

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

JANUARY 7, 2008

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.

NEGLECT/ABANDONMENT OF HISTORICAL CEMETERIES

Cemetery #008

Conservation Commission Chairman Donald Gagnon noted there are six burials with one inscription in this cemetery located on Pound Hill Road and they are terribly neglected. He reminded the Council that Debra McManus had attended the last meeting and had no issue with the town taking over the maintenance of this cemetery located on her property.

MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote that the Town Council agrees to take possession, as defined in RIGL 45-5-12, of the burial ground designated by the State Historical Cemetery Commission as NS #008 located within the property of the Geer family who attended the last meeting and gave their approval.

GROWTH MANAGEMENT PROGRAM/NEEDS ASSESSMENT FOR

IMPACT FEE SCHEDULE AND ORDINANCE

This ordinance was read for the first time at the December 3rd meeting. Town Planner Michael Phillips stated at that time changes were made to the ordinance. This included removal of fees for public works and the library.

Mr. Scott Gibbs, President of New England Economic Development Services, Inc., spoke about the educational and public safety costs associated with economic development. He stated there is an acute need to expand and diversify the town's tax base from residential. Mr. Gibbs concluded that North Smithfield has very limited location options for business, limited infrastructure, and the tax classification plan sends a negative impression. He cautioned the town on adopting impact fees on commercial property.

Mr. Leclerc was concerned about the message the town would be sending to businesses with adoption of an impact fee. He feels it would be a short-term fiscal benefit.

MOTION by Mr. Leclerc to delete any and all verbiage discussed regarding commercial and nonresidential zones in the impact fee ordinance or table it until there can be further discussion with additional qualified specialists.

Mr. Zwolenski agreed that imposing an impact fee on commercial development was not the way to go. If you take \$105,000 over an

eight-year term, that's \$13,000 per year and that does more damage to the town than it attempts to attract business. However, there should be some impact accountability from big box retail.

Attorney Andrew Teitz, consultant to the town, suggested the ordinance be amended rather than tabled.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to amend the Growth Management Program Needs Assessment for Impact Fee Schedule and Ordinance second reading to delete any verbiage associated with this ordinance that speaks about an impact fee on commercial property within the town of North Smithfield.

Mr. Leclerc withdrew his motion and Mr. Zwolenski withdrew his second.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to delete any verbiage within the Growth Management Program Needs Assessment for Impact Fee Schedule and Ordinance that speaks about an impact fee regarding any non-residential property in the town of North Smithfield.

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Mr. Teitz stated this would remove Section 4, Letters A, B, C and D of the Needs Analysis as well as Table 12, Non-Residential Fee per Square Foot.

Dr. Caroly Shumway, Chairperson of the Valley Alliance for Smart Growth, said there are numerous impacts caused by development. The town can be welcoming yet still have an impact fee that is more balanced. Dr. Shumway felt it might be a good idea to table passage of this ordinance for a month or so to enable more discussion on eliminating an impact fee on nonresidential property.

Mr. Lowe had mixed emotions about the impact fee. There isn't a lot of money that will be gained from nonresidential property and he thought the purpose of the impact fee was to slow down residential developments and not to slow down retail or commercial growth. Mr. Lowe believed the ordinance could always be amended if necessary. The philosophy should be not to chase businesses away from the community.

Mr. Donald Gagnon urged the Council to pass the ordinance in its entirety. With the minimal amount that would be collected from commercial property, it's unlikely that businesses would be driven away.

Mr. Zwolenski stated his intent is not to appear that North Smithfield is business unfriendly, but to look at what truly impacts the town.

Mr. Lovett felt businesses are certainly paying their fair share with the two-tier tax system. Imposing an impact fee on nonresidential property gives the wrong perception.

Mr. Keeley agreed with Mr. Lovett and he feels the town needs an expanded tax base.

Roll call: Mr. Keeley – yes; Mr. Leclerc – yes; Mr. Lovett – yes; Mr. Zwolenski – no; and Mrs. Thibault – no. The motion carried 3 to 2.

Attorney Michael Kelly, representing the Rockcliff and Laurelwood developments, felt it would be unfair to impose fees on these two projects because they have no children in them and thus do not impact the school system. These developments had previously been approved under certain rules and regulations and the developers have relied on those rules and regulations. It would be unfair, if not illegal, to impose fees on each unit halfway through the construction. Both of these projects spent hundreds of thousands of dollars to provide their own infrastructure and each is a net revenue generator for the town. Mr. Kelly asked the Council to consider some form of exemption to the impact fee for multi-family property.

Mr. Teitz stated an age-restricted development needs to be treated differently than a development that just happens to have no children. However, these units should all be paying their share of the open

space and other elements. It would be a policy question whether or not to add an exemption for the age-restricted housing and, even then, just for the school portion. Mr. Teitz would personally be against that because it creates a more cumbersome administrative process. There is an appeal mechanism in place.

Mr. Zwolenski felt the fee should be applied equitably to all housing units.

Mr. Leclerc's opinion is that, regardless of which community, it is part of living in that community to support the schools as well as the police and fire.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to accept and adopt the Growth Management Program Needs Assessment for Impact Fee Schedule and Ordinance dated January 7, 2008 as previously amended.

2ND READING ORDINANCE AMENDMENT RE: GROWTH MANAGEMENT AND IMPACT FEES

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

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MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to adopt and accept as a second reading the ordinance entitled Land Planning and Growth Management and Impact Fees Chapter 10 Article II as amended.

GROWTH MANAGEMENT PROGRAM/GROWTH CAP QUOTA

Mr. Phillips commented that this section did not change from the first reading.

Mr. Kelly noted that this ordinance provides a possible exemption for multi-family dwellings. It appears that the exemption provided under Section 8E applies to the rehabilitation of historic mills only. He questioned whether this was so.

Mr. Teitz confirmed that it does apply to conversion and rehabilitation of historic mills only.

Mr. Kelly felt this was discriminatory.

Mr. Kelly also spoke specifically about Rockcliff Farms noting that the site plan has already been approved and it calls for buildings that exceed five units per building. He questioned how anyone could build a six or seven unit building if he can only get five building permits per quarter. This would prevent construction of the development itself.

Mr. Phillips stated that, as with the impact ordinance, there is a section that deals with appeals.

Mr. Hadden added that the purpose and rational basis for an ordinance such as this is to allow the town to regulate its growth, not the developer.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to accept the Growth Management Program and Growth Cap Quota report dated January 7, 2008.

2ND READING ORDINANCE AMENDMENT RE: GROWTH CAP QUOTAS

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to adopt Code of Ordinances Chapter 10 entitled “Land Planning and Growth Management” Article I entitled “Growth Cap Quotas”. This constitutes the second reading.

Mr. Zwolenski hoped that the impact fees for non-residential properties would be reviewed quickly.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

Mrs. Thibault nominated Linda Frye of 810 Old Smithfield Road to serve on the Historic District Commission.

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

unanimously on an aye vote to accept the nomination of Linda C. Frye to the Historic District Commission. This is a three-year term that will expire on December 1, 2010.

No other appointments were made.

EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 8:40 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Fire Department contract.

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to come out of executive session at 9:25 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to adjourn at 9:25 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk