

TOWN COUNCIL MEETING
Coventry Town Hall Council Chambers
1670 Flat River Road, Coventry, RI
July 28, 2008 – 6:00 p.m.

Interviews for School Committee

Town Council interviewed applicants Lisa Tomasso of 40 York Drive and Michael Reeves of 31 Juniper Hill Drive to fill vacancy on School Committee.

Work Session

Attorney Arthur Capaldi outlined Charter Review Committee recommendations, also stated that the Charter Review Committee put little more over a year into this. Ready to put these recommendations before the public and let them decide whether they want amendments, let the people decide.

Councilman Cloutier had a question regarding expansion of the Town Council to include two at-large members. Does someone actually run for at-large positions?

Mr. Jendzejec - Currently we have five districts. At-large would mean that basically anyone within Coventry town limits can run for at-large. They can be Republican, Democrat, independent, mixture of each. The top two vote getters would be elected to the at-large seats.

Mr. Hyde brought up issue of capital budget. Basically we have to present our capital budget 30 days ahead of the operating budget. Suggested possibly putting the whole thing together at once.

Mr. Colaluca – Regarding section concerning Municipal Court. There is one section in here that I question, where it refers to the compensation of the judge, clerk or personnel. There are no other salaries listed within the Town Charter, why do you feel that this salary should be put in there?

Mr. Capaldi – We just copied what presently is the law in the Town of Coventry. Your enabling legislation gave the Town Council the authority to set the salary and it is in your ordinance. The wisdom to that is that if you get a judge that the Town Council doesn't like, then the Town Council can get rid of the salary. This is not something that you don't already have as law by ordinance. It is a little higher than it was twenty years ago, but it's nothing that's not already in the law. All the salaries are controlled by the Town Council.

Mr. Hyde – Also glad you put a provision in here to change \$100,000 to \$175,000 regarding Section 8.18, all day referendum. It is long overdue.

President Pomfret thanked Charter Review Commission for their hard work, and amendments will be voted on later this evening.

TOWN COUNCIL MEETING

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

Acting Town Manager Paul Sprague
Town Solicitor Patrick Sullivan

Pledge of Allegiance led by President Pomfret
Invocation led by Councilman Colaluca
Review of evacuation plan.

President Pomfret presented proclamation to Coventry Babe Ruth League –
Champions 13-15 for winning the State Championship. The team will advance to the
New England Regional Championship in New Hampshire.

President Pomfret announced that he is moving Item J4, Amendment of Zoning Ordinance and Map (The Woods at Red Brook) up to the beginning of the meeting.

Motion made by Frank Hyde seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

Attorney John Brunero was present and requested a continuance to the August 25, 2008 Town Council meeting in order that he may serve proper notice to abutting owners.

Motion made by Frank Hyde seconded by Bruce Thompson to continue public hearing to August 25, 2008. All voted Aye. So voted.

Motion made by Bruce Thompson seconded by Kenneth Cloutier to approve Town Council minutes of June 23, 2008. All voted Aye. So voted.

Public Comment

Mr. Hyde announced that although it will take some time to prepare properly, he is working on a historic preservation and protection ordinance.

Ronald Gizzarelli – Complaint regarding sound system, has trouble hearing.
Harrington Road

Wayne Asselin
30 Lorraine Avenue

Mr. Asselin questioned if there would be public hearings on charter amendments.

Attorney Capaldi answered that they had 18 public meetings. The public was invited to all of them. Now the people will have three months to study these and vote in November.

Joel Johnson – Commented on question #4 regarding Town Manager qualifications. Don't know what exactly the intent was, but this does not specifically state that there shall be "experience as a manager."

Mr. Jendzejec – When we had the town manager search committee, many people didn't qualify, probably more than half were eliminated due to the current qualifications.

Charles Vacca
24 Fairway Drive

Mr. Vacca – Are there public minutes of the Charter Review Commission?

Mr. Capaldi – Yes.

Mr. Vacca – Suggested that perhaps Mr. Hyde and the Town Council, with regard to a preservation ordinance, approach this with a lot of thought and vision. Suggest you might want to think about contacting experts at the Preserve Rhode Island website. Regarding the Coventry Seafood Building, those things don't happen in Newport or Providence. They have given a lot of thought to amending their ordinances with regard to that.

Ray Spear – Would like to request that you give consideration to having public hearings on these Charter recommendations. Concerned about changing from 12 months or "more" regarding vacancy on School Committee.

Manager Sprague noted that there was a misprint and this should read 12 months or "less", not "more". If a vacancy occurred more than 12 months before an election, then would have to have a special election.

Lucas Murray
21 Hill Farm Camp Road

Mr. Murray stressed importance to preserve historic districts.

CONSENT AGENDA

1. Applications by Western RI Civic Historical Society for non-profit one day Exhibitions and Performance licenses at The Paine House on August 23 and September 21, 2008.
2. Resolution adopting Administrative Pay and Classification plan
3. Application for new Sewer Contractor's license for Hill Top Excavating and Landscaping
4. Application for new Sewer Contractor's license for Armando Ricci & Sons, Inc.
5. Application for new Sewer Contractor's license for Timpson Excavating, Inc.
6. Application for renewal of Private Detective license for Francis Brosnan
7. Resolution affirming award of contract for stainless steel material spreader for DPW
8. Resolution authorizing issuance of tax anticipation notes
9. Application by Kyle Losek for fireworks permit on August 31, 2008
10. Application by Norman Marsocci for fireworks permit on August 10, 2008
11. Resolution approving sewer tie-in for Tom's Market, 821 Tiogue Avenue
12. Resolution adopting Charter Review recommendations

Motion made by Frank Hyde seconded by Bruce Thompson to remove Item #12 for discussion. All voted Aye. So voted.

Motion made by Anthony Colaluca seconded by Frank Hyde to remove Item #2 for discussion. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Anthony Colaluca to approve Consent Agenda Items #1, 3, 4, 5, 6, 7, 8, 9, 10 and 11. All voted Aye. So voted.

Regarding #2 Administrative Pay and Classification Plan, Manager Sprague explained this is a yearly resolution approving pay plan for administrative personnel, which mirrors the contract of the union employees. As of July 1, the union received 2% increase, provides same for administration.

Motion made by Frank Hyde seconded by Ken Cloutier to adopt resolution regarding administrative pay and classification plan. All voted Aye. So voted.

Regarding Item #12 Charter Review recommendations, Mr. Hyde questioned why zoning officer would come under the Planning Department.

Manager Sprague - The Zoning Officer serves both as an associate planner and zoning enforcement official; he wears two hats. If you were to take the zoning enforcement official and put him under the building inspection department, you will have three building inspectors and one less planner.

Motion made by Frank Hyde seconded by Bruce Thompson to strike "zoning officer" and amend question 10 of charter recommendations, leaving the zoning officer under the Planning Department. All voted Aye. So voted.

Motion made by Bruce Thompson seconded by Ken Cloutier to adopt resolution with charter review recommendations as amended and set forth before the voters on November 4, 2008. All voted Aye. So voted.

RESOLUTION

- Resolution appointing member to serve on School Committee

Motion made by Kenneth Cloutier to appoint Lisa Tomasso. No second. Motion fails.

Motion made by Bruce Thompson seconded by Anthony Colaluca to appoint Michael Reeves. Vote taken – Aye (4); Nay (1) Councilman Cloutier votes Nay. Motion passes. Michael Reeves will fill vacancy on School Committee.

- Resolution respecting limits on truck size and weight on public roads

Motion made by Anthony Colaluca seconded by Kenneth Cloutier to adopt resolution. All voted Aye. So voted.

Councilman Colaluca has been working with the Coalition Against Bigger Trucks. They go around and work on legislation with regard to truck size. In Congress right now, they are looking to increase the size of tractor trailers on the roads, go to triple trucks. Larger trucks would not be a good idea, and would like to move passage of this resolution.

Mr. Hyde – We have restrictions now on trucking through the town, I know there are restrictions on S. Main Street. How would this effect those restrictions?

Mr. Colaluca – The only thing this affects is increase in truck size. They are looking to allow triple tractor trailer trucks. This group is trying to persuade people that's not a good idea.

PUBLIC HEARINGS AND ENSUING ACTION

- New B Ltd. Liquor license for Mathews Italian Café, LLC, Nicholas Petrarca, 2260 Flat River Road

Motion made by Kenneth Cloutier seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

Applicant Nicholas Petrarca present.

Mr. Thompson – Hours of operation?

Mr. Petrarca – Maybe until 10 or 11 p.m., open a little later on Saturdays.

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

Motion made by Bruce Thompson seconded by Kenneth Cloutier to approve B Ltd. License. All voted Aye. So voted.

- Transfer of Class B Liquor license from Come Along Inn, Inc., to Crompton Liquor Holding, Inc.

Present: Richard Crompton
Sharpe Street
West Greenwich, RI

Motion made by Kenneth Cloutier seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

Mr. Crompton explained that he has owned this business for 15 years, is simply taking it back at this time through foreclosure.

No one spoke in favor, no one opposed.

Motion made by Frank Hyde seconded by Anthony Colaluca to close public hearing. All voted Aye. So voted.

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

- Transfer of Class B Ltd. Liquor license to Min Naing, Olympic Flame, Inc., 1602 Nooseneck Hill Road

Motion made by Anthony Colaluca seconded by Frank Hyde to open public hearing. All voted aye. So voted.

Present: Applicant Min Naing
105 Minor St, #1
Providence, RI

Also present John Mandros, 81 Hill Top Drive, Portsmouth, RI representing current owner.

Motion made by Frank Hyde seconded by Anthony Colaluca to open public hearing. All voted Aye. So voted.

No one spoke in favor, no one opposed.

Motion made by Frank Hyde seconded by Anthony Colaluca to close public hearing. All voted Aye. So voted.

Motion made by Anthony Colaluca seconded by Kenneth Cloutier to grant license transfer. All voted Aye. So o voted.

- Public Hearing

Amendment of Zoning Ordinance and Map, Assessor's Plat 55, Lot 77 (Anthony Mill) from Industrial 2 to Residential with Mill Conversion District/floating zone

David Igliozi, Esq. represented applicant.

Power point presentation. Attorney Igliozi outlined entire project and distributed all information in book form to Town Council. He also presented expert testimony on certain issues. He noted that there are several conditions which must be met in order to make the project happen, which are not included within the confines of your mill conversion ordinance.

The Council is the only body that can give us certain relief. We must go back to the Planning Board anyway. The positive recommendation of the Planning Board in no way binds them to approve this project if we don't satisfy them.

Attorney Igliozi introduced Nicole Reilly of DiPrete Engineering (project engineer). Her resume was submitted.

Nicole Reilly
DiPrete Engineering

Ms. Reilly introduced photos, slides and explained the anticipated rehabilitation of three buildings. She referred to power point presentation, aerial photograph, development plan review, existing conditions plan, explained that property consists of 5.2 acres approx, 300 feet of frontage, 200 feet along Laurel Avenue.

Greg Guglielmo, Senior Land Planner from DiPrete Engineering was introduced and gave brief presentation of parking design. He addressed parking needs and methods used to calculate the parking; and a plan to make this esthetically pleasing also. Suggested a way to more efficiently use these areas is to share or find uses that have different peak times of parking. What would happen is that during the day, retail would use the parking and at night when residents come home residents would use same parking areas. Shared parking is a "smart growth" planning strategy. See Project Manual on file.

Have received a letter from Concordia stating that they are willing to work with Anthony Mill partners concerning the potential parking need for up to 25-30 cars if the need exists.

John Carter (Landscape architect)
960 Boston Neck Road
Narragansett, RI

Mr. Carter briefly outlined landscape plan, the green areas proposed to be landscaped. There are certain zoning requirements. We did the best we could. We met a lot of requirements, specifying percentages. We ask for some waivers, primarily buffers to adjacent properties. The northerly buffer is Route 117 and the buffer to the west is Laurel Avenue.

We are proposing to do plantings along Laurel Avenue. We may refurbish the iron fence on the property. The site has one main building, then out on the street are two smaller buildings. The ultimate plan is to try to develop some type of office or retail, café or something of that sort. That would be the streetscape there. These details will be worked out further with the Planning Board.

Attorney Iglizzi introduced Paul Bannon with regard to the traffic study. Paul Bannon is President of R.A.B. Professional Engineers.

Mr. Bannon indicated that he made site visits, did counts at the intersection of Laurel and Washington. Estimated what this project would generate. Assessed safety and operations. The main driveway as it exists today will continue to provide access to the property in the main parking field to the front of the building. (See Project Manual)

Charles Vernon, President of Vernon Project Management
Po Box 1642
North Kingstown, RI

Mr. Vernon - I am a planning and zoning consultant. This is a very suitable site for this type of development. Will be developed under a mill conversion district. Is completely compliant with the Comprehensive Plan. I did a complete review and we meet all land use objectives.

With regard to fiscal impact, and this is kind of interesting, I do fiscal impact analysis, especially with mill conversions all over southeastern Massachusetts and Rhode Island. One of the most interesting data points that comes up is that in developments of this type, because of their unit mix, design and amenities that may be available, mill conversions, multi families, condos and/or apartment complexes, the multipliers that come up over and over again is .04. That means simply that there will be four children per every 100 units in that development. Probably would be somewhere between 5 and 7 children living in this development. Approximate cost of about \$11,000 or \$12,000 per child cost of school age children living in Coventry (and that would be on the expensive side). Would be about \$206,820 dollars, that's give or take how good a guess I'm making.

Looking at the revenue of 125 housing units, some commercial, retail and office space, and after meeting with the Town Tax Assessor, determined that the revenue estimated would be probably in the neighborhood of \$244,000, net positive impact of this project in a conservative sense of about \$37,000 to \$38,000 a year.

Having said that, this is a totally private development on a state road. That means your public works costs will be practically nothing. You are in a positive fiscal condition here.

Attorney Iglizzi asked that following be marked as Exhibits:

- Exhibit 1 - Anthony Mill Project Manual
- Exhibit 2 - Letter from Concordia regarding potential parking
- Exhibit 3 - Resume of Nicole M. W. Reilly, MS., P.E.
- Exhibit 4 - Resume of Gregory M. Guglielmo, Senior Land Planner
- Exhibit 5 - Resume of Charles H. Vernon
- Exhibit 6 - Map – Development Plan Review Anthony Mill Rehabilitation

Attorney Iglizzi referred to Exhibit A, attachment to ordinance, and items which need to be accomplished:

1. Change of zone
2. Under "Uses", these will need to be authorized along with zone change
3. Some relief is required regarding zoning dimensions, whether it be rear yard, front or side yard. Council needs to authorize that because not within realm of Planning Board
4. Relief to leave existing structures where they are without having to go to the zoning board to get variances.
5. Under Article 9 – we need to some of the parking relief authorized, especially on a shared use concept. Again that is something that the Planning Board can't authorize. Will have a shared component on retail.
6. Standards for Parking lots and loading facilities.
7. Some additional conditions.

Mr. Thomas Nieman, President and CEO of Nieman Capital, LLC was introduced.

Mr. Nieman told Town Council that his company has been around since 1994. He has a home office in North Carolina and other offices in Waterville and Augusta, Maine. Mr. Nieman informed the council of various other similar projects he has worked on. I have a small, focused team. I understand that you have a vision. We are making some requests, realize that this will take a little longer. Would like to know there is a real good feeling about the project and that you are leaning toward supporting it. This development will be committed to historic preservation. Think this is a very special situation.

Councilman Hyde - That mill has a lot of historic significance. I can appreciate Mr. Nieman's desire to preserve, protect and accentuate what is there.

Gary Cote
29 Pettine St.

I'm here as Chairman of the Board of Anthony Fire District. Our fire department is behind this project. We are working with Mr. Nieman and his team, who is willing to sit down and talk with our Board. They are showing interest in being part of our community and in giving back to our community. We do have some issues we need to get passed, thankfully Mr. Nieman and his team are willing to sit with us so that we can bridge the problems that do exist, and I believe that they will be solved before the project progresses.

Robert DiPadua
62 Laurel Avenue

Am thrilled to see project of this size come to our town. Please see if there is anything you can do with that little strip of land across the street, would make a nice fishing spot.

Charles Vacca
Fairway Drive

This is a great plan; it will rejuvenate Anthony Village.

Would like to hear from developers briefly what the plans are and if there will be any archeological or historical work done with regard to the river? There was a large stone structure that the Narragansetts used to put in the river to stop the flow of fish so that they could catch the fish. A very large one was found right below the mill, and I'm just wondering possibly others have been covered up. It would be a great thing if those were found and preserved.

The other thing I would like to know is if there are any plans regarding the yellow house next to the liquor store, that old laborer's house, looks like it is ready to collapse.

Manager Sprague – No, that millworker's home is not part of this project. That is part of the Anthony Village Enhancement and Restoration project. Believe it or not, would cost about a million dollars to restore that house.

Glen Shibley
31 Wesleyan Avenue

Would like to see this beautified – it is due. But, feel that parking is not sufficient with 125 units and one space per unit. Other concern is coming out on Laurel Avenue. It is bumper to bumper with the traffic light.

Lucas Murray
Hill Farm Camp Road

This is a much needed project and I support it. Ultimately believe it will prove successful. This is an industrial complex and could be run today as an industrial complex. Believe this is good for the town. Have done research on Nieman Capital, good team.

This will result in more people using recreational facilities and could add children to the school system. There will be some impact. Recommend and encourage that you look at offset, waivers, and requirements by zoning. Need to think about agreements, tax credits, etc. A task force would be a good thing and would help keep the town priorities on the mark.

Joel Johnson
164 Gough Avenue

Think this is a fantastic project. This town lacks a tribute to Nathanael Greene. Mill is very close to his homestead. Would be a great location for a statue.

Mr. Hyde – I would like to look into making this a TIF district.

Motion made by Frank Hyde seconded by Kenneth Cloutier to continue to August 25, 2008 Town Council meeting. All voted Aye. So voted.

Public Forum

President Pomfret invited anyone who would like to address the Town Council on any issues to come forward at this time.

Motion made by Bruce Thompson seconded by Anthony Colaluca to go into Executive Session. All voted Aye. So voted. Roll call vote. 5-0

EXECUTIVE SESSION

R.I.G.L. 42-46-5 (a) (2) (5)

- Pertaining to Litigation:

1. Interstate Options v Town of Coventry KC 02-303
2. DEM v Town of Coventry 05-346 ML
3. Commerce Park Associates 1 LLC v Town of Coventry
Sewer Assessment Board of Review et al CA 08-262

Motion made by Anthony Colaluca seconded by Frank Hyde to come out of executive session. All voted Aye. So voted.

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

Motion made by Anthony Colaluca seconded by Frank Hyde to adjourn Town Council meeting.

Town Clerk

