

TOWN COUNCIL MEETING
September 25, 2006

- **Work Session – 6:00 p.m.**

Discussion with TIF (Tax Increment Financing) Commission

Councilman Thibeault, Chairman of the TIF Commission, gave presentation regarding the work that the TIF Commission has been doing along with their findings and recommendations. (Report on file.)

The Commission recommends the use of TIF as an economic development tool and feels that the advantages outweigh the disadvantages. Mr. Thibeault went on to define the advantages and disadvantages to using an economic development TIF. He also stated that potentially TIF can be used as a capital improvement tool, but the Commission is not yet ready to recommend it for that use and believes a Capital Improvement TIF is viable only if we can recommend a clearly defined policy for how it is to be used and would seek guidance from the Town Council in that regard.

In conclusion, the Commission recommends the use of an Economic Development TIF and will create a policy for its use as outlined in the resolution that created the TIF Commission.

The TIF commission believes that the use of a Capital Improvement TIF has merit; but wants to ensure that it can create a policy that clearly defines its use prior to making a recommendation to the Town Council.

Mr. Laboissonniere wanted safeguards in place so that the TIF would neither be misused by developers nor benefit them.

President Jendzejec would like to see more research into use of a TIF for capital improvements.

Discussion with Sewer Subcommittee

Discussion led by Bill Hall, Sewer Subcommittee Chairman. Mr. Hall introduced member George Avedisian and mentioned that the committee is happy to have a member appointed representing the Economic Development Commission.

Project 4 has begun and the Senior Center is complete. Very soon the construction on Tiogue Avenue will begin. Construction will go from Smiling Sole to McDonald's. Plan to have that done before the Christmas shopping season. After Tiogue Avenue, it will pass through Ramblewood, then cross country and tie into a development on Hopkins Hill Road near the fire station.

In spring there will be another portion of Project 4 (Ray Street). Project 5 will run from Sandy Bottom Road to the pump house, through Europa and Junior's, then on through Coventry Credit Union parking Lot to Route 117, west to Ken Ray Drive. That is currently under design. We have idea for Project 6.

President Jendzejec: What is the target date to finish Tiogue Avenue?

Mr. Hall: Before December, but date not confirmed.

Ms. Barrett: The state wants us off Tiogue Avenue before December 15.

Mr. Hall: At the last meeting one of the subjects was the future of the Sewer Subcommittee.

Mr. Jendzejec: Actually I would like to see the Sewer Subcommittee become an autonomous body, make their own decisions. They need to become autonomous, will continue to grow in leaps and bounds through the years.

Mr. Hall: There is high citizen interest in this board. We are looking for guidance. We can discuss our findings and then come back with a final plan. I would also recommend Paul Sprague as legal advisor to the Sewer subcommittee.

President Jendzejec suggested to Mr. Hall that research be done regarding this board becoming autonomous and report back to the Town Council at a later date.

- **TOWN COUNCIL MEETING**

Present: Gregory Laboissonniere, Robert Thibeault, Thaddeus Jendzejec,
Justin Pomfret

Town Manager Richard Kerbel
Town Solicitor Patrick Sullivan

Absent - Frank Hyde

Pledge of Allegiance led by Town Sergeant
Moment of silence for Armed Forces
Town Sergeant reviewed Emergency Evacuation Plan

- **PUBLIC COMMENT**

John Garrahy, Esq.
170 Westminster Street

Attorney Garrahy, representing the McGunagles and DelVecchios, spoke regarding the easement before the Town Council for approval this evening. The only access will be through the abandoned part of Hammet Road. Need to maintain marketability of my clients property. You do not have the right to impair the street from being utilized by abutter when that is their sole access. There are a variety of ways to control the traffic on Hammet Road. This council has the capacity to protect the rights of the people.

Be assured that my clients will seek recourse through the courts if their property rights are adversely effected by this abandonment. Will seek damages for the diminished value of their property. This would be unfortunate for my clients to have to undertake the additional legal cost.

Brett Harrington
800 Hammet Road

Attorney Sullivan was directed to write an easement agreement. These abutters are not being harmed. They can have that easement forever as long as no one connects to that easement. Scituate put us in this position. We only want to put up a gate, don't want people in the backyard. When Dosco develops this there will be houses all over the place. This will protect us, simple as that.

Kim Paul
181 Colvintown Road

Ms. Paul requested that Independent Sand and Gravel be placed on an agenda regarding violations.

President Jendzejec requested status report for Independent Sand and Gravel, possibly put on the next agenda.

Steve Pezza
76 Rawlinson Drive

Mr. Pezza has concerns in reference to the sewer project. What is the appeal process, when will it be in place?

Manager Kerbel: The Sewer Board of Review is being established tonight. As to whether the property could be put up for tax sale, technically yes, but not until after the appeal process. Our recommendation would be for you to pay, and then if need be the town can reimburse you. If the appeal is not satisfactory to you, your next appeal would be in the court system.

Denise Caprio
Hopkins Hill Road

Questioned the billing process. Her parents have had to spend a substantial amount of money on a new septic system for their multi-family building and now another \$57,000.00 assessment because a sewer line goes by their building.

Al Chatelle
Hammet Road

If DOSCO becomes a problem up on Hammet Road, need to be able to put up a gate. Have a copy of the proposed easement in my hand. In no way will this hurt these people, actually gives them more than they had. The people who buy these new lots can find a way to this road. If that happens, we need to be able to place a gate. If DOSCO becomes an issue, we need to have the ability to stop that.

Steve Romjin
Hopkins Hill Road

Mr. Romjin: Regarding my sewer assessment. If I don't use the line, I should not have to pay for it.

Richard Young
Hopkins Hill road

Mr. Young: I have a good septic system now. Don't understand why I am being forced to do this when I don't need to.

Motion made by Justin Pomfret seconded by Robert Thibeault to approve minutes of September 11, 2006 meeting. All voted Aye. So voted.

- **CONSENT AGENDA**

1. Resolution reappointing Jason Farber to Library Board of Trustees
2. Resolution authorizing Town Manager to sign agreements with DEM for Anthony Village Green, Rice Memorial Field property and Paine Field Improvement project
3. Resolution ratifying Collective Bargaining Agreement between the Town of Coventry and Council 94.
4. Resolution ratifying collective Bargaining Agreement between the Town of Coventry and International Brotherhood of Police Officers Local 306.
5. Resolution authorizing purchase of hook-lift hoist for Department of Public Works

6. Resolution authorizing purchase of 2007 cab and chassis for Department of Public Works
7. Tax abatements for month of August 2006 in the amount of \$43,584.39 with additions of \$21,055.33

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to approve Consent Agenda. All voted Aye. So voted.

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 72-06-2776**

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 reappoints the below listed individual

Jason Farber, 1700 Harkney Hill Road

to fill a (3) year term of office, expiring May 1, 2009.

PASSED AND ADOPTED this 25th day of September, 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 73-06-2777**

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPOINTING ONE MEMBER TO THE COVENTRY SEWER SUB-COMMITTEE IN ACCORDANCE WITH RESOLUTION NO. 4-04-2306.

WHEREAS, Resolution No. 04 -04-2306 established a Coventry Sewer Sub-Committee consisting of seven (7) members with staggered terms of office;

WHEREAS, a vacancy currently exists on the committee due to the resignation of Scott Nelson, representing the Economic Development Commission.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Coventry hereby appoints:

Scott Duckworth, 748 Washington Street, representing the Economic Development Commission, with a term of office expiring January 1, 2008;

PASSED AND ADOPTED this 25th day of September, 2006 .

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 74-06-2778**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

Resolution authorizing the Town Manager to sign agreements with the State Department of Environmental Management for the Anthony Village Green, Rice Memorial Field property and the Paine Field Improvement projects.

The town's contribution toward these grant projects as well as Central Coventry Park and Briar Point projects shall come from the proceeds of the sale of the Washington Golf Course.

PASSED AND ADOPTED this 25th day of September, 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 75-06-2779**

RESOLVED:

That the Town Council hereby ratifies the Collective Bargaining Agreement negotiated between the Town of Coventry and Council 94, A.F.S.C.M.E on behalf of Local 3484, and authorizes the Town Manager to execute an Agreement on behalf of the Town

The Agreement has been negotiated for a three year term beginning July 1, 2006 and ending June 30, 2009

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 76-06-2780**

RESOLVED:

That the Town Council hereby ratifies the Collective Bargaining Agreement negotiated between the Town of Coventry and the International Brotherhood of Police Officers, IBPO Local 306, and authorizes the Town Manager to execute the Agreement on behalf of the Town.

The Agreement has been negotiated for a three year term beginning July 1, 2006 and ending June 30, 2009.

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 77-06-2781**

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 American Hook All Hoist for the Department of Public Works:

Beam Truck & Body, Inc. \$15,400
433 Cumberland Hill Road (Rte 122)
Woonsocket, RI 02895

Manufacturer: American Hook All HA-100-84-36 Hoist
Delivery Date: Within 45 days after receipt of chassis
Warranty: 6 months from the date of delivery with the exception of hydraulic oil

Funding is provided for in the 2006-2007 Capital Improvement Budget, 860 Refuse Collection Account.

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

**RESOLUTION
OF THE
TOWN COUNCIL
NO. 78-06-2782**

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 truck cab and chassis for the Department of Public Works:

COLONY TRUCK SALES **\$44,476**
7 Jefferson Boulevard
Warwick, RI 02888

Manufacturer: Derated Ford F750
Delivery Date: 30-45 days

Funding is provided for in the 2006-2007 Capital Improvement Budget, 860 Refuse Collection Account.

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to table resolution appointing members to Zoning Board of Review. All voted Aye. So voted.

Resolution #79-06-2783 appointing members to Sewer Assessment Board of Review

Motion made by Gregory Laboissonniere seconded by Robert Thibeault to appoint Helen Andrade and John Mullaney to the Sewer Assessment Board of Review. All voted Aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 79-06-2783

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, ESTABLISHING AND APPOINTING MEMBERS TO THE SEWER ASSESSMENT BOARD OF REVIEW.

WHEREAS, the Public Laws of the State of Rhode Island (97-H6576) authorized the Town of Coventry to Plan, Construct, Finance, Operate and Maintain Sewage Works, and

WHEREAS, the Public Laws were amended by in 2006 (06-S2964), and

WHEREAS, the Town of Coventry has begun to assess affected properties for sewer charges, and

WHEREAS, Section 19 of Chapter 330 of the Public Laws of 1997 authorize the establishment of a Sewer Board of Review,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Coventry hereby establishes a Sewer Board of Review, and

BE IT FURTHER RESOLVED that the Sewer Board of Review shall consist of three (3) members appointed by the council. The members first appointed shall serve for term of one (1), two (2) and three (3) years respectively and thereafter one (1) member shall be appointed in each year for a term of three (3) years and

BE IT FURTHER RESOLVED that the Sewer Board of Review shall establish rules and regulations consistent with Chapter 330 of the Public Laws of 1997 as amended, and,

BE IT FURTHER RESOLVED that the Sewer Board of Review shall recommend to the Town Council any ordinances that may be needed to further establish the procedure of the Sewer Board of Review and for the manner of receiving, considering and disposing of appeals, and

BE IT FURTHER RESOLVED that the Town Council of the Town of Coventry hereby appoints

Helen Andrade, 53 Breezy Lake Drive for a term to expire on November 30, 2007

John J. Mullaney, 5 Azalea Way for a term to expire on November 30, 2008 and

a representative designated by the Town of Coventry Sewer Sub-Committee

for a term to expire on November 30, 2009.

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

Resolution #80-06-2784 appointing Budget Advisory Group

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to approve resolution . All voted aye. So voted.

RESOLUTION
OF THE
TOWN COUNCIL
NO. 80-06-2784

RESOLUTION OF THE TOWN OF COVENTRY, STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS, ESTABLISHING AND APPOINTING
MEMBERS TO THE BUDGET ADVISORY GROUP.

WHEREAS the Town Council of the Town of Coventry establishes a Coventry Budget Advisory Group to study Senate Bill 3050. The Budget Advisory Group shall report back to the Town Council and School Committee jointly on a date tentatively set for December 20, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Coventry hereby appoints:

Peter Marino, Chairman, 24 Catalpa Way, Coventry;

A representative appointed by the Town Council, however, not an elected official:
_____;

A representative appointed by the School Committee, however, not an elected official:
_____;

Superintendent of Schools Kenneth DiPietro;

Town Manager Richard Kerbel;

Business Manager for School Department Anthony Ferrucci;

Town Finance Director Warren West;

term to expire on November 30, 2009.

PASSED AND ADOPTED this 25th day of September , 2006.

APPROVED Thaddeus Jendzejec
President

ATTEST: Cheryl A. George
Town Clerk

President Jendzejec stated that Town Council will be accepting applications for the two open positions.

HAMMET ROAD (tabled)

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to remove from table. All voted Aye. So voted.

Solicitor Sullivan – Provided Town Council with proposed easement. This will not become a road through Scituate. I will defend the decision of the Town Council in court if need be.

Mr. Laboissonniere – We can't determine how they subdivide their property, but if the property owners do decide to subdivide it, they will need to seek access from the other side of the Coventry town line for those properties.

Solicitor Sullivan – Yes.

Mr. Thibeault: This document basically limits the access to the two dwellings.

Solicitor Sullivan – Yes, but they can't assign it to anybody else. Future property owners can use it if they sell.

Mr. Thibeault – But it will be restricted to those two dwellings. If ten other houses go up, they would have to find other access. If another access road is put in through Scituate, does the language state that the access through Hammet Road can be terminated if they have access through a road in Scituate.

Solicitor Sullivan – It says that the access will terminate if they receive access through a private or public road through Foster or Scituate. The town is abandoning it's rights to the property. The abutters will have control , if they determine that the easement is terminated, then in my opinion they should get their own counsel.

Mr. Laboissonniere – These are just stipulations to the abandonment that we are putting forward.

Mr. Pomfret – I like the way this has been reworded. It think it gives some closure, doesn't shut anybody out on the other side. If condos come in, don't want to see them driving through Western Coventry.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to approve document. All voted Aye. So voted.

PUBLIC HEARINGS

New Class B , Victualling, Pool Table and Liveshow Entertainment licenses for KBMM LLC, dba Half Moon, 1650 Nooseneck Hill Road (formerly Savarios)

Motion made by Justin Pomfret seconded to Robert Thibeault to open public hearing. All voted Aye. So voted.

Present: Robert Myers
47 Willow Street
Coventry, RI

Mr. Myers – Hoping to open around the end of October.

Motion made by Greg seconded by Justin Pomfret to close public hearing. All voted Aye. So voted.

Motion made by Gregory Laboissonniere seconded by Justin Pomfret to approve conditionally, upon receipt of necessary documentation, new Class B , Victualling, Pool Table and Liveshow Entertainment licenses for KBMM LLC, dba Half Moon. All voted Aye. So voted.

Motion made by Justin Pomfret seconded by Gregory Laboissonniere to adjourn meeting. All voted Aye. So voted.

Meeting adjourned at 7:55 p.m.

Town Clerk