

TOWN COUNCIL MEETING

October 26, 2009

Present: Frank Hyde, Kenneth Cloutier, Raymond Spear, Glen Shibley, Laura Flanagan

Town Manager Thomas Hoover

Town Solicitor Patrick Rogers

Pledge of Allegiance

Invocation by Pastor Barbara DaCosta of First Christian Church

Review of Emergency Evacuation Plan

- President's Comments

President Spear has been advised that a significant number of people are here tonight to speak about Hopkins Hill sewer assessments. That is not on the agenda tonight and is not a topic of discussion as it is in litigation. Until litigation is resolved, the Council is unable to discuss this issue. If anyone is compelled to be heard, this may be done at Public Comment at the end of the meeting.

President Spear announced that openings remain on the Charter Review Commission, Pawtuxet River Authority, Redevelopment Agency, Sewer Assessment Board, Coventry Land Trust and a District 2 appointment on the Assessment Board of Review.

- Police Retiree Recognition and Promotion of New Officers

Colonel Ron DaSilva recognized recent retirees Officer Neil Laird, Detective Paul Koczwanski and Lt. Michael Flanagan. President Spear presented citations to retirees.

New Officers Anthony J. Sassone-McHugh and Crystal Royall, as well as promoted officers, Sgt. Benjamin J. Sedam and Lt. Frederick J. Heise, were administered the oath of office by President Spear.

CONSENT AGENDA

1. Resolution approving the following sewer tie-in applications:

- a. Commerce Park Realty, property location 12/14 Greig Street
- b. Commerce Park Realty, property location 9-15 Sonya Drive
- c. James Cantara, property location 28 Yates Avenue
- d. Kurt Bonn, property location 545 Washington Street
- e. Clariant Corporation, property location 500 Washington Street

Motion made by Laura Flanagan seconded by Frank Hyde to adopt resolution. All voted aye.

RESOLUTIONS

1. Resolution appointing one member to the Planning Commission

Motion made by Glen Shibley seconded by Laura Flanagan to appoint Bruce Capwell to the Planning Commission for a term expiring May 1, 2012. All voted aye.

2. Resolution appointing one member to the Redevelopment Agency

Motion made by Laura Flanagan seconded by Kenneth Cloutier to appoint Timothy Pimental to the Redevelopment Agency for a term expiring October 22, 2014. All voted aye.

3. Resolution appointing one member to the Coventry Land Trust

Motion made by Laura Flanagan seconded by Glen Shibley to appoint Lucas Murray to the Coventry Land Trust for a term expiring November 22, 2011. All voted Aye.

4. Resolution appointing one member to the Sewer Assessment Board of Review

Motion made by Kenneth Cloutier seconded by Laura Flanagan to appoint Norman Baxter to the Sewer Assessment Board of Review for a term expiring November 30, 2010.

5. Resolution appointing one member to the Pawtuxet River Authority

Motion made by Frank Hyde seconded by Laura Flanagan to reappoint Brian Manning to the Pawtuxet River Authority for a term expiring June 1, 2011. All voted aye

6. Resolution appointing one member to the Juvenile Hearing Board

Motion made by Laura Flanagan seconded by Frank Hyde to appoint Helen Knudsen to the Juvenile Hearing Board for a term expiring December 1, 2011. All voted aye.

President Spear administered oath of office to all appointees. Ms. Knudson was absent and will be sworn in at a later date.

7. Resolution awarding Transfer Station Contract, DPW

Manager Hoover explained that the transfer station contract was rebid after the prior bidders were disqualified. We received two bids, one from Coastal Recycling and the other from Rambone. Mr. Hoover recommended that the Town Council reject the bid from Coastal Recycling, Inc. as it is not in the public interest based on the criterion shown in the memorandum and because Coastal is not a responsible bidder. Manager Hoover further recommends that the award be made to Rambone Disposal as the most responsible bidder. Under Section 10.23 of the Town Charter contracts must be awarded to the lowest responsible bidder. Vice President Flanagan commented that the Town made investigations regarding the bidders and found many difficulties with the Coastal Recycling Bid. There are numerous public safety violations. The Town of Smithfield, for example, failed to renew a contract with Coastal because Coastal had presented itself as being bonded, but for three years did not in fact have any bond.

Manager Hoover recommended two separate motions; the first to reject the Coastal bid because it is not a responsible bidder or in the public interest and the second motion to accept Rambone's bid. Mr. Smith concurred.

Motion made by Laura Flanagan seconded by Glen Shibley to reject bid of Coastal Recycling as they are not a responsible bidder in this process. No public comments were made. All voted Aye.

Manager Hoover's recommendation was to accept the bid of Rambone Disposal as the most responsible bidder. Discussion followed and Mr. Smith explained that this is a three year contract based on one price. We are currently paying \$13.72 per ton for hauling of our garbage from the transfer station to the Central Landfill. Rambone's very qualified bid is \$12.49 per ton (\$1.23 lower than current rate), and one of the most significant factors is that this is the base bid for three years and represents a very significant savings. We have been doing business with Rambone for about 13 years and find them dependable, reliable, and trustworthy. Mr. Smith further noted that currently we pay a hauling charge of \$147.20 for the lighter boxes; now we will not.

Mrs. Flanagan clarified with Mr. Smith that we did the exact same background check on Rambone as we did with Coastal and that there were no significant deficiencies with Rambone, no vehicles were taken off the road at any time and we have evidence that they are properly bonded. Mr. Smith agreed. Following an invitation for public comment, Rambone's attorney, Tim Eskey, Esq. was present, noting that Mr. Rambone is here to address any concerns the Council may have. Rambone Disposal is a corporation in good standing in the State of Rhode Island. No other public comments were made.

Motion made by Frank Hyde seconded by Laura Flanagan to grant contract to Rambone Disposal. All voted aye.

8. Resolution awarding contract for roof replacement, Central Coventry Park

Guy Lefebvre, Recreation Director, told Town Council that bid would involve stripping roof and installing rubber membrane roof. J.J. Cardoso comes highly recommended, I have checked the references, they are very experienced. Mr. Lefebvre indicated that funds are available in the 05-06 capital budget for this project. Manager Hoover recommends the award to J.J. Cardosi.

Vice President Flanagan asked Mr. Lefebvre if the bulk of the money is coming from the 05-06 CIP and he responded that it is. She requested that Mr. Lefebvre let her know how much more money was left in that capital improvement budget.

Motion made by Laura Flanagan seconded by Glen Shibley to approve resolution. All voted aye.

9. Resolution awarding bid for asbestos abatement and building demolition, Police Dept.

Manager Hoover updated the Council regarding the building adjacent to the police department on Main Street. That building is in need of demolition, but with the chance of asbestos in the building, asbestos abatement needs to take place before demolition. We have received one bid from Pasquazzi Bros. in Cranston.

Colonel DaSilva commented that Pasquazzi Bros. has been recommended by an environmental engineer. There is a 10 day wait period from the Board of Health to receive an abatement permit, then we can continue.

Vice President Flanagan asked how much capital improvement money the Police Dept. has left in from the 08-09 budget. Colonel DaSilva responded \$50,000 for that project.

Motion made by Laura Flanagan seconded by Frank Hyde to adopt resolution. All voted Aye.

LICENSES

Application by New England Home Infusion, Inc. dba Apothecare Compounding Solutions at 85 Sandy Bottom Road for new Class E license

Manager Hoover explained this is an existing drugstore/pharmacy with a new owner.

Motion made by Laura Flanagan seconded by Frank Hyde to grant new Class E license to New England Home Infusion, Inc. dba Apothecare Compounding Solutions at 85 Sandy Bottom Road. All voted aye.

PUBLIC HEARINGS AND ENSUING ACTION

Manager Hoover explained that these are annual renewals of various classes of liquor and victualling licenses and all come due by the end of November. If you look at the recommendations from the Town, you will see that the police department and building official have done all necessary inspections and found no major problems with any of these; however, the fire district as well as the State are still doing inspections. What you would be acting upon this evening is to approve these subject to all of the inspections being completed and comments being made.

Renewal of Class A liquor licenses

1. COVENTRY DISCOUNT WINE & LIQUOR, INC., dba Coventry Liquor, 600 Washington St
2. CRESTWOOD WINE & SPIRITS, INC., 725 Tiogue Ave
3. BILL'S LIQUORS, LLC, dba Bill's Liquor Store & Bill's Package Store, 672 Main St
4. ANTHONY'S WINE & SPIRITS LTD, 895 Tiogue Ave
5. SHOPPERS LIQUORS, INC., 1142 Main St

Motion made by Laura Flanagan seconded by Frank Hyde to open public hearing. All voted Aye.

Motion made by Laura Flanagan seconded by Frank Hyde to close public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to approve renewal of Class A liquor licenses subject to completion of inspections and approvals from the State of RI. All voted Aye.

Renewal of Class B liquor licenses

Motion made by Laura Flanagan seconded by Kenneth Cloutier to open public hearing. All voted Aye.

Vice-President Flanagan questioned Colonel DaSilva with respect to incidents occurring at establishments. Colonel DaSilva responded that during the past year there have been some incidents, owners have been spoken to and things have toned down. Mr. Shibley asked about Crowbar, Colonel stated they have toned it down.

Mary Perry of Fairview Avenue spoke regarding problems at Brookside, afraid what will happen in the spring. She thanked the Town Manager for speaking to the owners and stated that they are doing much better. Town Manager stated this will not be tolerated in the future.

Motion made by Frank Hyde seconded by Kenneth Cloutier to close public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde that Class B license of NRC dba the Brookside is approved for a three month period. Manager clarified with Council that this is a three month license, expires in 90 days. Mrs. Flanagan stated that license will be renewed if everything is going well. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to approve the remaining Class B licenses with contingent upon inspections. All voted aye.

1. NRC ENTERPRISES LTD, dba The Brookside (Liveshow Entertainment)
595 Washington St
2. CROMPTON LIQUOR HOLDINGS, dba Come Along Inn
402 Washington St (Liveshow Entertainment)
3. J.A.A.S. RESTAURANT CORP., dba Café Romanzo (Dance and Liveshow Entertainment*) *Subject to restrictions
495 Washington St
4. CHARLIE'S PLACE INC., (Liveshow Entertainment)
33 Sandy Bottom Rd
5. H & N ENTERPRISE, dba Village Pub
1128 Main St
6. JAGUAR TAP, INC., dba Nicky's Lounge, (Liveshow Entertainment)
354 Tiogue Ave
7. SUN LEE ENT. INC., dba Mai Tai Restaurant
856 Tiogue Ave
8. CHATERMIKE RESTAURANT CORP., dba Nino's on Lake Tiogue, (Dance & Liveshow Entertainment)
446 Tiogue Ave

9. FLARE RESTAURANT & LOUNGE, LLC, (Liveshow Entertainment)
577 Tiogue Ave
10. 17 SANDY BOTTOM INC., dba The Sandy Bottom, (Dance & Liveshow Entertainment)17 Sandy Bottom Rd
11. REKAS, RUSSELL E. & KYLE, dba Reko's Pitcher's Mound, (Liveshow Entertainment) 620 Tiogue Ave
12. VENUS PIZZA
2080 Nooseneck Hill Rd
13. CROWEBAR & TAVERN LLC, dba Scott's Crowebar & Tavern , (Dance & Liveshow Entertainment),1152 Main St
14. HARRIS BAR & GRILLE INC., dba Harris Bar & Grille, (Dance & Liveshow Entertainment), 666 Main St
15. APPLEBEE'S RESTAURANT NORTH, LLC, dba Applebee's Neighborhood Grill & Bar, (Liveshow Entertainment) 830 Centre of New England Blvd
16. APPETITES FAMILY RESTAURANT INC.
473 Tiogue Ave
17. CMG, SOUTH, LLC, dba Cilantro Mexican Grill
712 Centre of New England Blvd (Liveshow Entertainment)
18. KBMM LLC, dba Half Moon (Liveshow Entertainment)
1650 Nooseneck Hill Rd
19. ANTONIO'S FAMILY RESTAURANT, INC.
435 Washington St
20. ZELLY'S LAST STOP CAFÉ, LLC
2260 Flat River Rd

Renewal of Class B Ltd. liquor licenses

1. C&S CORPORATION, dba The Gentleman Farmer Restaurant
2405 Nooseneck Hill Rd
2. XENOPOULOS, PETER, dba Pete's Pizza Plus
21 Phillips Hill Rd
3. A. PAGLIARINI'S FAMILY RESTAURANT, INC.
637 Washington St
4. HUNAN BALCONY INC.
687 Washington St

5. COVENTRY PINES GOLF COURSE
1065 Harkney Hill Rd
6. FATHER & SON'S FAMILY RESTAURANT & PIZZERIA
1532 Main St
7. RICCOTTI'S SUBS INC.
718 Centre of New England Blvd

Motion made by Laura Flanagan seconded by Frank Hyde to open public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to close public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to approve Class B Ltd. licenses contingent upon completion of inspections and approvals. All voted aye.

Renewal of Class D liquor licenses

1. CLUB JOGUES, (Victualling & Dance)
184 Boston St
2. COVENTRY COLUMBUS CLUB, dba Knights of Columbus, Msgr. Peter Blessing
Council #5273 (Victualling & Dance)
371 Knotty Oak Rd
3. COVENTRY MEMORIAL POST #9404 VETERANS OF FOREIGN WARS, INC.
(Victualling & Dance)
29 South Main St (Mailing address Box 702)
4. COVENTRY MEN'S CLUB INC. (Victualling & Dance)
30 Phillips Hill Rd
5. POLISH NATIONAL ALLIANCE, GROUP NO. 1001, INC., dba PNA #1001
(Victualling & Dance)
15 Meeting St

Motion made by Glen Shibley seconded by Laura Flanagan to open public hearing. All voted aye.

Motion made by Glen Shibley seconded by Laura Flanagan to close public hearing. All voted aye.

Motion made by Glen Shibley seconded by Laura Flanagan to approve Class D licenses contingent upon inspections. All voted aye.

Renewal of Class E license

1. NEW ENGLAND HOME INFUSION INC., dba Apothecare Compounding Solutions
85 Sandy Bottom Rd

Motion made by Frank Hyde seconded by Kenneth Cloutier to open public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to close public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Kenneth Cloutier to approve Class E license contingent upon State inspections. All voted aye.

Renewal of Victualling licenses

1. 1100 MAIN ST. COVENTRY, LLC, dba Coventry Mart
1100 Main St
2. DANCING BEANS LLC, dba Tim Horton's (Additional Hours)
732 Tiogue Ave
3. BJ'S WHOLESALE CLUB, INC., dba BJ's Wholesale Club
790 Centre of New England Blvd
4. A&J BORRELLI BAKERY & PASTRIES, INC.
765 Tiogue Ave
5. BRITAY'S DELI & CATERING
789 Tiogue Ave
6. CAPTAIN NEMO'S SUB SHOP
15 Sandy Bottom Rd
7. CCF, LLC, dba Wendy's, FSV#18754 (Additional Hours)
2311 New London Turnpike
8. CHINA STAR
1028 Tiogue Ave
9. COVENTRY DONUTS, INC., dba Dunkin Donuts (Additional Hours)
800 Tiogue Ave (mailing address: PO Box 1487, Coventry)
10. CUMBERLAND FARMS, INC., Cumberland Farms #1219
1600 Nooseneck Hill Rd
11. CUMBERLAND FARMS, INC., Cumberland Farms # 1247 (Additional Hours)
785 Tiogue Ave
12. CUMBERLAND FARMS, INC., Cumberland Farms # 1250
436 Knotty Oak Rd
13. HESS CORPORATION, dba Hess 39210 (Additional Hours)
764 Tiogue Ave

14. DECIANTIS ICE CREAM CO.
1373 Main St
15. DELOPS, INC., dba D'Angelo Sandwich Shop, FSV# 06301
795 Tiogue Ave
16. DEPETRILLO'S PIZZA AND BAKERY, INC.
797 Tiogue Ave
17. DOUBLE A REFRESHMENT'S CO., INC., dba Del's Lemonade of Coventry
465 Tiogue Ave
18. FIDAS, ELENI, dba Silver Lake Pizza (Additional Hours)
1146 Main St
19. SARAG, LLC, dba Subway
47 Sandy Bottom Rd
20. HARRY'S PIZZA, LLC, dba Ronzio Pizza
1032 Tiogue Ave
21. JAN CO. CENTRAL, INC., dba Burger King #3133
1145 Tiogue Ave
22. DRAKE PETROLEUM COMPANY, INC., dba Coventry Xtra Mart (Additional Hours)
851 Tiogue Ave
23. LABRAKIS, JOHN N., dba Santoro's Pizza & Restaurant
687 Tiogue Ave
24. L/M TACORI, INC.L, dba Taco Bell, FSV# 18849
784 Tiogue Ave
25. D J PROVIDENCE CO LLC, dba McDonald's (Additional Hours)
1100 Tiogue Ave
26. MEALWORKS, LLC
1606 Nooseneck Hill Rd
27. MICHAEL'S ICE CREAM, L.L.C.
975 Tiogue Ave
28. NERARD, INC., dba Kentucky Fried Chicken of Coventry
830 Tiogue Ave
29. NEWPORT CREAMERY, LLC
781 Tiogue Ave
30. PJ'S DINER, INC.
608 Tiogue Ave

31. RICK & DEES INC.
17 Knotty Oak Rd
32. SMILING SOLE FISH MKT., INC.
891 Tiogue Ave
33. SUMMIT GENERAL STORE, LTD.
25 Old Summit Rd, Greene, 02827
34. THE STOP & SHOP SUPERMARKET COMPANY LLC, dba Stop & Shop #720
MRK04522 (Additional Hours)
900 Tiogue Ave
35. TOM'S FRUIT AND DELI, INC.
821 Tiogue Ave
36. COVENTRY LODGING ASSOCIATES, LLC, dba Hampton Inn
850 Centre of New England Blvd
37. CHOCOLATE DREAMS, INC.
577 Tiogue Ave
38. WAL-MART STROES EAST I. L.P., dba Wal-Mart Supercenter #2283 (Additional Hours)
650 Centre of New England Blvd
39. MCS DONUTS, INC., dba Dunkin Donuts (Additional Hours)
851 Tiogue Ave, located in Coventry Xtra Mart
40. CS FOOD, LLC, dba Subway
650 Centre of New England Blvd, located in Wal-Mart, (mailing address: PO Box 1487, Coventry)
41. R.B. DONUTS, INC., dba Honeydew Donuts
710 Centre of New England Blvd
42. CAFÉ GIANNAS, LLC
915 Tiogue Ave
43. REBELLO'S
470 Washington St
44. PAPA GINO'S, INC., dba Papa Gino's
1080 Tiogue Ave
45. GTECH CAFÉ
1372 Main St
46. SHIVAI NEHAL REALTY LLC, dba Fairfield Inn & Suites
4 Universal Blvd

47. MURPHY'S MOBIL INC.
2291 Flat River Rd
48. RAC ENTERPRISES INC., dba Wicked Good Pizza
674 Centre of New England Blvd
49. TURNPIKE DONUTS, LLC, dba Dunkin Donuts
2270 New London Turnpike
50. UNITED LLC, dba Coventry Shell
642 Washington St
51. MIKEWAY II INC., dba Subway
2405 Nooseneck Hill Rd
52. VETERANS MARKET LLC, dba Veterans Market
182 Arnold Rd

Motion made by Laura Flanagan seconded by Frank Hyde to dispense with reading license list. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to open public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Frank Hyde to close public hearing. All voted aye.

Motion made by Frank Hyde seconded by Laura Flanagan to approve victualling license renewals subject to State inspections. All voted aye.

PUBLIC COMMENT

Wendy Clark, Village Green Circle raised questions regarding the sewer assessment fees at Hopkins Hill. President Spear explained that the sewer assessment situation is currently in litigation, and until such time as it is complete, the Town Council is unable to discuss. Ms. Clark asked about tax reductions, since Village Green does not receive town services. She does not feel that these condo owners should pay the same tax rate when don't get the same services.

Ms. Clarke further inquired how long this litigation will take and if the residents have to continue paying until this is settled? Solicitor Rogers replied that there is a dispute between the owner of the condo area and the Town of Coventry regarding whether or not those sewer fees should be assessed. It is the town's position that those fees are appropriately assessed. It is the position of Commerce Park that they are not. The case is only a year and a half old; these matters can take 2-4 years, or longer, to be resolved, depending on the backlog in the courts. However, there are on-going discussions with the representative of Commerce Park to try to resolve these matters. Solicitor Rogers further commented that the town didn't initiate a law suit; the town was sued. The town is merely defending itself against the lawsuit. To some extent, Attorney Rogers stated, your questions are really misdirected at this council; and should be directed at Mr. Cambio. All taxpayers in Coventry

who are connected to the sewers pay a sewer assessment. So, therefore, the assessment of those fees is consistent with how the town treats others.

Mrs. Flanagan explained that she has looked into issue regarding several other residential compounds and condos. Talked with a municipal tax attorney, and has been advised there are only certain classes of taxes the town is allowed to charge; residential, commercial and industrial. We were looking to do something for people who do not receive services and were advised that we cannot unless the state legislators create another tax rate for people in your situation. You should direct this issue to your state legislators, she said. Mrs. Flanagan, Mr. Spear and Mr. Hoover offered to meet with a few of the residents to discuss issues.

Dorothy Goldstein, Enzo Drive, stated that when she purchased the property, she was told at closing there wasn't a sewer bill; and now she has one. When she lived in Warwick, she got services in the condo development from the City of Warwick. Mrs. Flanagan, Mr. Spear and Mr. Hoover also invited her to meet with them to talk things over. They will attempt to get the misunderstandings straightened out.

Nick Cambio, Quaker Lane, West Warwick, stated he had calls from a member of the Lake Tiogue Association today regarding the digging and drilling for test holes on the landfill property. Mr. Cambio asked that he is notified in the future when they are working on his property.

Solicitor Rogers commented that Mr. Cambio is aware of the possibility of environmental testing. Blanket permission has been given by Mr. Cambio for the former landfill pursuant to a contract and court order. Even though Mr. Cambio tried to block this, the lawsuit established that Mr. Cambio is required to allow test holes in order to determine the extent of the contamination and to establish cost of cleanup. Consent has already been granted for testing, sampling and monitoring; no further notice is required.

No further questions.

Motion made by Glen Shibley seconded by Laura Flanagan to adjourn at 9:22 p.m. All voted Aye.

Town Clerk