

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF COVENTRY**

ORDINANCE NO. _____

The Town Council of the Town of Coventry hereby Ordains the following Amendment to **Section 106-6 (E)** of the Coventry Code of Ordinances:

- E. Calculation of the fair share development fee, also known as the "impact fee."
- (1) The fair share development fee is ~~\$7,596.00~~ 5,854.00 per residential dwelling unit. In support thereof, the Town conducted a needs assessment as more fully set forth in the Fair Share Development Fee Report.
 - (2) The amount of the fair share development fee may be reviewed and amended from time to time as determined necessary by the Town Council.
 - (3) The fair share development fee shall be reasonably related to new developments' share of the costs of infrastructure improvements necessitated by the new development. Said costs shall represent public facility expansion or improvements or reasonable estimates of the costs of expansion or improvements to be incurred by the Town.
 - (4) The fees per residential dwelling unit shall be apportioned as follows:
 - (a) Law enforcement: ~~\$1,520.00~~ 1,171.00
 - (b) Parks and recreation: ~~\$1,140.00~~ 878.00
 - (c) Human services: ~~\$150.00~~ 117.00
 - (d) Public works: ~~\$1,900.00~~ 1,464.00
 - (e) Public schools: ~~\$2,280.00~~ 1,756.00
 - (f) Government center/library expansion: ~~\$230.00~~ 176.00
 - (g) Sewers: ~~\$150.00~~ 117.00
 - (h) Other public facilities: ~~\$226.00~~ 175.00
 - (i) Total: ~~\$7,596.00~~ 5,854.00.

Introduced By:



Kerry McGee District 3

EFFECTIVE DATE

- 1. This Ordinance shall become effective upon passage.**

I hereby certify that the foregoing Ordinance amendment was adopted by the Honorable Town Council of the Town of Coventry at a regular meeting held on the _____ day of _____, 2020.

ATTEST: _____
Town Clerk

President, Town Council

PROPOSED BY: Kerry McGee

Posted by Town Clerk on: October 6, 2020

First Reading at Council Meeting held on: October 13, 2020

Advertised in Kent County Daily Times on: _____

Public Hearing date: _____

Adopted: _____

TOWN OF COVENTRY
FAIR SHARE DEVELOPMENT FEE REPORT

(revised, March 9, 2020)

I. Legal Authority

Rhode Island General Laws § 45-22.4-1, the “Rhode Island Development Impact Fee Act” (“Act”) so-called authorizes governmental entities to adopt ordinances which impose development impact fees.

An impact fee is a charge imposed upon a new development by the Town to fund all or a portion of a Town’s public facility’s capital improvement affected by the new development from which it is collected or to be collected.

Pursuant to the Act, “public facilities” means: water supply production, treatment, storage and distribution facilities; wastewater and solid waste collection, treatment and disposal facilities; roads, streets and bridges, including rights-of-way, traffic signals, landscaping, and local components of state and federal highways; storm water collection, retention, detention, treatment and disposal facilities, flood control facilities and bank and shore projections, and enhancement improvements; parks, open space areas, and recreation facilities; police; emergency medical, rescue, and fire protection facilities; public schools and libraries; and other public facilities consistent with a community’s capital improvement program.¹ [See: R.I. Gen. Laws § 45-22.4-3 (7).]

Pursuant to the aforesaid authority under the Act, the Coventry Town Council enacted the “Fair Share Development Fee Ordinance,” found at Chapter 106 of the Town Code of Ordinance, Section 106-6 [Amended 3-26-2001 by Ord. No. 2-01-0224; 5-13-2002 by Ord. No. 2-02-0229; 9-13-2010 by Ord. No. 02-10-280.]

The Town performs an annual review of the impact fee program as part of the annual budget process, including the annual review and approval of the Town’s Capital Improvement Plan, which takes into account the needs of the Town as well as those funds that are available from the impact fee program and all other sources of revenue.

II. Summary

This Fair Share Development Fee Report (“Report”) establishes a needs assessment for the types of public facilities for which the impact fees also known as the “Fair Share Development Fees” are collected.

¹ The Town of Coventry does not operate a water supply system and does not have a municipal fire suppression and emergency medical services (i.e. rescue) operation; rather, those services are provided by independent, quasi-municipal fire districts throughout the Town which have their own taxing authority to support the services provided.

Fair Share Development Fees are calculated based on the actual cost of public facility expansion or improvements, or reasonable estimates of the cost to be incurred by the Town as a result of new development.

Fair Share development fees are not to be considered ordinary revenue to the Town.

The Finance Director is the collection agent and is responsible to ensure that fees are deposited into a separate account(s) and that collected monies will be expended in accordance with the capital improvement plan.

As used throughout this Report, “Fair Share Development Fees” are synonymous with the term “impact fees.”

III. Existing Forms of Development Exactions

Certain forms of impact exaction on land development have existed for decades. Rhode Island General Laws § 45-23-25, *et seq.* authorizes cities and towns to enact ordinances and subdivision regulations which control land development within their respective jurisdictions. To that end, developers are required to meet Town standards for road construction, drainage measures and infrastructure improvements to support the new development. In addition, dedication of open space and installation of betterments (i.e. sewers, public water, traffic control devices, streetlights and the like) may be exacted upon developers in order to service new subdivisions and land development projects. These non-monetary exactions are site specific. Impact fees are contributions which may be used for town-wide benefits.

IV. Purpose

The imposition of impact fees is an integral means of managing residential land development in the Town of Coventry. Coventry is the largest municipality in Rhode Island by land area and has the greatest available land area for development and expansion. The population of the Town as reported by the U.S. Census Bureau as of July 1, 2018 (latest available data) was 34,698.²

It is the function of the fees to ensure that adequate public facilities are available to serve current and future residents of the Town while not placing an undue financial burden upon existing taxpayers as the result of new development within the community.

² U.S. Census Bureau
(<https://www.census.gov/quickfacts/fact/table/coventrytownkentcountyrhodeisland/PST045218#PST045218>)

R.I. Gen. Laws § 45-22.4-5 further provides that impact fees must be deposited in a special proprietary fund; the funds so collected must be expended within eight (8) years of the date of collection unless otherwise infeasible in which case the fees may be retained for a larger period, not to exceed twelve (12) years; and impact fees shall not be collected for remodeling or other improvements to an existing structure, or rebuilding a damaged structure, unless there is an increase in the number of dwelling units.

V. Coventry's Capital Needs

As noted above, the Town's 2018 population was 34,698; by comparison, the Town's 2000 population was 33,668³ and the Town's 2010 population was 35,014.⁴

The Town's total area is 62.3 square miles, with 2.8 square miles of water.

The increase of population growth has led to pressures on most town services and facilities.

Public facilities which have been greatly impacted include those associated with the Police Department, Public Works Department and the School Department.

A. Public Safety

The Coventry Police Department was, until this past month, located in the former Town Hall building located at 1075 Main Street. The Department moved to a new location, a combined with the Town's Department of Human Services, a renovated municipal (former school) building located at 60 Wood Street.

There are always increased pressures on law enforcement when populations increase. Whether those particular needs are part of any given years' capital improvement plan, it is reasonable to expect that as critical vehicles and equipment age, replacements will be necessary.

There are fifty-seven (57) sworn officers and a total of seventeen (17) Civilian Staff (comprised of Animal Control; Clerical/Administrative; MIS; and, Dispatch.)

Over the next five (5) years, the Police Department has identified the following areas of necessary capital expenditures:

Animal Control Facility	\$90,000
Access Road to CPD Facility	\$250,000
Boat	\$40,000
Administrative Vehicles (5)	\$175,000
Radio Tower Security Fence	\$10,000

³ U.S. Census Bureau

⁴ U.S. Census Bureau

Animal Control Vehicle \$25,000

These costs for the next five (5) years total: \$590,000.

B. Parks & Recreation

In 2000 the Town owned 345 acres of parks and recreation land. By comparison, as of 2020, the Town owns approximately 360 acres of parks and recreation land.

Currently, the Town's Parks & Recreation Department is charged with the responsibility of owning and/or maintaining 1324 acres of park property (regardless of ownership) and municipal recreational facilities. These facilities include athletic fields, playgrounds, beaches, open space and play courts.

The RI Department of Environmental Management ("RIDEM") just completed the 2019-2024 Statewide Conservation and Outdoor Recreation Plan ("SCORP"). (This replaced the former Ocean State Outdoors Plan.) The SCORP outlines the existing status, current needs, and future vision for outdoor recreation and open space protection throughout the State. It was informed by public input from the State's growing and changing population and sets concrete goals and strategies for improvements and additions to infrastructure, programming, and resources. It also provides that municipalities are responsible for planning and providing facilities and programming activities that primarily benefit the residents of the respective municipality. Rhode Island law authorizes municipal governments to develop a comprehensive community plan that includes an open space and recreation element and a natural resources element that are consistent with State plans.⁵

Neighborhood parks, playgrounds, basketball, tennis courts and fields for team sports are emphasized at the local level.⁶

As the Town's population continues to grow the need for recreational activities for youths, adults and senior citizens continues to expand.

Costs associated with this growth include the following:

Basketball Courts	\$104,000
Teen Center	\$22,000
Community Center	\$17,500
Garage	\$50,000
Playgrounds	\$255,000
Pain Field Flood Lights	\$200,000

⁵ R.I. Gen. Laws § 45-22.2-1, *et seq.*

⁶ SCORP, page 14.

These costs for the next five (5) years total: \$648,500.

C. Human Services

The Town's Department of Human Services ("DHS") is located at 60 Wood Street in a renovated facility shared with the Police Department. The Senior Center is co-located with the DHS space is serviced by DHS personnel. While the DHS benefits from a new facility, the need for additional capital improvements to satisfy the needs of Town's increasing senior citizen population, caregiver support groups and victims of domestic violence is ever present.

D. Public Works

The Department of Public Works ("DPW") is comprised of the Administrative Section, Roads & Bridges Division, Sanitation Division, Vehicle Maintenance Division, Building maintenance Division and Building Inspector's Department. As the Town's population continues to increase there are further demands made upon the DPW for providing trash, solid waste collections and recycling services.

The Roads & Bridges Division is responsible for resurfacing/repairing and grading the 225 miles of paved town roads and 25 miles of gravel (or unimproved) town roads, clearing & maintaining road drainage, installation of storm water drains, implementing Stormwater Phase II measures to meet compliance standards of U.S. Environmental Protection Agency, clearance of roads during and after storm events such as snow, extreme winds, hurricanes and flooding.

The Sanitation Division collects and disposes of trash, solid waste and recyclable materials. The division also assists the response to emergency weather events.

The Vehicle Maintenance Division performs minor and major repairs to the Town's fleet of municipal vehicles. It also assists in the response to major storm events.

The Administrative Section provides for the overall supervision and direction of the DPW, inspection & maintenance of the fueling station for town vehicles and operation of the transfer station which provides a conduit for delivery of trash to the Rhode Island Resource Recovery Corporation ("RIRRC") in Johnston, Rhode Island. The transfer station handles solid waste, yard waste, recyclables, and white goods.

The DPW Facility consists of one (1) building located at 1672 Flat River Road, Coventry. The facility is 6800 square feet in area. The facility currently provides space for a vehicle maintenance area (where repairs on the Town's fleet are made), an office area for the DPW Director; four (4) Foremen (General, Roads & Bridges, Sanitation, Building Maintenance); one (1) administrative assistant; one (1) dispatcher; and, one (1)

Part-Time Recycling Coordinator. The last improvement to the facility was a small addition nearly thirty years ago. During any given year there are winter storm events; flooding events; and other wind/weather events that require emergent response by the DPW equipment and personnel.

The DPW site also houses the Town's Dog Pound (under the administrative control of the Coventry Police Department) and Salt Barn, which houses 2000 tons of salt material. (The Salt Barn was building with a RIDEM grant approximately 20 years ago.) These facilities require regular maintenance and upkeep.

The DPW is in need of expanding its facilities to include constructing a steel building to house DPW vehicles and large equipment. The vehicles in the DPW's fleet range from one (1) to twenty-six (26) years in age.

Costs associated to upgrade the town's capital needs related to Public Works and occasioned by future growth include the following:

Tiogue Lake Gatehouse Replacement	\$121,775
Pavement Management Study	\$123,845
Mill Worker's House Site Remediation	\$115,000
Upper Dam Pond Stormwater Runoff	\$861,779
Support Vehicle	\$20,000
Ford F-550 Dump Truck(s)	\$152,250
Freightliner 6-Wheel Dump Truck(s)	\$392,205
Mini-Excavator	\$85,000
Self-contained Wash Rack System	\$244,125
Brush Chipper	\$36,100
Material Screener	\$79,000
Town-Wide Resurfacing	\$6,250,000
Solar Powered Portable Message Board	\$20,250
Vacuum/Jetter Truck	\$389,045
4-Ton Hot Box/Reclaimer Trailer	\$36,450
9' Snowplow(s)	\$20,460
11' Snowplow(s)	\$69,435
2.5 cy Poly Sander	\$6,940
5 cy Stainless Steel Sander	\$37,000
Brine Anti-Icing System	\$147,000
Town Hall/Library Emergency Generator	\$150,000
LED Municipal Message Board	\$21,000
Annex Northeast Roof Replacement	\$400,000
Public Works Roof Replacement	\$175,000
Kubota All-Season Mower, Blower, Snow	\$35,275
Security Partitions (Town Hall)	\$18,000
Vehicle Tire Maintenance Equipment	\$32,000
30,000-lb Heavy Duty Truck Lift	\$32,000
Digital Radio System	\$46,325

Diesel Emission Fueling System	\$24,000
Vestige 4-Camera Video System	\$14,905

These costs for the next five (5) years total: \$10,156,164.

E. Public Schools/School Department

As of June, 2019, there were 4805 students enrolled in the Coventry Public School system. The School Department has the following schools under its jurisdiction: Coventry High School, Feinstein Middle School, Blackrock Elementary School, Hopkins Hill Elementary School, Tiogue Elementary School, Western Coventry Elementary School and Knotty Oak Elementary School.

The School Department is currently in the process of a Stage I and II Rhode Island Department of Education (“RIDE”) bond approval submission to secure bond funding for significant improvements to the school facilities. While no decision has been made as to the amount of bonded indebtedness to seek approval for from the taxpayers and from RIDE⁷, the projected bond amounts range from \$42 million to \$127 million dollars.⁸

Notwithstanding the pending potential for a RIDE School Construction bond program, the continued growth of the community has exacerbated the overall capital needs of the School Department, which include the following:

Gymnasium Floor Replacement (CHS, FMS)	\$378,800
Generator Replacement (CHS)	\$122,758
Security Upgrades	\$30,000
Fire Alarm Upgrades	\$30,000
School Intercom Upgrades	\$240,800
Ceiling Tile Replacement (all facilities)	\$378,000
Retaining Wall (FMS)	\$43,500
Roof Replacement (FMS)	\$500,000
Sewer Connection (CHS, Tiogue)	\$310,000
Painting/Exterior Repair	\$120,000
HVAC Controls	\$125,000
Paving	\$250,000
Concrete Sidewalk Replacement	\$120,000
Window Replacement	\$250,000
HVAC Upgrades (all facilities)	\$100,000

⁷ As part of a RIDE School Construction program, the School Department is eligible for reimbursement of up to 44% of approved, School Construction costs. It is impossible to estimate the amount of the bond sought at this time and it is impossible to determine the scope of reimbursement potential at this time. Both are contingent upon decisions made by the School Committee, Town Council and the voters of the Town at subsequent process stages.

⁸ Assuming a bonded indebtedness of \$85 million (the mean between the lowest and highest anticipated construction bond amounts.)

Floor Tile Replacement (HH, CHS)	\$210,000
Electrical Upgrades (all facilities)	\$150,000

These costs for the next five (5) years total: \$3,358,058.

F. Town Hall Annex/Library Expansion

The Town Hall offices and Library are located at 1670 Flat River Road. The total facility is approximately 20,000 square feet in area. The Library occupies approximately 10,000 square feet in area. The balance of the area is occupied by other municipal offices and staff including the Town Manager, Tax Assessor, Town Clerk, Tax Collector, Municipal Court, Board of Canvassers and Finance Director.

The Town Hall was built in 1979. At that time the community’s population was 27,065.⁹ As of 2018 the Town’s population has increased to 34,698.¹⁰ This represents an increase of nearly thirty (30%) percent.

The Town Hall suffers from a lack of space and privacy provided to citizens, especially those who seek advice from the Tax Assessor’s office, Tax Collector’s office and the Town Clerk. Moreover, there is a lack of storage space for these offices.

With respect to the Library, since the time of construction of the Town Hall in 1979 and 2010, the circulation materials have increased by 54% and the library collection has grown from 20,379 items to 103,000 an increase of over 500%. In the next five (5) years it is a priority that the library obtains more space – whether that means an addition to the current building or finding and renovating space in another building.

The library is very limited in terms of space and does not have adequate space for regular programming, community meeting space or quiet study rooms. The children’s room is very popular and crowded. Last year, the library had 97,396 visitors to the library and 17,038 people attended our programs – which is impressive given the space constraints. The Coventry Public Library Foundation has identified the need for more space that would include a separate computer room, quiet study areas, and a community/program.

In order to comply with the Public Library Minimum Standards and Regulations, the library needs to provide “adequate space to implement a full range of library services, including community meeting space (s), as determined by its long-range plan.” Not meeting these minimum standards could jeopardize future funding opportunities.

At one time, there was a plan to relocate and upgrade Town Hall and expand the Library by using the municipal Town Hall Annex building located at 1675 Flat River Road. Based on prior estimates and construction building cost indices, the present

⁹ U.S. Census

¹⁰ U.S. Census, 2018 data.

upgrade and renovation work to relocate Town Hall facilities to the Annex and expand the Library is \$8,486,059.¹¹

G. Sewer Upgrades & Expansion

Heretofore, the General Assembly enacted Chapter 175 of 1970 which authorized the Town to plan, construct, finance and operate sewage works.

In 1984 the Town signed an inter-municipal agreement with the Town of West Warwick which provided 2.25 mgd (average daily flow) capacity in the West Warwick Regional Wastewater Treatment Facility. This agreement was amended in 1999. The agreement and amendment thereto provide in part that Coventry would be responsible for its pro-rata share of improvements to the wastewater sewer treatment facility to include upgrades to the plant. The plant is regulated by the R.I. Department of Environmental Management (“RIDEM”). It must meet discharge requirements mandated by RIDEM and the U.S. Environmental Protection Agency (“USEPA”). The most recent mandates of USEPA relate to further restrictions on nitrogen and phosphorus discharges. These regulations will necessitate further costly upgrades at the wastewater treatment facility.

The construction of sewer lines in Coventry started with the construction of public sewers along portions of New London Turnpike, Hopkins Hill Road, Arnold Road, Main Street (Harris) and North Road Terrace in the 1980s. These sewers connect to the Regional Sewer Treatment facility in West Warwick. Since that time, there has been continual expansion of the sewer system.

Beginning in September 2015, the Town amended its Sewer Ordinance to reallocate and refine the sewer assessments. This caused a significant increase in the amount of the assessments and a corresponding public backlash against continued expansion of the program, despite the fact that the sewer program operates as an enterprise fund. The sewer program ought to be reinstated as an economic development program, but it expected to need a significant influx of cash to the program.

H. Other Public Facilities Consistent with the Town’s Capital Improvement Plan.

In addition to those items identified in Sections V Subsections A – G, the increase in population results in a greater need for other capital improvements such as sidewalks and acquisition of open space. While seemingly inconsequential, these are important aspects of enhanced, inviting neighborhoods and local communities.

¹¹ This is based on the nonresidential construction inflation as averaged over the past ten (10) years with data from Construction Analytics Building Cost Index, Turner Building Cost Index, Rider Levett Bucknell Cost Index and Mortenson Cost Index.

As new subdivisions are developed, homeowners in adjacent, existing properties and subdivisions will experience increased pedestrian traffic around and over their properties occasioned by the new development. Examples include land developments abutting Walker Farms & Walker Ridge, new developments adjacent to Hopkins Hill Road, Edith Street, New London Turnpike and Raven Boulevard. In addition to enhancing the quality of life through walking, sidewalks serve to protect children and adults from injuries vehicular traffic. Construction of ten (10) miles of sidewalks at \$120.00/LF would be an expenditure of \$6,335,868.

Increased population increases the need for expanded passive recreational opportunities for Coventry residents. The Town has been successful in the past with partnering with State and federal agencies in the acquisition of open space. However, the source of third party funding is ever diminishing. Coventry at 62 +/- square miles is the largest land mass in the State. *Land Use 2025* (the Rhode Island State Land Use Policies and Plan) provides that municipalities should expand opportunities for public access to natural resources, recreational facilities and pedestrian trails & paths.¹² As of 2010, the Town owns or has development rights in approximately 400 acres. An additional 200 acres is needed in order to serves the eastern and far western sectors of the Town. The present estimated cost of open space is \$52,000.00 per acre. Accordingly, the acquisition of 200 acres would be approximately \$10,400,000.

The total costs for the Other Public Facilities identified herein are: \$16,735,868.

VI. Coventry's Proposed Impact Fee

This Report identifies seven (7) major areas for capital improvement costs that are eligible as factors in establishing and/or amending the current impact fee ordinance. They include: Public Safety; Parks & Recreation; Human Services; DPW; Town and municipal infrastructure improvements; public facilities improvements; and, public school capital needs.

The total of these capital facility construction, expansion or improvement costs is \$39,974,649. [as of 03-10-2020]

The Town's population is currently 34,698 (based on 2018 U.S. Census Bureau data.) Based on information from the Tax Assessor, there are 12,968 housing units in Town. Based on a population of 34,698, this yields an average of: 2.68 persons per dwelling unit (using 12,968).

\$39,974,649

The cost of inflation for a five-year period (2015-2020)¹³ is: \$4,637,059

¹² Land Use 2025

¹³ 2015-2020 11.6% inflation (<https://www.usinflationcalculator.com/inflation/current-inflation-rates/>)

= \$44,611,708

The cost of a bond¹⁴ at three and one-half percent (3.5%) for twenty (20) years is: \$31,308,550.

(Bond interest: \$31,308,550)

\$44,611,708 + bond = \$75,920,258

\$5,854.43 based on 12,968 households from Tax Assessor.

¹⁴ Assuming an average school construction cost of \$85 million with state reimbursement of 45%.