

TOWN COUNCIL MEETING  
August 28, 2006

***EXECUTIVE SESSION - 5:30 p.m.***

- Police Negotiations IBPO Local 306  
Council 94 Negotiations  
R.I.G.L. 42-46-5 (a) (2)
- Discussion relating to investment of public funds  
R.I.G.L. 42-46-5 (a) (7)

Motion made by Robert Thibeault seconded by Gregory Laboissonniere to go into Executive Session at 5:40 p.m. All voted Aye. So voted.

Attorney Sullivan announced that in executive session a unanimous decision was made to approve the police contract.

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

Motion made by Gregory Laboissonniere seconded by Frank Hyde to seal minutes of executive session. All voted Aye. So voted.

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to adjourn executive session. All voted Aye. So voted.

**TOWN COUNCIL MEETING**

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

Town Manager Richard Kerbel  
Town Solicitor Patrick Sullivan

Absent: Justin Pomfret

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

President Jendzejec presented Certificate of Recognition to Emily St. Pierre for obtaining first place in the 2006 National Track and Field Junior Competition sponsored by Kellogg's Frosted Flakes.

**Public Comment**

- Brett Harrington questioned status of Hammet Road abandonment.

Attorney Sullivan replied that it is in draft form and is ongoing. There had been a delay due to the illness of the attorney for the abutters.

- George Fidas (Silver Lake Pizza)

Mr. Fidas believes he has an issue regarding the establishment next door to him, Crowebar; that a problem with the exits.

Manager Kerbel stated that the building official has met with Mr. Fidas. The building inspector reports that Crowbar is in compliance. Manager Kerbel is of the opinion that this is a civil problem not involving the town. The building permit was issued properly.

- Wayne Asselin

Reminded Town Council that he would like a work session regarding special legal team to handle the Centre of New England.

Mr. Asselin asked for explanation of the resolution regarding softball field agreement/Commerce Park.

Attorney Sullivan explained that this would be a modification of the previous agreement. This is sought because originally the number of condos planned was 311, now the projection is 266. We are seeking to increase the amount due to the town per certificate of occupancy in order to make up the \$1.5 million.

- Agnes Lapointe

Concerned about Mr. Fidas (Silver Lake) issue. What if someone gets injured on that property?

Manager Kerbel stated this is an issue regarding the ramp for handicapped individuals. Mr. Fidas feels that people who use it will walk onto his property.

Motion made by Frank Hyde seconded by Gregory Laboissonniere to approve minutes of July 24 and July 27, 2006. All voted Aye. So voted.

#### **CONSENT AGENDA**

1. Application by Earl P. and Carole M. Knight for perpetual care of Cemetery Lot 79 in Plainland Cemetery
2. Application for Sewer Contractor's license by Accord Group, Inc., 160 Old Derby Street, Hingham, MA
3. Resolution canceling Town Council meeting on October 9, 2006 due to the holiday
4. Tax abatements for month of July 2006 in the amount of \$ 193,404.57 with additions in the amount of \$54,478.30
5. Renewal of Private Detective license by Bruce Capwell, 5555 Flat River Road, Coventry, RI
6. Application for Fireworks permit by John Studley, 47 Indian Trail on September 3, 2006 on Johnson's Pond
7. Resolution authorizing the Town Manager to enter into an agreement with Mapleroot Corporation for perpetual sewer easement and to obtain perpetual sewer easement from Kent County Water Authority

Motion made by Gregory Laboissonniere seconded by Frank Hyde to remove Item #7 for discussion. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Robert Thibeault to approve Consent Agenda items 1-6. All voted Aye. So voted.

Resolution #63-06-2767 canceling Town Council meeting on  
October 9, 2006 due to the holiday

RESOLUTION  
OF THE  
TOWN COUNCIL  
No. 63-06-2767

RESOLVED:

That the Town Council of the Town of Coventry hereby cancels the regularly scheduled meeting on Monday, October 9, 2006 due to the holiday.

PASSED AND ADOPTED this 28th day of August, 2006

APPROVED Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

- Councilman Laboissonniere asked for clarification of Item #7, resolution authorizing the Town Manager to sign Mapleroot Sewer easement.

Attorney Sullivan recused himself on this matter as he has a conflict.

Town Engineer, Sheila Barrett – It is the policy of the tax assessor to send out assessments immediately upon the availability of the sewer whether or not they choose to tie in. However, this resolution would be an agreement with those property owners at Ramblewood that they would not be assessed until such time as they do choose to tie in.

Manager Kerbel – Essentially these are in groups of four. When the four units tie in, it will be assessed.

Mr. Laboissonniere – Would this set a precedent for anybody along that sewer line that might say we gave them the right not to tie in even with an easement, as opposed to not assessing someone along that line.

Ms. Barrett – The Town already has that right. The Town Council, as the Sewer Commission, could always entertain a request, for example, for someone who has put in a brand new sewer system, and as the sewer line goes by, you could defer them for a certain period of time.

Mr. Sprague: The Enabling Act states a provision for the Council to grant a waiver.

Mr. Hyde: No time table for tying in, should that be a factor in this?

Ms. Barrett: There doesn't need to be.

Mr. Hyde: How many units are we talking about?

Ms. Barrett – Ten or twelve, in groups of four, so possibly three groups.

Motion made by Frank Hyde seconded by Robert Thibeault that resolution be adopted. All voted Aye. So voted.

Resolution #64-06-2768 authorizing the Town Manager to sign Mapleroot Sewer easement

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO.: 64-06-2768

RESOLUTION OF THE TOWN OF COVENTRY  
AUTHORIZING THE TOWN MANAGER AND TOWN SOLICITOR TO ENTER  
INTO AGREEMENT FOR A PERPETUAL SEWER EASEMENT

WHEREAS, the Town of Coventry requires an easement over property pursuant to Section II Article V of the Coventry Code of Ordinances entitled *Collection and Disposal of Sewers*.

BE IT THEREFORE RESOLVED, that the Town of Coventry Town Council acting as the Coventry Sewer Authority authorizes the Town Manager to obtain perpetual sewer easements over land owned by the Kent County Water Authority and to enter into an agreement with Mapleroot Corporation (attached as exhibit "A") and hereby authorizes the Town Manager to execute any and all documents in furtherance thereof.

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

PASSED AND ADOPTED this 28th day of August, 2006.

APPROVED: Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

**RESOLUTIONS**

Resolution # 65-06-2769 authorizing Town Manager to amend softball field agreement with Commerce Park Associates 8 LLC so as to increase the payment to the town per certificate of occupancy issued.

Manager Kerbel - \$100,000 has already been paid.

Mr. Hyde – That would be taken off the first units.

Mr. Kerbel – Seventeen units are already paid for. There will be 266 condos projected at the new rate.

Mr. Laboissonniere - In the paragraph regarding closings Numbered 18-266, there is a blank line for the amount of days after the closing for this money to be paid for each unit. Will we be filling in that line with a date?

Attorney Sullivan – Could be upon the issuance of a certificate of occupancy.

Mr. Cambio – Will instruct my closing attorney to pay the town directly.

Motion made by Frank Hyde seconded by Robert Thibeault to amend agreement to "*payment within seven days of closing*". All voted Aye. So voted.

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

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO.: 65-06-2769

RESOLUTION OF THE TOWN OF COVENTRY AMENDING AGREEMENT  
WITH COMMERCE PARK ASSOCIATES 8, LLC

WHEREAS, the council is desirous to clarify their agreement with Commerce Park Associates 8, LLC dated May 3, 1999; and

WHEREAS, Commerce Park Associates, 8 LLC has evidenced its obligation to pay the Town of Coventry \$1,500,000.00 upon the issuance of certificates of occupancy for the 311 condominiums built in the Centre of New England; and

WHEREAS, Commerce Park Associates, 8 LLC has reduced the number of condominiums so as to make the payment schedule contained in the agreement deficient in its obligation to the Town; and

WHEREAS, the amount paid to the Town by Commerce Park Associates 8, LLC per unit upon the issuance of the certificate of occupancy must be increased.

BE IT THEREFORE RESOLVED, that the Town Council is hereby authorized to sign the attached *Payment Schedule Pursuant to the Addendum of Agreement*.

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

PASSED AND ADOPTED this 28<sup>th</sup> day of August, 2006.

APPROVED: Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

Resolution #66-06-2770 increasing the scope of work for Contract 4

Mr. Thibeault – Just to update the council on this issue, this was up for discussion when the Sewer Subcommittee last met. The assessments for this should pay for the job, and I believe that the gentleman who owns the three or four family home will be paying up front.

Ms. Barrett - Should be done next spring.

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

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO.: 66-06-2770

RESOLUTION OF THE TOWN OF COVENTRY  
TO INCREASE SCOPE OF CONTRACT IV ON ANTHONY ST.

WHEREAS, the Coventry Sewer Subcommittee has recommended to the Town Council, by resolution, to increase the scope of contract IV to include the installation of a gravity sewer on Anthony St.

BE IT THEREFORE RESOLVED, that the Town of Coventry Town Council adopts the recommendation of the Sewer Subcommittee and increases the scope of contract IV to include the installation of a gravity sewer on Anthony St from Washington St. to 9-11 Anthony St, a distance of approximately 195'. The town's consultants are directed to design the extension consistent with the approved facilities plan.

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

PASSED AND ADOPTED this 28th day of August, 2006.

APPROVED: Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

Resolution #67-06-2771 amending Resolution #37-06-2562 establishing Tax Increment Financing Study Commission

Mr. Thibeault – Would like to make a motion where the resolution states that **one member of the general public who owns a business in Coventry** is amended to state **one member of the general public who owns a business and resides in Coventry**. This is because the scope of the candidates we received doesn't fill that particular position on the commission, and we would expand that to fill the position with qualified candidates.

Motion made by Robert Thibeault seconded by Frank Hyde to amend Resolution #37-06-2562 from **owns a business in Coventry** to **owns a business and resides in Coventry**. All voted Aye. So voted.

Motion made by Robert Thibeault seconded by Frank Hyde to approve Resolution #67-06-2771 appointing Town Manager to TIF Commission and extending date of final report to December 2006. All voted Aye. So voted.

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO. 67-06-2771

WHEREAS, the Town Council of the Town of Coventry amends Paragraph 3 of Resolution #37-06-2562 establishing membership of the Tax Increment Financing Commission, and;

WHEREAS, the Town Council seeks to require the mandatory appointment of the Town Manager as a member of the commission, thereby eliminating the previous membership requirement of one (1) member of the general public with a background in construction, and;

WHEREAS, the Town Council also hereby extends the date which the TIF Commission shall issue a final report, together with any recommendations to the Town Council, from on or before the first regularly scheduled Town Council meeting in September to the first regularly scheduled Town Council meeting in December 2006.

Passed and adopted this 28th day of August, 2006.

APPROVED: Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

**\*\*Further amending Paragraph 3 of Resolution 37-06-2562 to read that *one member of the general public who owns a business and resides in Coventry.***

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO. 37-06-2562

WHEREAS, The Town Council recognizes the unmet capital needs of the Town of Coventry and seeks an alternative method of funding these improvements in a way so as not to further burden the taxpayers of Coventry, and whereas, the creation of a study is deemed appropriate, the Town Council

THEREFORE, establishes the Coventry Tax Increment Financing (TIF) Study Commission (hereinafter referred to as "the Commission"). The purpose of the Commission shall be to investigate the feasibility of using Tax Increment Financing as an economic development and capital improvement tool as defined in R.I.G.L. 45-33-2. If the Commission is to recommend to the Town Council that Tax Increment Financing is a viable economic development and capital improvement tool, the Commission shall also be responsible for drafting a Tax Increment Financing Policy. The TIF Policy shall be a comprehensive plan that includes the criteria for establishing a TIF District, a defined application and review process, a defined plan for how the tax increment will be invested in the TIF District, and the creation of a financial model that will be used to determine the viability of a proposed TIF District.

The commission established herein shall consist of nine (9) members. Two (2) Town Council members, who shall be appointed by the President; one Town Council member shall serve as the Chairperson who shall be appointed by the President and who shall be responsible for conducting all meetings, hearings, and work sessions; the Finance Director of the Town of Coventry or his/her designee; the Planning Director of the Town of Coventry or his/her designee; the Chairperson of the Coventry School Committee or his/her designee; the Town Manager; one (1) member of the general public who owns a business in Coventry and \*\* resides in Coventry; one (1) member of the general public with a legal background; ~~one (1) member of the general public with a background in construction;~~\*\* and (1) member of the general public.

The commission may request and receive testimony, data, evidence, or other information relative to the purpose of the commission from any individual, group, department or other interested parties. The commission shall, with the town manager's approval, receive from any department of this town any assistance, records and/or data that the commission deems necessary to carry out its duties. The commission shall issue a final report, together with any recommendations to the Town Council on or before the first regularly scheduled town council meeting in ~~September~~\*\* December, 2006. The Commission shall expire 30 days after issuing its final report.

Passed and adopted this 8th day of May , 2006.

APPROVED: Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

\*\*Amending Resolution #105-05-2515 in entirety.

\*\* Membership amended to include Town Manager and eliminate member of general public with construction background.

\*\* Final report together with any recommendations to the Town Council on or before the first regularly scheduled town council meeting in December, 2006.

\*\* Amending Paragraph 3 of Resolution #37-06-2562 to read that *one member of the general public who owns a business and **resides in Coventry.***

Resolution #68-06-2772 amending and appointing members to Tax Increment Financing Study Commission

Motion made by Robert Thibeault seconded by Frank Hyde to name Anthony Colaluca as member of the general public and John C. Porcaro as member of the general public with business background. All voted Aye. So voted.

RESOLUTION  
OF THE  
TOWN COUNCIL  
NO. 68-06-2772

WHEREAS, the Town Council established the Coventry Tax Increment Financing Study Commission (hereinafter referred to as "the Commission") the

purpose of which is to provide the Town Council comprehensive analyses which accurately estimate the cost for certain municipal and school building capital improvements and to determine the potential for obtaining funding through the use of the Tax Increment Financing Act; and

WHEREAS, the following appointments to the Commission are amended as follows:

1. Planning Director or Designee: Paul Sprague replaced by Zoning Officer Jacob Peabody
2. Member of General Public with legal background: Paul Sprague
3. Chairperson of School Committee or designee: Nancy Sprengelmeyer replaced by Anthony Ferrucci; and

WHEREAS, the Town Council appoints Town Manager Richard Kerbel to the Commission; and

WHEREAS, the Town Council appoints the following:

Anthony Colaluca, One Diane Drive, Coventry  
Member of General Public

John Porcaro, 10 Holmes Road  
Member of General Public with business background

PASSED AND ADOPTED this 28<sup>th</sup> day of August, 2006.

APPROVED Thaddeus Jendzejec  
President

ATTEST: Cheryl A. George  
Town Clerk

## **PUBLIC HEARINGS**

Application for Class B liquor license with Victualling for CMG , South LLC dba Cilantro Mexican Grill, 712 Centre of New England Boulevard

Applicant John Palmieri present.

Mr. Laboissonniere recused himself he has had a previous business relationship with applicant, Mr. Palmieri.

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

Mr. Palmieri: Will be open 11 a.m. to 10 p.m., seven days a week. Alcohol servers are scheduled to get their training in September.

No one spoke in favor or opposition.

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 that conditional approval be granted upon completion of paperwork. Vote taken: Aye - 3; Recuse – 1; So voted. Motion passes.

Application for Victualing and Mechanical and Electronic Device licenses  
Walmart Supercenter #2283, Centre of New England Boulevard

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

Present: Applicant Charles Rogers, Manager

Mr. Rogers stated that he would need the mechanical and electronic device license for a game room at the front of the building. This will be a 24 hour operation.

No one spoke in favor or opposition.

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

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

**INTRODUCTION OF ORDINANCES**

Ordinance amending Coventry Zoning Ordinance and Coventry Zoning Map for property designated and described as Assessor's Plat 7, Lot 16 from Industrial to Planned business Park.

Motion made by Frank Hyde seconded by Robert Thibeault for approval to proceed. All voted Aye. So voted.

Ordinance regarding drinking water wells

Motion made by Frank Hyde seconded by Gregory Laboissonniere for approval to proceed. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Gregory Laboissonniere to adjourn. All voted Aye. So voted.

Meeting adjourned at 7:45 p.m.

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Town Clerk