

TOWN COUNCIL MEETING  
August 22, 2011

Present: President Gary Cote, Kerry McGee, Raymond Spear, Carl Mattson, Jr.

Town Manager Thomas Hoover  
Town Solicitor Frederick Tobin

Absent: Councilman Ted Jendzejec

Pledge of Allegiance led by members of Boy Scout Troop 39 Summit  
Invocation by Councilman Spear  
Review of Emergency Evacuation Plan

President's Comments

President Cote thanked Manager Hoover for his patience and understanding this week, allowing him time to deal with the tragedy of losing a very good friend in a motorcycle accident.

Motion made by Councilman Spear seconded by Councilman McGee to approve Town Council Minutes from July 18, 2011.

CONSENT AGENDA

1. Application by Bruce Capwell for renewal of Private Detective license
2. Approval of Tax Abatements and Additions
3. Application by Butler Construction, 182 South Shore Avenue, Warwick for a new Sewer Contractor License

Motion made by Councilman Spear seconded by Councilman Mattson to approve Consent Agenda. All voted aye.

LICENSES

1. Application by Kyle Losek for Fireworks permit on September 4, 2011; rain date September 10, 2011

Motion made by Councilman Spear seconded by Councilman McGee to approve fireworks permit. All voted aye.

2. Application by Cozy Grille Family Restaurant, 473 Tiogue Avenue for outside live show entertainment

Deborah Parente of Meadow Chase Lane, West Warwick, manager at Cozy Grille, advised they are seeking limited outside entertainment (one or two piece musical group) on the deck. Speakers will not be used. Cozy Grille is open until 9 p.m. Monday through Thursday, 10:00 p.m. on Friday and Saturday.

President Cote expressed concern, not wanting to infringe on neighbors' rights to sit outside

and enjoy their own yard. Solicitor Tobin suggested considering a compromise, such as approval with restrictions.

Motion made by Councilman Spear seconded by Councilman McGee to approve outside entertainment, limited to one or two musicians at one time, no speakers to be utilized. All voted aye.

3. Application for Hawker's license by Brian Warnock, Mishnock Garden Center, 2501 Nooseneck Hill Road

Paul Sprague, Planning Director, offered background information. On March 14, 2011 and again on June 3, 2011, Zoning Officer Jacob Peabody issued a notice to Mr. Warnock to apply for development plan review. At the Town Council meeting in June, Mr. Warnock was given an extension to August 22 to file the development plan review applications with the Planning Dept. To date, no plan has been submitted.

Mr. Warnock's engineer, Bob Boyer, indicated just this afternoon that he was hired to do an existing conditions plan, but not a development plan review. Mr. Warnock, however, advised that he paid Mr. Boyer \$2500 to do a development plan review.

Mr. Warnock further indicated that he does not believe he is a year round business; he only operates seven months a year. President Cote responded that his business is there year round, even though Mr. Warnock chooses to close it for 2 ½ months a year, the capability to open that business if you want to during those 2 ½ months is there. So, I don't understand why you don't think you have to have a year round business license.

Motion made by Councilman Spear to provide a three week extension to fulfill Planning Department requirements with the clear understanding that if all requirements have not been submitted or approved, he will be closed for the remainder of this year. NO second to that motion.

Councilman Mattson suggested an extension only to the end of this week, Friday.

Councilman McGee commented that he is not inclined to give an extension and made a motion to deny the operation of business at Mishnock Garden Center until paperwork and applications are complete. No second to motion.

Councilman McGee remarked that we need to take a firm stand and asked how long the process will take. Mr. Sprague indicated that all applications could be filed as early as tomorrow and Manager Hoover advised that this can all be handled administratively.

Motion made by Councilman McGee seconded by Councilman Spear that Mr. Warnock may not reopen his business until all applications are submitted and satisfy Planning Director Paul Sprague. All voted aye.

1 Application by Maniben LLC, dba Subway #42061, 2405 Nooseneck Hill Road for a new victualling license

Motion made by Councilman Spear seconded by Councilman Mattson to approve license subject to Board of Health inspection. All voted aye.

## PUBLIC HEARING

1. Application for Transfer of Class B Limited license from C&S Corporation dba the Gentleman Farmer Restaurant, 2405 Nooseneck Hill Rd. to The Original Gentleman Farmer Restaurant, Inc., Edwin O'Grodnik

Motion made by Councilman Spear seconded by Councilman McGee to open public hearing. All voted aye.

Applicant Edwin O'Grodnik of The Original Gentleman Farmer, Inc. was present and represented by Attorney John Gazerro, Esq. There were no objections to this application from the public. Attorney Gazerro indicated that there will be no changes in the operations.

Councilman Mattson noticed that the name of Scott Chase on the application did not have an address; Attorney Gazerro will amend.

Motion made by Councilman Spear seconded by Carl Mattson to approve license application as amended. All voted aye.

Motion made by Councilman McGee seconded by Councilman Mattson to close public hearing. All voted aye.

## RESOLUTIONS

1. Accepting grants and entering into agreements with the Rhode Island Department of Environmental Management, Office of Waste Management, Targeted Brownfield Program for \$50,000; the Rhode Island Department of Environmental Management, Office of Water Resource for \$60,000; and the Us Fish and Wildlife Service for the use of Piccillo Farm assessments in the amount of \$143,000; all for the development of the Sandy Acres Recreation Area Wetland Reclamation and Park Development project

2. Authorizing agreements for administrative over-site with Crossman Engineering for \$12,200 and environmental over-site with Fuss & O'Neill for \$21,700, all for the development of the Sandy Acres Recreation Area Wetland Reclamation and Park Development project

3. Authorizing an agreement with Urbane Construction Corporation for the construction of the base contract for the development of the Sandy Acres Recreation Area Wetland Reclamation and Park Development project at a cost of \$253,000; and additional work that is dependent on the receipt of a future Rhode Island Department of Environmental Management, Recreation and Open Space Grant, at an additional cost of \$150,000, to complete a total contract at a cost of \$403,000

Resolutions #1 through #3: Councilman Spear asked for clarification with regard to the above three resolutions, as to location of the project and where the money is coming from. Recreation Director Guy Lefebvre indicated the area around the pumping station on Sandy Bottom Road, south toward the river and north toward Route 117.

A number of issues will be addressed such as a wetlands reclamation project; storm water retention basin; mitigation project; recreational improvements for open space access to the property adjoining the Whipple conservation property.

This will result in more river access, recreational opportunities such as a boardwalk through the swamp connecting to the Whipple property, various overlooks at the river bank, and more passive recreation. The town's financial responsibilities will be supplied with in-kind donations through DPW and Parks and Recreation. Funding is through multiple sources including RI DEM, Fish and Wildlife Services, and our Fair Share Development Program.

Motion made by Councilman Spear seconded by Councilman McGee to approve Resolutions #J1, J2 and J3. All voted aye.

4. Authorizing the refinancing of General Obligation Bonds for school construction

Finance Director Ted Przybyla remarked that the Town has currently three outstanding bond issues which were issued for school construction projects. The two earliest issues, if refunded under current market conditions, would generate approximately \$1,000,000 in net present value savings. The Town and State would share equally in these savings, for a projected town savings of approximately \$500,000. The projected savings on the latest issue are approaching the point where a refunding may be warranted and if these conditions improve by the valuation date, the third issue would be included in the refunding. Mr. Przybyla recommended to the Council proceeding with the refunding.

Motion made by Councilman Spear seconded by Council McGee to approve resolution. All voted aye.

5. Authorizing necessary measures to secure funding through the Interceptor Bond Fund Grants and/or Rhode Island Clean Water Finance Agency in the amount of \$550,912 for the Town of Coventry's matching share to the receipt of a grant from the US Department of Commerce Economic Development Administration in the amount of \$2,170,811 for the extension of a sanitary sewer to Industrial Drive in the Town of Coventry

Manager Hoover explained that the town has an opportunity to apply for \$10 million in funds available to RI for economic development purposes, out of the US Department of Commerce, Economic Development Administration. With the help of our senators and representatives, we were able to get \$2,170,811. We have to match that with \$550,912. Although we don't have the \$550,912 in hand, we hope to get it funded through our participation with Clean Water Finance Agency, which helps us currently to support our sewer program. This project will extend the sanitary sewer on Route 117 from our community center up to and into Industrial Drive, where a major portion of our industrial zoning and industry exists. This is the opportunity we have before us, it has been fully explained to Council and there is a deadline of midnight tonight.

Motion made by Councilman Spear seconded by Councilman McGee to adopt resolution. All voted aye.

6. Authorizing an agreement for sixty (60) months with Pitney Bowes for rental of mailing equipment

This agreement is secured through a state contract available to all cities and towns at a reduced cost, with a better postage machine. Councilman Mattson asked if a five year contract is "normal" and Manager Hoover replied that it is.

Motion made by Councilman Spear seconded by Councilman Mattson to approve resolution.

All voted aye.

7. Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>

Congress passed a resolution asking that at 1 p.m. on September 11, all cities, towns and individuals in the United States take one minute of silence to commemorate the 10<sup>th</sup> anniversary of the September 11, 2001 tragedy. Adopting this resolution will put Coventry in a position of support.

Motion made Councilman Spear seconded by Councilman McGee to approve resolution. All voted aye.

PUBLIC COMMENT

Nancy\_Sprengelmeyer, Taft Street, asked President Cote if he was aware that a petition is circulating around the Oak Haven neighborhood asking that the Laurel Avenue bridge not be replaced.

President Cote replied that he is aware of the petition Senator Reed's office has also received a letter requesting the same thing. However, the bridge will be replaced and currently has a completion date of December 2012.

Keith Anderson, 14 Osprey Drive, questioned resolution #5, how the town would secure the amount of \$550,912 for their matching share, and wondered whether the money we save by refinancing bonds could be utilized. Finance Director Ted Przybyla remarked that money would not be applicable.

President Cote advised of a company in the Industrial Park that is looking to do a significant build out. Council will try to work with that company to secure some of the funding for this project rather than put it on the backs of the taxpayers. Council will try to do everything we can to secure that funding elsewhere.

Motion made by Councilman Spear seconded by Councilman McGee to adjourn meeting. All voted Aye.

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Town Clerk