

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**OCTOBER 15, 2007**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

**GOOD & WELFARE**

**Sewer System**

**Mr. Ernest Alter asked if there was a feasibility study regarding sewage hook-up to the existing sewer system on Greenville Road.**

**Holliston Sand & Gravel**

**Mr. Alter asked if it would be possible to look into a lawsuit against Holliston for restitution and unjust enrichment that would come back to the town.**

**Mr. Alter referred to September Town Council minutes where a motion was made to send a letter to several local and state bodies requesting information on a proposed hydroelectric power plant.**

**Mrs. Thibault responded that the letter had not been sent yet but he could obtain a copy when it was done.**

**Good & Welfare**

**Mr. Alter suggested that Good & Welfare be held at both monthly Council meetings and that residents be encouraged to attend.**

**Quarterly and Monthly Reports**

**Mr. Alter also recommended that the Town Administrator prepare monthly and quarterly reports as several of the surrounding towns do.**

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### **Public Meeting Re: Hydroelectric Plant**

**Mrs. Thibault informed everyone that there will be a joint public meeting held in regards to a Slatersville hydroelectric project. It is scheduled for October 25, 2007 from 10:00 A.M. to 12:00 P.M. at Kendall-Dean School.**

### **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 in attendance.**

### **APPROVAL OF MINUTES**

**MOTION by Mr. Lovett and seconded by Mr. Leclerc to approve the minutes of September 17 and October 1, 2007.**

**Mr. Leclerc asked the Clerk to include another question he felt had been omitted in the Questions for the Tax Assessor regarding building permits.**

**Question: What happens if the Building Inspector does not forward a**

**permit to your office?**

**Answer: The property does not get assessed and taxed.**

**Mr. Lovett amended his motion to include this correction, Mr. Leclerc amended his second and the motion passed unanimously on an aye vote.**

## **PAYMENT OF BILLS**

### **Monthly Bills**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$2,579,365.58; Sewer - \$149,169.65; and Water - \$3,707.95 for a total of \$2,732,243.18.**

### **Gilbane Building Co.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Requisition #14 Job #4178 dated September 30, 2007 in the amount of \$1,270,995.63 and Requisition #3 Job #4178010 dated September 30, 2007 in the amount of \$58,135.29 for a total of \$1,329,130.92 based upon the recommendations of Paul Vadenais and David Chamberland.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 7:10**

**P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Northern RI Private Industry Council vs. Town of North Smithfield and NSF&RS Inc. Payment of Outstanding Medical Bill.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 7:32 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**North Smithfield Fire & Rescue Service Inc. Payment of Medical Bill**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call bill to increase the NSF&RS budget by \$3,000 to be treated as a general allocation increase to their budget that will be used as they see fit.**

#### **RESOLUTION RE: ORDINANCE REVIEW COMMITTEE**

**Town Planner Michael Phillips presented a resolution for the Council's review.**

**Mr. Leclerc suggested that members from the various boards be selected to serve on the Ordinance Review Committee through a consensus vote of each board's members.**

**Mrs. Thibault noted that the resolution should be corrected to reflect there will be seven members, not five.**

**Because of the suggested revisions, MOTION by Mr. Leclerc to table this to the next meeting. There was no second.**

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**Mr. Lowe suggested placing a notice in the local newspapers in an attempt to attract more residents to participate in the process.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve the following resolution regarding the creation of an Ordinance Review Committee as amended: “Whereas, The Town Council wishes to retain a Consultant to work with the Town Planner for the purpose of reviewing certain ordinances that impact town zoning and planning; Whereas, The Town Council wishes to receive the input of citizens and members of existing boards and commissions to assist in this process; Whereas, The Town Council wishes to establish a committee for the purpose of making recommendations to the Planning Board, the Planner, and the Consultant for ultimate referral to the Town Council for the Council’s review and consideration; It is RESOLVED by the Town Council of the Town of North Smithfield as follows: Ordinance Review Committee (a)Creation, General Purpose. Here created is the Ordinance Review Committee for the Town of North Smithfield for the general purpose of the review of, and for the issuance of non-binding recommendations concerning certain ordinances that relate to zoning and planning. The commission shall have no executive or legislative**

powers, and shall report its recommendations to the Town Planner, who it shall serve in an advisory capacity. The committee shall remain in existence for the period of one calendar year, from October 11, 2007 to October 11, 2008 and shall present its final recommendations to the Town Council by October, 2008. The council may extend these periods by passage of a new resolution, but in any event the term of the committee, and its membership shall expire with the termination of the current term of the present town council. (b) Membership. The committee shall be comprised of seven (7) voting members who shall be residents of the town who are of good character. Members shall serve without compensation, but the reasonable expenses of the committee or its members may be authorized by the town council with prior approval. The committee shall specifically include seven (7) members, as follows, all of who shall be appointed by the town council: 1. A member of the Conservation commission, ex-officio. This member shall be approved by a vote of the Conservation Commission, and finally appointed by the town council. 2. A member of the present Planning Board, or one of its alternates, ex-officio. This member shall be approved by a vote of the Planning Board, and finally appointed by the town council. Should the Planning Board elect not to appoint a representative to the committee, then a member of the general public shall be appointed to this position under the terms of paragraph 6, below. 3. A member of the Industrial Development Commission, ex-officio. This member shall be approved by a vote of the Industrial Development Commission, and finally appointed by the town council.

**4. A member of the Zoning Board, ex-officio. This member shall be approved by a vote of the Zoning Board, and finally appointed by the town council. 5. A member of the Valley Alliance. This member shall be approved by a vote of the Valley Alliance, and finally appointed by the town council. This member shall be a town resident throughout the term of service. 6. Two members from the public at large, appointed by vote of the town council. These members shall be town residents throughout the term of service. 7. In appointing members, priority should be considered toward those who have specific skills and qualifications that would assist the committee in its tasks, such as those in the professional building trades, finance, business, design, architecture, engineering, land development or the like. All seven of the above members are full voting members. 8. The committee shall appoint a chairperson, a vice chairperson or a co-chairperson, and a secretary who shall coordinate and supervise the activities of the clerk, and assist the clerk where necessary. There shall be a clerk/secretary of the committee, who shall be one of the members of the committee and shall be elected by its members, and who shall serve to take minutes and perform administrative tasks for the committee, including but not limited to the taking of notes and minutes of the activities of the committee and facilitate compliance with open meetings and other procedures. Minutes shall be filed by the committee with the town clerk (for distribution to the town council and to the planning and zoning boards). 9. The terms of all members shall not extend beyond the terms of the council that elected them.**

**(c) Purposes and Authority. 1. The committee shall be responsible to**

**prepare such recommendations and advice to the Town Planner and its**

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**consultant, each or either of which may attend meetings of the committee. Recommendations shall be directed to the town planner and to the planning board. The planning board and the town planner shall issue their independent recommendations for action on the committee's submission for review and action by the town council, along with a copy of the original recommendations of the committee. All such recommendations shall be non-binding on the town council. The recommendations of the ordinance review committee may include: a. Planning laws and regulations, which in any event shall be advisory only, and non-binding on the planning board, and for adoption, action or not, by the planning board in accordance with state law and town planning regulations; b. Zoning laws and regulations, which in any event shall be advisory only, and non-binding on the town council, and for adoption, action or not, by the town council in accordance with state law and the town charter and ordinances; c. A noise ordinance, which in any event shall be advisory only, and non-binding on the town council, and for adoption, action or not, by the town council in accordance with state law and the town charter and ordinances; d. Any other matters may be directed by the town council. Furthermore, the town council may restrict or narrow the scope of the committee's review should the town council so decide by motion. 2. The committee shall report its**

progress, in writing, to the town council every 60 days, either through its membership or through the town planner, with an outline of topics and ordinances reviewed, and other matters of status. The council retains the authority to overrule, revoke, or restrict the committee's authority at any time. (d) Meetings. 1. The committee shall meet periodically, and no less frequently than once monthly. Meetings of the committee shall be in compliance with the open meetings act, and its records open in compliance with the state public records act. The meetings shall be open for comment by the general public addressed to the committee at each meeting."

#### **AWARD CONTRACT FOR ZONING CONSULTANT**

Mr. Leclerc felt that it was premature to hire a consultant at this time. Unless you initially have the structure in place to identify, fully enforce and document our zoning law violations, hiring a consultant is not what we need at this point in time.

When asked his opinion, Mr. Phillips commented that the Comprehensive Plan requires certain ordinances be adopted and, because of the amount of time required for the task, he feels he does need the assistance of an outside professional.

Mr. Zwolenski wasn't sure it would be necessary to spend thousands of dollars on a consultant when there are numerous talented people living in town and a Town Solicitor in whom he has the utmost faith. He thinks a lot of the work can be done before bringing in an outside

**consultant. If the Council does decide to move forward with hiring a consultant, he would opt for the firm of Shamoon, Teitz & Lachowicz.**

**MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted 4 to 1 on a roll call vote (Mr. Leclerc voted no) to accept the bid of Shamoon, Teitz & Lachowicz in the amount of \$35,000 due to their previous experience with the town. The Town of North Smithfield has also experienced timely delivery of plans/products from Shamoon, Teitz & Lachowicz. Mr. Lachowicz is a renowned planner in the state of Rhode Island and this firm did the growth management study.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to sign the document on behalf of the town if it is acceptable to the Town Planner and the Town Solicitor.**

## **ABATEMENTS**

**Mrs. Gemma stated she would like to try to exhaust other avenues to collect some of these taxes and she would also prefer to have Tax Assessor Susan Makar present for this discussion.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this to November 19, 2007.**

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## **AUDITORS' REVIEW OF EXECUTIVE SESSION MINUTES**

**Mrs. Gemma explained that the auditors requested access to the sealed executive session minutes for their annual audit.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the town auditors to have access to the executive session minutes.**

## **CHERRY BROOK**

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

**Mr. Phillips stated that Mr. Miles Briggs had brought to his attention that the outfall section of the culvert was partially blocked when one of the wing walls of the culvert collapsed. The highway department went out today and cleared most of the debris. Additional work will need to be done to make a permanent wall.**

**Mr. Phillips added there is nothing new from FEMA regarding the grant application round.**

## **MIDDLE SCHOOL CONSTRUCTION**

**Changes to Owner Contingency**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted**

**unanimously on a roll call vote to approve revisions to the Advantex control shed and concrete encasement of the sewer lines in the amount of \$6,201.00 and removal of a traffic island at the entrance to the high school in the amount of \$4,843.00. These will be taken from the Owner Contingency analysis as Change Order #6.**

#### **Changes to Builder's Contingency**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve installation of temporary wooden handrails at the bus turnaround and handicap ramp, premium time for masonry work, moving of drainage structures on site, and a cooling coil for the cafetorium rooftop unit in the amount of \$34,235.00 based upon the recommendations of Paul Vadenais and David Chamberland.**

#### **Escrow Payment Process for Advantex Sewage Pretreatment System**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve an escrow payment in the amount of \$158,749.93 for materials because the vendor requires a COD payment pertaining to the Advantex Sewage Pretreatment System.**

#### **Reduction in Retainage for Fleet Construction Co.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a reduction in retainage from ten percent to five percent for Fleet Construction Company as**

**recommended by Gilbane Building Company and the School Building Committee.**

#### **Change Order #2A**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Change Order #2A which includes the cost to connect the basketball courts with electricity from National Grid and the cost to increase the size of the underground detention system #6 located beneath the football field. The amount is \$100,123.00 and will come from the 1999 school bond that is the funding source for the field upgrade.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to authorize the Town Administrator to sign the budget expenditure authorization #2 for Change Orders #2A and #6.**

#### **CONSERVATION COMMISSION MINUTES**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept and place on file the minutes of August 14 and September 11, 2007.**

#### **INDUSTRIAL DEVELOPMENT COMMISSION MINUTES**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept and place on file the minutes of September 18, 2007.**

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**GREAT PUMPKIN FESTIVAL PROCEEDS**

**Mrs. Thibault had a check in the amount of \$350.00, proceeds from the pony rides sponsored by the Town Council. She questioned how the Council wished to spend the funds.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to allow Mrs. Thibault to give the check to the Finance Director who will, in turn, make a donation to the Kiwanis Club project at Kendall-Dean to purchase pavers.**

**RESOLUTION RE: ORDINANCE REVIEW COMMITTEE**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to return to this item at the request of Mr. Hadden.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to include planning laws and regulations in Subsection C1A as well as in Subsection B. Subsection C would be for a noise ordinance. The present Subsection E will become Subsection D. The following language is added to this subsection: "Furthermore, the town council may restrict or narrow the scope of the committee's review should the town council so decide by motion."**

**(This addition was included in the resolution found earlier in the minutes.)**

## **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for September 2007; B.) NSF&RS Inc. Monthly Incident Report for September 2007; and C.) Resolution Opposing Expansion of Gambling Hours of Operation and the Introduction of New Forms of Gambling at Newport Grand from the City of Newport.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 9:15 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**