

TOWN COUNCIL MEETING  
NOVEMBER 18, 2013

EXECUTIVE SESSION – 6:00 PM

- A. Review of qualifications for Boards and Commissions appointments as per RIGL 42-46-5 (a) (1)
  - 1. Planning Commission
  - 2. Zoning Board
- B. Discussion on the job performance of the Town Manager, Annual Evaluation, as per RIGL 42-46-5 (a) (1)

TOWN COUNCIL MEETING – 7:00 PM

Present: President Gary Cote, Vice-President Kerry McGee, Councilman Jendzejec, Councilwoman Carlson, Gregory Laboissonniere

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant  
Invocation by Councilwoman Carlson  
Review of Emergency Evacuation Plan

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to adjourn Executive Session and reconvene regular session. Individual voice vote. All voted Aye.

A motion was made by Councilwoman Carlson seconded by Vice-President McGee to seal minutes of Executive Session. All voted Aye.

President's Comments

President Cote introduced Mr. Robert Thibeault, the town's new Finance Director.

Approval of Town Council minutes October 28, 2013

Motion made by Vice President McGee seconded by Councilman Laboissonniere to approve minutes. All voted aye.

SCHOOL DEPARTMENT REPORT

School Committee member Judy Liner reported that the enrollment task force has voted to hire an expert facility and demographic consultant to conduct a study on enrollment projections. A professional development day was held on November 1 and focused on the K-12 common core curriculum. In addition, a District Safety and Security Meeting will be held on November 19, where discussion will center around radio compatibility with emergency personnel. A part time teacher has to be hired, as additional special needs students have moved into the district. In addition, due to a shortage of substitutes in town, Superintendent Almeida is researching the issue and will make a proposal to the school committee, since Coventry's pay is the lowest in Rhode Island. Brooke Macomber, Assistant Principal at Coventry High School, was selected as a finalist for the Assistant Principal of the Year.

President Cote asked Ms. Liner about hiring a part time special needs teacher and she replied that the teacher that is currently on staff is over capacity now, so the part time teacher will absorb some work from the full time teacher.

CONSENT AGENDA

- 1. Discussion and resulting action on tax abatements and additions for August 2013

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to approve Consent Agenda. All voted Aye.

RESOLUTIONS

- 2. Discussion and resulting action on an appointment to the Coventry Planning Commission

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to appoint Russell Crossman to the Planning Commission.

Councilman Laboissonniere felt it was too soon to fill this position as there may be other people interested. Councilwoman Carlson agreed. Vote taken: 3 Aye, 2 Abstain; Councilwoman Carlson and Councilman Laboissonniere abstained.

3. Discussion and resulting action on an appointment to the Coventry Zoning Board of Review

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to appoint John Studley as an alternate member of the Zoning Board of Review. All voted Aye.

4. Discussion and resulting action on a new collective bargaining agreement between the Town of Coventry and AFSCME, Council 94, Local 3484 for the period of July 1, 2013 through June 30, 2016

Manager Hoover explained that since the contract first came before the Town Council in September, there have been a few minor language changes, but no changes bearing any financial impact. It is recommended that the Town Council approve this resolution

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve new collective bargaining agreement. All voted aye.

5. Discussion and resulting action on implementing upon all unrepresented full time Town of Coventry employees the wage and benefit package provided to AFSCME, Council 94, Local 3484 in their new collective bargaining agreement for the period of July 1, 2013 through June 30, 2016

Manager Hoover also remarked that all unrepresented full time employees not covered by a collective bargaining agreement, except the School Department, will adhere to the AFSCME agreement for the period of July 1, 2013 through June 30, 2016.

Councilman Jendzejec had questions as to why non-union wasn't handled administratively and whether this will act as a contract for them. Manager Hoover replied that unless the Town Council decides to change things otherwise, unrepresented employees are tied into this agreement until 2016, as are union members, and this is fair. However, it is not a "contract" for unrepresented employees; they serve "at will."

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve resolution. All voted Aye.

6. Discussion and resulting action for authorization to submit an application to the State of Rhode Island Office of Housing and Community Development for \$189,050 for further funding in order to cover a monetary shortfall for the proposed Industrial Drive Drainage Culvert Project

Manager Hoover stated that usually we don't have to ask for authorization to apply for a grant, but in this case it is a requirement of the Dept. of Housing and Community Development that an elective body must approve a resolution in order to apply for the grant. Actually this is a result of the floods of 2010 whereby a set of culverts need to be improved in size due to a flooding problem. We have a design but found out the cost was more than what we had available and we currently have an opportunity to seek CDBG funding.

Planning Director Paul Sprague added that the federal government requires the town to apply for the CDBG grant for the Industrial Drive draining project. In this resolution we are asking for authorization to submit an application for funding in the amount of \$189,050 for repairs need since the flooding in March 2010. The grant is a 75/25 split, whereby FEMA pays 75% and the town's 25% would be taken from the CDBG grant money. It was unanimously approved by the Planning Commission at its meeting in October.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve resolution. All voted Aye.

## PUBLIC HEARINGS

1. Transfer of Class A liquor license (package store) from Shoppers Liquors, Inc., 1142 Main St., to Main Street Liquors, Inc., 1142 Main Street

A motion was made by Councilman Jendzejec seconded by Vice-President McGee to open public hearing. All voted Aye.

Applicant Craig Penardo, One New Road, Rumford, RI., appeared with his attorney Francis Gashen. Attorney Gashen told Council that there are currently three liens on the property, which will be paid at the closing and proof of payment will be filed with the Town Clerk. Mr. Penardo is a new owner seeking a license transfer.

There was no public comment on this issue.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to close public hearing.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve license transfer subject to proof of alcohol server training, certificate of good standing from the RI Division of Taxation and proof that all liens have been satisfied. All voted Aye.

2. Application by Christy M. Robertson for transfer of Class B liquor license with live show entertainment from Patriot Bar & Pizza, 2260 Flat River Road to NICMEG LLC, dba Patriot Bar & Pizza, 2260 Flat River Road

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

Applicant Christy Robertson, Helen Ave., Coventry, was present. There was no public comment on this issue.

A motion was made by Councilman Laboissonniere seconded by Councilman Jendzejec to close public hearing. All voted aye.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve license transfer subject to a Board of Health inspection, proof of alcohol server training and a certificate of good standing from the RI Division of Taxation. All voted aye.

2. Application by 863 Sushi LLC at 710 Centre of New England Blvd. for Class B liquor license

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to open public hearing. All voted Aye.

Applicant Liya Lao, 708 Broad Street, Central Falls, is requesting a Class B liquor license and currently operates an existing establishment at that location with a virtualing license only.

There was no public comment on this issue.

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

A motion was made by Vice-President McGee seconded by Councilman Jendzejec to approve new Class B license subject to proof of alcohol server training and filing with the State Division of Taxation. All voted Aye.

3. Amending the Coventry Zoning Ordinance and map to change Assessor's Plat 31, Lots 72, 88, 89, 94 and 95 from R 20 to Planned Unit Development (PUD)

Motion was made by Councilwoman Carlson seconded by Vice-President McGee to open public hearing. All voted Aye.

Attorney John Brunero represented Asco Group in their petition for a Planned Unit Development at Tiogue Avenue and East Shore Drive. A power point presentation was given, which indicated maps, roads, ingress, egress, and the area in general for the proposed development. This proposal has been given master plan approval by the Planning Commission. It is a 28 lot strictly residential development with 4.4 acres of passive open space which will be deeded to the Town of Coventry.

The petitioner will install a gravity sewer line to service the development, which will

include a line to the Tiogue School. We will secure easements from two abutting neighbors. All lots will be 12,000 to 14,000 square feet. This matter will come before the Planning Commission for further hearings, we are only at the beginning of the process. The Planning Commission recommends that the Town Council approve tonight's petition for a zone change from R-20 to PUD. Attorney Brunero went on to say that this is a win/win for Coventry as the area and the school will be sewerred; the developer wins with a project with sewers vs. I.S.D.S.; and the town wins as it will be deeded a 4+ acre of land, over which the town will have full control. Access will be for very passive recreation.

With regard to another issue, an encroachment problem, Gerald and Karen Wolniewicz, the owners of One Ferris Drive are here this evening and are represented by Attorney Andrew Gilstein. We have worked this out with them, will do an administrative subdivision and give them that piece of property.

David Florio, 153 Princeton Ave, stated that the Planning Commission has taken hours of testimony on this zone change and has been working with both the developer and Attorney Brunero all through the process. It is a very long process but I can attest that they have worked to make this the best possible project.

Ken Jackson, 2799 Harkney Hill Road, asked who owns the sewer line. Attorney Brunero responded that this will be a public line.

David Beaudreau of 52 Rawlinson Drive asked if there would be a cul de sac or straight drive through to East Shore Drive. Attorney Brunero indicated it would be a cul de sac and there would be no access via East Shore Drive. Mr. Beaudreau questioned a right of way, an old fire easement. Attorney Brunero agreed and stated that this was an old fire way from the 19<sup>th</sup> century. It would not be needed anymore for utilization since the roads in the area now are very accessible and much wider.

Jeff Hakanson, 30 Lakeside Drive, Tiogue Lake Association, appreciates that there will be a 4 acre parcel of land on the shores of Tiogue Lake donated to the town which will have to stay in its natural state.

John Assalone thanked the public for their support. With regard to the 4 acre parcel, he requested that if the town ever decides to name the park, that it be named after the late William Hall, who urged me seven years ago to try to get sewers in there. Bill's years of service to the community include membership on the Town Council, Planning Board and Sewer Subcommittee as well as years of service as a firefighter.

Lori Solstrom of 10 Rawlinson Drive asked if there would be any commercial zoning the PUD. Attorney Brunero stated it would be residential only, no commercial or industrial zoning, only single family homes.

A motion was made by Vice-President McGee seconded by Councilwoman Carlson to close public hearing. All voted Aye.

A motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to adopt ordinance requesting a zone change. All voted Aye.

#### PUBLIC COMMENT

Sandra Wright, 11 Walnut Hill Road, wants something done about the trash, drugs, smoking and liquor at Breezy Lake beach off of White Rock Road. She is concerned about what is going on down there and also concerned that there could be break-ins to her home. This has become a safety issue. Neighbors are afraid of retaliation.

Vice-President McGee remarked that he has talked to the police chief and director of parks and recreation about this problem and they have both been more than cooperative with you. He also talked to some neighbors and not all feel the same way about this. We will not close the beach, but maybe could look into getting some help from people who are serving out community service.

Chief Volpe suggested setting up a camera system. For the most part people there are just fishing, but we ask neighbors to call us if they see something out of the ordinary.

Ken Jackson, Harkney Hill Road. Suggested calling the State Police for help. Then asked why CCFD is using the town's pumps? He suggested it would be wiser for the Town

Council to inform CCFD that they need to get their fuel from a private supplier. The citizens of the Town of Coventry could be exposed to additional losses.

Deborah Pagano, 27 Catalpa Way, asked why there are no sewers or septic systems or running water at 75 Airport Road and whether or not that is safe and sanitary.

She indicated that businesses at 75 Airport Road are violating the ordinance adopted by the Town Council on May 13 regarding hours of operation. Work has begun before 7 am, even before 6:00 a.m. on occasion. The ordinance states that the Town Council may allow operation outside of these hours, after a public hearing is held. President Cote responded that the ordinance the town passed does not take precedence over the court order that Mr. Miozzi received from the RI court system, allowing him to operate 30 days a year outside of the ordinance.

Ms. Pagano asked how we would know if it is only Mr. Miozzi who is opening early and President Cote replied that the police would have to go down there and check.

Tom Forcier, 30 Lori Lane, believes there are violations on a road within Colwell's Campground and feels that zoning laws are not being enforced. As an adjacent property owner, he maintains that:

- The campground has been expanded
- An illegal road was put in
- The camping season runs from April 15 to October 31 and 20% can be year round camping, but something is going on here, it is becoming a trailer park.
- Wooded buffers are disappearing
- A special use permit is needed for added campsites
- The owner is developing the recreational part of the campground
- People are building little roofs on their trailers
- The Zoning officer said he finds no violations

President Cote remarked that Mr. Forcier thinks the campground is being expanded; the owner maintains that he is changing the campground, moving sites around, not expanding, has the same number of sites. Mr. Peabody has indicated no violations. The owner is moving part of the road, as requested. Perhaps Mr. Forcier and his attorney could provide a presentation to the Town Council, showing everything that you feel you need to show us.

Irene Drew, 23 Catalpa Way, referred back to issues at 75 Airport Road and would like clarification as to non-conforming use and why the ordinance is not being enforced. President Cote responded that Mr. Miozzi's court order supersedes the town ordinance. Ms. Drew does not agree. Somebody is down there operating before 7 a.m. The police are not responding, how do we know who is operating? The ordinance states there are penalties to operate before 7 a.m., so the town is losing revenue. Maybe it's Mr. Pastryak or Mr. Baird.

Ms. Drew also asked that the town go back to court and ask the judge to revoke the consent order. Ms. Drew brought to council's attention that Mr. Baird has a demeaning and obnoxious sign posted on his property which devalues our properties and she would like it removed.

Charlie Vacca, Vice President of the Pawtuxet Valley Preservation and Historical Society, told the Council that the group is working on a preservation project restoring and repairing Manchester and Pine Grove Cemeteries. He invited the Council to attend a walk-thru to see the progress that is being made and also requested funding from the town in the amount of \$3,000 or \$4,000.

President Cote will take the request for financial help under advisement and talk with the Town Manager and Finance Director. As far as a walk-thru, will have to talk to the rest of the Town Council, because that would have to be advertised as a public meeting.

Sue Colwell, Lori Lane, asked the Town Council to hold off on renewal of campground license until legal issues are settled.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to adjourn. All voted Aye.

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Town Clerk