

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 7, 2007

KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Assistant Town Solicitor Robert Rossi were also present. Town Solicitor Hadden was unable to attend.

NEW ELEMENTARY SCHOOL BOND REFERENDUM

School Committee Chairman Robert Lafleur explained the need for a new elementary school to replace the existing Halliwell building and asked the Council to support a new elementary school bond referendum within the next ten months.

Mr. David DeQuattro of the Gilbane Building Company noted that new regulations will be forthcoming from the Rhode Island Department of Education that will affect future school building projects. He provided a draft of the proposed regulations and reviewed several of them. The state will be getting more stringent with funding because it has less money.

Mr. Lovett commented that this question went before the voters in November of 2006 and was defeated. In conversations with residents, he has heard that people want to see the middle school built before

going forward with an elementary school. Although Mr. Lovett agrees there is the need for this new school, he is concerned with funding two new schools in a two-year time frame. Mr. Lovett believes the town needs to attract more businesses and expand existing businesses to help with the tax base.

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Mr. Zwolenski said he didn't see any community friendly businesses coming to North Smithfield and the burden of paying for a new school will fall on the backs of the taxpayers.

Mr. Leclerc was not in favor of building a new school but thought the taxpayers should have the opportunity to vote on it.

Mrs. Thibault also was not opposed to letting the taxpayers decide.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted 4 to 1 (Mr. Lovett voted no) on a roll call vote to conduct an election on September 25, 2007 for a new elementary school bond referendum.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 8:10 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk

**PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL
7, 2007**

MAY

KENDALL-DEAN SCHOOL

7:30 P.M.

The meeting was called to order at 8:10 P.M. The prayer and the pledge to the flag were waived. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Assistant Town Solicitor Rossi were also present. Town Solicitor Hadden was unable to attend.

This is a continuation of a public hearing to consider amendments to the North Smithfield Zoning Ordinance.

Wetland and Water Body Setbacks

Town Planner Michael Phillips noted that the Planning Board has made a number of significant revisions to this ordinance but has not completed the task. Having discussed the matter with Assistant Solicitor Rossi, Mr. Phillips feels the ordinance should be taken off the table at this point and readvertized at a later date.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to readvertize the wetland and water body setbacks ordinance for a future hearing to be determined by the Planning Board.

Fencing

Mr. Rossi stated the Planning Board has reviewed this ordinance in great detail and has given the recommendation that it should stay as it is. Mr. Rossi feels the language still needs to be reworked to be in compliance with constitutional law.

Mr. Donald Gagnon felt the ordinance was an overkill because of one incident and should be left alone.

Planning Board Chairman Joseph Cardello agreed that if it isn't broken, don't fix it. People need to work out their own differences.

Mr. Zwolenski had concerns about allowing an eight foot fence. He also raised an issue with the amount of space allowed between signs and he would eliminate any reference to hedges and walls.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue the matter to May 21, 2007.

Respectfully submitted,

Debra A. Todd, Town Clerk

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 7, 2007

KENDALL-DEAN SCHOOL

IMMEDIATELY FOLLOWING

PUBLIC HEARING

The meeting was called to order at 8:34 P.M. The prayer and the pledge to the flag were waived. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault.

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Town Administrator Lowe and Assistant Town Solicitor Rossi were also present. Town Solicitor Hadden was unable to attend.

GILBANE BUILDING COMPANY PAYMENT

Mr. Lowe noted the figures given to the Council members are different from those received from the School Building Committee and he asked that this matter be continued to May 21st.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley and Mr. Leclerc, and voted unanimously on an aye vote to table this to May 21, 2007 based upon the advice of the Town Administrator and the Finance Director.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move executive session to the end of the meeting.

RESOLUTION – COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Phillips provided an application for a \$543,382.00 Community Development Block Grant. Following is a list of each proposed activity in order of local priority: 1.) Meadows Elderly Housing - \$400,000; 2.) Housing Rehabilitation - \$60,000; 3.) Affordable Housing Land Trust Operations - \$3,000; 4.) The Villa Nursing Support Services - \$67,382 and 5.) Sojourner House - \$3,000.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to accept the following resolution: “WHEREAS, funds are available under the Rhode Island Community Development Block Grant Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and, WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said department to disburse such funds; and, WHEREAS, it is in the interest of the citizens of the Town of North Smithfield that application be made to undertake a local Community Development Program. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD: That the filing of this application for the amount of \$543,382 to implement the activities proposed herein hereby authorized and that Robert B. Lowe, Town Administrator is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the

Representative of the Town of North Smithfield in all matters relating to this application and any award which may be based upon this application.”

TRANSFER OF CAPITAL FUNDS – HIGHWAY DEPARTMENT

Public Works Director Raymond Pendergast requested that \$25,514.00 from the 2006/2007 capital budget be transferred to enable him to purchase (2) 2.5 yard sanders (stainless steel) - \$10,000; (1) 20 ton bed trailer - \$7,500; (1) used auger - \$1,500; and (1) high speed computerized wheel balancer - \$3,000. The \$25,514 was a portion of the amount needed to purchase a 36,000 GVW Dump Truck w/Plow & Sander. However, no additional funding was included in the 2007/2008 capital budget, thus the request for the transfer.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve the transfer of \$25,514.00 from the 2006/2007 capital budget as requested by Mr. Pendergast.

1st READING ORDINANCE AMENDMENT RE: RETURNED CHECKS

Mr. Lovett read the following ordinance amendment which constitutes the first reading: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 6, entitled, “FINANCE AND TAXATION”, Section 6-2.1 entitled ”Returned checks”, subsection (a) shall be amended as follows: Sec.6-2.1(a): The finance director shall charge a fee of fifteen dollars (\$15.00) Twenty-five dollars (\$25.00) for checks returned to the town or any of

its departments or agencies due to a lack of sufficient funds or for any other reason. This ordinance shall take effect on the date of passage and in accordance with the Town Charter.”

May 7, 2007

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to have the second reading on May 21, 2007.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 9:03 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Northern RI Private Industry Council, Juvenile Prosecution – Retention of Counsel and Appeal of Zoning Board Decision Re J. Piette.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 9:40 P.M. and to seal the minutes. Two votes were taken.

(Mr. Zwolenski left the meeting at this time.)

Northern RI Private Industry Council

There was a motion to approve payment of legal fees for defense of a motion in that action.

Appeal of Zoning Board Decision Re: J. Piette

There was a motion to obtain the services of the Assistant Town Solicitor to defend the appeal of the Zoning Board's decision regarding the Jeffrey Piette matter on Annette Avenue.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 9:44 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk