

TOWN COUNCIL MEETING
Coventry Town Hall Council Chambers
July 24, 2006

Executive Session - 6:00 P.M.

- *R.I.G.L. 42-46-5 (a) (1) –Interviews – Kent County Water Authority*

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

Motion made by Robert Thibeault seconded by Frank Hyde to come out of executive session. Individual voice vote. All voted Aye.

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

Swearing In Ceremony

Acting Town Manager Sullivan sworn Officer Sturdahl into position of Sergeant and Steven Gabriel to position of patrolman.

Work Session:

1. James J. Geremia & Associates, Inc.

Cancelled – possibly discussion at August Town Council meeting.

2. Coventry School Committee

School Committeewoman Kathy Patenaude – Requested that funds be reinstated to school department's bottom line amount: \$116,000 impact fees, \$185,000 state aid, \$2,500 charter schools, \$40,000 roof repairs from Oak Haven due to a lower bid and \$90,000 school housing aid.

Ms. Patenaude stated that School Department was able to bring back sports and special behaviorists. Took money from the West Bay Collaborative fund, but that will impact what we pay next year.

Town Manager Sullivan – It is the solicitor's opinion that a Financial Town Meeting is not necessary to transfer funds.

Warren West - Don't believe there would be a problem with the state regarding deficit spending.

Mr. Reeves - Believe that the town needs a Financial Town Meeting leading to an all day referendum.

Solicitor Sullivan disagrees.

Mr. Reeves - Feel Financial Town Meeting would be more fiscally appropriate.

Mr. Hyde noted that schools are getting \$185,000 state aid that hadn't been expected. Suggested maybe another line of credit from the town.

Ray Spear – Feel the school should operate on 60.4 million budget

Mr. Hyde - Then what happens next year?

Solicitor Sullivan - The only authorization you will need from the Town Council is for the impact fees.

Mr. Spear – The School Committee requests a financial town meeting, which would allow for this to be part of the school budget.

Mr. West – Two years ago, when I came here, if you could generate funds that did not come from the taxpayers, then you could spend them.

Mr. Thibeault - How much in West Bay after the \$300,000 you drawn down?

Mr. Reeves - About \$340,000 left.

Work session closed.

Town Council Meeting

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

President Jendzejec presented Acting Town Manager Sullivan with a certificate of appreciation for his service to the community as Acting Town Manager since April 25, 2005.

- *Public Comment*

Wayne Asselin requested work session regarding putting a legal team in place for dealings with Centre of New England

Diane Paul questioned status of well ordinance and would like Town Council to look into pedestrian crossing on Station Street in vicinity of the greenway, either a painted crosswalk or signs.

Councilman Pomfret said well ordinance is drafted and he would expect to see it on August council agenda.

Dennis Geoffroy, Coventry Cares, stated that their goal as a group is to influence decision making on behalf of the children. He is also in disagreement regarding the decision that the budget at the Financial Town Meeting could not be rejected. Has petition disagreeing with the outcome of the all day referendum.

Joe Brown – How much money are we giving to the School Committee?

Solicitor Sullivan - \$116,000 in impact fees. All other monies will be reallocated from what they already have.

Kim Paul – Status of Independent Sand and Gravel?

Acting Manager Sullivan will get a status report from Paul Sprague tomorrow.

Robin Dasio, Coventry Cares – Concerned as to what the bottom line of the school budget is and what will happen next year.

Mr. Hyde - Does the school provide a monthly printout, so that we could see what is going on each month?

Mrs. Patenaude - Yes.

Mr. Geoffroy – Also concerned about what happens next year.

Work session closed.

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to approve council minutes of June 26, 2006. All voted Aye. So voted.

CONSENT AGENDA

1. Tax abatements for months of April, May and June 2006 in the amount of \$9,241.30
2. Application for Private Detective license renewal by Francis M. Brosnan, Jr.
3. Resolution affirming award of contract for hot patch for Dept. Public Works
4. Resolution affirming award of contract for cold patch for Dept. Public Works
5. Resolution affirming award of contract for all patch for Dept. Public Works
6. Resolution affirming award of contract for heavy duty corrugated pipe and protective wrapped tubing for the Dept. Public Works
7. Resolution affirming award of contract for blue stone for Dept. Public Works
8. Resolution affirming award of contract for pea stone Dept. Public Works
9. Resolution affirming award of contract for processed gravel for Dept. Public Works
10. Resolution affirming award of contract for crushed rock for Dept. Public Works
11. Resolution affirming award of contract for screened loam for Dept. Public Works
12. Resolution affirming award of contract for pavement markings for Dept. Public Works

Motion made by Frank Hyde seconded by Justin Pomfret to approve Consent Agenda. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 49-06-2754

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 following materials for the Department of Public Works.

Asphaltic Concrete Pavement (Hot Patch)

CARDI CORPORATION \$48.00/per ton at plant
400 Lincoln Avenue
Warwick, RI 02888

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 50-06-2755

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 following materials for the Department of Public Works.

Cold Patch

JOHNSTON ASPHALT, LLC \$52.00/per ton at plant
100 Allendale Avenue
Johnston, RI 02919

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 51-06-2756

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 following materials for the Department of Public Works.

All Patch

JOHNSTON ASPHALT, LLC \$74.00/per ton at plant
100 Allendale Avenue
Johnston, RI 02919

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 52-06-2757

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 heavy duty corrugated polyethylene pipe and perforated protective wrapped tubing for the Department of Public Works.

WARWICK WINWATER
62 Wyoming Avenue
Warwick, RI 02888

12" Pipe	\$ 5.05/ft.	24" Pipe	\$15.18/ft.
Split Coupler	\$ 5.22/each	Split Coupler	\$20.45/each
Split Gasketed Coupler	\$ 6.39/each	Split Gasketed Coupler	\$25.57/ea
Pipe with Bell & Spigot	\$ 7.50/ft.	Pipe with Bell & Spigot	\$15.40/ft.
15" Pipe	\$ 6.51/ft.	30" Pipe	\$23.61/ft.
Split Coupler	\$ 8.52/each	Split Coupler	\$47.56/each
Split Gasketed Coupler	\$10.64/each	Split Gasketed Coupler	\$59.44/each
Pipe with Bell & Spigot	\$ 6.63/ft.	Pipe with Bell & Spigot	\$23.89/ft.
18" Pipe	\$10.06/ft.	36" Pipe	\$29.34/ft.
Split Coupler	\$14.51/each	Split Coupler	\$66.17/each
Split Gasketed Coupler	\$18.13/each	Split Gasketed Coupler	\$82.71/each
Pipe with Bell & Spigot	\$10.21/ft.	Pipe with Bell & Spigot	\$29.63/ft.
8" Tubing	\$ 2.20/ft.		
Split Coupling	\$ 3.29/each		
10" Tubing	\$ 3.95/ft.		
Split Coupling	\$ 4.53/each		

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 53-06-2758

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 following materials for the Department of Public Works:

Blue Stone \$12.00/per ton (picked-up)

P.J. KEATING COMPANY
875 Phenix Avenue
Cranston, RI 02921

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 54-06-2759

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 following materials for the Department of Public Works:

Pea Stone \$12.00/per ton (picked-up)

P. J. KEATING COMPANY
P.O. Box 389
35 Stilson Road
Wyoming, RI 02898

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 55-06-2760

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 following materials for the Department of Public Works:

Processed Gravel

P.J. KEATING COMPANY 875 Phenix Avenue Cranston, RI 02921	\$8.00/per ton (picked-up)
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MARAL, INC. 75 Airport Road Coventry, RI 02816	\$7.50/per ton (picked-up) \$10.50/per ton (delivered)
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RICHMOND SAND & GRAVEL P.O. Box 389 35 Stilson Road Wyoming, RI 02898	\$11.84/per ton (delivered)
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Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 56-06-2761

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 following materials for the Department of Public Works:

1 ½" Crushed Rock

P.J. KEATING COMPANY \$10.00/per ton (picked-up)
75 Airport Road
Coventry, RI 02816

RICHMOND SAND & GRAVEL \$13.87/per ton (delivered)
P.O. Box 389
35 Stilson Road
Wyoming, RI 02898

MARAL, INC. \$13.50/per ton (delivered)
75 Airport Road
Coventry, RI 02816

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 57-06-2762

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 following materials for the Department of Public Works:

Screened Loam

MARAL, INC. \$13.00/ per ton (picked-up)
75 Airport Road \$15.00/per ton (delivered)
Coventry, RI 02816

RICHMOND SAND & GRAVEL \$14.37/per ton (picked-up)
P.O. Box 389 \$16.87/per ton (delivered)
35 Stilson Road
Wyoming, RI 02898

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

RESOLUTION
OF THE
TOWN COUNCIL
NO. 58-06-2763

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 following materials for the Department of Public Works:

PAVEMENT MARKINGS

MARKINGS INC.
30 Riverside Drive
Pembroke, MA 02359

Paint Striping - Reflectorized	\$.0295/l.f.
Paint Crosswalks - Reflectorized	\$.35/l.f.
Paint Striping - Thermoplastic	\$.35/l.f.
Paint Crosswalks - Thermoplastic	\$1.30/l.f.

Funding is provided for in the 2006/2007 Department of Public Works Roads & Bridges Division Account No. 830.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

- LICENSES

1. Application for Peddler's License by Michael A. Grilli, Scotti's Ice Cream Inc., 2065 Elmwood Avenue, Warwick

Mr. Grilli took over the business from Mr. Bob Sorrell, Scotti's Ice Cream. He is operating the business the same way it has been for the past 30 years.

Motion made by Frank Hyde seconded by Justin Pomfret to grant license. All voted Aye. So voted.

2. Application for Victualling License by Michael R. Volpe, Salada Franchising of RI, LLC, dba Salad Creations

Mr. Volpe – This is a fast food franchise; will be located in Centre of New England. We will provide delivery and catering also.

Motion made by Robert Thibeault seconded by Frank Hyde to approve license. All voted Aye. So voted.

- RESOLUTIONS

Resolution releasing impact fees

Motion made by Frank Hyde seconded by Gregory Lavoissonniere to approve resolution. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
No. 59-06-2764

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

WHEREAS, the Finance Director reports that there is approximately \$116,000.00 in the restricted impact fee account that is available for distribution to the School Committee.

BE IT THEREFORE RESOLVED, that the Finance Director is authorized to pay to the school department from the impact fee account the total sum of \$116,000.00 to be spent according to law.

PASSED AND ADOPTED this 24th day of July, 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Resolution approving rollover to extend Tax Anticipation Notes

Motion made by Frank Hyde seconded by Justin Pomfret to dispense with reading resolution. All voted Aye. So voted.

Mr. West explained this has to be reissued each year. Need to roll it over, want to replace this with a 20 year bond, but haven't heard back from the State yet.

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

RESOLUTION OF THE TOWN COUNCIL AUTHORIZING
THE ISSUANCE OF TAX ANTICIPATION NOTES
NO. 60-06-2766

BE IT RESOLVED by the Town Council of the Town of Coventry, Rhode Island, (the "Town") that:

SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-4 and a resolution of the Financial Town Meeting, the Town Council hereby authorizes the Director of Finance/Treasurer and the President of the Town Council acting on behalf of the Town, from time to time to issue up to \$6,000,000 interest bearing notes in anticipation of the receipt of the proceeds of the annual tax assessed or to be assessed upon the taxable property within the said Town as of December 31, 2005 for the financial year July 1, 2006 to June 30, 2007 for the purpose of providing funds for the payment of the current liabilities and expenses of said Town. The Notes shall be issued by the Town under its corporate name and seal or a facsimile of such seal. The Notes shall be signed by the manual or facsimile signature of the Director of Finance/Treasurer and the President of the Town Council.

SECTION 2. The manner of sale, amount, denominations, maturities, conversion or registration privileges, dated dates, due dates, interest rates, medium of payment, and other terms, conditions and details of the Notes authorized hereunder shall be as stated herein or, if not so stated, fixed by the Director of Finance.

SECTION 3. The Director of Finance/Treasurer and the President of the Town Council are authorized to take all actions necessary to comply with federal securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to execute and deliver if required in connection with the Notes a Continuing Disclosure Agreement or a Material Events Disclosure Agreement in the form as shall be deemed advisable by the Director of Finance/Treasurer and the President of the Town Council in order to comply with the Rule. The Town hereby covenants and agrees that it will comply with and carry out all provisions of any such Continuing Disclosure Agreement or Material Events Disclosure Agreement, as either of them may be amended from time to time. Notwithstanding any other provision of this Resolution or the Notes, failure of the Town to comply with any such Continuing Disclosure Agreement or Material Events Disclosure Agreement shall not be considered an event of default; however, any noteholder may take such actions as may be necessary and appropriate, including seeking a mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under any such agreement.

SECTION 4. This Resolution shall take effect upon its passage.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

Resolution regarding interim funding for Sewer Construction Project

Motion made by Justin Pomfret seconded by Frank Hyde to dispense with reading resolution. All voted Aye. So voted.

Mr. West explained this is the next phase in sewer, Hopkins Hill Road to Route 3 to Centre of New England to Amgen. Will take the pressure of the Hopkins Hill line. This resolution is looking for interim money from the state . Project will be funded on a permanent basis through DEM, but for now Clean Water has agreed to let us borrow the money. This is just a short term bridge loan.

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

RESOLUTION
OF THE
TOWN OF COVENTRY
No. 61-06-2766

RESOLUTION OF THE TOWN OF COVENTRY APPROVING THE
FINANCING OF SEWER SYSTEM EXTENSIONS AND IMPROVEMENTS AND
APPROVING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE
BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED
\$2,600,000

BE IT RESOLVED by the Town Council of the Town of Coventry that:

SECTION 1. The sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) is appropriated for the purpose of financing of sewer system extensions and improvements (the "Project").

SECTION 2. In accordance with Chapter 46-12.2 of the Rhode Island General Laws, the Director of Finance/Treasurer and the President of the Town Council are hereby authorized to borrow an amount not exceeding Two Million Six Hundred Thousand Dollars (\$2,600,000) from the Rhode Island Clean Water Finance Agency, and to evidence such loan, such officers are hereby authorized to issue and refund on behalf of the Town, in an amount not exceeding Two Million Six Hundred Thousand Dollars (\$2,600,000) wastewater system revenue bonds (the "Bonds") of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$2,600,000 interest bearing or discounted wastewater system revenue notes (the "Notes") in anticipation of the issue of said Bonds.

SECTION 4. The Bonds and Notes shall be payable solely from wastewater system revenues and shall not be a pledge of the full faith and credit of the Town. The Town may issue bonds, notes, or other obligations on a parity with these Bonds and Notes. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.

SECTION 5. Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance/Treasurer, at the written direction of the Town Council, may expend funds from the General Fund or Sewer Enterprise Fund of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes

issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 6. The Director of Finance/Treasurer and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver a Trust Indenture by and between the Town and a corporate trustee selected by said officers (the "Trust Indenture"), and one or more Supplemental Indentures amending and supplementing the Trust Indenture, relating to the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) enter into intermunicipal agreements or amend existing intermunicipal agreements with other municipalities utilizing the wastewater treatment facility and regional collection system with respect to sharing cost of the Project, and (v) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Resolution in order to effectuate said borrowing and the intent hereof.

SECTION 7. The Director of Finance/Treasurer and the President of the Town Council are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

SECTION 8. This Resolution is an affirmative action of the Town Council of the Town toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the Town's General Fund or the Town's Sewer Enterprise Fund for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Resolution, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Two Million Six Hundred Thousand Dollars (\$2,600,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

SECTION 9. The Director of Finance/Treasurer and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Director of Finance/Treasurer and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Bonds or Notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 10. This Resolution shall take effect upon its passage.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

Resolution authorizing Town Manager to enter into contract with James J. Geremia & Associates, Inc. (tabled)

Resolution appointing member to the Kent County Water Authority

Motion made by Frank Hyde seconded by Robert Thibeault to appoint Edward S. Inman, III. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
No. 62-06-2767

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPOINTING ONE MEMBER TO THE KENT COUNTY WATER AUTHORITY.

WHEREAS, Chapter 1740 of the Public Laws, 1946 created a board to be known as the Kent County Water Authority and

WHEREAS, said board shall consist of five (5) members, one (1) member to be appointed by the Town Council of the Town of Coventry, and

WHEREAS, Frank Perry was appointed to said board for a ten (10) year term expiring July, 2006.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That the Town Council hereby appoints

Edward S. Inman, III, 12 A Anthony Street , to the Kent County Water

Authority for a term of ten (10) years, expiring July 2016.

Section 2. That any action contemplated herewith that may be in contravention with Council action previously adopted be and the same is hereby repealed.

PASSED AND ADOPTED this 24th day of July 2006.

APPROVED Thaddeus Jendzejec
Council President

ATTEST: Cheryl A. George
Town Clerk

President Jendzejec commended and thanked Frank Perry for his ten years of service on the Kent County Water Authority.

- RECONSIDERATION – HAMMET ROAD ABANDONMENT (Continued from 6/26/06)

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

Attorney Thomas Moses noted that at the last hearing the abandonment was declared null and void. Mr. Moses is representing Delvecchios and McGunagles. He has not been notified by the applicant's attorney regarding easement. He is requesting that easement be granted to McGunagles and DeVecchios for uninterrupted access to their property.

Mr. Laboissonniere: Can the easement be given up if another access is made at some other time?

Attorney Sullivan: Can put in a reversionary clause.

Mr. Moses: My clients should not have to pay for an easement, and there should be no abandonment until the easements are recorded.

Attorney Sullivan: Could abandon this subject to right of passage for that property only.

Mr. Moses: Suggest unrestricted access only to that property owner and subsequent property owners.

Mark Gifford
926 Hammet Road

Tried to straighten this out in the beginning. Only wanted a guarantee that if another egress was found going out, then the road would no longer be used. Want to make sure something is in the agreement that if another road is built, they use that exit.

Motion made by Justin Pomfret seconded by Frank Hyde to close public hearing. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere that abandonment have a conditional approval subject to documents regarding easement being returned to Town Council for their approval; also that fees be waived for the second advertisement. All voted Aye. So voted.

- PUBLIC HEARINGS

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 (Continued from 06/26/06)

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

Wyatt Brochu, Esq. represents the applicants. This will be a two stage process; first would be the zoning amendment and secondly if it qualifies, would go through next process. By passing the ordinance, it does not give

free reign to the developers. Each individual plan would have to go to the Town Council. This sets a criteria for the mill revitalization.

President Jendzejec - This would always be on a case by case basis.

Attorney Sullivan - It would be consistent with the Comprehensive Plan.

Mr. Brochu - This doesn't really fit the current ordinance.

Attorney Sullivan - Right, you would probably need a variance through zoning.

Mr. Hyde - How much input did Paul Sprague have with this ordinance?

Trish Reynolds, applicant – We have been working with Planning and Paul Sprague, and we worked very hard with our idea to put forward a good project.

Mr. Hyde - How about a soil test?

Ms. Reynolds - Yes, it came back okay.

Mr. Hyde - Will you be changing the footprint of the building?

Ms. Reynolds - Yes, it will be less.

Mr. Laboissonniere - If each has to be individually approved, and if it has to go to non-conforming use, probably would take more town resources.

Mr. Hyde - First this sets a precedent. Don't want to open the floodgates. Would like to talk to the planner on something this critical.

Paul Sprague, Acting Planner, gave favorable opinion at last month's hearing.

Mr. Hyde - Would like to keep some historical value here, very old part of time. Believe the renderings look good.

Ms. Reynolds - Color will be natural, to fit in with the river. That's why we are staying with a natural color.

Mr. Hyde - Do you have sewer approval?

Ms. Reynolds - Yes, quite a while ago.

Mr. Hyde - Adequate parking?

Ms. Reynolds - Yes, a little more than two per unit.

Mr. Thibeault - Not all the mills that meet the criteria will automatically be considered floating zone, it will be a case by case basis, but the tool is available for any owner and/or developer to request it.

Mr. Duckworth - Questioned sewer approval.

Ms. Reynolds - Approved by Coventry a long time ago.

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

Motion made by Frank Hyde seconded by Justin Pomfret to amend zoning ordinance as proposed. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to move passage of petitioner's application conditionally upon sewer approval. All voted Aye. So Voted.

Application for B Limited Liquor license by Dave Thomas, Dave's Perk Inc., dba Dave's Perks, 1532 Main Street, Coventry (Continued from 06/26/06)

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

Attorney Anthony Cordeiro: Mr. Thomas is only requesting this B Limited license for a limited period of time in the evenings. Mr. Thomas is a family man, two small children, is an Iraqi veteran, graduated from San Diego State. The Town Council can restrict this with a review date. The former owner has absolutely no ties to Perks.

Jeannette Hartley
6 First Street

Ms. Hartley - I expressed my opinion last month. We have had problems for over ten years. Who would this be issued to?

Attorney Sullivan - Issued to the corporation and Mr. Thomas is President of the corporation.

Mrs. Hartley - If Mr. Thomas leaves, what happens to the license?

Mr. Laboissonniere - We would put stipulations on this that if he leaves, the license would not be transferable.

Susan DiCarlo - What about evening hours?

Mr. Thomas - Thursday, Friday, Saturday and Sunday evenings until 9:00 p.m.

Al Chatelle – Would like to see restrictions on this license.

Virginia Soucy – In favor. Dave Thomas is trying to make a business there. He gave two years of his life in Iraq, he deserves a chance.

Mr. Laboissonniere – I respect your concerns and will address these in discussion, and plan to put on stipulations with a review period of this is approved. I believe this can work for everybody. I believe Mr. Thomas just wants to be able to serve a beer or wine with a meal.

Motion made by Mr. Laboissonniere seconded by Mr. Thibeault to close public hearing. All voted Aye. So voted.

Mr. Hyde: You have an outside deck, do you plan to serve alcohol outside?

Motion made by Mr. Laboissonniere seconded by Mr. Pomfret to grant license with stipulations:

1. 90 day license, then reapply with public hearing, no additional fees
2. Non-transferable license
3. Revoke license if corporation, stock or Board of Directors changes. New license would have to be applied for at that time.

4. Evening hours only Thursday, Friday, Saturday and Sunday evenings to 9:00 p.m.
5. No transfer of any assets to a third party
6. No live entertainment
7. No service of alcohol outside (indoor service only)

All voted Aye. So voted.

Application for B Limited Liquor License by Joseph M. & Gloria Chapdelaine, Glory Jo Inc., dba Coventry House of Pizza, 875 Tiogue Avenue, Coventry

Motion made by Frank Hyde seconded by Justin Pomfret to open public hearing. All voted Aye. So voted.

Present: Joseph and Gloria Chapdelaine

Coventry House of Pizza is open daily to 10:00 p.m., Friday and Saturday to 11:00 p.m.

Mr. Thibeault – Who will be permitted to serve alcohol?

Mr. Chapdelaine – Just me and my wife.

Mr. Thibeault – If the building that you are in is sold, do you know where you will go?

Mr. Chapdelaine - Hopefully stay on Tiogue Avenue somewhere. If we leave, does the license go with us?

Attorney Sullivan - There would be another public hearing.

Motion made by Frank Hyde seconded by Robert Thibeault to close public hearing. All voted Aye. So voted.

Motion made by Robert Thibeault seconded by Frank Hyde to approve Class B Ltd license. All voted Aye. So voted.

- Ordinance regarding Chapter 16, Taxation (Delinquent taxpayers)

Motion made by Robert Thibeault seconded by Frank Hyde to open public hearing. All voted Aye. So voted.

Solicitor Sullivan explained this ordinance would prevent the town from doing business with someone who owes taxes or fees on their property.

Mr. Cambio - Questioned why the town would adopt an ordinance like this.

Attorney Sullivan - If someone doesn't pay their taxes, and has a liquor license for example, it sets a policy. We wouldn't do business with someone who doesn't pay their taxes.

Mr. Cambio - I get taxed a lot. I object vehemently to this type of ordinance and would take it to court if need be.

Scott Duckworth questioned if any other towns do this.

Acting Manager Sullivan - I believe so, think perhaps West Warwick does.

Mr. Hyde - We have a 98% collection rate, why are we doing this? Concerned what this will do to the home owner. Feels that in the past, the tax collector practiced discretionary collection and that this ordinance singles out Centre of New England. Coventry is not really a business friendly town now.

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

Motion made by Justin Pomfret seconded by Frank Hyde to table ordinance. All voted Aye. So voted.

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

Motion made by Robert Thibeault seconded by Justin Pomfret to open public hearing. All voted Aye. So Voted.

Attorney Sullivan - This is patterned after a statute to do three year budget forecasts.

School Committeewoman Patenaude - Questioned timeframe.

Attorney Sullivan - On or before November 1 each year with a joint meeting before December 31.

Diane Kowal - In favor, should meet even more than one time.

Dennis Geoffroy – In favor. Questioned if this would even be enough meetings.

President Jendzejec - It is a starting point, have to start somewhere.

Motion made by Robert Thibeault seconded by Justin Pomfret to close public hearing. All voted Aye. So voted.

Motion made by Robert Thibeault seconded by Gregory Laboissonniere to adopt ordinance. All voted Aye. So voted.

- DISCUSSION – Affordable Housing Committee

Attorney Sullivan stated that this plan was approved by the state on August 3, 2005. Feel we need to appoint some committee members tonight.

Motion made by Frank Hyde seconded by Justin Pomfret to appoint Julie Leddy, Executive Director of Housing Authority; Paul Sprague, Town Planner; and Warren West, Finance Director to Affordable Housing Committee. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Frank Hyde to adjourn meeting. All voted Aye. So voted.

Meeting adjourned 10:45 p.m.

Cheryl A. George
Town Clerk

