

TOWN COUNCIL MEETING  
Coventry Town Hall Council Chambers  
1670 Flat River Road, Coventry, RI  
September 10, 2007

President Pomfret called for motion to go into Executive Session under RI General Law 42-46-5-(a) (5) (7).

EXECUTIVE SESSION

Per R.I.G.L. 42-46-5 (a) (5) (7)

Meeting with School Committee regarding acquisition of property and investment of funds

Motion made by Bruce Thompson seconded by Anthony Colaluca to go into executive session. Roll call vote. All voted Aye. So voted.

Motion made by Bruce Thompson seconded by Kenneth Cloutier to emerge from and continue executive session after regular Town Council meeting. Roll call vote. All voted Aye. So voted.

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

- TOWN COUNCIL MEETING

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

Town Solicitor Patrick Sullivan

Pledge of Allegiance led by Town Sergeant  
Moment of Silence for our troops  
Town Sergeant reviewed evacuation plan

Motion made by Bruce Thompson seconded by Frank Hyde to table presentation of Certificate of Recognition. All voted Aye. So voted.

Motion made by Kenneth Cloutier seconded by Anthony Colaluca to approve Town Council minutes from August 6 and August 30, 2007. All voted Aye. So voted.

- CONSENT AGENDA

1. Renewal of Private Detective license for Roland Daigle
2. Renewal of Private Detective license for Seth Mellor
3. Renewal of Private Detective license for Francis M. Brosnan, Jr.
4. Renewal of Private Detective license for Bruce Capwell
5. Resolution approving sewer tie in for McDonalds, 1100 Tiogue Avenue
6. Resolution approving sewer tie in for 816-820 Tiogue Avenue
7. Resolution approving sewer tie in for 130 Sandy Bottom Road
8. Resolution allowing the Tax Assessor to levy sewer assessments for properties abutting the completed Contract 4 construction project
9. Resolution appointing Acting Town Manager to the Municipal Pension Board of Trustees
10. Resolution appointing Acting Town Manager to the Police Pension Board of Trustees
11. Resolution directing suspension of activities relating to firing live ammunition at the "Picillo Pig Farm"
12. Resolution approving purchase of police vehicles
13. Resolution awarding contract for roof repair at Town Hall Annex
14. Tax abatements for month of August 2007 in the amount of \$141,433.89

Motion made by Bruce Thompson seconded by Anthony Colaluca to approve Consent Agenda. All voted Aye. So voted.

- LICENSES

Application for new Victualling license by Alea C. French dba Caroline's, 1532 Main Street

Present: Alma French  
50 Wood Cove Drive  
Coventry, RI

Ms. French stated restaurant would be a family restaurant, serving breakfast and lunch from 6 a.m. – 2 p.m. weekdays and from 6 a.m. – 8 or 9 p.m. on weekends.

Mr. Colaluca asked if Ms. French planned to apply for a liquor license.

Ms. French indicated that she had already applied at the state level, thought she had applied with the town also.

As Ms. French has not applied for a beer and wine license, President Pomfret informed applicant that she would need to apply at the Town Clerk's Office to begin the process.

Motion made by Anthony Colaluca seconded by Frank Hyde to approve victualling license subject to Board of Health approval. All voted Aye. So voted.

- RESOLUTIONS

Resolution establishing Redevelopment/TIF Agency

Mr. Hyde questioned if there was a reason that this was a five member board, and whether or not people from other boards could serve on the Redevelopment Agency.

Acting Manager Sprague informed Mr. Hyde that state law requires five members, except for Providence where it is seven members.

Solicitor Sullivan noted that in the Town Charter, there is a provision where Planning Commission members can only serve on one board.

President Pomfret indicated that names have been coming in for this agency, so the Council will interview for members at a later date.

Motion made by Frank Hyde seconded by Bruce Thompson to adopt resolution. All voted Aye. So voted.

Resolution appointing member to Coventry Housing Authority

Motion made by Frank Hyde seconded by Anthony Colaluca to appoint Kevin McGee to Coventry Housing Authority. All voted Aye. So voted.

- PUBLIC HEARINGS

1. Application of Jeffery L. Kozlin, NRC Enterprises, Ltd., for new victualling license and transfer of Class B liquor license at 584 Washington Street (formerly Brookside Inn, Inc.)

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

Present: Jeffrey Kozlin  
584 Washington Street

Mr. Kozlin stated he would be running the business in the same manner as the previous restaurant. Hours not definite yet, probably would also be the same.

Mr. Hyde told Mr. Kozlin that there is small amount of money which needs to be paid to a vendor.

Solicitor Sullivan told Mr. Kozlin that outstanding bills would need to be paid before license can be issued.

Motion made by Frank Hyde seconded by Kenneth Cloutier to close public hearings. All voted Aye. So voted.

Motion made by Mr. Hyde seconded by Bruce Thompson to approve Class B transfer and new victualling license with the condition of outstanding bills being paid. All voted Aye. So voted.

## 2. Article IX – Commercial Recreational Trailer Parks and Campgrounds

President Pomfret recused himself as his family owns and operates one of the campgrounds.

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

Solicitor Sullivan explained that this ordinance would allow a 20% capacity beyond October 31. There is no law prohibiting this, and the Rhode Island Supreme Court has decided that municipalities are free to regulate campgrounds and recreational trailer parks within their own jurisdictions.

Nicholas Gorham  
7042 Flat River Road  
Greene, RI

Mr. Gorham – What was the name of the Supreme Court case where they said that the towns have power to regulate this, if you don't mind me inquiring. I took a case to the Supreme Court using the exact same enabling legislation that was enacted for the Town of Coventry in 1959, involving a campground that wished to be opened year round. The Supreme Court ruled in the Town of Foster's favor when the Town of Foster sought to close the campground, that the campground in Foster, Whippoorwill, wanted to be opened all year, and people in Foster were opposed to it, and they enforced the law that they had on the books that said they had to close. What is the reason behind allowing the campgrounds to operate year round?

Mr. Thompson – You have four campgrounds, four open parcels of land at this point. You are taking away dollars from people who own the properties in the winter. Eventually you could have developers who would come in, buy them out and be happy to develop the property. In my eyes, this is common sense. The town wouldn't have to buy any development rights, won't cost the town a dime.

Mr. Gorham – You are changing the rules under the Zoning Ordinance. Did this get sent to the Planning Board for review? For example, you could have 30 more homes in Hickory Ridge. Is that better than having year round homes? If you have people living year round in a trailer or a house, it becomes a dwelling unit. You are making a mistake having year round occupancy of trailers. Homes are designed for and defined as permanent residences, trailers are not. Supreme Court says you have power to regulate this, but you are heading the town in the wrong direction. What kind of impact would this have on the school system if you are having children living there year round? You should at least run this by the Planning Board. It clearly has an impact on zoning. If council is going to make a change to the zoning ordinance, then it refers things to the Planning Board. Doesn't this have some kind of impact on zoning?

Solicitor Sullivan – Your argument is circular. We have a residential, mobile home ordinance that requires any change to that ordinance, which is contained in the zoning ordinance, go to the Planning Commission. This is a recreational use. That's why it's not contained in the zoning ordinance.

Mr. Gorham – If you live in a camper all year, then it's not recreational.

Solicitor Sullivan – We agree to disagree.

Mr. Gorham – Questioned the impact of having to educate children living in the campgrounds. Has any one looked into that?

Mr. Thompson –We'll take that into consideration.

Karen Rainville  
12240 Wako Street  
Springhill, Florida

Ms. Rainville – I have a motor home with a heating system. I come to RI to visit my grandmother and I spend money in your town. There are campgrounds open all year in Connecticut. Why can't Hickory Ridge and other campgrounds here be open all year?

Charles Vacca  
124 Fairway Drive

Mr. Vacca – Believe this is a health, safety and welfare issue. It is a poorly thought out proposal. Our schools are already strained. Have you spoken to Ken DiPietro about this? How about the safety issue? Have you talked to the police chief? What about the environmental impact regarding wells and septic tanks. This town also does a poor job when it comes to enforcement of issues.

Robert Winslow

Mr. Winslow - I am from Florida and have lived in Sherwood Valley before. I'm staying at Hickory Ridge. They tell me I have to leave. RV's are not mobile homes. The RV's at Hickory Ridge are mobile. The people at Hickory Ridge are older and a quiet group. These are the over 55 people who support your town. Hickory Ridge has 150 spots between April and October. Why would you think that you can't handle 30 spots in the winter when you can handle 150 at other times? These RV's are insulated for the cold weather. These are the over 55's that are supporting your town and costing you nothing for those people to stay there. The last man who spoke was worried about sewer and septic. Do you think that it can't handle 30 in the winter when it handles 150 the rest of the year?

James Gordon

Mr. Gordon - I go to Florida. Don't know what I'd do without a campground available to me to be able to get off the road. I'm glad they have them open in the winter. Without them, I wouldn't be able to go, need someplace to stay.

Donna Hayden  
10 Marion Drive

What does a campground pay for taxes vs. a mobile home park. Is it significantly less or the same. Everyone needs to pay their fair share of taxes.

Gregory Laboissonniere  
131 Colvintown Road

Mr. Laboissonniere – I am opposed to changing this ordinance and granting this year round operating status. Changing the ordinance is only for the benefit of the proprietors. It was previously stated by the proprietors that five families were residing on site on a year round basis. The ordinance states that one family may live on site as caretaker. Upon receiving council approval last year, the proprietors agreed to abide by the ordinance. The ordinance states that one family can live on the site and the operators agreed to abide by this. I implore you to respect that.

There was a landmark case referred to in RI law, stating that each town is able to make its own rules and regulations. The case they refer to is the Town of Coventry vs. Hickory Ridge Campground in 1973.

Kevin McGee  
50 Gervais St

Mr. McGee – The owners of the campground have to pay these taxes all year, but are restricted from October to April from gaining any income. You could restrict this to having no children reside in the campgrounds during this time period. Whipoorwill Campground in Foster is for sale and there are plans to put houses in there.

Alicia Pomfret

Ms. Pomfret – There are no children living in Hickory Ridge attending your schools. We also do not want to see an increase to our schools. You can put that restriction in the ordinance. Tourism is a year round business in this state, plays a vital role. That is the second biggest industry in Rhode Island. New Hampshire campgrounds are open year round. You should be proud that people want to come to Coventry. Coventry needs help economically, this is one way you can do it. We pay a commercial tax rate and can only operate part of the year. Would you prorate our taxes for five months out of the year? We are paying on a 12 month basis.

Raymond Spear  
Phillips Hill road

Mr. Spear – Suggested take some time to sit and identify what impact this would have on the schools.

Scott Guthrie

Mr. Guthrie – This is an economic issue. It is off the highway, the idea is to get people to come to Coventry. Would be wise to consider this ordinance to help other people who are coming to our state.

Lloyd Fish  
206 Harkney Hill Road

Mr. Fish – I'm opposed. Concerned about what impact this would have on the schools. Could put in a restriction.

Ron Wood  
685 Hammet Road

Mr. Wood – Have worked in the RV industry for 37 years. Used to be seasonal, but no longer. People always ask where they can stay. We're not talking about permanent residences, just a year round business. This ordinance is unconstitutional. You are sending people away from Coventry. This is not permanent residential. If it were to be developed, then you would see an impact.

Ronald Ghizzarelli  
50 Harrington Road

Mr. Ghizzarelli – Need to benefit our economy and do what's best for the town.

Al Chatelle

Mr. Chatelle – I'm in favor of keeping our taxes down. I spend time in Arizona every year and this is a thriving business there. Many of the RV owners are seniors. If I considered buying a \$250,000 r.v., where would I put it? I would put it in Hickory Ridge. I would like to see it open all year.

Ms. Hayden – There is a four family home in town that pays \$4,500 in taxes. This house costs the town \$55,000 for the children that live in it. You have no way of regulating how many kids are in that house.

Mr. Laboissonniere – I'm not against recreational campgrounds. The issue here was an ordinance to combat year round residing. This ordinance has not been enforced. People have lived illegally through the off-season. RV's are for a short period, not year round. Enforcement is an issue.

Mr. Gorham – Ms. Pomfret offered to make an exception to restrict children. This is absurd. You shouldn't change the law because people don't follow it. I remember a couple of years ago Hickory Ridge was allowed a cell tower to supplement their income. You don't reward bad behavior. These campgrounds have been operating in violation of the law. And your solution? Change the law. Why change the rules if someone doesn't follow them. They are licensed as a recreational campground and there was a Consent Decree years ago that they would not operate year round.

Mr. Vacca – Don't believe that this is a recreational use. For people living here year round, this is not a recreational use.

Ms. Rainville – I don't reside there, just go back and forth. You can age restrict the issue with children residing there during the school year.

Wayne Asselin  
Lorraine Avenue

Mr. Asselin – Was this modeled after another ordinance in another state? Suggest that you look at other states and re-work this ordinance.

Solicitor Sullivan – You could allow a 12 month operation but have an 11 month window. I think they close for a month.

Scott Duckworth  
748 Washington Street

Mr. Duckworth – West Greenwich has an 11 month window I think and close for a month. How are campgrounds taxed? For mobile home parks, you changed it from commercial to residential. I think all the parks in town were changed to residential. They were commercial, changed to residential because they were discriminating against actual residents, year round. How are the recreational use parks taxed?

Solicitor Sullivan – Commercial.

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

Mr. Cloutier indicated that he would prefer to table ordinance for further research and come back in a couple of weeks with some answers.

Mr. Hyde was concerned about possible impact on schools. Would also like to look further into camping use vs. permanent resident.

Solicitor Sullivan – If you live in this town, you are entitled to use the school system. However, there is an issue between residence and domicile.

Mr. Thompson stated that he is in favor of passage. Twenty percent in the winter is a lot less than what they handle in the summer, especially with considering the kind of development that could possibly occur in these areas. Environmentally, would also have that much less in the winter. If the campgrounds were open in the winter, would also help the local stores. If a developer were to buy up property like this, you would see a lot of development and houses there. I will agree to look into other states and what they do. I think this is fair and would keep open space without the town having to buy the development rights. There would be a drastic impact if these campgrounds sold out and we had development.

Mr. Cloutier would like two issues addressed: one the question of children of school age living there and the other regarding year round residency.

Motion made by Kenneth Cloutier seconded by Bruce Thompson to table to September 24, 2007 Town Council meeting. All voted Aye. So voted.

- INTRODUCTION OF ORDINANCES

1. Ordinance amending Zoning Ordinance changing designation of property owned by John and Patricia Laboissiere, Assessor's Plat 29, Lot 27 Hopkins Hill Road from Residential 20 to General Business
2. Ordinance creating a special management district for aesthetic zoning purposes
3. Ordinance amending Zoning Ordinance changing designation of property owned by Dupre Realty Associates, Assessor's Plat 7, Lot 22, Arnold Road from Industrial to Business Park (BP)

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

- PUBLIC COMMENT

Ron Ghizzarelli  
50 Harrington Road

Mr. Ghizzarelli – Can't hear people with this public address system. Need to speak into the mikes. Also would like to see public comment at the beginning of the meeting. Regarding the ordinance, should hold up on enforcement until a decision is made.

Kim Paul  
Colvintown Road

Ms. Paul – Spoke regarding environmental issue on Colvintown Road. Violations have been issued, there is no enforcement and nothing has been done. There is a contamination issue there.

President Pomfret – Asked Acting Town Manager to schedule a meeting regarding the above situation.

Sabrina Houghton  
795 Carrs Trail

Ms. Houghton – Carrs Trail needs to be sanded. So much dirt that vegetation is growing in it. DPW said they would sweep western Coventry and never did.

President Pomfret – I'm hearing that a lot of services are being avoided in the western end. Would like to meet with Mr. Sprague to discuss later in the week.

Louis Diamonte  
South Main Street

I work in DPW. The sweeper keeps breaking down. I did sweep Western Coventry last year, not this year yet. The sweeper is getting really old, lot of dust gets in the cab, brakes getting old.

Dawn Donnelly  
233 Station Street

Suggested that the Town Council gets a new moderator for next year's financial Town Meeting.

Ron Ghizzarelli – DPW needs more equipment, such as street sweeper. Town needs to look into more equipment .

President Pomfret reminded people in attendance to support their local businesses.

Motion made by Frank Hyde seconded by Anthony Colaluca to go back into executive session. Roll call vote. All voted Aye. So voted.

Motion made by Frank Hyde seconded by Anthony Colaluca to emerge from executive session. All voted Aye. So voted.

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

Motion made by Kenneth Cloutier seconded by Anthony Colaluca to adjourn meeting. All voted Aye. So voted.

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Town Clerk

