

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 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.

**CONTINUATION OF PUBLIC HEARING RE: GENERAL AMENDMENTS  
TO ZONING ORDINANCE**

**Sign Ordinance**

Town Planner Michael Phillips presented a new draft of the ordinance for review.

Mr. Leclerc questioned whether Building and Zoning Official Robert Benoit had read this document and if he had any concerns regarding enforcement.

Mr. Phillips responded that Mr. Benoit does have a copy of it and Mr. Phillips has gone over several specific sections with him.

Mr. Lowe said there would definitely be an enforcement issue because of manpower.

Mr. Zwolenski felt there had been a consensus at the last meeting that

**neon signs should not be considered but it still appears to be in the ordinance under “Sign, Internally Illuminated” as a definition.**

**Mr. Phillips thought it had been left open to further discussion.**

**Mrs. Thibault still believed that neon signs do not keep in character with the town.**

**Mr. Zwolenski referred to Section 6.17.5(a) that allows fifteen (15) square foot externally illuminated signs in residential areas. He felt this should be reduced to possibly 12 feet with no illumination.**

**April 7, 2008**

**Mr. Phillips stated the thinking was that if you had a business in a residential zone, by special use, that business would be allowed to have a sign. The applicant would have to go before the Zoning Board for the special use permit.**

**Mr. Zwolenski referred to Section 6.17.9(e) under Political, election, and non-commercial free speech signs. It was suggested to amend the section as follows: “Any such sign that pertains to a particular event (such as an election or referendum), or public figure (such as person holding public office), or public policy shall be removed within ten (10) days after the particular event. or after the public figure has**

**left office, or after the policy has ceased.”**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the ordinance amending the Zoning Ordinance, dated March 17, 2008, as a first reading.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue the Public Hearing to April 21, 2008 at 7:00 P.M. for a second reading.**

#### **EXECUTIVE SESSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 7:26 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement Company/Rankin Estates, Sheehan vs. Town of North Smithfield and the North Smithfield Fire & Rescue Service Inc. Contract.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 8:25 P.M. and to seal the minutes.**

#### **Narragansett Improvement Company/Rankin Estate**

**Mr. Zwolenski noted that two votes were taken while in executive session; however, the minutes will remain sealed until such time as the purpose for executive session has expired.**

**North Smithfield Fire & Rescue Service, Inc. Contract**

**MOTION by Mr. Keeley, seconded by Mr. Lovett, and voted unanimously on a roll call vote to amend the contract to be submitted to NSF&RS as follows: Page 2, Article 4, Subsection (b) to read “For the fiscal year beginning July 1, 2009, not less than a 4% increase from the base funding amount of the prior year (2008-09)”**

**Mr. Leclerc noted that the increase for the North Smithfield Fire & Rescue Service is based on the operating budget, not payroll.**

**GOVERNMENTAL HEALTH GROUP OF RHODE ISLAND**

**Mr. Lowe has been working with Superintendent of Schools Stephen Lindberg and the Governmental Health Group in an attempt to lower health care costs. He has recently received notification that the town’s application has been accepted.**

**Mr. Lowe stated that the cost for Blue Cross/Blue Shield for the next year will decrease by seven percent from this year.**

**Mr. David Faucher, President of Governmental Health Group of RI, was present to answer questions. He noted the coverage is the same as what is presently offered.**

**Mr. Leclerc commented that the document refers to a four-year commitment.**

**Mr. Faucher answered that for new members it is a three-year commitment and that should be corrected.**

**Mr. Keeley asked what the savings would be for the upcoming year.**

**Mr. Lowe responded that the town will save \$131,000 and he estimates that the school department will save close to \$400,000.**

**April 7, 2008**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to move forward with the agreement with the Governmental Health Group of Rhode Island for health coverages, amending Page 2, Article 3, Section (B)(1) to read that the minimum period is three years rather than four years; Page 3, Article 3, Section D to read thirty-six months rather than forty-eight months and a three-year calendar period rather than a four-year calendar period (July 1, 2008 through June 30, 2011) and that the Town Administrator is authorized to sign and return the Agreement for Joint Negotiation and Purchase of Health Coverages no later than April 15, 2008.**

**INDOOR AIR QUALITY ASSESSMENT – POLICE STATION**

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

**unanimously on an aye vote to move this item up next on the agenda.**

**An air quality assessment was conducted at the police station on November 7, 2007 by OccuHealth, Inc. Mr. Thomas Hamilton, owner, was present this evening to review the findings.**

**Mr. Hamilton noted areas of assessment included temperature and relative humidity, fresh air/carbon dioxide concentrations, carbon monoxide concentrations, and mold. A number of windows were open on that day and, for the most part, fresh air levels were adequate except for Captain Lafleur's office. If the windows had been closed, there probably would not have been adequate fresh air. The major effect of having inadequate fresh air is lethargy and some people would report more headaches. More contaminants can build up when air is not being moved around or cleaned.**

**Mr. Hamilton stated there was a high level of mold in the basement storage room. The types of mold found there are usually caused by water. He added there were also higher levels in the training room.**

**In its report, OccuHealth recommended the cleaning of mechanical exhaust fans in the basement bathrooms, mechanical introduction of fresh, outside air to all occupied areas in the basement and on the main floor, the town's consideration of the installation of central HVAC systems to service all of the occupants of the building, removal of the carpet in the storage room in the basement in addition to being**

**HEPA vacuumed, installation of a dehumidifier in the storage room and replacement of a stained ceiling tiles.**

**Mr. Leclerc asked if there was a plan to resolve these issues.**

**Public Works Director Raymond Pendergast answered that tomorrow he would be calling a company to clean the storage room and the training area. The larger issues of ventilation and central air would have to be studied further.**

**PRESENTATION OF BUDGET COMMITTEE'S RECOMMENDED BUDGET FOR FY 2008/2009**

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

**Budget Committee Chair Christine Charest presented their recommendations noting that there are no bottom line figures because they did not have the final numbers for health coverage. She did say it was the committee's recommendation that any savings from the health coverage be totally eliminated from the budget and not plugged in anywhere else to make up for any deficits. Mrs. Charest also said the committee recommended that the School Committee reopen negotiations for the last year of the teachers' contract to lower salary increases to three percent.**

**EXTENSION OF TIME FOR SEWER CONNECTION – D. GREGORY**

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

**Mr. David Gregory of 104 Main Street explained that he had been in a motor vehicle accident in August 2006 and was unable to work until May 2007. He did not presently have the funds to pay for the connection. Mr. Gregory stated the Sewer Commission had recommended an extension to October 2008.**

**April 7, 2008**

**Mr. Lowe noted that Mr. Gregory still has to pay the usage fee.**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to grant an extension to David Gregory to the end of October 2008 to tie into the existing sewer system based upon the recommendation of the Sewer Commission.**

#### **AMERICAN RED CROSS AGREEMENT**

**Mr. Lowe commented that this is the yearly renewal of the contract with the American Red Cross and has been recommended by Peter Branconnier, Emergency Management Director.**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to sign the agreement with the American Red Cross.**

## **SENATE BILL 3050 OVERRIDE**

**At the request of Mr. Lowe, MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this discussion to the April 21, 2008 meeting.**

## **RESOLUTION TO MODIFY THE MASTER LEASE – PURCHASE AGREEMENT**

**Mrs. Gemma explained this amended resolution will allow the town to change the Master Lease from a non-taxable transaction to a taxable transaction.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve the following resolution: “Be it resolved that: Whereas, The governing body of the Town of North Smithfield has heretofore pursuant to its Resolution adopted on December 17, 2007 (the “Prior Resolution”) determined true and real need for the acquisition of equipment described in the Master Lease-Purchase Agreement, Lease Schedule No. 1000131811 and Escrow Funding Schedule Addendum and Arbitrate Certificate (collectively, the “Documents”) between Chase Equipment Leasing Inc. (“CELI”) and the Town of North Smithfield; and Whereas, The Documents were executed by the Town of North Smithfield and CELI on December 21, 2007; and Whereas, CELI’s right, title and interest in the Documents and the rental payments to be paid by the Town of North Smithfield with respect thereto has been assigned to, and**

accepted by, Comerica Leasing Corporation (“Comerica”); and Whereas, The Documents mistakenly reflected a transaction in which the Interest Portion of the Rent Payments set forth in the Payment Schedule attached to Lease Schedule No. 1000131811 was excludable from gross income for federal income tax purposes; and Whereas, The Town of North Smithfield and Comerica now wish to enter into an Amendment to Master-Lease Agreement (the “Amendment”) to establish that the said Interest Portion of the Rent Payments are taxable obligations of the Town of North Smithfield and to change the amortization schedule of the Rent Payments to reflect the taxable character of the rental payments and otherwise as required by Comerica; and Whereas, Certain resolutions contained in the Prior Resolution are incorrect and now require revocation. Now, therefore, be it resolved by the Town of North Smithfield Town Council as follows: 1. The Documents shall be amended as aforesaid by the Amendment and it is in the best interests of the Town of North Smithfield to enter into the Amendment. The Amendment shall be executed and delivered by the Town Administrator on behalf of the town of North Smithfield and witnessed by the Town’s Director of Finance. 2. The portions of the Prior Resolution that purport to effect compliance with such provisions of the Internal Revenue Code of 1986, as amended and supplemented, to ensure that the interest component of the lease payments will be exempt from federal income taxation to the extent provided in Section 103 of the Code (including without limitation references to U.S. Treasury Regulation §1.150(2) are herewith revoked in their entirety and shall be of no effect. The

**Prior Resolution is hereby reaffirmed and ratified in all respects to the extent not inconsistent with this Resolution. 3. This Resolution shall be effective retroactive to December 17, 2007 – the date of adoption of the Prior Resolution. PASSED AND ADOPTED by the North Smithfield Town Council on this 7th day of April, 2008 by the following vote of the North Smithfield Town Council;”**

**April 7, 2008**

**AWARD OF BID RE: TOWN WEBSITE**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to award the bid for the Town Website Design and Development to Embolden Design in the amount of \$15,525.00 based upon the recommendation of the Finance Director, with the monies to come from the grant received from Congressman Patrick Kennedy.**

**AWARD OF BID RE: ANIMAL CONTROL VAN**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to award the bid for the Animal Control Van to Tasca Automotive Group in the amount of \$15,550.00 based upon the recommendations of the Public Works Director and the Finance Director.**

**TRANSFER OF CAPITAL FOR ALARM BOXES**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to transfer the remaining alarm box capital funds of \$5,378.43 from the Library to the Town in the amount of \$2,074.71 and to the School Department in the amount of \$3,303.72.**

**RESOLUTION RE: 2008 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**Mr. Keeley recused himself from the discussion and the motion because his wife works for Homestead Group.**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously (4 to 0) on a roll call vote to approve the following resolution: "This is certified as a true copy of a resolution adopted by the Council of the Town of North Smithfield at a meeting held on April 7, 2008. WHEREAS, funds are available under the Rhode Island Community Development Block Grant Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and, WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said department to disburse such funds; and, WHEREAS, it is in the interest of the citizens of the Town of North Smithfield that application be made to undertake a local Community Development Program. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD: That the filing of this application for the amount of \$66,900 to implement the activities proposed herein hereby authorized and that Robert B. Lowe, Town Administrator is**

**hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of North Smithfield in all matters relating to this application and any award which may be based upon this application.”**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 9:48 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**