

TOWN COUNCIL MEETING
September 12, 2005

Present: Gregory Laboissonniere, Ted Jendzejec, Frank Hyde, Richard Sanetti,
Justin Pomfret

Acting Town Manager Richard Sullivan
Town Solicitor Patrick Sullivan

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

Motion made by Richard Sanetti seconded by Justin Pomfret to approve minutes of Town Council Meeting August 22, 2005. All voted Aye. So voted.

Motion made by Richard Sanetti seconded by Gregory Laboissonniere that consent agenda be approved. All voted Aye. So voted.

CONSENT AGENDA

1. Resolution canceling Town Council Meeting of October 10, 2005
2. Resolution appointing member to Library Board of Trustees
3. Resolution appointing member to Coventry Land Trust
4. Resolution affirming purchase of rebuilt engine for 1988 GMC Sierra Truck

Resolution #86-05-2496 canceling Town Council meeting of
October 10, 2005

RESOLUTION
OF THE
TOWN COUNCIL
No. 86-05-2496

RESOLVED:

That the Town Council of the Town of Coventry hereby cancels the regularly scheduled meeting on Monday, October 10, 2005 due to the holiday.

PASSED AND ADOPTED this 12th day of September, 2005

APPROVED Frank Hyde
President

ATTEST: Cheryl A. George
Acting Town Clerk

Resolution #87-05-2497 appointing member to the Library Board of Trustees

RESOLUTION
OF THE
TOWN COUNCIL
NO. 87-05-2497

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, APPOINTING ONE MEMBER TO THE COVENTRY LIBRARY BOARD OF TRUSTEES .

WHEREAS the Ordinance establishing the Coventry Public Library requires a Board of Trustees consisting of seven (7) members to be appointed for three (3) year staggered terms of office, and

WHEREAS, there now exists one vacant term of office.

NOW, THEREFORE, the Town Council of the Town of Coventry hereby appoints the below listed individual

William E. Rogers, 402 Fairview Avenue

to fill a (3) year term of office, expiring May 1, 2008.

PASSED AND ADOPTED this 12th day of September, 2005.

APPROVED Frank Hyde
President

ATTEST: Cheryl A. George
Acting Town Clerk

Resolution #88-05-2498 appointing member to the Coventry Land Trust

RESOLUTION
OF THE
TOWN COUNCIL
NO. 88-05-2498

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, APPOINTING ONE (1) MEMBER TO THE COVENTRY LAND TRUST.

RESOLVED:

That the Town Council hereby appoints the below listed individual to serve on the Coventry Land Trust filling an expired five year term of office of Robert Shear. Expiration of term of office shall be November 22, 2009.

Robin Zukowski, 4 Carolyn Street

PASSED AND ADOPTED this 12th day of September, 2005.

APPROVED: Frank Hyde
PRESIDENT

ATTEST: Cheryl A. George
Acting Town Clerk

Resolution #89-05-2499 affirming purchase of rebuilt engine

RESOLUTION
OF THE
TOWN COUNCIL
NO. 89-05-2499

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 purchase of a rebuilt 6.2 liter diesel engine for the Department of Public Works 1988 GMC Sierra Truck #37.

Vendor

MID-ATLANTIC ENGINES		\$4,399.00
16000 Trade Zone Avenue, Unit 405	Core	<u>1,000.00</u>
Upper Marlboro, MD 20774		\$5,399.00

Delivery Date: 7-10 days from order
Warranties: One (1) year unlimited

Funding is provided for in the 2005/2006 Department of Public Works Roads and Bridges Capital Improvement Program.

PASSED AND ADOPTED this 12th day of September 2005.

APPROVED Frank Hyde
Council President

ATTEST: Cheryl A. George
Acting Town Clerk

LICENSES

Application by David Thomas for Victualling license at Dave's Perks, Inc.,
1532 Main Street, Coventry

Present: David Thomas
Leuba Road
Coventry, RI

Mr. Thomas has been a chef for 11 years. Will be serving breakfast, lunch and dinner. Will also provide delivery.

Motion made by Gregory Laboissonniere seconded by Justin Pomfret that license be granted. All voted Aye. So voted.

RESOLUTIONS

Resolution accepting agreement regarding softball fields

Solicitor Sullivan explained that agreement has been revised and outlined the differences: 1. Time line being set to five years; 2. Paragraph 3 changed wording to "as a condition of the issuance" (previously was "upon the issuance"); 3. Paragraph 5 in the event that commerce park "commences" construction changed from "complete" construction.

President Hyde – Clarified that this is a situation where the certificates of occupancy are actually going to cost potentially \$5,000.00. That is something that is going to be paid directly to the Town of Coventry.

Mr. Laboissonniere – Some of my concerns are that originally we made the agreement for the payment because we were giving up the right to the ballfields, and the money that was to be derived from this was to search out other fields or upgrade other fields that we have. The original intent was to have some sort of upfront money as opposed to putting everything essentially on the sale of each of the units. The project itself is, as I understand, being subcontracted to another developer. In business terms, usually when you take out an option, you pay for the option before the fact rather than after the fact.

I know that in the agreement money will be coming to the town. The present value of a dollar now is probably going to be a lot different than a dollar in five years from now. They did address a couple of my concerns, such as a sunset date. I had a concern as to what would happen if this didn't get completed, which is now addressed in the new agreement. I would like to see some type of upfront money for the town.

Mr. Jendzejec – Prefers the change from seven to five years along with the sunset clause, but feel that five years is still a lot of time for us to be collecting the money. Would like more explanation as to what changes have happened for the developer from two years ago when the agreement was signed up until today. Could the developer just walk away? Would we just be left to develop this on our own if the resolution doesn't pass?

Solicitor Sullivan – If the resolution doesn't pass, we have a lease on the land. It is renewable for a period of 25 years and it is renewable 10 times after that as long as the town complies with certain conditions. If the town doesn't comply, then it expires by operation of law.

Mr. Jendzejec – I quickly went over the original agreement today. Don't recall reading if we were to make this into softball fields or recreation fields for the kids, but if we were to build the fields and concession stands, and at the end of 25 years someone forgets to exercise the option for the lease, is there a clause in there where we would have to bring that land back to the original state as it is today.

Solicitor Sullivan: Don't have the answer to that right now. This is a 35 page lease that I was not involved in. But, usually if you miss, then it reverts back.

Mr. Jendzejec – That could run us into some problems also.

Mr. Sanetti – I am concerned with the value of a dollar twenty years from now, whereas 1.5 million today is worth x amount and we know what that is. I met with Toll Brothers, the homebuilders for Phase 1. I took a look at what they want to build and how they are laying it out. Toll Brothers is a very large national entity, very aggressive. The longer they take to build the homes, the more soft costs they are going to incur. They are very motivated to build as fast as possible.

Based on my conversations with them and Commerce Park Realty, I fully expect Phase 1 to be developed in a 2-3 year period, if not sooner. That, combined with the fact that Coventry has a real need for

recreational space, the 1.5 million can do an awful lot, such as upgrade our fields or get them lit up. I am a big advocate for this agreement, sooner than later. Don't want to leave this to maybe have the ball dropped on some technicality on the lease. The President and I have spent a lot of time working and reworking this. Think we have a pretty good document, would like to see us take advantage of it.

Mr. Laboissonniere – President Hyde and I were on the council a year ago when the original agreement was signed and we saw the same benefits. My concern is the fact that in essence we are financing a portion of the project by taking it from one point to another. I am not coming into a “no money down” type of situation. There has got to be something to at least get our fund started. If we take funds piecemeal it will be difficult to put those monies where we want, especially over a five year period instead of getting something started up front. I know we don't expect it to go the five years, but regarding the development up there, stranger things have happened.

Just trying to head something off at the pass. I'm all for getting the 1.5 million or I wouldn't have signed the agreement a year ago, I'm just looking at funding it at this point. I'm trying to take in all of this information, don't know if I'm prepared to make decision this evening. Will it put this deal in jeopardy by waiting two more weeks?

Mr. Sanetti: They are trying to design roadways and how they feed into Phase 1, this is a pivotal lot. We want to get to a final design, we have held them up about a month now working and reworking it. We think we are about as close as we can get to striking a deal. It is becoming a nuisance that it has not been executed. It takes money to make money. Would rather see the project move forward for the benefit of the community and accept the deal for the 1.5 million tonight with the adjustments that have been made in regard to input by the Town Council and allow the final plans for Phase 1 to move forward.

Solicitor Sullivan – Just want you to know that the property is currently off the tax rolls, it gives us nothing right now.

Mr. Pomfret – It's just that any time I have purchased something, I have to put money down, and I think that we should get something up front.

Mr. Jendzejec – I not so concerned with up front money. I think that I'm more stuck on this five year thing, and I know that I said rather than a seven year would like to see five, but going over it again and again, five years is still a long time. It's been two years already. What would the developer say to making this three instead of five. Do you think that could happen? Would also like more feedback from the public.

Mr. Hyde – Think that we are going to be famous for dragging our feet if we keep this up. We have a revenue stream of 1.5 million dollars. We have some money here that we could start to accrue if we take some initiative. He's going to give us 1.5 million for something he already owns, but if he wants to do it, it's fine with me. Will we be missing an opportunity to collect 1.5 million? I think it would be poor business myself, don't see anything better coming up. I'll entertain something better, but would like to see a good argument for not signing a document that we have worked on and worked on, and now it's not good enough. If it's not good enough, it's our own fault, we had plenty of time. I'm going to call for a vote, and you can vote any way you want. We've had plenty of time.

Mr. Laboissonniere made motion seconded by Mr. Pomfret to table resolution. Roll call vote. Ted Jendzejec – Yes; Gregory Laboissonniere, Yes; Justin Pomfret – Yes; Richard Sanetti – Nay; Frank Hyde – Nay. Vote 3-2, motion carries, resolution defeated.

Mr. Hyde – I would encourage the council to find out what this document lacks and please come up with some improvements.

Mr. Pomfret – Would like to see the town get some money now.

Mr. Sanetti – If we owned the property, we could say okay, we want 10% down, but we don't own the property. I'm very concerned that the tabling of this agreement will lose us 1.5 million.

Mr. Laboissonniere – We own the rights to the land through the lease. The original intent of the agreement was for us to use the land. Obviously the land became more valuable as the developer's expected use of that land changed, more valuable than the 1.5 million to pay us to be able to use it in a different manner than ballfields. The original intent was they fully expected to get some type of remuneration before the project got started. I'm not asking for the 1.5 million but would like something up front to get our fund started.

Jack Welsh, Esq., attorney for Commerce Park. – One of the things you're missing is that without a closing, you don't get the money for the deal. If you keep doing this, the closing isn't going to happen. This whole thing will blow up. Just realize what you are doing, blowing up a significant development project.

Resolution 90-05-2500 accepting traffic light at Centre of New England and New London Turnpike

Motion made by Richard Sanetti seconded by Ted Jendzejec that resolution be adopted. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 90-05-2500

RESOLVED:

WHEREAS the Town Council desires to accept title and ownership of the newly installed traffic control devices located at the intersections of Arnold Road and New London Turnpike as well as New London turnpike and Center of New England Boulevard.

BE IT THEREFORE RESOLVED that the Town Manager is hereby authorized to execute the agreement.

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

PASSED AND ADOPTED this 12th day of September 2005.

APPROVED Frank Hyde
President

ATTEST: Cheryl A. George
Acting Town Clerk

Resolution #91-05-2501 to the RI Congressional Delegation
requesting hearings in the Senate and House of Representatives
regarding gasoline pricing

Motion made by Gregory Laboissonniere seconded by Justin Pomfret that resolution be approved. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 91-05-2501

TO: RHODE ISLAND CONGRESSIONAL DELEGATION

WHEREAS, Oil Companies reported record profits in 2004, including:

- (a) Texas-based Exxon Mobil, which earned a record \$25+ Billion Dollar profit (after all expenses) in 2004, that's \$1,000 PROFIT for each of our 250 million Americans (men, women and children) alive today; and
- (b) Shell Oil, which reported a \$17+ Billion Dollar profit (\$680 for each American); and
- (c) British Petroleum (BP), which earned a \$16+ Billion Dollar profit (\$640 for each American); and

WHEREAS, the records of Exxon, Shell and BP, show that their profits alone exceeded \$2,300 for EVERY man, woman and child living in the United States in 2004; and

WHEREAS, these profits were BEFORE the present obscene jump in gas prices which now has Americans paying over \$3.00 per gallon. Rising at one local RI station last week, as report in the *Providence Journal*, by 62 CENTS in ONE DAY; and

WHEREAS, the US Congress spent weeks of congressional time and untold millions of dollars investigating the possible use of steroids by a few baseball players; and

WHEREAS, this same Congress has not held one hearing on the record gas prices paid by working Americans and the record profits being gouged out of American pockets by the multi-national oil conglomerates.

BE IT THEREFORE RESOLVED, that the Town Council for the Town of Coventry, RI formally requests the Rhode Island Delegation to demand hearings in both the Senate and House of Representatives of the Congress of the United States, which will focus on:

1. The source of the record gas price increase in the U.S. over the last six months and whether any corporations or individuals should be referred to the US Attorney General and Justice Department for criminal investigation; and
2. The record profits of the multi-national oil companies and whether any of them are guilty of price-gouging a helpless American public.

PASSED AND ADOPTED this 12th day of September, 2005.

APPROVED: Frank Hyde
Council President

ATTEST: Cheryl A. George
Acting Town Clerk

Resolution # 92-05-2502 to President of the United States
requesting hearings in the Senate and House of Representatives
regarding gasoline pricing

Motion made by Richard Sanetti seconded by Ted Jendzejec that
resolution be approved. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 92-05-2502

TO: THE PRESIDENT OF THE UNITED STATES

WHEREAS, Oil Companies reported record profits in 2004, including:

- (a) Texas-based Exxon Mobil, which earned a record \$25+ Billion Dollar profit (after all expenses) in 2004, that's \$1,000 PROFIT for each of our 250 million Americans (men, women and children) alive today; and
- (b) Shell Oil, which reported a \$17+ Billion Dollar profit (\$680 for each American); and
- (c) British Petroleum (BP), which earned a \$16+ Billion Dollar profit (\$640 for each American); and

WHEREAS, the records of Exxon, Shell and BP, show that their profits alone exceeded \$2,300 for EVERY man, woman and child living in the United States in 2004; and

WHEREAS, these profits were BEFORE the present obscene jump in gas prices which now has Americans paying over \$3.00 per gallon. Rising at one local RI station last week, as report in the *Providence Journal*, by 62 CENTS in ONE DAY; and

WHEREAS, the US Congress spent weeks of congressional time and untold millions of dollars investigating the possible use of steroids by a few baseball players; and

WHEREAS, this same Congress has not held one hearing on the record gas prices paid by working Americans and the record profits being gouged out of American pockets by the multi-national oil conglomerates.

BE IT THEREFORE RESOLVED, that the Town Council for the Town of Coventry, RI formally requests the President of the United States to demand hearings in both the Senate and House of Representatives of the Congress of the United States, which will focus on:

1. The source of the record gas price increase in the U.S. over the last six months and whether any corporations or individuals should be referred to the US Attorney General and Justice Department for criminal investigation; and
2. The record profits of the multi-national oil companies and whether any of them are guilty of price-gouging a helpless American public.

PASSED AND ADOPTED this 12th day of September, 2005.

APPROVED: Frank Hyde
Council President

ATTEST: Cheryl A. George
Acting Town Clerk

STATUS REPORTS

- Kent County Water Authority (No one present)
- Coventry School Committee

Superintendent Kenneth DiPietro submitted status report to Town Council and reviewed Capstone project.

Mr. DiPietro thanked council for additional funding found for School Department. He gave explanation of status report (on file), stating that the school now has a balanced budget.

He reviewed common planning time and how that would be achieved without contract violations and at no extra cost.

Reviewed the Capstone Project (Coventry High School's response to the RI Department of Education's requirements for graduation by proficiency).

Went over options with regard to number of periods in a day. Have to design this so that instead of costing us new money, we have to rethink what we are doing with our existing blocks of time. It's about students demonstrating knowledge, getting up, doing a presentation, and being able to say that, "I can communicate as an adult, am ready to go to college or into the world of work". We need an adult to monitor this. Mandates that we have are extremely costly. What they are asking us to do is rethink, how to exchange one thing for another. We are running out of resources.

Mr. Hyde – How did things turn out with your budget.

Mr. DiPietro – Last year ended \$350,000 I believe deficit. Large part of that relates to physical construction overextended, such as roofing, parking lot. Took on some critically needed projects. We are within that \$400,000 cap.

Mr. Hyde – Do you think there will be a problem in the future?

Mr. DiPietro – I have no line of credit this year and I do have a balanced budget. I do intend to stay within budget.

Mr. Hyde – Would like to see a quarterly update.

Mrs. Sprengelmeyer – Invited council to join the School on a Tour of School Facilities on September 27. All schools will be visited.

PUBLIC COMMENT

Jeff Hakanson, President
Tiogue Lake Association
30 Lakeside Drive
Coventry, RI

Concern involving the lease agreement with Commerce Park and how it would affect the agreement regarding the 10 acre dump site.

Solicitor Sullivan responded there are two separate agreements.

Dorothy Berube
Colvintown Road

Trash is being put out and never brought back in, just left by the curb. Refrigerator in the neighborhood was out for three weeks, not picked up. Leads to general rundown neighborhood. Also there is a Planet Aid box left at the end of the road. Bags are left outside the box, all over the road at the location of Colvintown Kennel in residential zone.

Ronald Ghizzarelli
50 Harrington Road

Sound system in council room not adequate; public comment should be at beginning of meeting

John Kelly, teacher at Coventry High School
25 Remington Farm Drive

Addressed no smoking policy at high school. Used to have problems with smoking in the bathrooms, problems have been solved.

Jack Walsh, Esq.
Commerce Park Realty

Asked the Town Council to reconsider decision on tabling resolution regarding ballfields. You can use your discretionary judgment, but you don't want to lose this deal altogether.

Linda Marjohn
Mile Road

Questioned if Mr. Cambio has paid all of his back taxes. President Hyde stated that he has.

John Palmer
181 Acres of Pine Road

Wanted the Council to look into putting solar panels on roofs at no cost, BP Oil offers that. No reception at cell tower at Central Park.

David Florio
153 Princeton Avenue

Concerned about state mandates the school might need for Capstone. Need to do something to bring more money into the town.

Marcel Lacroix
Hopkins Hill Road

In favor of tabling agreement for Commerce Park.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere that meeting be adjourned. All voted Aye. So voted.

Meeting adjourned at 9:15.

Acting Town Clerk