the town is going to spend a lot of money reconstructing Arnold Road in the near future. Before you do that, you should get sewers in the ground. That is our focus now, and it is more of a financial focus. The money is available, however, we don't know at this point if it will cover the whole project. In addition, there is also an added priority because of environmental concerns with the lake.

Manager Waters stated that Mr. Skurka is looking for approval to proceed tonight. If he receives the go ahead, he will do a presentation in the future before the Town Council as to the options that are being laid out and explain in more detail.

Mrs. Duxbury asked what the cost would be if someone needed to replace a cesspool with a septic system and Mr. Skurka replied that the cost would vary depending on the site, but an average three bedroom house could cost anywhere from approximately \$15,000 to \$20,000. Manager Waters indicated that he would prefer a more well rounded discussion when a presentation is ready and the option has been chosen. Mr. Skurka added that it will be a lot of work to get the system designed, constructed and funded. We will do all the legwork and make sure it all works out at a cost to the consumer that works for them. However, I need some input from this council on whether we are going to move forward.

Vice-President Carlson asked if there is a time limit on when this money has to be spent. Kent Nichols of Weston and Sampson replied that the town has taken a couple of bonds in the last couple of years. The money that is left over is money that was allocated for this, but has been just sitting there. The bond is already in place and town is paying interest on it now. While there is not a hard "use it by" date, the longer you leave it outstanding the less you will be able to do. It is disadvantageous if the town is paying interest on it and not using it.

In closing, Manager Waters advised that a presentation will be put on in the future, now that we know the Town Council is interested in proceeding with the program. Mr. Skurka will have numbers and will be able to entertain questions.

## CONSENT AGENDA

1. Resolution approving sewer tie in at 1600 Flat River Road (Custom Iron Works Inc.)

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

## RESOLUTIONS

1. Appointing Robert DiPadua to the Coventry Housing Authority
2. Appointing James Dowling to the Coventry Land Trust
3. Appointing Charles Horan to the Coventry Sewer Subcommittee
4. Appointing Lynn Andrews, Charles Goss and Ernest Rusack to the Friends of Human Services

A motion was made by Councilwoman Duxbury seconded by Councilman McGee to approve appointments. All voted aye.

5. Discussion and Approval of Warranty Deed, Declaration of Restrictions, Release of Declaration of Restrictions and Deed of Easement in the matter of Central Coventry Park

Solicitor Gorham explained that the town had land restrictions from the National Park Service, and one was that you can't build a cell phone tower on that land at Central Coventry Park. However, we did build a cell phone tower on that land and because of that, about two or three years ago it was put into the works to dedicate a portion of land to Central Coventry Park. This is at its final stage, the federal government is on board, the land is part of a transaction involving a company called Cedar Creek Realty and Mr. John Assalone is a principal of that company. The National Park Service signed off and we will be going to accept a dedication of land from Mr. Assalone's company in exchange for allowing a tiny easement to Cedar Creek Realty for a small four lot subdivision. Atty. Gorham also referred to another property with certain restrictions on Fairview Avenue.

Councilman McGee would like to see paperwork, a map and a recommendation from the Planning Board. Solicitor Gorham said it didn't go to the Planning Commission as this is an administrative subdivision and will be approved by Paul Sprague administratively. This whole situation began before I was solicitor probably four or five years ago, and I wanted to finish it up and get it done. The biggest thing about this was to get the federal government behind us. The land that is being dedicated is a kite-shaped piece of land, looks almost like a diamond. The park service wants to make sure this is protected and park land. It will be delineated by 6 x 6 pressure treated posts I think every ten feet and that will be noted right in the deed. The Parks service has asked us to put a portion of the survey in the deed and although I have never seen it done, that's fine if it is what it takes to make the National Park Service happy.

Councilman McGee asked if this was all because a cell tower was put up without asking the Park Service, not going through the proper procedure and Attorney Gorham said that is correct, and if they had been consulted they probably would have said no. The town was really in violation of covenants with the Park Service. To my predecessor's credit, he got it worked out with three moving parts: Mr. Assalone, the National Park Service and the town.

Mr. McGee asked how the easement will benefit the town and Attorney Gorham replied that one of the inducements to Cedar Creek Realty was to make the dedication of land, to give him a very small area, an easement, for access to his subdivision. Attorney Gorham thought a map had been sent to the Council. However if Council wants to table this tonight he will get a map to them. But in the end, he is happy that the park service is willing to let us do this rather than take a severe penalty. We basically put up a cell tower without any permission from them. Mrs. Carlson asked about the Fairview Avenue land as there was no information in the resolution, Mr. Gorham will do more research on that property and report back.

A motion was made by Councilman McGee seconded by Councilwoman Duxbury to table this item so that they can see a map of the easement for better explanation. All voted aye.

6. Adopting revised municipal and police pension general fund surplus appropriation policy

Manager Waters explained that this resolution will affirm taking a portion of the town's surplus from the previous budget year in excess of the 10% surplus and attributing it to the continuation of funding the town's pension as well as capital needs going forward in the future. What I am proposing to do is help fund the capital needs of the town with a more dedicated source of funding, pending if there is a surplus in the budget then the Town Council, through this resolution, will divide the future surplus toward funding 25% pension and capital needs at 75%.

Councilwoman Duxbury likes the idea, but thinks something should be done with the impact fees first as they can only be spent for certain things and will expire after eight years. There should be something in place where we have a regular process of using these.

Manager Waters said there is an ordinance describing how impact fees should be spent. The useful life has to be greater than ten years and there is a matter of having department heads recognize that. I am having the finance director draw up a user friendly manual, encouraging the department heads to look at the impact fees and use them appropriately. As Town Manager, I will look at capital needs and look at what can be paid for by impact fees.

A motion was made by Councilman McGee seconded by Councilman Laobissonniere to approve resolution. All voted aye.

7. Requesting that the General Assembly include authorization in the State Fiscal 2017 budget for the Green Economy Bond referendum

Manager Waters recently attended a meeting of the RI League of Cities and Towns where a discussion took place with regard to Governor Raimondo's proposal for a \$35 million Green Economy bond line item to fund open space protection, parks and bikeway developments, storm water management and brownfield restoration programs. Tonight's resolution respectfully requests that the

RI General Assembly include an authorization in the State FY 2017 budget for a \$35 million Green Economy bond referendum, proposed by the Governor for voter consideration in the November 2016 general elections.

Councilwoman Duxbury just wanted to clarify that passing this resolution just supports putting the item on the ballot in November and Manager Waters agreed.

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

## LICENSES

### 1. Application for 90 day Hawker's license by RI Organic, 301 Hopkins Hill Road

Kimberly McGee, proprietor, told the Council that she was quite successful last year selling fruits and vegetables to the neighborhood. Mrs. Duxbury commented that last year there were concerns about the traffic, but Ms. McGee did go out of the way to make sure the traffic flow was not impacted and that there weren't any parking problems. Councilwoman Duxbury does feel it would be helpful to have a crosswalk placed at the entrance to the Highlands as there is a lot of foot traffic in that area as well as a school bus stop. A crosswalk would be easy, inexpensive and also address a safety concern. She asked Mr. Waters to follow up on that with Public Works.

A motion was made by Councilwoman Duxbury seconded by Councilman McGee to approve license. All voted aye.

### 2. Application for one day Hawker's license on May 14, 2016 by OT LLC., dba Gastros for an event at Nathanael Greene Homestead, 50 Taft Street

Applicant Owen Doyle was present. A motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve license. All voted aye.

### 3. Application for one day Hawker's license on May 15, 2016 by "For Pete's Sake, LLC" dba Mijos Tacos for an event at Nathanael Greene Homestead, 50 Taft Street

Applicant Peter Gobin was present. A motion was made by Councilman McGee seconded by Councilwoman Duxbury to approve license. All voted aye.

## PUBLIC HEARING

### 1. Application by JW's Pub, Inc., 433 Washington Street, for Class B liquor license with victualling and dance

A motion was made by Councilman McGee seconded by Councilwoman Duxbury to open public hearing. All voted aye.

Attorney Joseph Brennan, 33 College Hill Road, Warwick, represented May Ping Wu of JW's Pub Inc. He advised that she has a purchase and sales agreement for 433 Washington Street. This building has been used in the past as a restaurant with a liquor license; the building is currently vacant. However, I had a conversation with Planning Director, Paul Sprague, who indicated the need for a special use permit as the zoning in the area has changed to Village Commercial. We have no problem applying and going to the Zoning Board, but would like to continue to go forward with our application tonight and get conditional approval, subject to zoning approval for the special use permit. My clients have extensive restaurant experience as they used to own the House of Wu in West Warwick and they look forward to getting back into the restaurant business.

Atty. Gorham advised Council that if they wish, they could grant the license subject to proof of Board of Health approval, proof of alcohol server training, a food manager certificate and the receipt of a special use permit by the Zoning Board of Review. Or, this matter could be held over until they get the special use permit from zoning. At any rate, they cannot serve liquor until they get approval from the Zoning Board for a special use permit. Councilman McGee does not want to see JW's Pub held over and have to come back to the Council after they have gone to the Zoning Board. He would like to see a business back in that building and if for some reason the Zoning Board denies the liquor license, he can still operate a restaurant.

There was no public comment.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to close public hearing. All voted Aye.

A motion was made by Councilman McGee seconded by Councilman Laboissonniere to approve license with stipulations. All voted aye.

ORDINANCE (First reading)

1. Amending Article VI, District Use Regulations, Section G, Commercial Outdoor Recreation

Solicitor Gorham explained that he was asked to prepare an amendment to the Zoning Ordinance that dealt with racing or course riding of ATV's and motorcycles. He understands this has been an issue in Mrs. Carlson's district. As a result, this would clarify the Zoning Ordinance, which provides that anything not specifically permitted in the ordinance requires a special use permit. You have indicated that you want to clarify that this is specifically dealt with in the ordinance and to prohibit this altogether, and that would be accomplished with this ordinance, both in commercial outdoor recreation and also under outdoor recreation operated by non-profit organizations. It would be prohibited in every zone.

However, because this is an amendment to the zoning ordinance, the process is mandated by the Zoning Enabling Act. It will first be referred to Planning for their recommendation and will be advertised for three weeks after it comes back from Planning before you can have a public hearing. Mrs. Duxbury wanted to confirm that people will have two opportunities to speak on this issue, once at the Planning Commission and once at the Town Council public hearing.

PUBLIC COMMENT

Robert Lawrence, 26 Darton Street, is questioning whether the fence that was erected on the East Shore Drive right of way was actually put up on town property. Mr. Waters responded that to his knowledge, the fence is not on town property, but he will look into it.

Gary Cote, 29 Pettine Street, appreciates the need for a healthy capital improvement budget, but is afraid that by changing what a former Town Council accomplished, by putting surplus funds on the unfunded pension liability, that somewhere down the line this will affect the town's bond rating. I agree the town needs a capital improvement fund, but think there are other ways to accomplish capital improvements in Coventry. He would be concerned if those additional funds are not appropriated for the pension liability.

He believes that tonight's proposed zoning ordinance singles out both Rhody Rovers and Mr. Brown. This is an event that raises money for charitable purposes. The property owner, Mr. Brown, lets this group use his property and he covers the cost of insurance for the event. I just don't understand this. If I live on 100 acres of land in the western end of town and 40 of my friends want to come over and ride on my property, you are going to tell me the town is going to come write me up for that? It doesn't make any sense. Maybe the Council might want to consider some regulations for safety purposes, but to shut it down completely? I just don't understand that.

Nicole Richards, 655 Cahoone Road, stated that the event was held a year and a half ago, all of this was brought to the police chief before the event and he had no issues. We were even advised that we did not need a police detail. Western Coventry Fire Department arranged for three emergency vehicles on scene for the entire weekend. To my knowledge there were no injuries. We were able to give back to our local high school for the scholarship fund. I agree with setting some sort of regulations, but not to take it completely away from our children.

Nancy Sullivan, 6 White Oak Court, asked that when elected officials speak publicly, in the media or on social media, to remember that they are in their elected seats because of the voters and they must remember to speak carefully and respectfully. Ms. Sullivan referred to a couple of recent incidents, where she believes that elected officials made insensitive comments and spoke negatively and offensively regarding the educating of special education students.

A motion was made by Councilwoman Duxbury seconded by Councilman McGee to adjourn meeting. All voted aye.

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Town Clerk