

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 19, 2007

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

Rubbish Collection

Mr. Lowe noted there have been delays in trash pickup recently and he has received numerous complaints. He will be meeting with the rubbish

collection company tomorrow morning at 9:00 A.M. and invited the Town Council members to join him.

Education Financing

Mr. Ernest Alter suggested that towns unite to find ways to circumvent entrenched unions through investment tax credits. This would unshackle the town from both federal and state mandates. He recommended looking into charter schools, home schooling and private schooling as an alternative to public education.

Noise Ordinance

Mr. Alter thought the town should look into the city of Woonsocket's noise ordinance. He felt it was a good one.

Water and Sewer

Mr. Alter heard a comment on the radio and agrees that area towns should partner with the city of Woonsocket for water and sewer

services.

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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.

PRESENTATION OF CHECK TO KIWANIS CLUB

The North Smithfield Town Council sponsored pony rides at the Great Pumpkin Festival and presented a check for \$350.00 to Linda-Jean Briggs of the Kiwanis Club for use towards the Kendall-Dean School project.

APPROVAL OF MINUTES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the minutes of October 15 and November 5, 2007 as presented.

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 - \$1,652,876.07; Sewer - \$120,662.20 and Water -

\$12,120.69 for a total of \$1,785,658.96.

Gilbane Building Co.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of Requisition #15 Job #4178 in the amount of \$1,795,201.37.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of Requisition #4 Job #4178010 in the amount of \$93,994.51.

EXECUTIVE SESSION

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

CITY AND TOWN COALITION RE: BLUE CROSS/BLUE SHIELD

Mr. Lowe has attended meetings with several northern Rhode Island communities in an attempt to find savings on Blue Cross/Blue Shield expenses.

ABATEMENTS

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this to the December 3, 2007 meeting.

AWARD OF BIDS

Road Materials/Crack Sealant

MOTION by Mr. Lovett, seconded by Mr. Leclerc and Mr. Keeley, and voted unanimously on a roll call vote to award the following bids based upon the recommendations of Public Works Director Raymond Pendergast and Finance Director Jill Gemma:

Pyne Sand & Stone Co., Inc. for:

Washed Sand	\$12.00 per ton
Processed Gravel	11.00 per ton
Loam – Regular	12.25 per CY
Crushed Stone – 3/8”	13.50 per ton
Crushed Stone – 3/4"	12.50 per ton
Crushed Stone – 1 1/2"	12.50 per ton
Gravel Bank Run	8.00 per ton

Lorusso Corp. for:

Loam – Screened	\$14.95 per CY
Stone Dust	11.25 per ton

Sealcoating Inc. for:

Crack Sealant	\$ 9.76 per gallon installed
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Kubota Zero Turn Mower

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to award the bid to Norfolk Power

**Equipment for a
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final price of \$9,000 based upon the recommendations of the Public Works Director and the Finance Director. Norfolk Power Equipment will take in trade a used Land Pride Finish Mower (\$2,000) and a used Ariens Garden Tractor (\$910). The funds will be paid from the 2006-2007 Parks & Recreation Capital Budget.

NORTH SMITHFIELD FIRE ALARM SYSTEM UPGRADE

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to assign the contract to Signal Communication Corporation for three (3) radio boxes in the amount of \$3,500 each based upon the recommendations of Chief Jillson, the Finance Director and the Town Administrator.

MIDDLE SCHOOL BUILDING PROJECT

Changes to Owner Contingency

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve payment of \$12,552.00 for rock removal during site utility work, \$5,063.00 for rock removal for the installation of the 35,000 gallon septic tank and \$5,000.00 for the installation of cooling coils in the air handling units for the gymnasium based upon the recommendations of the School Building Committee.

Changes to Builder's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve premium time payment in an amount not to exceed \$25,000.00 based upon the recommendation of the School Building Committee. These hours will help to enclose the building and mitigate winter conditions.

Change Order #3A

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted 4 to 1 on a roll call vote (Mr. Zwolenski voted no) to approve Change Order #3A for removal of rocks exceeding 1 c.y. and trench rock for the amount of \$14,073.00 based upon the recommendation of the School Building Committee.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to authorize the Town Administrator to sign Budget Expenditure Authorization #3 as well as Change Orders #3A, #7 and #8.

FUNDING FOR WORKSHOPS – ZONING BOARD

Mr. Stephen Kearns, Chairman of the Zoning Board, requested funds in an amount not to exceed \$630.00 for members to attend a seminar entitled "Making Good Land-Use Decisions".

Since there was no money funded in the budget for this, Mr.

Zwolenski suggested that Mr. Kearns look into the Planning Department's Miscellaneous Revenue account.

Town Planner Michael Phillips noted that Planning Board members have attended seminars in the past and he thinks there may be funds available in this account.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote, that through the Finance Director, the town finds the funds necessary to send two members of the Planning Board and Zoning Board to this seminar.

COPY OF COMPREHENSIVE PLAN

Mr. Kearns was going to request that copies of the Comprehensive Plan be distributed to the Zoning Board members but has since learned that it will be made available.

RESIGNATION FROM SEWER COMMISSION – L. TIKOIAN

The Town Clerk had received a copy of an email from Leon Tikoian resigning from the Sewer Commission.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to send a letter of appreciation to Mr. Tikoian for his service on the board.

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APPOINTMENTS TO ORDINANCE REVIEW COMMITTEE

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to appoint the following to the Ordinance Review Committee: Vincent Marcantonio, Sr. as a representative from the Zoning Board, Paul Soares as a member of the public at large since the Planning Board relinquished its appointment, Donald Gagnon as a representative from the Conservation Commission, Alfred Puccetti as a representative from the Industrial Development Commission and Ruth Pacheco and John Flaherty as members of the public at large.

RESIGNATION FROM ASSESSOR'S BOARD OF REVIEW – D. COUTURE

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the resignation of Mr. Couture and to send him a letter of appreciation.

APPOINTMENTS TO CONSERVATION COMMISSION

Mr. Lowe submitted the names of Donald Gagnon and Paul Soares for reappointment to the Conservation Commission. Unfortunately, the term of Ruth Pacheco also expires but she is ineligible for another term pursuant to the Code of Ordinances.

MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to accept the Town Administrator's

recommendation to reappoint Donald Gagnon and Paul Soares to the Conservation Commission for three-year terms that will expire on December 1, 2010.

APPOINTMENT TO/RESIGNATION FROM HISTORIC DISTRICT COMMISSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to reappoint Alison Peirce to the Historic District Commission for a three-year term that will expire on December 1, 2010.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the resignation of Michael Slader and to send him a letter of appreciation.

APPOINTMENTS TO INDUSTRIAL DEVELOPMENT COMMISSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the Town Administrator's reappointments of Alfred Puccetti and Eugene Simone to the Industrial Development Commission for five-year terms that will expire on December 1, 2012.

RESIGNATIONS FROM/APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the resignations of Joan

DiNunzio and Louise O'Brien from the Juvenile Hearing Board and to send them each a letter of appreciation.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the Town Administrator's reappointment of Janice Torvi to the Juvenile Hearing Board for a three-year term that will expire on December 1, 2010.

RESIGNATION FROM PERSONNEL BOARD – G. LAPIERRE

The Council received a letter of resignation from Gary Lapierre. This is an appointment of the Town Administrator's and he will do so at a future meeting.

APPOINTMENT TO/RESIGNATIONS FROM PLANNING BOARD

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to reappoint Edward Magill to the Planning Board for a five-year term that will expire on December 1, 2012.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the resignations of John Flaherty and John Czyzewicz as alternates to the Planning Board and to send them each a letter of appreciation.

APPOINTMENT TO PUBLIC SAFETY COMMISSION

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

unanimously on an aye vote to reappoint Paul Connolly to the Public Safety Commission for a three-year term that will expire on December 1, 2010.

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APPOINTMENT TO SEWER COMMISSION

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to reappoint Thomas McGee III to the Sewer Commission for a five-year term that will expire on December 1, 2012.

APPOINTMENTS TO ZONING BOARD

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to reappoint Steven Scarpelli to the Zoning Board for a five-year term that will expire on December 1, 2012.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Mario DiNunzio as 1st Alternate to the Zoning Board. This is a one-year appointment that will expire on December 1, 2008.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Dean Naylor as the 2nd

Alternate to the Zoning Board. This is a one-year term that will expire on December 1, 2008.

INDUSTRIAL DEVELOPMENT COMMISSION MINUTES

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

PERSONNEL BOARD MINUTES

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept and place on file the minutes of June 11, June 25, August 14, August 30 and September 10, 2007.

SEWER COMMISSION MINUTES

MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept and place on file the minutes of August 8 and September 12, 2007.

BV LIQUOR LICENSE – R. FREIBERGER/ROAST HOUSE

Mr. W. Robert Freiburger appeared before the Council to request an extension of his liquor license for use in a building that will be constructed in Dowling Village.

MOTION by Mr. Zwolenski and seconded by Mr. Keeley to grant a BV Liquor License to W. Robert Freiburger d/b/a The Roast House at 17 Eddie Dowling Highway contingent upon receipt of signatures from

the Fire Marshal, Building Inspector, Police Department and Tax Collector prior to opening of the establishment.

The MOTION was amended by Mr. Zwolenski and the second was amended by Mr. Keeley to include that Mr. Freiburger must comply with all state laws.

Mr. Zwolenski made it clear that he did not want Mr. Freiburger holding this liquor license and then selling it to someone else.

The motion passed unanimously on a roll call vote.

ENTERTAINMENT/DANCING LICENSE – T. MARSELLA/NORTH SMITHFIELD COMMONS

Mr. Thomas Marsella requested an entertainment license that would cover all the businesses in his building for the entire year.

When questioned, Mr. Marsella stated entertainment could include local band concerts, dances and holiday events. He also mentioned he has an opportunity for construction of an outdoor holiday trail.

Several Council members were concerned with outdoor entertainment, considering it to be too vague and possibly in need of special use permits from the Zoning Board.

Building Inspector Robert Benoit noted that any outdoor event at the

site would have to comply with zoning ordinances.

Mr. Hadden stated that Mr. Marsella must specify the entertainment he is considering for Mr. Benoit's review.

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MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to grant a license for under age 18 dances, battles of the bands and holiday events to be held in the interior of 408 Eddie Dowling Highway

Following further discussion Mr. Zwolenski withdrew his motion and Mr. Leclerc withdrew his second.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to award an entertainment license at 408 Eddie Dowling Highway limited to the following: age 18 and under dances, battle of the bands and seasonal venues to be held indoors.

RENEWAL OF YEARLY LICENSES

CLASS BV LIQUOR LICENSES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Class BV Liquor Licenses at a fee of \$750.00 to the following: Gator's Pub/T.D.M. Enterprises Inc.; Littlefield's Restaurant & Pub/ME Inc.; Pinelli's Cucina Inc./The

Grille; The Pines Inc.; Village Haven/VH Inc.

CLASS A LIQUOR LICENSES

MOTION by Mr. Lovett, seconded by Mr. Leclerc and Mr. Keeley, and voted unanimously on a roll call vote to approve Class A Liquor Licenses at a fee of \$1000.00 to the following: Douglas Wine & Spirits North Smithfield, Inc. d/b/a North Smithfield Wine & Spirits; Town & Country Liquors Inc.

CLASS BVL LIQUOR LICENSES

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve Class BVL Liquor Licenses at a fee of \$400.00 to the following: Hercules Pizza/L & M Food Service Inc.; Mezza Luna Pizzeria Inc.

CLASS D LIQUOR LICENSES

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve Class D Liquor Licenses at a fee of \$400.00 to the following: North Smithfield Fly Fishing Club Inc./The Island; Sayles Hill Rod & Gun Club; VFW #6342 Leclair Kozlik Logan Bassett; Villa at Saint Antoine/Frassati Residence.

VICTUALING LICENSES

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Victualing Licenses at a fee of \$50.00 to the following: Beef Barn Inc.; Burger King #3667/JAN

CO Central Inc.; Cagney Food Services; Chef Mama's Pizza & Grille; Coffee & Cream Inc. located at 3 Greenville Road; Coffee & Cream Inc. located at 1065 Eddie Dowling Highway; Cumberland Farms Inc. #1274; Dunkin' Donuts/Slate Donuts Inc.; Early Riser Breakfast/Patrick Dalton; Firehouse Pizza Shop II Inc.; Gator's Pub/T.D.M. Enterprises Inc.; Hercules Pizza; L & M Food Service Inc.; Homestead Group/Homestead Gardens/More Than a Scoop; Kennedy's Lunch/KAC Lunch Co. Inc.; Littlefield's Restaurant & Pub/ME Inc.; McDonald's Restaurant/Napoli Management Co./R.L. Curtis Co. LLC; Mezza Luna Pizzeria Inc.; North Smithfield Fly Fishing Club Inc./The Island; Pinelli's Cucina Inc./The Grille; The Pines Inc.; Quik Stop Deli Inc.; Rustic Tri-View Drive-In Theatre Inc./CBB Enterprises Inc.; Sayles Hill Rod & Gun Club; Subway Store #33289 d/b/a Feathers LLC; Super Stop & Shop/Stop & Shop Supermarket Co.; VFW #6342 Leclair Kozlik Logan & Bassett; Villa at Saint Antoine/Frassati Residence; Village Haven/VH Inc.; Wendy's Old Fashioned Hamburgers; Wright's Dairy Farm Inc.

HOLIDAY SALES LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Holiday Sales Licenses at a fee of \$50.00 to the following: Blockbuster Video/Northeast Mgmt. Inc.; Brigido's Fresh Market/Augusto Inc.; Classic Jewelry Inc.; Coffee & Cream Inc. located at 3 Greenville Road; Country Clutter Primitives; Cumberland Farms Inc. #1274; Dunkin' Donuts/Slate Donuts Inc.; Farm Stand Antiques/Gil's Enterprises LLC; Fun in the Sun Pools &

Spas; Hockey Dog, Inc.; Homestead Group/Homestead Gardens/The General Store; Joan's Antiques; Lazer Wars North Smithfield/Lazer Tag & Arcade LLC; Leeway Inc.; Li'l General Store #9/Great Road General Inc.; Monkey Shack Arcade; Mundy's Flower & Gift Shop/Freedom at Last Inc.; North

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Smithfield Sunny Mart; Pearls Candy & Nuts/Certified Candy & Nuts Inc.; Quik Stop Deli Inc.; Redbox Automated Retail LLC; Rite Aid Corp. #10234; Sam's Food Store; Ski Shop Plus Inc.; Stalefish Skate & Snow/Monday Enterprises; Subway Store #33289 d/b/a Feathers LLC; Super Stop & Shop/Stop & Shop Supermarket Co.; Travelin-Time Inc.; Wright's Dairy Farm Inc.

The Council did not approve the license for Creatures, Creatures, Creatures Inc.

ENTERTAINMENT LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve Entertainment Licenses at a fee of \$150.00 to Gator's Pub/T.D.M. Enterprises Inc.; Littlefield's Restaurant & Pub; North Smithfield Fly Fishing Club Inc./The Island; Villa at Saint Antoine/Frassati Residence.

ICE SKATING RINK LICENSE

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

unanimously on a roll call vote to approve an Ice Skating Rink License at a fee of \$25.00 to R I Sports Center Inc.

BINGO LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Bingo Licenses at no fee to Deerfield Commons Bingo; Gatewood Apts.

COIN OPERATED POOL TABLES LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve Coin Operated Pool Tables Licenses at a fee of \$50.00 to Avalon Entertainment LLC for machines located at Gator's Pub; Littlefield's Restaurant & Pub/ME Inc.; Sayles Hill Rod & Gun Club; VFW #6342 Leclair Kozlik Logan & Bassett.

COIN OPERATED MECHANICAL DEVICES LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Coin Operated Mechanical Devices Licenses at a fee of \$50.00 to the following: Avalon Entertainment LLC for machines located at Gator's Pub; Littlefield's Restaurant & Pub/ME Inc.; Monkey Shack Arcade; R I Sports Center Inc.; VFW #6342 Leclair Kozlik Logan & Bassett.

COIN OPERATED JUKEBOXES LICENSES

MOTION by Mr. Leclerc, seconded by Mr. Keeley and Mr. Lovett, and voted unanimously on a roll call vote to approve Coin Operated

Jukeboxes Licenses at a fee of \$50.00 to the following: Avalon Entertainment LLC for machines located at Gator's Pub; Littlefield's Restaurant & Pub/ME Inc.; Mezza Luna Pizzeria Inc.; North Smithfield Fly Fishing Club Inc./The Island; VFW #6342 Leclar Kozlik Logan & Bassett.

THEATRE LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve a Theatre License at a fee of \$50.00 to Rustic Tri-View Drive-In Theatre Inc./CBB Enterprises Inc.

TO BOARD CATS AND DOGS

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve licenses to Board Cats and Dogs at a fee of \$25.00 to the following: Cozy Quarters Pet Inn Inc.; Hi on a Hill Kennel.

DRY CLEANERS LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a Dry Cleaners License at a fee of \$25.00 to Personal Touch Cleaners.

MOTEL LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a Motel License at a fee of \$50.00 to DR Motel Enterprises Ent./Traveler's Motor Lodge.

The Council did not approve the license for Hilltop Inn.

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FLEA MARKET LICENSE

The Council did not approve the license for Northern RI Flea Market.

JUNKYARD USED AUTO PARTS LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Junkyard Used Auto Parts Licenses at a fee of \$100.00 to the following: Bernard's Auto Salvage Inc.; Leo's Auto Parts; North Smithfield Auto Recycling Inc.; Northeast Auto Recycling Inc.

SECONDHAND DEALERS LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Secondhand Dealers Licenses at a fee of \$25.00 to the following: Farm Stand Antiques/Gils Enterprises LLC; Joan's Antiques.

DETECTIVE LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Detective Licenses at a fee of \$150.00 to the following: Biron Investigative Services; Cardone, Richard d/b/a Cardone, Rick & Associates Private Detective Services; Jalette, Maurice H. d/b/a M H J Investigations; O'Leary, Lawrence R.,

Jr./A B C O Investigations.

DRAINLAYER'S LICENSE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve Drainlayer's Licenses at a fee of \$50.00 to the following: Adler Brothers Const. Inc.; Allard Construction Co. Inc.; Gentes, Richard d/b/a R. Gentes Construction; Giguere & Marchand Oil Service Inc.; Narragansett Improvement Co.; P P C Corp.; Riel, Jesse W. d/b/a Riel, J W Landscape Const.; Ricci Drain-laying Co. Inc.; Smithfield Peat Co. Inc.

The following letter written by Fire Marshal Brian Gartland was read: "This letter is to inform you that this department will not be signing off on the following business licensees due to non-compliance with Rhode Island State Fire Codes. 1.) Creatures, Creatures, Creatures; 2.) Northern RI Flea Market; and 3.) Hilltop Motel. If you have any questions you can contact me at 762-1135."

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote that all licenses are subject to up-to-date payment of taxes and applications being signed off by various departments including Building Inspection, Police Department and Fire Department.

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote to inform each entity that was denied a

license that it was due to non-compliance with the Fire Code. The letter should also include a statement noting that if the business is not in compliance as of December 1, 2007 and if it has not provided the town with documentation of compliance sufficient for license renewal, then the business will not have a license and it must cease operation immediately as of December 1, 2007.

CHERRY BROOK

Mr. Phillips stated that he and the Grant Writer, Chuck Mainville, recently attended a workshop for cost benefit analysis. He noted that in order to upgrade the culvert at Cherry Brook, the town will have to go through this process. Mr. Phillips will be seeking information from landowners as to first floor elevations relative to the flood plain, documentation pertaining to flood damage they sustained and when events occurred.

Mr. Phillips planned to email a request for information to Mr. Miles Briggs to be subsequently distributed to the other landowners.

Mr. Zwolenski felt it would be more proper for the town to send certified letters to the landowners.

Mr. Leclerc suggested holding a workshop for the residents.

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BRANCH RIVER REVITALIZATION PLAN

Mr. John Flaherty requested the Council adopt the Concept Plan for the Branch River Revitalization project. He noted that the Task Force has received an award from the Rhode Island Division of Planning for \$30,000.00. The Planning Board has given its endorsement as it is consistent with the Comprehensive Plan.

Mr. Flaherty also requested that the Council act on the Planning Board's recommendation for a building moratorium for a period of three months for parcels in the Branch Village area.

Mr. Hadden did not advocate a moratorium.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to adopt the Branch River Revitalization Plan as it is written per the recommendation of the Planning Board.

WAIVER OF ELECTRICAL PERMIT FEES FOR SCHOOL DEPARTMENT – UNCLE'S SOUND SYSTEMS, INC.

Uncle's Sound Systems, Inc. requested that the electrical permit fees for work done at Halliwell School and North Smithfield Elementary School be waived due to the fact that these buildings belong to the town.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to waive the electrical permit fees.

Building Inspector Robert Benoit noted there are two applications. Each application requires payment of a state fee that must be paid.

MOTION was amended by Mr. Zwolenski, the second was amended by Mr. Leclerc, and it was voted unanimously on a roll call vote to waive the electrical permit fees for Halliwell School in the amount of \$310.00 and for NSES in the amount of \$355.00 with \$41.00 to be paid to the state by Uncle's Sound Systems, Inc.

NOISE ORDINANCE

Mrs. Thibault stated that she and Mr. Leclerc had met with Burrillville Police Lt. Connors to discuss Burrillville's noise ordinance.

Mrs. Thibault feels this is a comprehensive document and gives strength to enforcement.

Mr. Leclerc added that this ordinance has been in existence since 2002 and is geared to protecting businesses and the community. Only six citations have been issued and there have been no challenges in municipal court.

Mr. Hadden recommended that North Smithfield hire its own expert to

test the ambient noise levels in each zoning district.

The Council added this matter to the December 3rd meeting.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to ask the Ordinance Review Committee to review the Burrillville noise ordinance at their November 28th meeting.

ZONING, PERMITTING AND TAXATION CONCERNS

Mr. Leclerc voiced concerns over three parcels of land; namely, Plat 4, Lot 425; Plat 1, Lot 269 and Plat 4, Lot 45. In doing research, it appears to him that these three parcels are in clear violation of the town's zoning laws. Mr. Leclerc also stated that it seems the revaluation company failed to pick up the foundation assessment in 2004 and the completed building assessment in 2006 for the building located on Plat 4, Lot 45 owned by Holliston Sand and Gravel Company.

Mr. Hadden interrupted Mr. Leclerc and cautioned him that these parcels were not specifically listed on the agenda and the Council could be accused of not giving proper notice. He would have the matter placed on a future agenda identifying the particular parcels.

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MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously to continue this discussion to December 3, 2007 and to include the plat and lot numbers as well as the owner's names for any parcel that is to be discussed.

ROCKCLIFF FARMS

Mr. Leclerc received an anonymous letter from someone questioning the construction of an office building on the premises. Apparently there is a manicured lawn where the office building is supposed to be, as designated on the approved plans.

Mr. Phillips responded that this is a zoning matter but he did look at the plans which call for an office on the right side. He contacted the owner and was told it would be part of the last phase of the development. Mr. Phillips thought the only recourse may be that when the developer comes in to record the final phase and the building is not part of it, the town will not record the last phase. They would have to go back before the Zoning Board and make an argument as to why they are not going to build an office building. The developer would be in violation of the zoning ordinance.

Mr. Leclerc asked Mr. Hadden what the town could do to assure this building is constructed.

Mr. Hadden explained the recourse would be to return the matter to

the Planning Board to determine whether or not they are in compliance with the Planning Board's approval. If there is a part of the approval whereby the Planning Board can enforce that it will not permit them to proceed with Phase 2 without assurances, either by bond or otherwise, that Phase 3 will be built, then the Planning Board can issue that order. It is not a Town Council issue other than to ask the Planning Board to consider the matter.

Mr. Phillips disagreed with Mr. Hadden and stated it was the Zoning Board that ruled on the use of this project and that is the board that would have to rule on it now. The Planning Board strictly looked at the site plan. It did not get involved with the use.

Mr. Zwolenski contended that with the documentation he has seen, the building should have been built in Phase 1.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to remand this matter to the Planning Board for consideration of review.

After further discussion, Mr. Zwolenski amended his MOTION, Mr. Leclerc amended his second, and it was voted unanimously on an aye vote to remand review of Rockcliff Farms to both the Planning Board and the Zoning Board to ascertain the correct location and what phase the professional building was going to be built in.

NORTH SMITHFIELD POLICE STATION REPAIRS

Mr. Leclerc asked for an update on the repairs done at the police station.

Public Works Director Raymond Pendergast informed the Council that during an inspection of the police station some deficiencies were observed. Since then the plumbing problems with the sink and toilet have been corrected. The janitor was notified to fix the lighting and that has been done. The cement floor in the shower area will be painted during the winter. As far as the ventilation, a mold and air quality test was done but Mr. Pendergast has not yet received a written report.

COMMUNICATIONS

MOTION by Mr. Keeley, seconded by Mr. Lovett, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for October 2007; B.) North Smithfield Fire & Rescue Service Inc. Monthly Incident Report for October 2007; and C.) RI Department of Environmental Management Insignificant Alteration Permit for Buxton Street/Scott Farm Road.

November 19, 2007

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted

unanimously on an aye vote to enter into executive session at 10:05 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. the Town of North Smithfield.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 10:17 P.M. and to seal the minutes.

NORTHERN RI PRIVATE INDUSTRY COUNCIL VS. TOWN OF NORTH SMITHFIELD

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote to reveal the results of the vote that was taken in executive session when the need for executive session is no longer necessary, probably in 30 to 60 days.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 10:22 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk