

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

MARCH 19, 2007

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

Clean and Green Day

Mrs. Thibault took the opportunity to invite everyone to participate in Clean & Green Day scheduled for April 14, 2007.

Budget Documents

Mr. Normand Vadenais of 40 School Street asked if it would be possible to make the budget documents available to the public earlier than the night of the budget hearing.

REGULAR MEETING

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 Town Solicitor Hadden were also present.

APPROVAL OF MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the minutes of February 20, 2007 as presented.

PAYMENT OF BILLS

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$2,519,757.43; Sewer - \$350,485.94; and Water - \$15,731.25 for a total of \$2,885,974.62.

SCHOOL BUILDING COMMITTEE PAYMENT REQUEST

MOTION by Mr. Lovett and seconded by Mr. Keeley that, based upon the recommendations of the School Building Committee and Finance Director Jill Gemma, the payment to Gilbane Building Company for Requisition #7 in the amount of \$99,445.48 and to Joseph J. Reale, Jr. for Invoice #31601 in the amount of \$1,945.48 be approved.

Mr. Leclerc noted there has been no change order for Application 7 for Reimbursable Expenses for an additional \$3,550.63.

The MOTION was amended by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment to Gilbane Building Company for Requisition #7 in the amount of \$95,894.85 and payment to Joseph J. Reale, Jr. for Invoice #31601 in the amount of \$1,945.48. The total equals \$97,840.33.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 7:15 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the North Smithfield Fire & Rescue

Service, Inc. and Narragansett Improvement vs. Town of North Smithfield and also pursuant to RIGL 42-46-5(A)(2) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 7:40 P.M. and to seal the minutes. No motions were made and no votes were taken. Mr. Lovett noted that only the North Smithfield Fire & Rescue Service had been discussed.

MATTRESS AND BOX SPRING PICK UP/COASTAL RECYCLING, INC.
The Town has been notified that the RI Central Landfill will be charging \$15.00 per mattress or box spring disposed at their facility. A suggestion was made that would require residents to go to the highway barn to pay the charge. They would then be given a sticker to be placed on the mattress/box spring and either the town workers or Coastal Recycling employees would pick up the items and transport them to the landfill. Mr. Lowe noted that some towns are also charging for pick up of white goods.

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Recycling

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move up Item XII(D) “Recycling” because it pertained to the discussion taking place.

Mrs. Thibault commented that while traveling on town roads, she has noticed many trash bags at the curb but few recycling bins. Multi-family homes don’t appear to be recycling at all.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote that Public Works Director Ray Pendergast and the Town Administrator form a plan with recommendations for a fee schedule and return to the Council at the April 2nd meeting.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to ask the recycling coordinator, Donna Kaehler, to bring forth a plan at the April 16th meeting on how to improve recycling.

Ms. Kaehler was present and informed the Council that she has been to all of the local schools where her main goal is to get paper out of the trash cans. She will be working on Clean & Green Day to inform people of what can be recycled.

LIAISON TO BRANCH VILLAGE REVITALIZATION PROGRAM

Mr. Lowe noted that both Mr. Leclerc and Mrs. Thibault have agreed to be a part of the revitalization program for Branch Village.

SOLID WASTE AND RECYCLING SERVICES AGREEMENT

Mr. Lowe explained this agreement with Rhode Island Resource Recovery Corporation is retroactive to July 1, 2006 and was negotiated through the League of Cities and Towns.

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to approve the Solid Waste and Recycling Services agreement between the Town of North Smithfield and Rhode Island Resource Recovery Corporation.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to sign the agreement on behalf of the town.

ORDINANCE REVIEW COMMITTEE

A discussion revolved around establishment of the membership. According to the resolution drafted by Mr. Hadden, the committee would be comprised of five voting members. The Comprehensive Plan will drive what ordinances need to be established.

Mr. Phillips has been working on an RFQ for a consultant and he expects to advertise in early April.

It was suggested that the Town Clerk and the Town Planner craft a letter to be sent to the various boards recruiting members to the Ordinance Review Committee. Mr. Zwolenski recommended putting a notice up at Town Hall and at the Municipal Annex.

INDUSTRIAL DEVELOPMENT COMMISSION MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of December 6, 2006 and February 12, 2007.

PARKS AND RECREATION COMMISSION MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of January 4 and 29, 2007.

PLANNING BOARD MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of December 7 & 21, 2006, January 4 & 18, 2007 and February 1, 2007.

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DRAINLAYER'S LICENSE – GAVIGAN EXCAVATING CORP.

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve the drainlayer's license to Gavigan Excavating Corp.

24-HOUR OPENING – MCDONALD'S

Mr. Joseph Napoli, owner of the McDonald's restaurant located at 12 Eddie Dowling Highway, requested permission to open his establishment for 24 hours. This would be for the drive-through window only during the hours of 12:00 A.M. to 5:00 A.M.

Mr. Zwolenski stated there have been noise issues at another local eating establishment during the early morning hours and he would not be able to support this request.

Mrs. Thibault said she would like to have recommendations from Town Administrator Lowe and Chief Reynolds.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this matter to April 16th to enable the Administrator and the Police Chief to give their recommendations.

Mr. Hadden felt it would be a good idea to have Mr. Napoli complete a license application even though there is no license for a 24-hour opening.

2ND READING ORDINANCE AMENDMENT RE: REGISTRATION OF BUSINESSES AND PROFESSIONS

Mr. Lovett read the following ordinance which was passed unanimously on a roll call vote: “IT IS ORDAINED by the Town Council of the Town of North Smithfield: Chapter 11 of the Code of Ordinances, Article XIII, shall be amended to add subsection (d), which shall read as follows: ARTICLE XIII REGISTRATION OF BUSINESSES AND PROFESSIONS Sec. 11-151 Registration of Businesses and Professions (d) Payment of all applicable taxes and assessments shall be a precondition to the issuance of a registration certificate and to the right to conduct or transact business in the town, and no registration certificate shall be issued to any entity currently in arrears in any tax or assessment levied by the town, or by the state, or for use upon any premises for which any such taxes or assessment are unpaid. The ordinance shall in all other respects remain. This ordinance shall take effect upon passage in accordance with the Town Charter.”

DEPARTMENT REPORTING

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski that the North Smithfield Building Department present weekly detailed reports of the following items: 1. All applied for, pending, and determined applicants for zoning compliance, which will be identified by plat, lot, street address, and owner of record. 2. All pending and released building permits. This said weekly report will be e-mailed or available

for pick-up on Friday to all of the town council members until further notice. In addition the Planning Department will present a detailed report every two weeks of the following items: All minor, major and administrative subdivisions. This report will also be e-mailed or available for pick-up on every other Friday to all of the town council members until further notice.

Once again Mr. Lowe stated a weekly report puts these departments under a great deal of pressure considering they are short-staffed.

Building Inspector Robert Benoit said a report of zoning compliances would not be a problem but a report on building permits is already generated monthly.

MOTION was amended by Mr. Leclerc, the second was amended by Mr. Zwolenski, and it was voted 4 to 1 (Mr. Lovett voted no) on an aye vote that the Building Inspector will present a weekly detailed report of zoning compliances issued and this report will include identification of plat, lot, address, owner, what the application is for and the zoning officer's determination. The Planner will present a report every two weeks on minor, major and administrative subdivisions.

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CHERRY BROOK AVENUE FLOODING

A petition was presented by Ms. May Briggs on behalf of residents of the Woodlawn Road, Lapre Road and Meadowbrook Drive area. She noted the flooding has worsened and is creating health problems and financial burdens for some families. Many residents are not satisfied with the attempts to rectify the drainage problem with the Meadow Brook culvert.

Mr. Lowe responded that the town now has a mitigation plan and is qualified for grants but proper procedural steps have to be taken. The town is under strict guidelines from the Department of Environmental Management.

Mr. Phillips stated that a hydrologist viewed the watershed last spring. A full hydrological study is recommended. Mr. Phillips also met with representatives of DEM/Wetlands who were concerned if the town was thinking of dredging. He may return to the Council to amend the mitigation plan to include Cherry Brook.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to begin the process to amend the Mitigation Plan to include a study of the Cherry Brook area.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to amend the Comprehensive Plan to include verbiage that a study be done in the Cherry Brook area to mitigate flooding.

Mrs. Thibault offered to include discussion of this matter on the agenda for every regular meeting.

SEWER ASSESSMENT FOR 10 GLEN AVENUE – K. DULUDE

Mr. Dulude owns a five-unit apartment complex at 10 Glen Avenue. Someone told him that the \$5,200 per unit assessment fee did not apply to him. Mr. Dulude read Section 8-36.6 of the Code of Ordinances which discusses the sewer lot development fee. He felt this section should not apply to him because there was no sewer line in front of the property. He had to install his own and the town did not incur any costs. Mr. Dulude believed he would fall into the guidelines of the Union Village Sewer District although he has been unable to obtain a list of those streets that are included in that particular district.

Mr. Lowe noted that Mr. Dulude received a free easement through town property. He also felt that Mr. Dulude probably should have been charged \$5,200 for the first unit and \$1,500 for each unit thereafter. That formula came up with The Meadows and the Slatersville mill. A complication now is that Mr. Dulude is selling those units as condominiums.

MOTION by Mr. Keeley, seconded by Mr. Lovett, and voted 3 to 2 (Mr. Leclerc and Mr. Zwolenski voted no) on an aye vote to refer this matter to the Sewer Commission for an opinion.

LIZ DEVELOPMENT FLOODING

Mr. Joseph Murray of 142 Elizabeth Avenue had asked to be placed on the agenda to discuss flooding in front of his property. However, he has since received information that there would be a meeting tomorrow of town officials, the developer and the insurance adjuster. Mr. Murray asked that his request be put on hold until a later date if necessary.

COMMUNICATIONS

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to accept and place on file the following items: A.) NSF&RS Monthly Incident Report for February 2007; B.) Animal Control Monthly Report for February 2007; C.) RIDEM Wetland Permits for Rte. 146A/Old Smithfield Road and Village Way/Greenville Rd.; D.) Resolutions from the Town of Burrillville requiring utilities to pay for relocation of infrastructure and amendments to Chapter 98 Energy Facility Siting Act; E.) Resolution from the City of Pawtucket re: Menhaden Management Area; F.) Resolution from the Town of Middletown Re: increasing arsenic levels in soil requiring mitigation; G.) Resolutions from the Town of South Kingstown re: school housing project costs and group home educational funding and H.) Resolution

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from the Town of Westerly re: non-renewal of insurance for coastal properties.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter into executive session at 9:55 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield and RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 10:14 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 10:15 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk