

MINUTES OF SMITHFIELD TOWN COUNCIL MEETING

Date: Tuesday, April 3, 2018

Place: Smithfield Town Hall

Time: 6:45 P.M.

Present: Town Council President Paul M. Santucci
Town Council Vice-President Alberto J. LaGreca, Jr.
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

Motion is made by Council member Alba, seconded by Council Vice-President LaGreca, 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. **Motion is approved by a 5/0 vote.** Town Clerk Aquilante takes a roll call vote of each Town Council member's vote to convene the Closed Session.

Council President Santucci calls the Tuesday, April 3, 2018 Smithfield Town Council meeting to order at 7:09 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 March 20, 2018 Town Council meeting be approved, as recorded.**

Motion is made by Council member Alba, seconded by Council Vice-President LaGreca, that the minutes of the March 20, 2018 Town Council meeting be approved, as recorded. **Motion is approved by a unanimous 5/0 vote.**

- B. Move that the minutes of the March 20, 2018 Town Council meeting closed session be approved, as recorded, and sealed.**

Motion is made by Council Vice-President LaGreca, seconded by Council member Cavanagh, that the minutes of the March 20, 2018 Town Council meeting closed session be approved, as recorded, and sealed. **Motion is approved by a unanimous 5/0 vote.**

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

A. Personnel Board reappointment with a term expiring March 2019.

Motion is made by Council Vice-President LaGreca, seconded by Council member Cavanagh, that the Smithfield Town Council hereby reappoints Scott Boyd to the Personnel Board for a term expiring in March 2019. **Motion is approved by a unanimous 5/0 vote.**

VIII. Public Hearings:

A. Conduct a public hearing 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.

Council President Santucci opens the Public Hearing.

Scott Levesque, Assistant Town Solicitor, explains that in compliance with R.I.G.L. 45-53-4, an amendment to the Comprehensive Community Plan, changing the responsibility for review of all Comprehensive Permit applications from the Zoning Board of Review, to the Planning Board be approved by the Town Council. Assistant Solicitor Levesque further explains that the Planning Board will be designated as the “Local Review Board” and will assume all responsibility for every state of review of the Comprehensive Permit applications. Assistant Solicitor Levesque states that the corresponding Zoning Ordinance Amendment was completed at the February 20, 2018 Town Council meeting.

Hearing no further comments Council President Santucci closes the Public Hearing.

Motion is made by Council Vice-President LaGreca, seconded by Council member Lawton, that the Smithfield Town Council adopt proposed 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 5/0 vote.**

B. Conduct a public hearing to consider amendments to the Code of Ordinances, Article IV “Comprehensive Permits”, Section 68-5 “Authority to act on applications; limits; and consideration of applications”.

Council President Santucci opens the Public Hearing.

Assistant Solicitor Levesque explains that an amendment to the Code of Ordinances, Chapter 68: Officers and Employees, Duties of, Article IV Comprehensive Permits is proposed that reflects recent amendments to the Zoning Ordinance dealing with the change of responsibility for review of all Comprehensive Permit applications from the Zoning Board of Review to the Planning Board.

Hearing no further comments Council President Santucci closes the Public Hearing.

Motion is made by Council member Lawton, seconded by Council member Alba, that the Smithfield Town Council adopt proposed amendments to the Code of Ordinances Chapter 68: Officers and Employees, Duties of, Article IV Comprehensive Permits 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 5/0 vote.**

C. Conduct a public hearing to consider amendments to the Sewer Authority Rules & Regulations, Chapter A361-37 “Connections to the system required” and Chapter A361-43 “General discharge prohibitions”.

Council President Santucci opens the Public Hearing.

Kevin Cleary, Town Engineer, explains that enclosed in their Town Council packet this evening are changes to the Sewer Authority Rules & Regulations pertaining to A361-47 “Connections to the system required,” and A361-43 “General Discharge Prohibitions.” Town Engineer Cleary further explains that the said language to the Rules and Regulations within the Ordinances is warranted at this time as general housekeeping and to accommodate industry demand for discharge prohibitions.

Hearing no further comments Council President Santucci closes the Public Hearing.

Council member Cavanagh asks about the 200 feet of any building line having to do with a recent problem.

Town Engineer Cleary explains that there was a problem with a developer crossing existing properties with existing residents, requiring the residents to connect to the sewer line. Town Engineer Cleary further explains that the change of this language clarifies from building line to part of single family home, which is in the redline ordinance.

Council member Cavanagh asks about the different categories.

Town Engineer Cleary explains Biological Oxygen Demand is based on industry demand, which also appropriate for the industry that needs it.

Motion is made by Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council hereby approved the draft amendments to the Sewer Authority Rules & Regulations A361-37 and A361-43, as submitted. **Motion is approved by a unanimous 5/0 vote.**

- D. Consider, discuss, and act upon scheduling a public hearing on May 1, 2018 on proposed Town Ordinance Article 5.11, “Solar Energy Systems” to add to the Zoning Ordinance a section to address the location and installation of solar energy systems.**

Motion is made by Council Vice-President LaGreca, seconded by Council member Cavanagh, that the Smithfield Town Council hereby schedules a Public Hearing on May 1, 2018 on proposed Town Ordinance Article 5.11 “Solar Energy Systems” to add to the Zoning Ordinance a section to address the location and installation of solar energy systems. **Motion is approved by a unanimous 5/0 vote.**

Alfred Costantino, Town resident, asks to speak in regards to this agenda item.

Council President Santucci states that there is no discussion regarding this agenda item, because the Town Council are just voting to schedule the Public Hearing which will take place on May 1, 2018.

Donald Brown, Town resident, is asking for information regarding this agenda item.

Town Manager Rossi states that the information will be posted on the Town’s website.

- E. Conduct a Public Hearing to consider the approval of outdoor seating and bar service for LJD, LLC d/b/a “Laura’s Bar and Grill”, located at 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances.**

Council President Santucci recuses himself.

Council Vice-President LaGreca opens the Public Hearing.

Council member Alba asks the number of outdoor seats there will be.

Mr. Dunlea responds that there will be forty-two (42) seats available.

Hearing no further comments Council Vice-President LaGreca closes the Public Hearing.

Motion is made by Council member Alba, seconded by Council member Cavanagh, that the Smithfield Town Council approve outdoor seating and bar service for LJD, LLC d/b/a “Laura’s Bar and Grill”, 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a 4/0 vote. Council President Santucci recuses himself.**

IX. Licenses and Permits:

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

1. The Raymond C. Laperche, PTA, 11 Limerock Road (fee waived)

Motion is made by Council member Alba, seconded by Council Vice-President LaGreca, that the Smithfield Town Council approve the annual renewal of one (1) Bingo License for The Raymond C. Laperche, PTA, located at 11 Limerock Road, as applied, subject to compliance with all State regulations and local ordinances. Fees waived. **Motion is approved by a unanimous 5/0 vote.**

B. Consider approving the annual renewal of three (3) Massage Therapy Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

- 1. Kayla Ann Perry working at “Soothing Touch Spa”, 180C Pleasant View Avenue**
- 2. Rejuvene Massage Therapy d/b/a “Apple Valley Wellness Center, 47 Cedar Swamp Road, Unit #18**
- 3. Ying Shu Li working at “Oasis Spa, Inc.”, 9 Cedar Swamp Road, #9**

Motion is made by Council Vice-President LaGreca, seconded by Council member Cavanagh, that the Smithfield Town Council approve the annual renewal of three (3) Massage Therapy Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances:

- 1. Kayla Ann Perry working at “Soothing Touch Spa”, 180C Pleasant View Avenue**
- 2. Rejuvene Massage Therapy d/b/a “Apple Valley Wellness Center, 47 Cedar Swamp Road, Unit #18**
- 3. Ying Shu Li working at “Oasis Spa, Inc.”, 9 Cedar Swamp Road, #9**

Motion is approved by a unanimous 5/0 vote.

C. Consider approving the annual renewal of two (2) Massage Establishment Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

- 1. Oasis Spa, Inc. d/b/a “Oasis Spa, Inc.”, 9 Cedar Swamp Road, #9**
- 2. Rejuvene Massage Therapy d/b/a “Apple Valley Wellness Center”, 47 Cedar Swamp Road, Unit 18**

Motion is made by Council member Lawton, seconded by Council Vice-President LaGreca, that the Smithfield Town Council approve the annual renewal of two (2) Massage Establishment Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances:

1. Oasis Spa, Inc. d/b/a "Oasis Spa, Inc.", 9 Cedar Swamp Road, #9
2. Rejuvenate Massage Therapy d/b/a "Apple Valley Wellness Center", 47 Cedar Swamp Road, Unit 18

Motion is approved by a unanimous 5/0 vote.

D. Consider approving the annual renewal of twenty eight (28) Holiday Sales Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances.

1. Ann Taylor Retail, Inc. d/b/a "Loft #734", 371 Putnam Pike
2. Broadway Appliance, Inc. d/b/a "J'S Broadway Appliance & TV", 47 Cedar Swamp Road, #18
3. Car Guy Incorporated d/b/a "401 Auto Sales Service", 293 Waterman Avenue
4. Cello Partnership d/b/a "Verizon Wireless #161132", 371 Putnam Pike
5. Flaunt Boutique, Inc. d/b/a "Flaunt Boutique", 19 Sanderson Road
6. GameStop, Inc. d/b/a "GameStop Store #4848", 371 Putnam Pike, Unit 190
7. Hai Thanh Le d/b/a "Queen Nails & Spa", 371 Putnam Pike
8. Hill Top Gardens, LLC d/b/a "Hill Top Gardens", 363 Putnam Pike
9. Home Depot USA, Inc. d/b/a "The Home Depot #4282", 371 Putnam Pike
10. ILoveKickboxing.com Smithfield, LLC d/b/a "ILoveKickboxing.com", 400 Putnam Pike
11. Kohl's Department Stores, Inc. d/b/a "Kohl's Department Store #547", 371 Putnam Pike
12. Lane Bryant, Inc. d/b/a "Lane Bryant", 371 Putnam Pike, Suite 430
13. Muc Thi Vu d/b/a "Hollywood Nails", 445 Putnam Pike
14. NEFL, Inc. d/b/a "New England Frozen Lemonade", 280 Douglas Avenue, Providence
15. New Cingular Wireless PCS, LLC d/b/a "AT & T Mobility B167", 371 Putnam Pike, Unit 193
16. Oasis Spa, Inc. d/b/a "Oasis Spa, Inc.", 9 Cedar Swamp Road, #9
17. Office Superstore East, LLC d/b/a "Staples the Office Superstore", 371 Putnam Pike, Ste. 230
18. Parker's Vinyl Creations, LTD d/b/a "Scoops", 265 Putnam Pike
19. Pleasant View Market Place, LLC d/b/a "DB Mart", 200 Pleasant View Avenue
20. Pop on the Block, Inc. d/b/a "Pop on the Block", 371 Putnam Pike, Unit 490
21. Rhode Island CVS Pharmacy, LLC d/b/a "CVS Pharmacy #330", 445 Putnam Pike
22. Rocky's Ace Hardware, Inc. d/b/a "Rocky's Ace Hardware", 633 Putnam Pike
23. Sterling, Inc. d/b/a "Kay Jewelers #2608", 371 Putnam Pike, Unit 325
24. Target Corporation d/b/a "Target Store T-1404", 371 Putnam Pike

25. The TJX Maxx Companies, Inc. d/b/a “TJ Maxx #190”, 445 Putnam Pike
26. Tween Brands, Inc. d/b/a “Justice #1188”, 371 Putnam Pike, Suite 440
27. Ulta Salon Cosmetics & Fragrance, Inc. d/b/a “Ulta Beauty”, 371 Putnam Pike
28. Walgreen Eastern Co. d/b/a “Rite Aid #10259”, 452 Putnam Pike

Motion is made by Council Vice-President LaGreca, seconded by Council member Alba, that the Smithfield Town Council approve the annual renewal of twenty eight (28) Holiday Sales Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a unanimous 5/0 vote.**

- E. Consider approving a new Entertainment License for LJD, LLC d/b/a “Laura’s Bar and Grill”, 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances.

Council President Santucci recuses himself.

Motion is made by Council member Lawton, seconded by Council member Cavanagh, that the Smithfield Town Council approve a new Entertainment License for LJD, LLC d/b/a “Laura’s Bar and Grill”, for their business located at 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a 4/0 vote. Council President Santucci recuses himself.**

- F. Consider approving a new Special Dance License for LJD, LLC d/b/a “Laura’s Bar and Grill”, 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances.

Council President Santucci recuses himself.

Council member Alba asks Mr. Dunlea what type of entertainment they will be having at his establishment.

Mr. Dunlea states that he is not sure at this time, maybe a trivia night, etc., because they do not have enough room for a band.

Motion is made by Council member Lawton, seconded by Council member Alba, that the Smithfield Town Council approve a new Special Dance License for LJD, LLC d/b/a “Laura’s Bar and Grill”, for their business located at 945 Douglas Pike, as applied, subject to compliance with all State regulations and local ordinances. **Motion is approved by a 4/0 vote. Council President Santucci recuses himself.**

X. Old Business: None

XI. New Business:

A. Consider, discuss, and act upon authorizing a Request for Proposals for Repairs and Rehab of the Smithfield Senior Center.

Town Manager Rossi explains that the Senior Center was constructed and opened in September, 1995 and in January of 2006 the Senior Center addition opened adding a function hall area and various other amenities to handle the growing population of the Senior Center membership. Town Manager Rossi further explains that due to budget constraints during the construction of the Senior Center addition, building materials were selected based on minimizing the costs of the project and unfortunately have begun to exceed their useful life. Town Manager Rossi states that in an effort to revitalize the exterior of the Senior Center and Bocce Court the Town worked to develop the necessary scope of work needed to protect the integrity of the building and revitalize the appearance.

Council member Alba asks what the timeline would be regarding the RFP process.

Town Manager Rossi replies that they intend to start the project in the summer and have it completed by the fall.

Council member Alba asks if any activities will be stopped and if any of the seniors will be displaced.

Town Manager Rossi replies that the activities will remain as normal and the Senior Center will remain open during the time of construction.

Council member Cavanagh asks where the funding will be coming from.

Town Manager Rossi replies that there is \$95,000 that has been set aside to fund this project.

Motion is made by Council Vice-President LaGreca, seconded by Council member Alba, that the Smithfield Town Council hereby authorizes the advertisement of an RFP for Repair and Rehab of the Smithfield Senior Center. **Motion is approved by a unanimous 5/0 vote.**

B. Consider, discuss, and act upon a bid award for the Anna McCabe Elementary School basketball court replacement.

Town Manager Rossi expresses his thanks to the Committee for all their hard work and dedication. Town Manager Rossi explains that the School Committee awarded the bid last night to Classic Turf Company, LLC for concrete basketball courts based on the recommendations of the subcommittee in the amount of \$120,000.

Council member Lawton asks Town Manager Rossi about the timeline.

Town Manager Rossi replies that the basketball courts will be completed prior to the start of the Summer Leagues.

Council Vice-President LaGreca asks what the guarantee is of the basketball courts.

Town Manager Rossi believes the guarantee would be twenty (20) years for concrete courts.

Motion is made by Council Vice-President LaGreca, seconded by Council member Lawton, that the Smithfield Town Council hereby awards the contract for the replacement of the Anna McCabe basketball courts to Classic Turf Company, LLC, in the amount of \$120,000. **Motion is approved by a unanimous 5/0 vote.**

C. Consider, discuss, and act upon authorizing a Request for Proposals on behalf of the School Department for Workers' Compensation Insurance and Employer's Liability Insurance.

Motion is made by Council Vice-President LaGreca, seconded by Council member Cavanagh, that the Smithfield Town Council hereby authorizes the advertisement of a Request for Proposals for Workers' Compensation Insurance and Employer's Liability Insurance for the Smithfield School Department. **Motion is approved by a unanimous 5/0 vote.**

XII. Public Comment

Joseph O'Connor, Town resident, states that the Town Council bring out the worst in people at Town Council meetings. Mr. O'Connor also states that he is an advocate for the senior tax freeze. Mr. O'Connor explains that speaking on agenda issues should be allowed in the interest of fairness. Mr. O'Connor further explains that at the next meeting he will be speaking on agenda items until he is ruled out of order and it taken out of the chambers. Mr. O'Connor states that at that time he will file a complaint with the State Attorney General's Office.

Alfred Costantino, Town resident, explains that last September was a very stressful time for him he was not allowed to give his presentation during an agenda item and express himself. Mr. Costantino states that he has specific questions that he has not received answers to. Mr. Costantino has questions regarding the finances of the Land Trust and how they spend their money. Mr. Costantino further states that the Town Council need to change their attitude and answer questions of money and move on. Mr. Costantino states that he has had to withstand a lot of abuse by the Town Council, but he will return with more questions regarding the money used by the Land Trust.

Peter Pare, Town resident, asks about the total bill of the Anna McCabe Basketball Courts.

Town Manager Rossi replies that the total funding for this project is \$175,000.

Mr. Pare realizes that the basketball courts cost was \$120,000, however, what is the \$55,000 being using for.

Town Manager Rossi states that the \$55,000 is being used for stands and lights, etc.

Paul Aiello, Town resident, feels that if the Town Council allowed residents to speak on agenda items, the Town Council meetings would be much more productive. Mr. Aiello references the Town Hall Forum meeting explaining that the bond issues and senior tax freeze were addressed at the same meeting. Mr. Aiello feels that the Financial Review Commission evaluated the proposed bond issues and if they are passed by the voters it would be a burden on the debt service. Mr. Aiello further feels that by phasing out the senior tax freeze it would alleviate the debt service. Mr. Aiello states that by shifting the cost to the seniors and an equalized tax credit is a scam and the seniors should be aware that their tax bill will no longer stay the same because eventually the senior tax freeze will be phased out.

Thomas Hodgkins, Town resident, states that the residents should have been allowed to speak on the Solar Energy Ordinance. Mr. Hodgkins explains that he is in support of the Solar Energy Ordinance, because it is needed. Mr. Hodgkins has not seen the Solar Energy Ordinance on a Planning Board agenda, and he would like to see a Work Session on this proposed Ordinance including other Board and Commissions.

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 the Closed Session meeting held this evening.

XIV. Adjournment.

Motion is made by Council member Lawton, seconded by Council member Alba, to adjourn the meeting. **Motion is approved by a unanimous 5/0 vote.**

Meeting adjourns at 7:52 P.M.

Caul A. Aquilante, OMC

Town Clerk