

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 18, 2006

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

GOOD & WELFARE

Display of RV Vehicles

Mr. Ernest Alter wanted to follow up regarding the problem with the display of a huge RV on 146A near Maple Avenue and how it is an eyesore. He believes that there is a legal issue with respect to jurisdiction and wanted to know if Mr. Hadden would address the issue and confront the situation. He asked for Mr. Hadden's opinion as to what the town is able to do in order to get Mr. Bessette to remove his RV in front of his house. He feels it detracts from the beauty of the landscape and feels he is selling items in a commercial capacity.

September 18, 2006

Mr. Hadden stated to Mr. Alter that it is not appropriate to put recreational vehicles in the front yard.

Mr. Alter responded that it is in the driveway adjacent to his front yard.

Mr. Hadden stated that since it is in his driveway, he doesn't know that there is any zoning ordinance that prohibits it from being in the driveway. The other comment that Mr. Alter made was that it is

evident to him that he has been selling vehicles. Mr. Hadden suggests to Mr. Alter to take pictures, get the make and model, registration and the date and work with Mr. Benoit and Mr. Benoit will follow up with the gentleman.

Impact Fees

Mr. Alter feels that there should be impact fees on all residential construction. He stated that he checked around and asked other towns that are doing it.

Mr. Hadden wanted to clarify what impact fees are. Impact fees are something that the town have retained a consultant Mr. Teitz and Mr. Shamoon and it is currently in the drafting phase and they have been working on it for three months and suggests he asked Mr. Phillips of where it might be at this time as opposed to a moratorium. The impact fees would be helpful and are in the process of being written.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mrs. Flaherty, Mrs. Thibault, Mr. Yazbak, Mr. Zwolenski and Mr. Lovett. Town Administrator Lowe and Town Solicitor Hadden were also present.

Mr. Lovett stated that there is a public hearing scheduled for the meeting to continue discussion on the proposed changes to the North Smithfield Town Charter beginning at 8:00 P.M. He noted that if

regular council agenda items are being discussed, they will have to be tabled, to do the public hearing and then they will return back to finish the rest of the items listed on the agenda.

APPROVAL OF MINUTES

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the minutes of August 7 and August 21, 2006 as presented.

PAYMENT OF BILLS

Monthly Bills

MOTION by Mrs. Flaherty, seconded by Mr. Zwolenski with discussion, and voted 4 to 1 (Mr. Yazbak voted no) on an aye vote to approve payment of the following: General Fund - \$2,099,137.57 Sewer - \$16,005.25; and Water - \$5,078.44 for a total of \$2,120,221.26.

Mr. Zwolenski asked on page 5 on the last group of names, Philip Fielding, referring to the consultant fee of \$700.00. He asked if the town is still having Mr. Fielding act as still consultant for the town with the acting DPW director in place?

Mr. Lowe responded that on the disposition on the hazardous waste and because such a complex issues, that yes it is the only thing he is working on at this time.

School Building Committee Request For Payment

MOTION by Mr. Yazbak, seconded by Mrs. Thibault and Mrs. Flaherty and voted unanimously on an aye vote to approve \$89,108 for Gilbane Bldg Co. and \$772.44 for Mr. Reale Attorney At Law based upon a recommendation of the School Building Committee, the Finance Director and the Town Administrator.

FIRE DEPARTMENT PROGRAM – RESIDENTIAL NUMBERING

Mr. Lowe stated that the fire department has a new program and asked Chief Jillson to present it. It will be as a point of information on what is going to be available to the people of the community.

September 18, 2006

Chief Jillson reviewed the program with all department heads and presented the program to them. He feels the three important reasons to implement the aggressive program is that #1 it just may save a life, #2 to enlist the Town Council's support and #3 to remind everyone of an ordinance that was adopted during Mrs. Thibault's administration that governs residential signs. He explained that there are several houses that don't have numbers displayed, or are hidden from view or streets that are not streets. When 911 is activated, he feels that there is a definite need and a sense of urgency and wants to remind everyone that it is not a question of if, it is a question of when. The success and failure of this program depends how it is marketed, how easily that it is made for the citizens of North Smithfield, either

purchase or supply to them. They are willing to ensure whatever it takes to ensure that the 4000 homes in the Town of North Smithfield have been appropriately marked. He stated that there are several streets that the numbers are not in sequential order and it makes it very difficult for respondents. It is a voluntary program. He stated that there is ordinance on the books that governs how, where and what in size lettering that is seldom enforced. And he stated that they would stick to the letter of the law and try to coax the people as to why it needs to be this way and where it needs to be placed and for those people who do not have the money they will take care of it. The sign cost \$9.72 and they will be \$10.00 for each sign for the residents. It is double sided and reflected size numbers and letters and it is the same colors of the town. He stated that elderly individuals who are unable to install it, they will be installed by them. Chief Jillson presented the first sign to the Town Administrator, Mr. Lowe.

Mr. Lowe emphasized that the signs glow in the dark and can easily be spotted and feels that for the cost of \$10.00 it was a great program offered to the residents.

Mr. Yazbak suggested and agreed to prepare a signed resolution for the next meeting showing both the town council and the Town Administrator endorse it and get a resolution from the Administrator.

MOTION made by Mr. Yazbak and seconded by Mrs. Flaherty, Mr. Lovett, Mrs. Thibault and Mr. Zwolenski and voted unanimously on an

aye vote to prepare a resolution to be endorsed and signed by the Town Council and the Town Administrator for the next town council meeting.

LINE ITEM TRANSFER

Mr. Lowe is trying to begin a procedure to update the council on all of the different departments and the new programs coming into effect with the new Highway Superintendent/Parks and Recreation Director. There are some roads that are going to be paved and he wanted to update the council on them. He also wants to combine a line item from Mrs. Gemma to the report.

Mr. Pendergast stated that there are several projects outstanding that are quite large. He asked Mr. Alvarez, Superintendent of Water and Sewer to discuss the changes from an earlier meeting that had taken place concerning Deerfield Commons.

Mr. Alvarez explained that they are at the stage to fill the pipe. He met with Woonsocket and they went over the pipe and walked the line and would like to see a fitting added at the end so they can do their testing so another fitting has to be added to the pipe. Approximately 9:00 AM-10:00 AM tomorrow morning, they will start filling the pipe and it will go into the new pipe. If everything goes all right, they will be testing the pipe on Thursday and if everything is all right at that time, then that line will be charged with Woonsocket water.

Mr. Lowe wanted to clarify that the water will not be ready to drink at Deerfield for about another month? This is just charging the lines.

Mr. Alvarez's response was yes that is correct.

Mr. Lowe stated that they have to put the pumps and meters on and then place the hot box over it and then have it turned over to the city.

September 18, 2006

Mr. Alvarez stated that when the water gets turned on, it will be after it passes the health department's test and all the laboratory information is submitted and once that is passed, the state approves it, then the water will be ready.

Mr. Yazbak asked once the lines are filled then they will be able to charge those hydrants that have bags covering them for the past decade?

Mr. Alvarez stated that there would be a second phase. Deerfield Commons will have to come in and show that the line is not connected to the well system. Before the line gets charged they have to prove that the line is dead.

Mr. Lowe stated that it is Deerfield's responsibility to charge those lines.

Mr. Zwolenski asked if it was the town's responsibility to install water meters?

Mr. Lowe's response was that the town is giving Deerfield the \$64,000 for the installation of that water meter that was from grant money that was found. They will pay whatever the overage is on that. Since that project is unique it is the town's responsibility to give them water.

Mr. Zwolenski was referring to the installation of water meters at Colonial Village under our contract operator of \$169.00. He wanted to know if the town is paying for the installation of water meters? It is a commercial building.

Mr. Alvarez's response was that was a house that didn't have a meter. It is a separate house that is on the Colonial Village property. He has informed the residents that they will need to reimburse the town for the work that was done. There was no way to meter that water and it had to be metered.

Mr. Zwolenski stated that he wanted to see when that money gets charged back to the town.

Mr. Pendergast stated that two projects went out to bid. The first was the cracked sealing of the streets. It is budgeted for \$10,000 this year. Those proposed streets are Old Greenville Road, Jefferson

Road, Robin Way, the remaining half of Hanton Road, Hill Street, Shady Lane, Lincoln Drive and Sharon Parkway.

Mr. Yazbak brought to Mr. Pendergast's attention that in the past streets was not being swept before being crack sealed, hence the cracks couldn't be found. He suggested that probably those streets would need to be swept before they are cracked sealed.

Mr. Zwolenski asked why Deerfield Drive area is only half finished and would appreciate the highway efforts to take a look at Deerfield Drive also.

Mr. Pendergast stated that he believes that the bids will be in around October 3rd or 4th. The other project that went out to bid was the street overlay. There was no money appropriated this year in the capital for street overlay. As a result, the Finance Director has located past capital money for the highway department and will use approximately \$180,000 for those streets that have been identified.

Some of the roads that are in dire need are: Mattity Road from Douglas Pike to Black Plain Road. That takes up approximately 1482 tons of overlay. Also, Church Street is in desperate need. He will request to transfer funds for approximately \$13,000 of drainage work and overlay that needs to be done. If this is approved, his department is prepared to start the project next week. The highway division will be doing the work.

Mr. Lowe stated that the \$13,000 is coming out of the \$180,000.

September 18, 2006

MOTION made by Mr. Yazbak, seconded by Mrs. Thibault and Mr. Zwolenski and voted unanimously on an aye vote to transfer \$13,000 of capital for overlay of streets for drainage to Church Street.

Mr. Pendergast was given \$20,000 in the budget to have Pacheco Park parking lot cleaned up also. Also at Elizabeth Avenue the agreement that the town has with the contractor stated that the sewers are being placed so that the binding coat will be put down before the winter so the snowplows don't get damaged. He was informed that it would happen

in spring. The final asphalt coat will go down on Elizabeth, Graves and Saranac. There was extra overlay money, and Mr. Pendergast and the Administrator suggest that Colerick Street, Fountain Street and West Street would be overlaid in the spring or whenever the Elizabeth Avenue streets are completed and would follow suit with the contractor of who wins the bid.

Mr. Alter asked Mr. Pendergast if he has the access to ask questions to a civil engineer on a daily basis about grades etc. and who was that engineer?

Mr. Pendergast's response was that yes he does and the name of the engineers were Geremia & Associates.

Mr. Lowe stated that they are beginning to see progress on the Desper Property.

Mr. Hadden stated that when the matter was before the council previously, he had indicated that encouraged DEM to finally file suit to enforce their regulations and the fine that was already issued against Mr. Desper. He was in contact with Attorney Gerald McAvoy, had conferences with Judge Fortunato to the extent that a consent order was drafted concerning the violations and possibly concerning the \$3,500 that DEM charged. When he last spoke to Attorney McAvoy back in March, he indicated that the consent order was not yet entered in and he would send Mr. Hadden a copy as did Mr. Carroll, the counsel for Mr. Desper assured him at that time would do the same. Mr. Hadden then followed up in June and was advised that Mr. McAvoy was no longer counsel at DEM and the case had not been reassigned. Irene, an employee at DEM that another member of the legal staff at DEM would be reassigned shortly, assured him. She would pass the information along and make sure that Mr. Hadden would be advised. He had never received a returned call. Mr. Lowe followed up with the enforcement officer who advised him that the matter was to the extent of the violation DEM regulations. Mr. Desper had cleaned up certain things and had done other activities and

indicated that he was using certain materials for the purpose of reconstructing his shed. It was within DEM's regulations. Mr. Hadden contacted the enforcement officer recently and faxed over their last re-inspection report and their notice of violation. He requested a copy of the draft consent order so he would have a better idea as to what was and was not cleaned up. He indicated that because it wasn't entered into by the parties, it is a confidential litigation document and could not be released. He also noted that DEM had not collected their \$3,500. Mr. Hadden stated that last time he was before the council that it may be a benefit to file a superior court litigation because in superior court he can obtain equitable relief which would both order the cleanup as opposed to nearly getting a fine paid which is done in district court which had been filed by the last Solicitor and seek injunctive (positive) relief against further actions consistent with what he has done to defowl the property. Mr. Hadden spoke to Mr. Lowe and he instructed Mr. Benoit to do another inspection and he will advise Mr. Benoit of what he requires in that inspection and the itemization etc. that will be necessary and see, review and revise the notice as he sees fit and put it in a form and then file suit in Superior Court in the absence of immediate timed compliance and put the matter to an end. That is why he is sending Mr. Benoit to the property to certify everything.

Mr. Benoit stated that he has been out to Mr. Desper's property and surveyed the front portion of the property and he has a meeting scheduled with him on Tuesday, September 19 at 9:30 AM to walk the

rest of his property. Once he gets everything written up and cite the sections of the ordinance, it will be turned over to Mr. Hadden for his review.

September 18, 2006

MOTION by Mr. Zwolenski, seconded by Mrs. Flaherty, Mrs. Thibault, Mr. Yazbak and Mr. Lovett and voted unanimously on an aye vote to authorize Mr. Hadden by the absence of compliance by the thirty-day period placed on the notice to go to superior court as a conditional way.

SCHOOL BUILDING COMMITTEE REPORT

Mr. Yazbak stated that Mr. Vadenais was unable to attend the meeting and they are waiting for DEM application approval for Phase I for construction of the revised parking area at the high school/middle school grounds. That work was already advertised September 18, 2006 in the Providence Journal and try to get the reconfigured parking lot and removal of the basketball courts completed by the time the bad weather arrives. There was a discussion on the 14th of September regarding financing and bonding. There was some discussion and are now waiting for bond counsel and bond consultants for Southwest to come back to the administration and the committee with a recommendation and they will pass judgment on that recommendation and if it is affirmative, it will be brought in front of the council at a future meeting. The contract with Gilbane is still under negotiation and hopes to have everything ready for the October

meeting.

MOTION by Mrs. Flaherty and seconded by Mr. Zwolenski and voted unanimously on an aye vote to accept the August 9, 2006 Sewer Commission Minutes.

ENTERTAINMENT LICENSE/HAUNTED HOUSE - A. ALLAIRE

Mr. Benoit stated he met with the Fire Marshall and Mrs. Allaire on Thursday, September 14 and she submitted a site drawing of the property with the location of the proposed structures for the town's review. She has also agreed to comply with whatever requirements are needed and she will also have a police detail.

Mr. Lowe stated that the public hearing is scheduled to begin at 8:00 PM and to wait and see once the public hearing has ended to see if Mrs. Allaire shows up.

Mr. Lovett stated that at the last meeting, the agenda was basically the same and nothing was signed off. There were other stipulations that were requested and thought that people would want to ask questions.

Mr. Lowe stated that she will never have a sign off by anyone except that she knows she can't do the project. The approval has to be based on the fact that everything has to be accepted by each department.

Mr. Benoit stated that he did discuss the issue with the electrical contractor and she does have an electrical contractor who is DP Electric that is going to do the work and the town's inspector will inspect it.

Mrs. Thibault recalled that at last month's meeting it was tabled so that Mrs. Allaire would return with everything signed in writing to discuss at the meeting this evening. She expressed that she didn't feel comfortable moving forward with the request. In the past, the town had quite a bill for the detail for the fire and police department to be there.

Mr. Benoit stated that as far as the fire department, he met with them and they all looked at the plan and once all structures are up, they will walk through prior to and she is requesting to have emergency lighting put up and she has agreed to do whatever is required.

Mr. Zwolenski asked Mr. Benoit if he had any verbal conversations with either Captain Smith or Chief Reynolds from the police department about the request?

Mr. Benoit's response was no he had not discussed anything with the police department.

September 18, 2006

MOTION by Mrs. Thibault and seconded by Mrs. Flaherty and voted unanimously on an aye vote to table IX, A,B,C and X, Old Business A-D and XI, New Business A, XII, Communications A-C and XIII Executive Session A-1.

**PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL
SEPTEMBER 18, 2006**

KENDALL-DEAN SCHOOL 8:00 P.M.

The meeting was called to order at 8:04 P.M. The prayer and the pledge to the flag were waived. Council members present were Mrs. Flaherty, Mrs. Thibault, Mr. Yazbak, Mr. Zwolenski and Mr. Lovett. Town Administrator Lowe and Town Solicitor Hadden were also present.

DISCUSSION ON THE PROPOSED TOWN CHARTER CHANGES

Mr. Ernest Alter resides at 600 Victory Highway. He stated that there is nothing mentioned in the old town charter on the Town Planner. The new charter does not show any consistency regarding any accountability to a town survey. He feels that there should be job descriptions from everyone and also request job descriptions from other towns. Another item on the town planning description that seems to be missing is attending town council meetings. He feels that the Town Planner should attend all Town Council meetings. Mr. Alter stated that he feels that the document was rewritten, that they

did not just make changes, and the committee wasn't authorized to do that. He feels that when electing committees that those selected should have a background in government and in administration and should have no conflict of interest and should always proceed with caution.

Mr. William Juhr resides at 1558 Victory Highway. He stated that the original document that was last updated was back in 1993. The new 2006 version document and Mr. Lowe is also working on his own document along with the administration. He stated he was frustrated because the new document had no lineouts and is 41 pages long and the original document was 64 pages long. The new document had been adjusted by 25 pages and he would like to review section by section and advertise each section and get public input by sections. He would like to see a way to merge the two documents and get a lined out copy of what was changed and what the actual recommendations are. That would be easier for the town residents to review and see what the differences are. He feels that it was also rewritten from scratch. He feels that if the charter is rewritten from scratch, to have a resolution and have the people voted by the taxpayers to a committee to rewrite the document from scratch if that's what everyone wants. If changes should be made and recommendations made to an existing charter that is outdated, then the items need to be reviewed, give the taxpayers public input and let them give their opinion and provide a lined out copy and a process so that everyone's input can be provided.

Mr. Paul Lecher resides at 286 Old Oxford Road. His opinion was that the group lost their focus. He feels that they rewrote the document and he tried to make comparisons from one paragraph to another and found it daunting to do. He also stated that the original document should be provided along with including the rewrites underneath it. He suggests to take it slow and do it right and not to rush into it.

Mr. Michael Rapko resides at 25 Old Greenville Road. He would like to know what works in other towns for a Town Manager versus Town Administrator for towns with the same size as North Smithfield.

Mr. Lovett stated that the members of the Charter Review committee did reach out to some of the other neighboring towns and talked to some of the town managers and got some feedback to see how it was going in those towns. Mr. Lovett agrees to see if it was or wasn't working in other towns.

Mr. Jühr found it very difficult in the document to determine where the word will or the word shall and/or those incidental changes that were made. He feels that those little changes are important in legal documents and in the courts. He wants to know that when it comes time to deliberate about whether someone is doing something right or wrong and when all those little changes took place and what the recommendations actually are before they adopt the changes to the new charter.

September 18, 2006

MOTION by Mr. Yazbak and seconded by Mrs. Thibault with discussion and voted unanimously on an aye vote to table to the December regular 2006 meeting and those decisions made by a new council.

Mr. Lovett echoed Mr. Yazbak's comments since it is not going before the voters in November and due to the fact that there is an election coming up and it will be the new council's decision to proceed on moving forward.

Mrs. Flaherty discussed with Mr. Lowe the idea of bringing back the town charette to get the town together to discuss specific topics that the town would like to look at. She feels that the Town Administrator/Town Manager issue could be brought up and that there should be a public forum. She felt that there were changes that needed to be made and updated but what she got back was a document totally different than what she had expected to get back. She doesn't feel comfortable moving forward with it and agreed to table it.

Mr. Zwolenski stated that the new town charter belongs with the next town council and to take a look at it and allow the people and residents of North Smithfield to make the decision on the town charter.

MOTION by Mr. Yazbak and seconded by Mrs. Flaherty and Mrs. Thibault and voted unanimously on an aye vote to adjourn the public hearing at 8:25 PM.

Respectfully submitted,

Patricia A. Paul, Deputy Town Clerk

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 18, 2006

KENDALL-DEAN SCHOOL

IMMEDIATELY FOLLOWING

PUBLIC HEARING

The regular meeting was continued at 8:26 P.M.

ENTERTAINMENT LICENSE/HAUNTED HOUSE – A. ALLAIRE

MOTION by Mr. Yazbak and seconded by Mrs. Thibault and voted unanimously on an aye vote to deny the license with discussion.

Mr. Lovett stated that they were expecting to get more information for insurance purposes etc.

USED AUTO PARTS DEALER LICENSE – NS AUTO RECYCLING INC.

MOTION by Mrs. Thibault and seconded by Mrs. Flaherty to approve the license.

Roll call: Mrs. Flaherty – Yes; Mrs. Thibault – Yes; Mr. Yazbak – No; Mr. Zwolenski – No; and Mr. Lovett - Yes. The motion passed 3 to 2.

HOLIDAY SALES LICENSE – STALEFISH SKATE & SNOW

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the holiday sales license.

LIZ DEVELOPMENT SEWER ASSESSMENT – K. MAURICE

MOTION by Mr. Yazbak and seconded by Mrs. Flaherty and voted unanimously on an aye vote to table to October 2, 2006 or at a later date on the advice by legal counsel.

RESIDENTIAL FENCING – MICHAEL AND KAREN FOURNIER

Mr. & Mrs. Michael and Karen Fournier reside at 357 Mattity Road. They are following up to issues that were addressed two town council meetings ago. They are concerned about the height restrictions on residential fencing. They feel that there should be a permit given for anything over 6 feet and that graffiti on private property there should be some type of control on signs on residential property. He stated it is causing a lot of attention where cars and bicyclists are stopping and they are afraid that someone may get hurt because the road is so heavily traveled. They filed a formal complaint with Mr. Robert Benoit a week ago and are waiting to hear regarding the ordinance for residential signage. The bigger issue is the property owner who installed the fence is not even a resident of North Smithfield. They

live in Lincoln. Due to the fact it is an eyesore,

September 18, 2006

Mr. Fournier feels that it is a town issue because it involves the residents within the town who have to deal with the situation on a day-to-day basis.

Mr. Yazbak brought up the motion that was made at the August 21, 2006 meeting that the Town Administrator, the Building Inspector and the Town Solicitor would see if the town signage regulations apply in this case and then if they do then remedial action be taken.

Mr. Lovett agreed with Mr. Yazbak and he stated that based on the ordinance that currently stands, there was nothing regarding any restrictions regarding the fencing.

Mr. Hadden's response was that yes he is looking into it and has not yet completed his research. The question was whether the spray-painting on the fence constituted signage that violated the signage ordinance, but he has not yet found something that can help them and will continue to look.

Mr. Benoit stated he received the formal complaint from the Fourniers and he is currently looking into the complaint. There were a few questions that he has to respond to. He stated that he has 20 days to respond to them. He is still waiting for some answers.

Mr. Benoit expects to have answers at October's next regular meeting, and they should have some sort of response.

Mr. Hadden wanted to bring up the point on the 8-foot restriction and maybe an issue out of the zoning ordinance. If it is out of the zoning ordinance, then the zoning board should take a look at it and get a recommendation from them and then a zoning ordinance revision requires a public hearing before the town council. He also stated that they could hire an attorney and use the civil law of nuisance which would not be available to the town because the town is not a party in interest but it is available to them as an abutting landowner who is directly affected by that.

Mr. Yazbak reviewed the motion made by him in the August 21, 2006 minutes that the Town Administrator, the Building Inspector and the Town Solicitor work on an ordinance for fencing in the Town of North Smithfield that includes height restrictions of no more than six feet with no more than three feet on the plane to the road and that the posts and the inside of the fencing are on the property owner's side.

Mr. Lowe stated that he had no objection to the requests for variance regarding fencing for commercial properties. Although the current zoning ordinance does not require a building permit for fencing under six feet.

Mr. Benoit stated that in 2003 the State building code made changes and that there was no permit required for fencing six feet or less.

UPDATE ON LIZ DEVELOPMENT

Mr. Lowe stated that Mr. Pendergast updated everyone. They are starting to put sewers in on Elizabeth Avenue and in hopes that it will be covered before the winter arrives.

Mr. Zwolenski expressed his concern on Elizabeth Avenue that he had mentioned at the August 21st town council meeting that there should be an engineer present when they put the top coat on. He stated that none of the staff were there to observe that, nor Geremia was there. He went out there to observe and there are catch basins that were not recessed over there. He requests to have Mr. Phillips present at the next town council meeting to give them a written report concerning the berms, the proper grates, if the manhole catch basins are recessed to catch the water.

Mr. Lowe stated that Mr. Phillips had a prior family commitment and he was unable to attend.

Mr. Zwolenski request Mr. Phillips bring with him the approved, signed and stamped plan with him.

September 18, 2006

Mr. Yazbak received an e-mail from Mr. Najarian, who feels that the town is still in a “reactive” vs. “proactive” mode regarding several issues, (providing police detail, certain roads were blocked by a large excavator, streets were impassable, dust control, debris and excavated ledge) and problems that could have been taken care of in 15 minutes and hasn’t been addressed and needs to be.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to suggest that if and when a developer comes in to expand or adds on into an existing neighborhood and they are doing work or digging up on public streets, it would be the town that does the work and not the developer who does the work and the bill is sent to the developer to get reimbursed.

Mr. Lowe stated that many of these issues are being addressed. He wanted to inform them that he met with the highway department and Sewer Superintendent that same day.

Mr. Yazbak wanted to make the point that if next time a developer comes into an existing neighborhood, what can the town do so this fiasco doesn’t occur again?

Mr. Lowe insisted with the new regulation that there has to be an engineer and two police officers there.

Mr. Lovett emphasized that if the people have a problem to call their

full time administration.

Mr. Leo Defond expressed concern with blasting taking place and the large holes that are being dug.

Mr. Lovett responded to Mr. Defond that Geremia is supposed to be present at the site only when the pipes are being laid and they do not have to be present when blasting is taking place.

Mr. Michael Rapko would like to request and see a town engineer put into next years town budget because of all of the problems that Liz Development has caused to neighbors and to solve such problems. He would also like implemented a stronger blasting ordinance next year that is tougher than the state regulations and not to repeat what happened at Liz Development.

WATER ISSUES

Mrs. Thibault stated that there was nothing to report on water issues. She stated that there was a water advisory meeting but it will be reported at the October 2nd meeting.

**1st READING ORDINANCE AMENDMENT RE: ANIMAL CONTROL
MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote that this be considered the 1st reading of the ordinance of the Town Council regarding Animal Control which was posted on September 12, 2006.**

COMMUNICATIONS

MOTION by Mr. Zwolenski, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to place the following on file: A.) Animal Control Monthly Report for August 2006; B.) DEM Wetlands Alteration Permit-Woonsocket Neighborhood Development Corp./Village Way/Greenville Road; C.) Resolution Opposing Ballot Question No. 1 Amending RI Constitution – Town of Richmond.

EXECUTIVE SESSION

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to enter into executive session at 9:25 P.M. pursuant to RIGL 42-46-5(A) (2) Sessions pertaining to collective bargaining or litigation to discuss the Fire Department contract.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to come out of executive session at 9:55 P.M. and to seal the minutes. No motions were made and no votes were taken.

September 18, 2006

MOTION by Mr. Zwolenski, seconded by Mrs. Flaherty, and voted 5 to 0 to reconsider Article IX Entertainment License (Haunted House) A. Allaire.

Mr. Lovett stated that at the last meeting, nothing was signed off and nothing can really be signed off until Ms. Allaire gets approval to move ahead. He also stated that there was discussion with the fire department, the police department and Mr. Hadden mentioned getting insurance for the town and having the town named on the insurance.

Ms. Allaire's response was that everything that was asked of her, she has complied with. She stated that she had met with the fire marshal and had some papers that were mailed to the Town Administrator as well approving everything and that he would have to do one final inspection. She has spoken to Officer Merchant and he has also agreed to all of it. The Town of North Smithfield will be named and she will have a bond on her insurance only once she pays, a binder will be given. Once she has approval and she pays she will get a binder for that and will do that the upcoming week and she will provide the town with a copy.

Mr. Lovett asked if there was a stipulation of how many police officers have to be there?

Ms. Allaire stated that there would be one police officer and one fireman on duty.

Mr. Lovett asked Mr. Hadden if anything would happen, would the town be liable in any way?

Mr. Hadden's response was no, that the town would not be liable. The insurance policy that would be provided if there was an injury, it is that policy that will be first to respond for those injuries. If someone would sue the town, that policy would also defend the town.

Mr. Zwolenski expressed his concern that there were no signatures on the license application.

Mr. Hadden requests to get a letter from Officer Merchant indicating approval of the event with the stipulation that there would be one police officer on detail. The council should also indicate on the condition should the public safety director or the police determine that additional assistance or another detailed officer is necessary, the license would be conditioned upon additional security or other detail was required, then Ms. Allaire would need to provide it as a condition.

Mrs. Thibault stated that there was concern in the past from neighbors. She asked if Ms. Allaire had gotten a sense on what the neighbors thought of the highly attended event in a residential neighborhood?

Ms. Allaire stated that the only thing she has heard was the disappointment the past couple of years that she hasn't had it.

Mr. Hadden brought up the parking issue that may occur. He

indicated that there is secured parking at Brigido's plaza. He suggests to have maybe the officer on detail to place no parking signs or special emergency stickers at certain restricted areas.

Ms. Allaire would also like to place parking signs up.

Mr. Lowe suggested to defer questions regarding signs to the police department to assist her. He also stated that the rescues must be able to get by on the side streets. He also stated that if the council gives approval, it is based on all of the stipulations that would be that every department would have to be passed from the electrical inspector, the fire marshall, building inspector etc. If there is anything, then she would be shut down.

Mrs. Thibault asked if additional police or fire officers were needed that she indeed would be responsible for the bill?

September 18, 2006

Ms. Allaire stated that yes she would be responsible for the bill.

Mr. Lovett asked that the license was for Northmen Hollow and Ms. Allaire had indicated that she would like to change it to Buxton

Hollow? Can it be approved with the new name? He also referred to the fund raising policy handout and it reads as follows:

“Any individuals, groups, clubs or organizations wishing to conduct any type of fund raising activity in support of a North Smithfield School related group must obtain the signed consent and permission of the Building Principal of the group for which the funds are intended”. And he wanted to make sure it was covered.

Ms. Allaire stated that it was not a fundraiser. It has nothing to do with the high school.

MOTION by Mr. Zwolenski, seconded by Mrs. Flaherty with discussion to approve the application for Buxton Hollow with the following stipulations and conditions on full approval by the zoning official, building inspector, electrical inspector, fire marshal, police department, tax collector and a letter from the police and fire departments stating that there will be adequate police and fire coverage if they require more police and fire coverage. Ms. Allaire will agree to have extra detail there. The insurance license application will also be provided. The completion of all paperwork received would be upon the Town Administrator to move forward and process. The dates are as follows: October 19, 20, 21, 22, 26, 27, 28, 29, 31.

Mr. Hadden wanted to add specific language for the conditions on the insurance policy of \$1,000,000 or greater include the town as a named additional insured on the policy that there would be a parking,

pedestrian and traffic plan approved by the police that the Police and Public Safety Director are free to determine as to any additional details or stipulations that maybe necessary in their determination onsite for the safety of the public.

Mr. Lovett mentioned that the Town Administrator's capacity is also as the Public Safety Director and he will work to coordinate with all of the departments. He also stated if there is anything that is not correct, he will have the authority to shut the operation down.

MOTION AMENDED by Mr. Zwolenski, seconded by Mrs. Flaherty to include the stipulations made by the Town Solicitor.

Mr. Hadden wanted to include that the license in no way includes an authorization for the service of alcoholic beverages on the premises.

2nd AMENDMENT by Mr. Zwolenski, seconded by Mrs. Flaherty and voted 3 to 2 with Mrs. Thibault and Mr. Yazbak voting no to also include Mr. Hadden's statement unauthorizing the service of alcoholic beverages on the premises.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to adjourn at 10:21 P.M.

Respectfully submitted,

Patricia A. Paul, Deputy Clerk