

**PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL**

**AUGUST 7, 2006**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

The meeting began at 7:00 P.M. with a moment of silence for Jenna Trudeau-Forget, a young woman who had grown up in North Smithfield and who was tragically killed in an automobile accident over the weekend.

The prayer and the pledge to the flag followed. Council members present were Mrs. Flaherty, Mrs. Thibault and Mr. Yazbak. Mr. Lovett

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was away on vacation. (Mr. Zwolenski arrived a few minutes late.) Town Administrator Lowe was also present. (Mr. Hadden arrived later in the evening.)

**GENERAL AMENDMENTS TO THE ZONING ORDINANCE**

**Conservation Development Design**

Town Planner Michael Phillips explained that the Planning Board has been working with Mr. Tony Lachowicz, a planning consultant hired by the state to assist communities with Conservation Development Design.

**(Mr. Zwolenski arrived at 7:05 P.M.)**

**This is a way of preserving open space during development of a subdivision. In return for providing open space, the town is allowed to be flexible on the dimensional requirements for lot area and lot frontage. The area that is saved through lot size is available for open space.**

**Mr. Lachowicz reviewed the major revisions. These include adding an entire new section 6.2 entitled “Conservation Development” to the zoning ordinance. These developments are only allowed in four zoning districts. An application would come before the Planning Board and they may review it for either a conventional or conservation development.**

**New definitions have been added to the zoning ordinance to cover conservation development.**

**Maximum density has been set, through the zoning ordinance, to conform to a yield plan. An applicant will submit a conventional subdivision with the expectation of getting a certain number of house lots. The Planning Board will consider the conventional yield plan and if they agree, then that is the number of lots the applicant is entitled to in a conservation development. A developer would not get any less or any more lots than with a conventional subdivision.**

**The uses included in a conservation development are also defined.**

**Mr. Lowe asked if there was any loophole that in ten or twenty years would allow development design to revert to what it was.**

**Mr. Lachowicz responded that through the subdivision regulations, open space would be protected from further development and unauthorized alterations in perpetuity by appropriate deed restrictions and by the grant of a preservation or conservation restriction. With the thought that in the future some Town Council may want to rescind a conservation easement, the Planning Board added language that the conservation restriction be dedicated to the town and at least one other entity. That entity shall be a non-profit organization whose principal purpose is the conservation of open space or resource protection.**

**(Mr. Hadden arrived at approximately 7:30 P.M.)**

**Mrs. Thibault asked if the Solicitor could look at that language and strengthen it.**

**Mr. Michael Rapko asked if there had been any feedback from the towns that have adopted the conservation development design.**

**Mr. Lachowicz explained this is fairly new in Rhode Island. There are only five communities who have adopted it and few subdivisions have been constructed. Developers like it because they can reduce the amount of infrastructure. Market acceptability has been**

**favorable.**

**Mr. Paul Leclerc of 286 Old Oxford Road questioned drainage in a conservation development and was referred to Section 5.8 of the current subdivision regulations. This deals with drainage system design and that will apply to conventional as well as conservation development design construction.**

**MOTION by Mrs. Thibault and seconded by Mr. Zwolenski to extend this public hearing to September 5, 2006 at 7:00 P.M.**

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**Mrs. Thibault withdrew her motion and Mr. Zwolenski withdrew his second.**

**MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to extend this public hearing to September 5, 2006 at 7:00 P.M. at Kendall-Dean School.**

**MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to continue the public hearing for the Development Plan Review to September 5, 2006 at 7:00 P.M. at Kendall-Dean School.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**

**PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL**

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**KENDALL-DEAN SCHOOL**

**8:00 P.M.**

The meeting was called to order at 8:03 P.M. The prayer and the pledge to the flag were waived. Council members present were Mrs. Flaherty, Mrs. Thibault, Mr. Yazbak and Mr. Zwolenski. Mr. Lovett was away on vacation. Town Administrator Lowe and Town Solicitor Hadden were also present.

**TOWN CHARTER CHANGES**

Mr. Hadden noted that on February 22, 2005 he provided the Council with his opinion on the procedure for amending the Charter. The procedure is different for adoption of a Charter and for amendment of a Charter. He was not questioned on this opinion until July of 2006. The Council appointed a committee/commission for the purpose of advising the Council of proposed amendments that, in its discretion, could be submitted to the voters. The committee has no authority to submit its suggestions directly to the voters. The Town Council must now solicit public input for the purposes of determining what is presented to the voters.

Mr. Michael Rapko asked about language going on the ballot about the Town Administrator vs. Town Manager.

**Mr. Hadden responded that the language must be simple.**

**Mr. Rapko also asked about terms for certain town boards and was told by Mr. Hadden that a number of town boards are created by state law and therefore the term cannot be changed.**

**Mr. Lowe was under the impression that there would be individual questions on the ballot, not just one that was approval of every change or nothing at all.**

**Mrs. Thibault asked if anyone had any comments regarding the Budget Committee.**

**Mr. Paul Leclerc of Old Oxford Road felt the Budget Committee is necessary. The town needs qualified eyes to see how funding is allocated and spent.**

**Mr. Bill Jühr of Victory Highway believes the Budget Committee is an important part of town government. It provides checks and balances for the town.**

**Mr. Rapko asked if a representative of the Charter Review Commission could explain some of the changes they recommended.**

**Charter Review Commission Chairman Jonathan Mundy stated he**

would be happy to do so but he was concerned with where the discussion was going. He questioned whether this was something that was going to be decided by five people or the populace.

Mrs. Flaherty made it clear that the Council wants the full town to participate and bring forth their opinions.

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After hearing that charter questions would not be on this November's ballot, Mr. Mundy noted that there would be a new Council in December who could conceivably decide to convene a whole new Charter Commission. He suggested that further discussion be postponed until the new Council is in place and then prepare questions for the November 2008 ballot.

**MOTION** by Mrs. Thibault and seconded by Mr. Zwolenski to continue the public hearing on Charter revision to September 18, 2006 at 8:00 P.M. at Kendall-Dean School. The motion passed 3 to 1 on an aye vote with Mr. Yazbak voting no.

Charter Review Commission member Paul Baillargeon took exception to an earlier remark that no public hearings were held. He explained that the meetings were posted and were indeed public. They invited people from various departments as well as professionals from other

**towns to attend.**

**It was Mr. Baillargeon's opinion that if the Council believes there is a dispute as to how the process should be implemented once the Charter Review Commission comes forth with recommendations, a petition should be filed in Superior Court asking a judge to make a ruling.**

**Mr. Hadden strongly disagreed with the thought that this Council must petition a court to get a ruling as to the extent of its authority. He reiterated that this was not an Article XIII commission. They were seven people appointed to give an advisory recommendation.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to take a five-minute recess at 9:23 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**AUGUST 7, 2006**

**KENDALL-DEAN SCHOOL            IMMEDIATELY FOLLOWING SECOND  
PUBLIC HEARING**

**The meeting was called to order at 9:32 P.M. The prayer and the**

pledge to the flag were waived. Council members present were Mrs. Flaherty, Mrs. Thibault, Mr. Yazbak and Mr. Zwolenski. Mr. Lovett was away on vacation. Town Administrator Lowe and Town Solicitor Hadden were also present.

#### **APPOINTMENTS TO SCHOOL BUILDING COMMITTEE**

**MOTION** by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to move this item up on the agenda.

Mr. Yazbak explained that nine applicants had expressed an interest in serving on this board. Based on interviews, four people were chosen. They are Paul Nordstrom of 78 Taylor Drive, Jane Biron of 33 Pacheco Drive, John Perry of 123 Carlton Avenue and Scott Majeau of 5 Briden Street.

**MOTION** by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to ratify the recommendations of the core committee of the School Building Committee and name Jane Biron, Paul Nordstrom, John Perry and Scott Majeau as members of the School Building Committee.

#### **SCHOOL BUILDING COMMITTEE LEGAL COUNSEL RETAINER FEE**

Mr. Hadden was familiar with the proposed legal counsel for the School Building Committee, noting that Mr. Reale has extensive experience in litigation in the construction field.

**MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that, based upon the recommendation of the School Facilities Planning Task Force Committee, the Town Solicitor and the core committee of the School Building Committee, Attorney Joseph Reale be appointed as legal counsel for the School Building Committee and that the Town Administrator be authorized to enter into an agreement with him upon review of the current Town Solicitor.**

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#### **LIZ DEVELOPMENT**

**MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to move this item up on the agenda.**

**At the last Planning Board meeting, Town Planner Michael Phillips discussed the matter of a joint meeting with the Council. The Board wants to do a site walk of the development by August 15th and then meet with the Council subsequent to that. He suggested the date of September 5, 2006.**

**The Town Administrator, the Sewer Superintendent and the Public Works Director have met with the developer, Fernando Tavares, in an effort to firm up the work schedule. Mr. Tavares has begun some work in the Briden Street and Smith Street area.**

**It was suggested that the Administrator notify Mr. Tavares by certified mail that it would be in his best interest to attend the meeting on September 5th.**

## **POLICE DEPARTMENT CONTRACT**

**MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this up next on the agenda.**

**Mr. Lowe provided an agreement that he has reached with the police department union that would run from July 1, 2006 to June 30, 2009. If there is no agreement, Mr. Lowe feels the next step would be binding arbitration.**

**Mr. Yazbak thought there had been an understanding that terms, changes and key areas would be summarized in some manner.**

**MOTION by Mr. Yazbak and seconded by Mrs. Thibault that the Town Administrator highlight the changes in the contract and determine with the Town Solicitor what information can be made public ahead of time and that it be placed on the August 21st agenda for ratification.**

**Mr. Yazbak stated that since the police department budget represents ten percent of the total budget, the taxpayers should be afforded the opportunity to understand the terms and conditions.**

**A discussion followed regarding whether or not the contract was a**

**public document.**

**MOTION was amended by Mr. Yazbak, the second was amended by Mrs. Thibault, and it was voted unanimously on an aye vote that disclosure would be contingent upon the Town Solicitor discussing the matter with union legal representatives and that the executive summary be published seven days prior to the next meeting.**

**The MOTION as amended was passed unanimously on an aye vote.**

#### **CAPITAL EXPENDITURE – PURCHASE OF SCHOOL DEPARTMENT COMPUTERS**

**MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this up on the agenda.**

**MOTION by Mr. Yazbak, seconded by Mrs. Thibault and Mr. Zwolenski, and voted unanimously on an aye vote that, based upon the recommendation of the school department Technology Director, the Finance Director and the Town Administrator, the school department be authorized to purchase computers from Dell in an amount not to exceed \$51,328.84 based upon a master price agreement for the state of Rhode Island.**

#### **2ND READING ORDINANCE AMENDMENT – SALARIES AND WAGES**

**MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on a roll call vote to approve the Salaries and Wage**

ordinance as presented.

“It is ordained by the Town Council of North Smithfield, RI as follows: Chapter 13 of the Town Ordinance is amended to read: The following Table of Salaries and Wages to Pay Grades, are approved for the fiscal year July 1, 2006 to June 30, 2007. This list includes elected, appointed, classified (non-contractual), classified (contractual) and non-classified.

August 7, 2006

<b>DEPARTMENT</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
<b>1. General Government</b>		
Town Administrator 7/1/06 – 11/30/06	75,000	27,083
Town Administrator 12/1/06 - 6/30/07		40,192
Grant Writer	13,935	14,353
Town Council (each) 7/06 – 11/06	2,550	1,275
Town Council (each) 12/06 - 6/07		1,275
Probate Judge	3,582	3,689
Board of Canvassers, Chairman	500	500
Board of Canvassers (each)	400	400
Town Clerk	46,632	48,031
Deputy Town Clerk	27,011	27,821
Finance Director 05/06 7/1/05 – 12/31/05)	32,500	68,959
Finance Director 05/06 1/1/06 - 6/30/06	33,475	
Personnel/Administrative Service Director		

<b>Solicitor</b>	<b>53,800</b>	<b>55,414</b>
<b>Assistant Solicitor</b>	<b>20,000</b>	<b>20,600</b>
<b>Town Planner</b>	<b>50,961</b>	<b>52,490</b>
<b>Tax Assessor</b>	<b>40,060</b>	<b>41,262</b>
<b>Admin Ass't To Administrator</b>	<b>28,124</b>	<b>28,968</b>
<b>Asst Tax Collector</b>	<b>17.54/hr</b>	<b>17.54/hr</b>
<b>Commission Secretary</b>	<b>15.45/hr</b>	<b>15.45/hr</b>
<b>Senior Clerk</b>	<b>16.54/hr</b>	<b>16.54/hr</b>
<b>Finance Clerk I</b>	<b>14.73/hr</b>	<b>14.73/hr</b>
<b>Finance Clerk II</b>	<b>13.24/hr</b>	<b>13.24/hr</b>
<b>Recording Clerk</b>	<b>13.24/hr</b>	<b>13.24/hr</b>
<b>Inspection Division Clerk</b>	<b>12.89/hr</b>	<b>12.89/hr</b>
<b>Secretary (Tax Assessor's)</b>	<b>12/89/hr</b>	<b>12.89/hr</b>
<b>Part Time Finance Secretary</b>	<b>10.69/hr</b>	<b>10.69/hr</b>
<b>Planning Secretary</b>	<b>12.89/hr</b>	<b>12.89/hr</b>

## **2. Public Safety**

<b>Building Inspector/Zoning Official</b>	<b>42,746</b>	<b>44,029</b>
<b>Electrical Inspector (Pt)</b>	<b>7,198</b>	<b>7,414</b>
<b>Plumbing Inspector (Pt)</b>	<b>3,149</b>	<b>3,243</b>
<b>Mechanical Inspector (Pt)</b>	<b>3,149</b>	<b>3,149</b>
<b>Building/Zoning Inspector (Pt)</b>	<b>13,966</b>	<b>14,385</b>
<b>Assistant Electrical Inspector</b>	<b>3,200</b>	<b>3,296</b>
<b>Sealer of Weights and Measures</b>	<b>1</b>	<b>1</b>
<b>Police Chief</b>	<b>62,091</b>	<b>65,000</b>

<b>Administrative Asst to Police Chief</b>	<b>24,163</b>	<b>24,888</b>
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### **3. Police Department**

<b>Captain</b>	<b>967.22/wk</b>	<b>967.22/wk</b>
<b>Lieutenant</b>	<b>943.82/wk</b>	<b>943.82/wk</b>
<b>Sergeant</b>	<b>920.40/wk</b>	<b>920.40/wk</b>
<b>Detective</b>	<b>897.01/wk</b>	<b>897.01/wk</b>
<b>Patrolman (over 1 year)</b>	<b>861.87/wk</b>	<b>861.87/wk</b>
<b>Probationary (6 mos/1 yr)</b>	<b>739.76/773.65/wk</b>	<b>739.76/773.65/wk</b>

### **4. North Smithfield Local 937 Contract**

<b>Asst Highway Superintendent</b>	<b>18.13/hr</b>	<b>18.13/hr</b>
<b>Asst Labor Foreman</b>	<b>16.34/hr</b>	<b>16.34/hr</b>
<b>Animal Control Officer</b>	<b>16.66/hr</b>	<b>16.66/hr</b>
<b>Police Dispatcher</b>	<b>14.53/hr</b>	<b>14.53/hr</b>
<b>Police Clerk/Dispatcher (part time)</b>	<b>12.85/hr</b>	<b>12.85/hr</b>
<b>Mechanic</b>	<b>15.77/hr</b>	<b>15.77/hr</b>
<b>Mechanic/Driver</b>	<b>15.77/hr</b>	<b>15.77/hr</b>
<b>Equipment Operator</b>	<b>15.38/hr</b>	<b>15.38/hr</b>
<b>Truck Driver</b>	<b>14.71/hr</b>	<b>14.71/hr</b>
<b>Laborer</b>	<b>13.19/hr</b>	<b>13.19/hr</b>
<b>Highway Dispatcher</b>	<b>13.19/hr</b>	<b>13.19/hr</b>

### **5. Public Works**

<b>Director of Public Works PT</b>	<b>1</b>	<b>15,894</b>
<b>Highway Superintendent</b>	<b>46,343</b>	<b>47,733</b>
<b>Water &amp; Sewer Superintendent</b>	<b>47,029</b>	<b>48,440</b>
<b>Water &amp; Sewer Supervisor</b>		
<b>August 7, 2006</b>		
<b>Park &amp; Recreation Director</b>	<b>37,967</b>	<b>39,106</b>
<b>Tree Warden</b>	<b>1,630</b>	<b>1,679</b>
<b>P &amp; R Maint. PT</b>	<b>10.00/hr</b>	<b>10.00/hr</b>
<b>Playground Supt PT (Supervisor)</b>	<b>10.00/hr</b>	<b>10.00/hr</b>
<b>(Counselors)</b>	<b>8.00/hr</b>	<b>8.00/hr</b>

**Longevity Non-Contractual Personnel**

<b>Completion of five (5) years</b>	<b>2.50%</b>	<b>2.50%</b>
<b>Completion of ten (10) years</b>	<b>3.00%</b>	<b>3.00%</b>
<b>Completion of fifteen (15) years</b>	<b>3.50%</b>	<b>3.50%</b>
<b>Completion of twenty (20) years</b>	<b>4.00%</b>	<b>4.00%</b>

**\*Effective with the approval of the dept budgets.**

**The designation of a yearly salary is a designation of rate of pay only, and shall not be construed to create an employment relationship other than at will.**

**Benefits, for non-contractual personnel, including but not limited to vacation, personal leave and sick time shall be governed by Chapter 13 of the Code of Ordinances and any other charter provisions, resolution of May 1, 2006 (relating to retirees) or ordinances relating thereto.**

**All non-contractual personnel who have elected health insurance coverage benefits shall contribute the greater of \$40 per pay period toward the premium (\$1,040 per year) for family plans and \$16 per pay period (\$416 per year) for individual plans or the Local 937 current contract amount.**

**Amendments to Chapter 13 Salaries and Wages – Fiscal Year 2006/07. This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith, are repealed.”**

**This constitutes the second reading.**

**TRANSFER OF CONTINGENDY FUNDS TO JUVENILE HEARING BOARD ACCOUNT**

**MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that, based upon the recommendation of the Finance Director, \$4,000 be moved from the Contingency Fund to the Juvenile Hearing Board account.**

## **DEERFIELD COMMONS WATER CONNECTION – GRANT MONEY**

**Mr. Lowe explained there is \$200,000 in grant money coming from Senators Reed and Chafee to be used for infrastructure. The grant has to be written by August 15th and he needs to know where the Council would like to use it.**

**Mrs. Thibault noted that the Water Advisory Sub-Committee had talked about three options including the Tifft Road well replacement, the Deerfield Commons water connection with Woonsocket or a well for the new middle school. The committee supports the Deerfield connection.**

**MOTION by Mrs. Thibault, seconded by Mr. Yazbak and Mr. Zwolenski, and voted unanimously on an aye vote to tie the Deerfield supply with the Waterford section of town in order to eliminate the need for Blackstone water.**

## **SEWER ASSESSMENT FOR 29 PINE COURT**

**MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to table this matter to August 21st.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to adjourn at 10:44 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**