

Town Council Meeting  
October 11, 2016

TOWN COUNCIL MEETING – 7:00 p.m.

Present: Councilmember McGee, Vice-President Carlson, President Shibley, Councilmember Laboissonniere, Councilmember Asselin, Town Manager Waters, Town Solicitor Gorham

- o Pledge of Allegiance
- o Moment of Silence on the passing of Finance Director Bob Thibeault's mother; also for the recent shooting of two police officers in Palm Springs, California.
- o Review of Emergency Evacuation Plan

Approval of Town Council minutes from September 26, 2016

A motion was made by Councilmember McGee seconded by Councilman Laboissonniere to approve minutes. All voted aye.

President's Comments

- The election is four weeks away. Referenda questions will be published in the Reminder in time to study before the November 8 election. President Shibley urged citizens to approve question #8, construction/renovation of a new Police and Human Services Department.

DISTRICT REPORTS

Councilman McGee, District 3, reported that road paving is taking place in his district and everyone is happy about that. He reminded residents to please be conscious about recycling. Help us meet our goals and save both the town and the taxpayers money and recycle to the maximum.

Councilman Asselin, District 5, has been contacted by residents of Helen Avenue who have concerns about a business disturbing the neighborhood. They will raise their concerns at public comment. In addition, Mr. Asselin is available to residents through his new town e mail address and phone number which is also public information. He invited the public to feel free to contact him.

Vice-President Carlson congratulated the Police Department for a job well done concerning the raid on the Log Bridge Road pot growing operation.

She also advised that she has received complaints about turbine noise and bright red lights at the top of the turbines.

Mrs. Carlson remarked that the Department of Public Works has done road repairs on Simon Templar, Maple Valley Road along with a few other roads in District 1. She suggested that each council person give a list of perhaps 5-10 of the worst roads in each district, establishing a wish list for repairs.

Councilman Laboissonniere, District 2, met with the Town Manager about increased activity at the old Global Recycling site on Colvintown Road, currently owned by the Vinagro Company. We hope to make an appointment with them to talk about the situation, as there has been blasting and a number of things neighbors are concerned about.

President Shibley, District 4, announced that a ribbon cutting ceremony will be held at noon on Saturday to welcome O'Reilly Auto Parts to Coventry.

CONSENT AGENDA

1. Ucci vs. Town of Coventry SU 2016-0091 right of way settlement

Solicitor Gorham indicated that although they are very close to resolving the matter, one of the participants needs a little more time. A motion was made by Councilman McGee seconded by Vice-President Carlson to table the matter at this time. All voted aye.

## RESOLUTIONS

### 1. Discussion and action affirming the award of a contract for the construction of the Northern Arnold Road Sewer Project

DPW Director Kevin McGee advised that D'Ambra was the low bidder on phase one of the sewer project. Funding is through the sewer revolving fund and the Clean Water Fund.

Councilman Asselin asked the start and end dates of the project and whether a bond is being posted. Mr. McGee replied that a bond will be posted and as far as dates, he would begin right away in October and be done by December.

A motion was made by Councilman McGee seconded by Councilman Asselin to approve resolution. All voted aye.

### 2. Discussion and action approving Narragansett Bay Commission proposed lease assignment from WED turbine #1 on town (Picillo) property.

Attorney Mark Pogue represents the Town on this issue and explained the assignment of the current lease to the Narragansett Bay Commission. As you know, the Bay Commission is purchasing a turbine from DePasquale that sits on town land and they want to make sure they will have access to that turbine. They are assigning the rights of the current tenant. It is a fact that the existing lease between the town and WED already gives WED the right to assign the lease to somebody else. There is really not a lot of bargaining power here for the town, but they brought this forward as a courtesy. To clarify, the land that is subject of the lease is exactly the same tract that is the subject of the assignment. Solicitor Gorham and I both think this is a good idea.

Vice-President Carlson has not seen the final copy of the assignment and would like to see it before voting. Councilman McGee stated whoever owns the turbine has to have access to it anyway, this is only a courtesy and there's not much we can do about it. Solicitor Gorham indicated that he is comfortable with what is before us, he and Attorney Pogue have discussed it and feel it is good for the town. President Shibley agreed.

Attorney DeAngelis, counsel to the Narragansett Bay Commission, responded that they started this process approximately five years ago, in order to become self sufficient with energy needs. We have already acquired two turbines from WED and this is the last turbine we are seeking to acquire. We engaged an engineering firm to do a meets and bounds description and that is what we prepared and incorporated into these documents.

Vice-President Carlson asked if they are under contract with WED for maintenance of the turbines and Mr. DeAngelis replied not yet, but we expect to be, and it will be renewable annually. WED has a right to assign to whoever they choose. The closing is Thursday.

Councilman Asselin asked Solicitor Pogue whether this assignment would or would not affect what was previously signed in the lease. Mr. Pogue responded that it would not. We are only looking at the assignment tonight, not the lease. Mrs. Carlson added that she just wants to make sure the town is safe.

A motion was made by Councilman Laboissonniere seconded by Councilman Asselin to approve resolution. All voted aye.

## PUBLIC HEARINGS

### 1. Amending Zoning Ordinance and Map, Plat 53, Lot 26, 1320 Main Street from Industrial 1 to Planned Development also referred to as Planned Unit Development

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to open public hearing. All voted aye.

Attorney John Brunero, 1070 Main Street represented petitioner, Cedar Crest Realty, LLC, and John Assalone. The parcel is located across from the Paine Field ballfield on the old Szarek property. The parcel is 15.8 acres on Assessor's Plat 53, Lot 26, currently zoned Industrial I. It is located on a very pretty piece of land, surrounded by pine trees along the river and it needs to be preserved in the same way.

The Planning Commission has given a positive recommendation. We propose to remove

the single family house that is there and construct 19 single story duplexes, totaling 38 age restricted over 55 units. West Greenwich is doing a project now on the other side of Centre of New England and they are selling very well. This is a similar project, there will be public sewers and Kent County Water. Approximate fair share fees to the town will be \$202,000; the sewer assessment at \$12,000 per unit would be \$456,000; and the taxes based on each unit being assessed at about \$275,000 would bring the town appx. \$223,000 per year with fire taxes at approximately \$20,000-\$25,000. We will require no school services and we ask for nothing. We will own the roads, do our own plowing, collect our own garbage and recycling. We only ask for police and fire services. For the town this is a cash flow situation.

We plan a 200 foot buffer along the river and will put in walkways for the residents. This won't be a public facility as parking is not sufficient, it will be only for the people who live in there. There will be a fishing dock for the residents, we want to keep this as passive as possible. More and more people don't want the responsibility of home ownership; they have no time or desire to cut the lawn, paint the house or shovel the snow. Condo association fees will be paid to the association. This will be one story maintenance free living. We have master plan approval from Planning.

Councilman McGee thinks this is a great idea; Mr. Assalone does a great job with his projects. However, he sees a problem in the future, as he has with other developments, as far as town services. After a while people want town services. Attorney Brunero commented that it would be included in the deed, so they know what they are buying right at the beginning, making it clear as to what they get and what they have to pay for.

Councilman Asselin advised that he has walked the property with Mr. Assalone and does have a question about flood plain areas, especially proposed units 13 and 14. Attorney Brunero advised that the project is only at master plan now, it's just a concept. If council approves this tonight, we will go back to the Planning Commission for various other public hearings, and that's when the hard engineering will come in. If those units are in the flood plain, we will either eliminate them or reengineer them. We have to prove for financing purposes that we are not in the flood zone.

Councilman Laboissonniere asked the proposed timeline. Mr. Brunero responded that if we get council approval this evening, we will go back and do the hard engineering, get approval from Kent County Water Authority, the Sewer Commission, etc., estimating six to eight months before they were back in front of the Planning Commission. From there, depending upon marketing and interest rates, if we can get the shovel in the ground under 4% interest, then we work. You can't really tell with construction in terms of the economy. There's a lot of site work to do, but within two years we should be underway to having them sold.

Councilman Laboissonniere stated that he did get a question from a constituent about whether the lights at the ballfield would be a problem. Atty. Brunero replied that the lighting at Paine Field faces the field, away from the condos. Not worried about that.

A motion was made by Councilman Laboissonniere seconded by Vice-President Carlson to close public hearing. All voted aye.

A motion was made by Councilman Laboissonniere seconded by Councilman McGee to adopt ordinance changing zoning AP 53, Lot 26 from Industrial to PUD. All voted aye.

#### PUBLIC COMMENT

Frank Denette, 46 Helen Avenue and Doug Crawford, 16 Monroe Drive expressed concerns about the expansion of a business, Ferrara Mechanical Services, located at 225 Hopkins Hill Road. They have been clearing land, expanding their business, and are the cause of diesel fumes on Helen Avenue. The Zoning Department has issued a stop work letter which has been ignored. We are concerned about environmental damage, there is supposed to be a buffer, but there are trucks all over the place. Mr. Denette asked what could be done, as Ferrara just keeps moving forward with this. Does he have a permit? The boundary/buffer is supposed to be 50 feet and he needs to maintain that.

Zoning Officer Matt Sarcione advised that he visited the business after receiving calls from concerned Helen Avenue residents about clearing land, noise, digging and diesel fumes. Mr. Sarcione was told to get off the property. A violation letter was then issued, with the solicitor's help. We contacted DEM, they went out there to visit. I asked DEM for a report but haven't received it yet. Ferrara needs to apply for a special use permit. Manager Waters remarked that the town will take appropriate action and legal steps if need be, there is a process that we have to follow. Solicitor Gorham asked if notice was served today; Mr. Sarcione said no, he thinks tomorrow.

Tyler Albertson, 34 Helen Ave, advised that Ferrara Mechanical also has encroached on his fence. There is a tanker truck five feet from my fence; this is within 40 feet of my house with a two year old playing in the back yard. This is not a new business, they have been o.k. in the past, but now they are expanding, there are fumes, dust, the house vibrates during the day and that starts the dogs barking. What kind of hazardous vehicles are being stored there? This is unacceptable, he has destroyed the barrier between our homes.

Solicitor Gorham added that if a cease and desist order is served, he has to stop work until it is appealed. The town may have to bring a legal action to stop it, that is in the town's judgment.

John Assalone talked about the Reservoir Road sewer line that he offered to the town for \$250,000. The town is currently planning a line for \$800,000 for 3,700 feet of sewers, a combination of gravity and pressure. We had this on the table about a year ago for the purchase price of the Reservoir Road sewer line for \$250,000 for 2500 feet, for less than half the price for which you are paying and this line would serve more people than the line you are putting in on Hopkins Hill Road. The deal was to pay me when you could. I don't really think you understand the value of this line, it will take care of all of Airport Road, Wood Estates North, up to 1 million gallons a day at the high school.

Robert Lawrence, 26 Darton Street, feels the council should do something about the situation at Ferrara Mechanicals and Helen Avenue before it drags on for four years, as did the issue with the rights of way on Tiogue Lake.

Nancy Sullivan, 6 White Oak Ct., asked when the audio video live streaming and archiving system would be working. Mr. Waters replied that he is working on it and planning to meet with some vendors.

A motion was made by Councilman McGee seconded by Vice-President Carlson to go into Executive Session. Roll call vote. All voted aye.

#### EXECUTIVE SESSION

RIGL 42-46-5 (a) (2)

- Impact Fees - 39 Leighas lane
- Miozzi vs Town of Coventry

A motion was made by Councilman McGee seconded by Vice-President Carlson to come out of Executive Session. All voted aye.

A motion was made by Councilman McGee seconded by Councilman Asselin to seal minutes from Executive Session. All voted aye.

A motion was made by Vice-President Carlson seconded by Councilman Asselin to adjourn meeting. All voted aye.

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Town Clerk