

TOWN COUNCIL MEETING
June 26, 2006

Executive Session 5:30 P.M.

- *R.I.G.L. 42-46-5 (a) (2) - Collective Bargaining – Police*

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to go into executive session. All voted Aye. So voted.

Motion made by Robert Thibeault seconded by Justin Pomfret to come out of executive session. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Robert Thibeault to seal minutes of Executive Session. All voted Aye. So voted.

Present: Gregory Laboissonniere, Robert Thibeault, Ted Jendzejec,
Justin Pomfret, Frank Hyde

Acting Town Manager Richard Sullivan
Town Solicitor Patrick Sullivan

Pledge of Allegiance led by Town Sergeant
Invocation led by President Jendzejec
Town Sergeant reviewed Emergency Evacuation Plan

Acting Town Manager Sullivan swore in James Rickard to position of Captain and Robin Winslow to position of Lieutenant within the Coventry Police Department.

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to approve minutes of Town Council Meetings on May 15, May 18 and May 22, 2006.

CONSENT AGENDA

1. Resolution authorizing the Town Manager to enter into a contract with James J. Geremia and Associates, Inc. for sewer related consulting work
2. Resolution affirming the award of a contract by the Town Manager providing bus transportation for the 2006 Summer Recreation Program
3. Resolution authorizing purchase of lawn mower for Department of Parks and Recreation
4. Resolution authorizing Town Manager to enter into agreement extending hauling contract for Rambone Disposal Services, Inc.
5. Resolution awarding contract for road resurfacing
6. Application for new Sewer Contractor's license by Ricci Drain Laying Co., Inc., 19 Lily Street, Providence
7. Resolution appointing Richard Kerbel as Town Manager and waiving residency requirement.

Councilman Hyde questioned Town Engineer Sheila Barrett regarding Item #5, road resurfacing, and the time frame expected for Gervais Street

Ms. Barrett stated that it should be only a few weeks.

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to remove resolution numbers 1 and 7 for discussion. All voted Aye. So voted.

Motion made by Gregory Laboissonniere seconded by Frank Hyde to approve item numbers 2, 3, 4, 5 and 6 on Consent Agenda. All voted Aye. So voted.

Mr. Laboissonniere wanted clarification as to residency requirement being waived for the new town manager.

President Jendzejec: The Charter states that we can do this. He only lives a matter of twelve miles away, and it would be more costly for the town to pay the expenses of relocating him.

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to approve resolution. All voted Aye. So voted.

- Regarding Item #1, resolution authorizing the Town Manager to enter into a contract with James J. Geremia and Associates, Inc. for sewer related consulting work.

Mr. Thibeault questioned Ms. Barrett about proposal. Ms. Barrett stated that she would prefer to have our own consultant. Concerned that Geremia is West Warwick's consultant too.

President Jendzejec: You wouldn't think that is a "positive"?

Ms. Barrett: No, we have someone now, don't understand why we would do this.

Solicitor Sullivan: This is to focus on waste water management, just to create a plan so we don't rely on West Warwick as much. Geremia is not going to replace Weston and Sampson.

Mr. Thibeault: You are not comfortable with this?

Ms. Barrett: Should send out an RFQ, Geremia has such a conflict with West Warwick, am concerned about that.

Mr. Laboissonniere would like more time to discuss and study.

Mr. Thibeault questioned if this had gone through the bidding process.

Mr. Sprague: No

Mr. Hyde suggested a work session. President Jendzejec suggested work session on July 24, 2006.

Motion made by Robert Thibeault seconded by Frank Hyde to table resolution. All voted Aye. So voted.

Resolution # 43-06-2568 affirming the award of a contract by the Town Manager providing bus transportation for the 2006 Summer Recreation Program

RESOLUTION
OF THE
TOWN COUNCIL
NO. 43-06-2568

RESOLVED:

That the Town Council hereby affirms the award of a contract by the Town Manager pursuant to Chapter 2-148 of the Town Code of Ordinances to provide bus transportation for the 2006 Summer Recreation Program Bus Transportation.

LAILAW EDUCATION SERVICES
Coventry RI Branch
60 Wood Street
Coventry, RI 02816

(See Attached Schedule)

Funding is provided for in the 2005/2006 Department of Parks & Recreation General Operating Fund.

PASSED AND ADOPTED this 26th day of June 2006.

APPROVED: Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Resolution #44-06-2569 authorizing purchase of lawn mower for Department of Parks and Recreation

RESOLUTION
OF THE
TOWN COUNCIL
NO. 44-06-2569

RESOLVED:

That the Town Council hereby affirms the award of a contract by the Town Manager pursuant to Chapter 2, Section 2-191 of the Town Code of Ordinances for the purchase of grounds mowing equipment for the Parks & Recreation Department.

HOWARD JOHNSON, INC. \$50,500.00
1978 Kingstown Road
Peace Dale, RI 02883

(2)	John Deere 72"mowers – Model 1445 @ \$15,500.00 ea.	\$31,000.00
(2)	Soft side cab units with heater @ \$4,300.00 ea.	8,600.00
(2)	Hydro Angle kits for mounting attachments @ \$400.00 ea.	800.00

ATTACHMENTS

(1)	Rear mount soft bag (3) vacuum system for older 935 models	2,300.00
(1)	Two stage 47" front snow thrower for 1445 models	3,900.00
(1)	Front mount 60" broom attachment for 1445 models	<u>3,900.00</u>
	TOTAL with all attachments	\$50,500.00

Funding is provided by the remaining Capital Improvement funds and/or current year operating budget.

PASSED AND ADOPTED this 26th day of June 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

Resolution # 45-06-2570 authorizing Town Manager to enter into agreement extending hauling contract for Rambone Disposal Services, Inc.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 45-06-2570

RESOLVED:

That the Town Manager is hereby authorized to enter into an agreement between the Town of Coventry and Rambone Disposal Services, Incorporated for the use of the transfer station and the hauling of waste to the Rhode Island Resource Recovery Corporation in Johnston, Rhode Island.

RAMBONE DISPOSAL SERVICES, INCORPORATED
2153 (Rear) Plainfield Pike
Johnston, Rhode Island 02919

This Agreement will be for a three (3) year period beginning July 1, 2006 thru June 30, 2009.

July 1, 2006 thru June 30, 2007	\$11.58/ton
July 1, 2007 thru June 30, 2008	\$11.93/ton
July 1, 2008 thru June 30, 2009	\$12.29/ton

Also the recyclables and yard waste will be hauled per box at a rate that will be \$124.00 first year, \$128.00 second year and \$130.00 the third year.

Amendment #1: Should cost the diesel fuel rise above \$3.00 per gallon, Rambone Disposal will have no choice but to pass on a surcharge at a rate and term to be negotiated and mutually agreed upon.

This contract will be funded from the Department of Public Works Refuse Disposal Contractual Services Account No. 1-101-4-870-22300.

PASSED AND ADOPTED this 26th day of June 2006.

APPROVED: Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Resolution # 46-06-2571 awarding contract for road resurfacing

RESOLUTION
OF THE
TOWN COUNCIL
NO. 46-06-2571

RESOLVED:

That the Town Council hereby affirms the award of a contract by the Town Manager pursuant to Chapter 2, Section 2-191 of the Town Code of Ordinances for road surfacing improvements on town streets and roads:

CARDI CORPORATION	\$56.87/Ton	\$274,966.45
400 Lincoln Avenue		
Warwick, RI 02888		

Funding for this service is provided for in the 2006/2007 Department of Public Works Roads & Bridges Account No. 1-101-4-830-32200.

PASSED AND ADOPTED this 26th day of June 2006.

APPROVED: Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Resolution #47-06-2572 appointing Richard Kerbel as Town Manager and waiving residency requirement.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 47-06-2572

RESOLUTION OF THE TOWN OF COVENTRY
APPOINTING THE TOWN MANAGER

WHEREAS the Town Council, after an exhaustive search, has reached agreement with Mr. Richard Kerbel to be the Town Manager; and

WHEREAS Mr. Richard Kerbel resides in North Kingstown, Rhode Island and has elected to remain in his home and has asked the Town Council to approve his residence in North Kingstown; and

BE IT THEREFORE RESOLVED, the Town Council hereby appoints Mr. Richard Kerbel as the town manager for the Town of Coventry for an indefinite term, and

BE IT FURTHER RESOLVED that the Town Council hereby ratifies and approves the agreement between the Town of Coventry and Mr. Richard Kerbel dated June 21, 2006; and

BE IT FURTHER RESOLVED, that the Town Council, pursuant to Article V Section 5.01 of the Charter, hereby approves Mr. Kerbel's residence outside the Town of Coventry.

BE IT FURTHER RESOLVED, this resolution shall be effective upon passage.

PASSED AND ADOPTED this 26th day of June, 2006.

APPROVED: Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

PUBLIC COMMENT

Wayne Asselin, 30 Lorraine Avenue – Submitted petition from residents opposing the proposed access road by Centre of New England through Hopkins Hill School property.

Ronald Ghizzarelli – Commended Acting Town Manager Sullivan regarding article in the paper referring to the budget and all day referendum. Also has concerns about Tiogue Avenue flooding and spillway.

LICENSES

- Application for Peddler's license by Tom Gjergi, GJ's Lemonade & Ice Cream, 43 Clyde Street, West Warwick

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to grant license. All voted Aye. So voted.

- Application for Fireworks license by Johnson's Pond Civic Association on July 4, 2006

Motion made by Gregory Laboissonniere seconded by Frank Hyde to grant license and waive fee. All voted Aye. So voted.

- Applications for Mechanical and Electronic Device license by Coinstar Entertainment Services, located at BJ's Wholesale Club, 790 Centre of New England Blvd. and Walmart, 1173 Tiogue Avenue

Motion made by Robert Thibeault seconded by Gregory Laboissonniere to grant licenses. All voted Aye. So voted.

- Request by Jeff Stevenin of Café Romanzo to discuss outside entertainment

Mr. Stevenin is requesting outside entertainment, including a microphone.

Mr. Pomfret: Sees no problem as Mr. Stevenin stated he is willing to stay within the decibel limit in the noise ordinance. I don't see a problem with that.

Mr. Hyde has concerns as a couple of neighbors have called him in the past to complain about the noise.

President Jendzejec: Suggested maybe entertainment could be enclosed outside by three surrounding walls to lessen the noise.

Mr. Hyde suggested trying this on a trial basis.

Mr. Stevenin: Only has entertainment on Friday and Saturday nights, ongoing for maybe only eight weeks in the summer.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to grant outside entertainment subject to abiding by the noise ordinance. All voted Aye. So voted.

RESOLUTION

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to appoint William Hall and Robert DiPadua to Sewer Subcommittee. Motion passes 4-1. Mr. Thibeault votes no.

Resolution # 48-06-2573 appointing members to the Coventry Sewer Subcommittee

RESOLUTION
OF THE
TOWN COUNCIL
NO. 48-06-2573

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPOINTING THREE MEMBERS AND RE-APPOINTING TWO MEMBERS TO THE COVENTRY SEWER SUB-COMMITTEE IN ACCORDANCE WITH RESOLUTION NO. 4-04-2306.

WHEREAS, Resolution No. 04 -04-2306 established a Coventry Sewer Sub-Committee consisting of seven (7) members with staggered terms of office.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Council of the Town of Coventry hereby appoints:

William Hall, 1053 Tiogue Avenue, term expiring January 1, 2009;
Robert DiPadua, 62 Laurel Avenue, term expiring January 1, 2007;
Robert Thibeault, 18 Grant Drive (Council President appointment);

and that the Town Council of the Town of Coventry hereby re-appoints:

Gerald Narkiewicz, 21 Beach Street term expiring January 1, 2008;
George Avedisian, 17 Old North Road term expiring January 1, 2008;

PASSED AND ADOPTED this 26th day of June, 2006 .

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

INTRODUCTION OF ORDINANCES

- Ordinance amending Chapter 16 – Taxation

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to advertise ordinance for public hearing. All voted Aye. So voted.

- Ordinance regarding Chapter 187 – Schools; Article 1 – School Budget Impact

Motion made by Robert Thibeault seconded by Gregory Laboissonniere to advertise ordinance for public hearing. All voted Aye. So voted.

RECONSIDERATION – HAMMET ROAD ABANDONMENT

Solicitor Sullivan - There is a notice issue. Mr. Lantini in Scituate did not receive notice.

Attorney Moses (representing McGunagles and DeVecchios): There has been extensive negotiating over the easement. We thought we had reached an agreement, but this was refused by the applicants. Want to make sure access is provided for my clients.

Attorney Garrahy did not show up at the previous public hearing because he was told that it would be continued.

Attorney Sullivan: This was approved by a defective vote. Should be set down for another hearing and notice given properly.

Attorney Moses: Yes, should do this properly, should have approved easement.

Clerk directed to advertise for hearing on July 24.

PUBLIC HEARINGS

Application for B Limited Liquor license by Dave Thomas, Dave's Perk Inc., dba Dave's Perks, 1532 Main Street, Coventry

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to open public hearing. All voted Aye. So voted.

Attorney Anthony Cordeiro represented Dave Thomas.

Attorney Cordeiro: Mr. Thomas runs a fine establishment, he is very responsible. He is only looking for a beer and wine license for dinner until he closes at 8:00 p.m. Trying to establish himself as a good taxpayer and businessman.

Mr. Pomfret: This won't be a nightclub or anything?

Mr. Thomas: Basically I just want to make a living, 9:00 p.m. would be the latest.

Mr. Hyde: How long is your lease?

Mr. Thomas: Haven't signed one yet.

Mr. Hyde: Who holds the lease?

Mr. Thomas: No one, I only rent.

Mr. Hyde: Concerned about who ends up holding the license for the establishment.

Guy Lefebvre, Parks and Recreation Director: Doesn't feel that this should be granted with the greenway and ball field in such close proximity.

Mr. Hyde stated that he will vote no on this issue.

Mr. Sprague stated that the B Limited license was not included in the restrictions that were put on this property. There is a restriction on the full B liquor license.

Mr. Laboissonniere would like to table this for further discussion.

Jeannette Hartley
6 First Street

Mrs. Hartley: Paul Oliveiri still owns this property and there have been many problems in the past with liquor licenses here. Not in favor of approving license.

Scott Duckworth
Washington Street

Mr. Duckworth: Mr. Oliveiri has been incarcerated before. Questioned if a felon can hold a liquor license.

Manager Sullivan: No, he cannot have one issued in his name.

Dorothy Berube
Colvintown Road

Mrs. Berube: This is a grandfathered, non-conforming use. This property has always been a problem. Questioned whether you can have a liquor establishment abutting town land. Urged council to look at this first before making any decisions.

Ronald Wood
Hammet Road

Mr. Wood: Look at the covenants and restrictions on the deed. If you go back on them, then we will be back in the hole again.

Mr. Hyde: If you grant this, you'd better look for another ball field.

Mr. Sprague: There is a DOT easement for access to the greenway. The nightclub that was there burned down, you are not dealing with the same thing.

Mr. Lefebvre: Groups gather there informally to use the field.

Motion made by Frank Hyde seconded by Gregory Laboissonniere to close public hearing. All voted Aye. So voted

Motion made by Gregory Laboissonniere seconded by Frank Hyde to continue public hearing on July 24, 2006. All voted aye. So voted.

Amending Zoning Ordinance - Change of Map from Industrial 2 to Industrial with Mill Conversion Overlay designation at 633 Main Street, Assessor's Plat 96, Lot 19

Motion made by Gregory Laboissonniere seconded by Frank Hyde to open public hearing. All voted Aye. So voted.

Applicants represented by Attorney Peter Ruggiero.

Attorney Ruggiero stated that the property is owned by Ralph Pucino. Currently doesn't allow for a conversion of mills. Need a text amendment change and a regulatory amendment. With the amendment regarding Section 980, it will set the terms of text in the ordinance and put the process in place. The amendment would deal with mills built before 1950. This text amendment was recommended by the Planning Commission.

Trish Reynolds, co-designer of mill conversation.

Ms. Reynolds: Will take the two buildings and rehab them for a total of 8 units. Will be six residential units in the larger wooden building and two units in the stone building. All will be two bedroom, individual entrances, already have DEM approval, working with RIDOT now, this will be a smarter use of the existing building.

Mr. Hyde: Does this have anything to do with the Reynolds project across the river?

Ms. Reynolds: No.

Joseph Lombardo, land use planner

Mr. Lombardo – Submitted a Fiscal Impact Study. Even though the site would become a mill conversion district, it would be on a case by case basis. This would be an opportunity to improve a building. It will preserve the historic features of the community. I concur with the findings of the Planning Commission, the Comprehensive Plan and the Zoning Ordinance.

Mr. Thibeault: If amendment passes, would it impact each mill?

Mr. Sprague: No.

President Jendzejec: This would be on a case by case basis.

Mr. Hyde believes this would set a precedent. The Anthony and Harris mills are already to move on this.

Attorney Ruggiero: Will not change the rights of anyone else, they would still be eligible to come in. We can only do this after it goes back to Planning and Town Council for approval. You can't develop just because you have a mill. You need both things, Planning Commission and Town Council. Again this would be case by case.

Ms. Reynolds: Department of Environmental Management has approved the plan.

Mr. Laboissonniere questioned if the Comprehensive Plan states that this acceptable.

Mr. Sprague: Consideration should be given to converting the mills to some other form.

Mr. Duckworth: How about sewers down there?

Ms. Reynolds: We have been before the board and it was approved for sewers in July of 2005.

Mr. Hyde: Will be setting a precedent by opening the door to this.

Mr. Thibeault: Is the Section 980 amendment modeled after any other town?

Ms. Reynolds: No.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to close public hearing. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Gregory Laboissonniere to continue to July 24, 2006. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere that meeting be adjourned. All voted Aye. So voted.

Meeting adjourned at 10:15 p.m.

Cheryl A. George
Town Clerk