

## MINUTES OF SMITHFIELD TOWN COUNCIL MEETING

**Date: Tuesday, February 6, 2018**

**Place: Smithfield Town Hall**

**Time: 6:30 P.M.**

Present: Town Council President Paul M. Santucci  
Town Council Vice-President Alberto J. LaGreca, Jr. (excused)  
Town Council Member Maxine A. Cavanagh  
Town Council Member Suzanna L. Alba  
Town Council Member T. Michael Lawton  
Town Solicitor Patricia A. Buckley, Esq.  
Town Manager Randy R. Rossi  
Town Clerk Carol A. Aquilante

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**Motion** is made by Council member Cavanagh, seconded by Council member Lawton, to consider, discuss and act upon matters pursuant to Rhode Island General Laws Sec. 42-46-5(a)(5), Real Estate; to consider and discuss possible acquisition of property by the Town and Consider, discuss, and act upon matters pursuant to Rhode Island General Laws Sec. 42-46-5(a)(1), Personnel; to interview Benjamin Dodge for possible appointment to a Town Board or Commission. **Motion is approved by a unanimous 3/0 vote.** Town Clerk Aquilante takes a roll call vote of each Town Council member's vote to convene the Closed Session. Council member Alba arrive after the Executive Session was convened.

**Council President Santucci calls the Tuesday, February 6, 2018 Smithfield Town Council meeting to order at 7:00 p.m.**

- II. Town Council President Santucci offers a prayer.**
- III. Town Council President Santucci conducts a salute to the flag.**
- IV. The Emergency Evacuation and Health Announcement is made by Town Manager Randy Rossi.**
- V. Presentation: none**
- VI. Minutes:**
  - A. Move that the minutes of the January 16, 2018 Town Council meeting be approved, as recorded.**

**Motion** is made by Council member Alba, seconded by Council member Cavanagh, that the minutes of the January 16, 2018 Town Council meeting be approved, as recorded. **Motion is approved by a unanimous 4/0 vote.**

- B. Move that the minutes of January 16, 2018 Town Council meeting closed session be approved, as recorded, and sealed.**

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the minutes of the January 16, 2018 Town Council meeting closed session be approved, as

recorded, and sealed. **Motion is approved by a unanimous 4/0 vote.**

**VII. Consider, discuss and act upon the following possible appointments and reappointments:**

**A. Smithfield Water Supply Board Advisory Commission appointment with a term expiring December 2020.**

**Motion** is made by Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council hereby appoints Paul Perrotti to the Smithfield Water Supply Board Advisory Commission with a term expiring December 2020. **Motion is approved by a unanimous 4/0 vote.**

**B. Smithfield Water Supply Board Advisory Commission appointment with a term expiring December 2020.**

**Motion** is made by Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council hereby appoints Derek Tomka to the Smithfield Water Supply Board Advisory Commission appointment with a term expiring December 2020. **Motion is approved by a unanimous 4/0 vote.**

**C. Smithfield Economic Development Commission appointment with a term expiring March 2020.**

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council hereby appoints Kenneth Sousa to the Smithfield Economic Development Commission appointment with a term expiring March 2020. **Motion is approved by a unanimous 4/0 vote.**

**D. Smithfield Prevention Coalition reappointments (6) with terms expiring December 2018.**

**Motion** is made by Council member Cavanagh, seconded by Council member Alba, that the Smithfield Town Council hereby reappoints Amy Webster, Barry Sutcliffe, Cory Carpenter, Harold Hemberger, Robert Seltzer, and Ward Harrison to the Smithfield Prevention Coalition with a term expiring December 2018. **Motion is approved by a unanimous 4/0 vote.**

**E. Smithfield Affordable Housing Advisory Board appointment with a term expiring March 2020.**

**Motion** is made by Council member Lawton, seconded by Council member Alba, that the Smithfield Town Council appoints Spencer Rickert to the Smithfield Affordable Housing Advisory Board with a term expiring March 2020. **Motion is approved by a unanimous 4/0 vote.**

**VIII. Public Hearings:**

- A. Consider, discuss, and act upon scheduling a public hearing on February 20, 2018 on proposed amendments to Town Ordinance Chapter 193-13, Article IV, Assessor Fees.**

Town Manager Rossi explains that the scheduling of the Public Hearing is needed to make amendments to the Town Ordinance outlining Tax Assessor fees that were last amended in 2004 and in need of updating.

**Motion** is made by Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council schedule a Public Hearing on amendments to Town Ordinance Chapter 193-13, Article IV, Assessor Fees for the Tuesday, February 20, 2018 Town Council meeting. **Motion is approved by a unanimous 4/0 vote.**

- B. Consider, discuss, and act upon scheduling a public hearing on March 6, 2018 to solicit comments on the Year Fourteen (14) RIPDES Small MS4 Annual Report.**

Town Manager Rossi explains that each year a Public Hearing needs to be scheduled but only takes place in the event that twenty-five (25) or more people express interest or have comments about the report.

**Motion** is made Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council schedule a Public Hearing on March 6, 2018 Town Council meeting to address and finalize any comments on the RIPDES small MS4 Annual Report for Year 14. If no public comment is submitted, as outlined above, a Public Hearing will not be required. **Motion is approved by a unanimous 4/0 vote.**

- C. Consider, discuss, and act upon scheduling a public hearing on March 6, 2018 to consider amendments to the Comprehensive Community Plan involving a change of responsibility for the review of all Comprehensive Permit applications from the Zoning Board of Review to the Planning Board.**

**Motion** is made by Council member Alba, seconded by Council member Lawton, that the Smithfield Town Council schedule a Public Hearing on March 6, 2018 to consider amendments to the Comprehensive Community Plan that change the responsibility for review of all Comprehensive Permit applications from the Zoning Board of Review to the Planning Board. **Motion is approved by a unanimous 4/0 vote.**

- D. Conduct a Show-Cause Hearing to consider the possible suspension, revocation, or other sanction regarding the listed Liquor License due to expiration, non-renewal or non-compliance with the conditions of renewal:**

- 1. Rocco's LLC d/b/a "Rocco's Pub & Grub", 55 Douglas Pike, Unit 101**

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Council President Santucci declares the Public Hearing open.

Rocco Quattrocchi, owner of Rocco's Pub & Grub, is present to address the Town Council.

Council President Santucci explains that the reason for this Show-Cause hearing this evening is because Mr. Quattrocchi has not complied with all the requirements for his Liquor License renewal. Council President Santucci further explains the license expired on December 1, 2017, and Mr. Quattrocchi has been operating without a Liquor License. Council President Santucci states that on December 20, 2017 the Town Solicitor sent a letter by certified mail to Mr. Quattrocchi's home in Lincoln, R.I. and the letter was never signed for. Council President Santucci further states that on January 11, 2018 the Town Solicitor sent another letter to Mr. Quattrocchi's home and place of business and, the letter was delivered and signed for at Rocco's Pub & Grub. Council President Santucci also explains that the following items have not been supplied by Mr. Quattrocchi for his renewal.

- Failure to obtain a Certificate of Good Standing
- Failure to submit a copy of the Permit to Makes Sales at Retail
- Failure to pay the Advertising Fee
- Failure to submit a copy of the Food Business License

Council President Santucci also reads an email by Mr. Quattrocchi to Town Solicitor Buckley explaining his situation with the Division of Taxation.

Council President Santucci asks for a valid home address to send correspondence in the future.

Mr. Quattrocchi explains that he still lives at that address, but he is not home during day when mail is delivered.

Council member Alba asks Town Clerk Aquilante if this has happened in the past with this business.

Town Clerk Aquilante replies that Mr. Quattrocchi did not comply by the deadline date last year of December 1<sup>st</sup> either.

Mr. Quattrocchi explains that one of his former employees did not follow up with the Town of Smithfield regarding the paperwork. Mr. Quattrocchi also explains that there was a mix-up with his personal tax filing going back to 2014 through the Division of Taxation that needs to be resolved.

Council member Lawton and Council member Cavanagh are not in favor of closing small businesses in Town, however, this matter needs to be resolved.

Council President Santucci states that Mr. Quattrocchi has been given ample time to obtain all his requirements.

Town Clerk Aquilante states that the renewal documentation was sent out in July, giving ample time to business owners' time to file the necessary paperwork with the Division of Taxation.

Upon further discussion the Town Council members agree to give Mr. Quattrocchi until February 28, 2018 at 12:00 noon to obtain all of the necessary paperwork from the Division of Taxation and to return on March 6, 2018 for either a renewal or the continuation of the Show-Cause Hearing.

Council President Santucci further explains that if Mr. Quattrocchi is not in compliance by the March 6, 2018 Town Council meeting his liquor license will revert back to the Town of Smithfield, and he will have to cease operations of his restaurant establishment.

**IX. Licenses and Permits:**

**A. Consider approving the annual renewal of one (1) Weapon License, as applied, subject to compliance with all State regulations and local ordinances.**

**1. Jim Anderson Gun Shop d/b/a “Jim Anderson Gun Shop”, 344 Douglas Pike**

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council approve the annual renewal of one (1) Weapon License, as applied, subject to compliance with all State regulations and local ordinances.

1. Jim Anderson Gun Shop d/b/a “Jim Anderson Gun Shop”, 344 Douglas Pike

**Motion is approved by a unanimous 4/0 vote.**

**X. Old Business: None**

**XI. New Business:**

**A. Consider, discuss, and act upon acceptance of a land donation of Plat 40, Lot 450 in the vicinity of Twin River Road.**

Town Manager Rossi explains that he was contacted by Barbara Garriepy concerning the donation of her property located on Plat 40, Lot 450, which abuts Town property on Twin River Road. Town Manager Rossi explains that a Phase I Environmental Site Assessment was completed by Lake Shore Environmental, and the property has received a clean bill of health and would be a viable property to accept for the Town.

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council accept the property donation by Ms. Barbara Garriepy of Plat 40, Lot 450. **Motion is approved by a unanimous 4/0 vote.**

**B. Consider, discuss, and act upon approving Amendment #16 for Group Annuity Contract 2484 with John Hancock Life Insurance Company for the Police and Fire Pension Funds.**

Town Manager Rossi explains that in the Town Council packet this evening there is the Amendment #16 for Group Annuity Contract 2482 with John Hancock Life Insurance Company for the Police and Fire Pension Funds. Town Manager Rossi further explains that this amendment will discontinue the contract with John Hancock and transfer all the plan assets to the Town's new recorder-keeper Principal with the exception of those persons that are receiving a guaranteed benefit under the plan.

**Motion is made by** Council member Alba, seconded by Council member Lawton, that the Smithfield Town Council approve Plan Amendment #16 for Group Annuity Contract #2482 with John Hancock Life Insurance Company for the Police and Fire Pension Funds. **Motion is approved by a unanimous 4/0 vote.**

**C. Consider, discuss, and act upon approving a provisional asset allocation for the Police and Fire Pension Funds.**

Town Manager Rossi explains that in the Town's continued efforts to address our locally administered pension funds the Police and Fire Pension Committee met on January 30, 2018 to recommend the attached provisional asset allocation. Town Manager Rossi further explains that the Committee is continuing to work with the Town's new investment advisor to develop an investment policy which will be brought back to the Town Council at a future meeting. Town Manager Rossi states that the provisional asset allocation will provide the investment advisor direction for managing the funds until a full investment policy is adopted.

**Motion is made by** Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council approve the provisional asset allocation for the Police and Fire Pension Funds as recommended by the Police and Fire Pension Committee. **Motion is approved by a unanimous 4/0 vote.**

**D. Consider, discuss, and act upon adopting a Resolution authorizing, approving, and directing the employment of certain law firms to represent the Town in potential litigation against contributors of opioid addiction crisis.**

Town Manager Rossi states that opioid abuse has grown to be the leading cause of death for those under the age of fifty (50) and has begun to effect cities and towns across the country. Town Manager Rossi further states that the opioid epidemic is creating pressure on healthcare facilities, as well as Police and Fire departments, resulting in rising costs, putting a strain on resources, and increasing concerns about public safety. Town Manager Rossi explains that the Town would be entering this litigation and will not obligate any taxpayer dollars under this arrangement, however, should the litigation be successful, the attorney would be entitled to the reimbursement of reasonable expenses and the agreed upon attorney's fee, all of which must be approved by the court. Town Manager Rossi also states that by the Town entering into this litigation it will give the Town the opportunity to fight the pharmaceutical drug manufactures and wholesale drug distributors who have not met their legal obligations to help prevent this crisis. Town Manager Rossi also explains that any funds achieved from the litigation would be

used to help combat the opioid crisis in Town through educational programs, increased enforcement, and additional medical resources.

Council member Cavanagh would like to see any future funds from these litigations to be used towards a Youth Center.

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council move passage of the Resolution to enter potential litigation against contributors of the opioid addiction crisis as presented. **Motion is approved by a unanimous 4/0 vote.**

**E. Consider, discuss, and act upon referring a project to the Economic Development Commission to research a potential redevelopment agency.**

Town Manager Rossi explains that upon attending an Economic Development Commission meeting with members of the Commission, it would be helpful to funnel their efforts into a project based system. Town Manager Rossi further explains that one of the first areas to have the commission help with would be to research the possibility of creating a redevelopment agency for the Town.

Council member Cavanagh reviews the City of Providence Redevelopment Agency Policy and states that it has a great deal of general powers and responsibilities.

**Motion** is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council refer a project to the Economic Development Commission to research a potential redevelopment agency. **Motion is approved by a unanimous 4/0 vote.**

**XII. Public Comment**

Michael Iannotti, Town resident, speaks of a new legislation (H7425) “An Act Establishing the Smithfield Land Trust,” which is repealed in its entirety. Mr. Ianotti explains that Representatives Thomas Winfield and Gregory Costantino have submitted this legislation to repeal; would hereby transfer to the Town Council of the Town of Smithfield all functions formerly performed or administered by the Smithfield Land Trust and all grants or funds, received or held by the Smithfield Land Trust. Mr. Iannotti further explains that in 2006 the voters of Smithfield agreed to a five (5) million dollars of Bonds for the Land Trust to purchase over 1,000 acres of land that the Land Trust manage. Mr. Iannotti states this legislation (if passed) will be disappointing to the land owners, voters, and the residents of Smithfield that enjoy the open space and walking trails.

Paul Aiello, Town resident, asks that the Rules of Procedure for the Town Council meetings be reviewed. Mr. Aiello states that the Town Council members should discuss and vote as a body of Government. Mr. Aiello feels that it does not make sense the way the Town Council is voting on important issues, without allowing the residents to voice their opinions. Mr. Aiello also states that any agenda item that the Town Council members vote on, the residents are only allowed to talk about that agenda item during Public Comment after the vote has been taken. Mr. Aiello

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states that it is poor business sense.

Donald Brown, Town resident, agrees with Mr. Aiello regarding the discussion of the residents on each agenda item.

Cheryl Iannotti, Town resident, believes that at the next Town Council meeting the Town Council members should discuss the course of action they should take regarding the new legislation submitted by Representative Thomas Winfield. Mrs. Iannotti does not feel this is good Government.

Council member Alba asks Town Manager Rossi to invite Representatives Winfield and Costantino to attend the February 20, 2018 Town Council meeting.

Donald Burns, Town resident, states that he is on the Conservation Commission and an ex-officio of the Land Trust. Mr. Burns explains that the Land Trust members work very hard and are proud of the work they have done.

Joseph O'Connor, Town resident, agrees with Mr. Aiello. Mr. O'Connor does not agree that the residents are not allowed to speak until Public Comment.

Donald Brown, Town resident, explains that he once served on the Town Council and believed in keeping the Town of Smithfield rural. Mr. Brown further explains that many residents enjoy the walking trails developed by the Land Trust.

John Serapiglia, Town resident, states that he supports local businesses, however, Rocco's Pub & Grub should comply or be fined.

Peter Pare, Town resident, states that he is on the Conservation Commission, and he believes that the dissolution of the Land Trust is being driven by one person.

Cheryl Iannotti, Town resident, believes that this item should be placed on the next agenda, and the Town Council should support a Resolution against this legislation.

Paul Aiello, Town resident states that there should be an Ethics Commission formed in Town by the Town Council to review Land Trust purchases.

**XIII. Announce any closed session votes required to be disclosed pursuant to RI General Laws, Sec. 42-46-4.**

Council President Santucci announces that there were no votes taken in Executive Session.

**XIV. Adjournment.**

**Motion** is made by Council member Alba, seconded by Council member Cavanagh, to adjourn the meeting. **Motion is approved by a unanimous 4/0 vote.**



Meeting adjourns at 8:05 P.M.

*Caul A. Aquilante, omc*

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Town Clerk