

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 3, 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 Town Solicitor Hadden were also in attendance.

PRESENTATION OF CITATIONS

The Town Council members and Mr. Lowe presented citations to both the girls' and boys' soccer teams recognizing their achievement of participating in the state finals in their divisions.

NEGLECT/ABANDONMENT OF HISTORICAL CEMETERIES

Conservation Commission Chairman Donald Gagnon explained the commission has been working closely with the Rhode Island Historical Cemetery Commission. They have found a number of neglected/abandoned cemeteries in town. Upon further research it was learned that the Town Council has the authority to take over preservation of these cemeteries pursuant to Rhode Island General Laws 45-5-12.

Mr. Gagnon indicated there would be no expense to the town. The Historical Cemetery Commission often gathers volunteers to do the maintenance.

Assistant Town Solicitor Robert Rossi has done extensive research on the protection of historical cemeteries. Legislation has placed authority with Town Councils to regulate these cemeteries that are usually family plots with no heirs or descendants to take care of them.

This evening Mr. Rossi had two cemeteries that he believed are covered by the state statute.

One is NS #33 that is identified as the Mowry Smith lot (Plat 14, Lot 15) located one hundred feet north of Rankin Path. There are thirteen burials with seven inscriptions dating from 1835 to 1905. Mr. Gagnon noted this cemetery is in very sad shape with headstones that have been dislodged.

Mr. Gagnon told the Council that Carol Folsom, the owner, would welcome any assistance in maintaining the cemetery.

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on a roll call vote that by finding Historical Cemetery NS #33 to be an ancient and abandoned burial ground, the Town shall take possession of it pursuant to RIGL 45-5-12 for the purpose of maintaining it.

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The second cemetery is NS #008 located five hundred feet south of Pound Hill Road containing six burials with one inscription dating from 1780 to 1802. It is in poor condition with no enclosure and the sign is missing.

Since the owners of the property did not respond to a certified mailing, MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue discussion of the abandonment of Historical Cemetery #008, as well as #518, to December 17, 2007 until such time that the certified letter has been delivered to the property owners by a town official.

RESIGNATIONS FROM THE PARKS AND RECREATION COMMISSION
Mr. Lowe announced that Conrad Robidoux and Chris Dandeneau have submitted their resignations from the Parks and Recreation Commission.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept the resignations with regret and to send each a letter of appreciation.

APPOINTMENTS TO PARKS AND RECREATION COMMISSION

Mr. Lowe announced his appointments of Wayne Narodowy and Brian Barry to the Parks and Recreation Commission. These appointments are co-terminus with the Town Administrator and will end December

1, 2008.

APPOINTMENT TO PERSONNEL BOARD

Mr. Lowe appointed George Hemond to the Personnel Board. This is a two-year term that will expire on December 1, 2009.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the Town Administrator's appointment of George Hemond to the Personnel Board.

APPOINTMENT TO JUVENILE HEARING BOARD

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

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to appoint Cynthia Lopes to the Juvenile Hearing Board. This is a three-year appointment that will expire December 1, 2010.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to appoint Sandra Soares to the Juvenile Hearing Board. This is a three-year appointment that will expire December 1, 2010.

ABATEMENTS

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

unanimously on a roll call vote to approve abatements for the 2006 tax roll and some prior years for real estate, motor vehicles and tangible property in the amount of \$15,764.93.

RETENTION OF LEGAL COUNSEL FOR ZONING BOARD OF APPEALS RE: RANKIN ESTATES

Mr. Hadden noted that this refers to the appeal of Rankin Estates from a decision of the Planning Board. Mr. Rossi is the attorney for the Planning Board and will be recused from the case for the time being. It is desirable to have representation for the Zoning Board of Appeals.

Mr. Hadden has reviewed a list of attorneys with Mr. Rossi and is recommending Peter Ruggiero.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to retain Attorney Peter Ruggiero to defend the matter before the Zoning Board of Appeals regarding Rankin Estates at the rate of \$150.00 per hour plus expenses based upon the recommendation of Mr. Hadden.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move Item VI(C) Retention of Expert for Noise Ordinance after Item VIII(B) 1st Reading Ordinance Amendment Re: Land Planning and Growth Management and Impact Fees.

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RESOLUTION RE: MASTER LEASE CAPITAL PURCHASES

Mr. Keeley read the following resolution: “WHEREAS, the Town of North Smithfield (the Lessee) has made certain capital expenditures in connection with acquisition of certain equipment, including vehicles, prior to the date of the Resolution and the Lessee expects to make capital expenditures in connection with the acquisition of the future; NOW THEREFORE BE IT RESOLVED, that the lessee intends to reimburse itself for all or a portion of such expenditures, to the extent permitted by law, with the proceeds of other obligations to be leases issued by a political subdivision or the governmental entity for the benefit of the Lessee (Obligations); and NOW THEREFORE BE IT FURTHER RESOLVED, that the maximum principal amount of Obligations expected to be reimbursed to the Lessee for the Equipment is \$750,000. PASSED AND ADOPTED by the North Smithfield Town Council this 3rd day of December 2007, by the following vote of the North Smithfield Town Council.”

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve the resolution as presented.

AWARD OF BID – COPIERS

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Mr. Keeley, and voted unanimously on a roll call vote to approve the purchase of

three new Konica copiers from Blackstone Valley Office Equipment in the amount of \$28,161.28 with a service/maintenance contract for Black and White at .0055/copy and for Color at .055/copy based upon the recommendation of the Finance Director. This is in compliance with the General Services Administration contract #GS-25F-0030M for the Federal Supply Service, authorized Supply Schedule Price List and will be funded by the technology grant.

AWARD OF BID – FRONT MOUNT SNOW BLOWER & TURF TIRES 54” DECK

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Mr. Keeley, and voted unanimously on a roll call vote to approve the purchase of a BX2750C Front Mount Snow Blower and BX 1850 Turf Tires 54” Deck from Norfolk Power Equipment in the amount of \$11,150.00 based upon the recommendations of the School Facilities Director and the Finance Director.

APPOINTMENT TO ORDINANCE REVIEW COMMITTEE

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to appoint Dr. James Brennan to the Ordinance Review Committee.

APPOINTMENT TO ASSESSOR’S BOARD OF REVIEW

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this to December 17, 2007.

APPOINTMENT TO CONSERVATION COMMISSION

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this to December 17, 2007.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this to December 17, 2007.

APPOINTMENT TO PLANNING BOARD

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this to December 17, 2007.

1ST READING ORDINANCE AMENDMENT RE: LAND PLANNING AND GROWTH MANAGEMENT

Mr. Leclerc read the preamble to the ordinance and the titles of the various sections.

Mr. Phillips noted that several months ago Attorney Andrew Teitz and Community Planner Sam Shamoon were hired to put together a growth management plan with an eye towards developing a growth quota and impact fees. In May of this year the Planning Board did recommend that the Council adopt ordinances for growth cap management and impact fees.

Mr. Shamoon informed the Council there are four elements that need to be adopted: the growth management program, the ordinance which

implements it, a needs assessment and the impact fee ordinance.

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Growth management comes out of a study they did on what impacts the municipal facilities in a town. In this community, the schools would be the greatest justification for a cap. Under the law and under the Comprehensive Plan, the town is allowed to limit the number of building permits issued per year. The growth cap would be approximately 36 permits per year.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept as a first reading an ordinance of the Town Council Regarding Land Planning and Growth Management with Article I entitled "Growth Cap Quotas" as here read today.

1ST READING ORDINANCE AMENDMENT RE: LAND PLANNING AND GROWTH MANAGEMENT AND IMPACT FEES

Mr. Lovett read the preamble to the ordinance.

Mr. Shamoan explained that the town is entitled to collect fees for developments that would have an impact on the town's infrastructure.

This would include not just schools but roads, libraries, town hall and other municipal capital expenditures. In order to justify impact fees, a study has to be done documenting all the various expenditures anticipated by the town. This is called a needs

assessment and is only for capital expenses.

Mr. Shamoon went on to explain how fees are calculated on residential units versus non-residential units. He added that the fees had to be used within eight years, with a four-year extension available, or the monies had to be returned to the developer.

During a discussion of the administration of the impact fees, Mr. Lowe suggested that an additional person, whether it is the Finance Director or the Town Administrator, sign off on the application as far as the fee that is being charged. It was recommended that Section 5(B) be amended to read that the Building Official, under the supervision of and with the approval of the Town Administrator, is charged with the administration of the section.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept as a first reading an ordinance of the Town Council Regarding Land Planning and Growth Management and Impact Fees specifically entitled Article II “Impact Fees”.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to hold the second readings on January 7, 2008.

RETENTION OF EXPERT FOR NOISE ORDINANCE

Mr. Hadden has narrowed the field for an engineering consultant to one person, Howard R. Quin of Tech Environmental. He asked the Council to retain Dr. Quin for the purpose of instituting a noise ordinance and for providing additional reading levels, as necessary, to Mr. Shamoon and Mr. Teitz.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to move forward with the retention of Tech Environmental and Howard Quin for the purpose of providing engineering and noise level readings as may be determined by Council.

Funding will come from the Planning Department's Miscellaneous Revenue Account.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 9:38 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 and pursuant to RIGL 42-46-5(A)(5) for 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.

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MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to come out of executive session at 10:32 P.M. and to seal the minutes.

NORTHERN RI PRIVATE INDUSTRY COUNCIL

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote that the motion made in executive session shall remain undisclosed until such time as the need for executive session is no longer needed in the matter.

RIGL 42-46-5(A)(5)

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote that the motion made in executive session regarding this matter shall not be disclosed until the purpose for executive session is no longer needed.

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:35 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk