

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 21, 2008**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

**GOOD & WELFARE**

**Assistant Finance Director**

**Town Administrator Lowe introduced Assistant Finance Director Brigitte Buxton to the Council members.**

**Team Spirit**

**Mrs. Claire O'Hara of White Parkway stated town boards need to work together as a team. The town has changed. The tax base has to increase with selective businesses.**

**Zoning Ordinance Enforcement**

**Mr. Ernest Alter leveled complaints against the Town Administrator, the Building Inspector and the Town Solicitor for non-enforcement of zoning violations in several areas of town.**

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**High School Curriculum**

**Mr. Alter believes the School Committee has done a poor job in that standards are failing and inappropriate subject matter is being taught.**

## **Global Warming**

**Mr. Alter feels that global warming is a hoax.**

## **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 and Mr. Zwolenski. Mrs. Thibault was unable to attend. Town Administrator Lowe was also in attendance.**

## **PUBLIC HEARING ZONING ORDINANCE AMENDMENT**

### **Sign Regulations**

**Mr. Leclerc feels this document provides difficulties for businesses to operate in town and is heavily laden with enforcement issues. He thinks it is more geared to the new project on Route 146 and does not address smaller businesses in town.**

**MOTION by Mr. Leclerc to strike Section 6.17.5(a)(b)(c) – (Signs in residential zoning districts) in its entirety. The motion failed for lack of a second.**

**Town Planner Michael Phillips noted there will be instances where businesses will be allowed in residential zones and this will assist the Zoning Board in setting upper size limits.**

**Mr. Zwolenski does not like the idea of signs in residential areas.**

**(Town Solicitor Mark Hadden arrived at 7:10 P.M.)**

**Building Inspector Robert Benoit stated the current zoning ordinance allows professional/non-professional offices in residential areas. He feels the size of signs should be regulated.**

**MOTION by Mr. Lovett and seconded by Mr. Keeley to approve the second reading of the ordinance amendment regarding sign regulations as presented with the changes made at the last meeting.**

**Mr. Zwolenski wanted to see the size of signs reduced to nine feet in Section 6.17.5(a).**

**MOTION was amended by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve the second reading of the ordinance amendment with the following change: amend Section 6.17.5(a) to read nine square feet in area, non-illuminated.**

## **ABANDONMENT OF HISTORICAL CEMETERIES**

**Conservation Commission Chairman Donald Gagnon explained that under the provisions of RI General Laws 45-5-12(a) a city or town may take possession of any historic, neglected abandoned or ancient cemetery for the purposes of protection and maintenance. He asked the Council to take possession of Historical Cemetery #NS048 known as the Oliver Smith Cemetery located 375 feet east of Rocky Hill Road at telephone pole #NEL41. It has 18 burials with 13 inscriptions from**

**1827 to 1894 and two Native American burial mounds. Mr. Gagnon sent notice to the property owner via certified mail but did not receive a return receipt.**

**When questioned, Mr. Hadden stated he had no problem with the Council granting conditional approval upon return of the receipt. If the party has been contacted in a timely manner and issues no objection, it is acceptable to move forward.**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to take over Historical Cemetery #NS048, Oliver Smith Cemetery, located 375 feet of Rocky Hill Road for the purposes of clean up and maintenance pursuant to RIGL 45-5-12(a) and that the town work with the owners of the property to get adequate access.**

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#### **APPROVAL OF MINUTES**

**MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the minutes of March 17 and 26 & April 7, 2008.**

#### **PAYMENT OF BILLS**

**Monthly Bills**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve payment of the following: General Fund - \$2,246,382.54 and Sewer - \$6,748.15 for a total of \$2,253,130.69.**

**Gilbane Construction Co.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve payment of Requisition #20 Job #4178 in the amount of \$1,871,411.45; Requisition #7-S Job #4178010 in the amount of \$7,828.62; and Requisition #8F Job #4178010 in the amount of \$7,170.44 for a total of \$1,886,410.51.**

**SENATE BILL 3050**

**With the \$400,000 school department savings realized in the upcoming Blue Cross budget, Mr. Lowe recommended not applying for the \$474,000 override of S3050. He noted the tax impact on a \$300,000 home without the override will be approximately \$401.00 and with the override will be approximately \$503.00. Mr. Lowe stated he spoke with Superintendent of Schools Stephen Lindberg this afternoon and there may be a way of reaching a compromise without the override.**

**School Committee Chairman Robert Lafleur noted that the cuts made in January by the school administration will decimate the quantity and quality of educational services. He feels the school department has been penalized for operating efficiently. In February the School**

**Committee requested an override of \$821,000, was granted \$474,000 by the Town Council and was told to find the difference in the school budget.**

**Mr. Lindberg provided a power point presentation of the school budget, outlining the reductions in staffing and programs that will be necessitated by S3050.**

**Mr. Lafleur asked for the Council's continued support of the override. He reminded the members they would ultimately still have the opportunity to reject the \$474,000 based upon the Auditor General's findings.**

**Mr. Lovett stated he represents the whole town and the proposed tax increase will be extremely burdensome to many of the residents. Because he felt the reduction in Blue Cross expenses should be considered savings and because the school department has a \$220,000 surplus, Mr. Lovett could no longer support an override.**

**Mr. Leclerc was torn watching the presentation because he had been an educator for several years. However, he agreed with Mr. Lovett that he must represent the whole town and the Blue Cross reduction should be considered savings.**

**Mr. Edward Yazbak felt that by taking away the \$474,000, the town was losing an option. The possibility exists that the state will cut the**

**town's allotment for aid to education. He suggested that the Town Council compromise with the School Department by keeping the override in place in exchange for representation in contract negotiations.**

**Mr. Keeley asked for clarification of the override process and how it pertains to the budget.**

**Mr. Paul Vadenais stated the town is being put in the position of trying to open a new school without considering the increase in costs. He added this perfectly meets the criteria for an exemption to S3050.**

**Mr. Lovett questioned what would be done with the school surplus.**

**Mr. Vadenais responded it would remain in place for unanticipated special education tuitions, capital projects or emergency repairs.**

**April 21, 2008**

**MOTION by Mr. Lovett and seconded by Mr. Leclerc that the North Smithfield Town Council reconsider its vote to request an override of S3050 in the amount of \$474,000 and take it off the table.**

**Roll call: Mr. Keeley – no; Mr. Leclerc – yes; Mr. Lovett – yes; and Mr. Zwolenski - no. The vote was a tie, 2 to 2.**

## **MIDDLE SCHOOL CONSTRUCTION PROJECT**

### **Award of Bid – Furniture, Fixtures and Equipment**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the purchases for furniture, fixtures and equipment as presented in Sections 1 through 8, 11, 13, and 15 through 24 based upon the recommendation of the School Building Committee.**

### **Change Order #14 – Wood Gym Flooring**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted 3 to 0 on an aye vote (Mr. Lovett abstained because he did not feel the matter was properly before the Council) to approve Change Order No. 14, Alternate #5 in the amount of \$37,947.00 to be awarded to H. Carr & Sons for wood gym flooring based upon the recommendation of the School Building Committee.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted 3 to 0 on an aye vote (Mr. Lovett abstained) to authorize the Town Administrator to sign the awards of bids for furniture, fixtures and equipment for a total of \$435,253.76 and Change Order No. 14 that provides for wood gym flooring in the amount of \$37,947.00**

## **CONSERVATION COMMISSION MINUTES**

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

**February 12, 2008.**

**INDUSTRIAL DEVELOPMENT COMMISSION MINUTES**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of March 24, 2008.**

**ORDINANCE REVIEW COMMITTEE**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of January 30, 2008.**

**SEWER COMMISSION**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of February 20, 2008.**

**HOLY GHOST SOCIETY FESTIVAL LICENSES**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve auction, victualing and outdoor sound system licenses to the Holy Ghost Society of North Smithfield and to waive any fees.**

**CHERRY BROOK**

**Following a discussion with an engineer, Mr. Phillips would like to go out to bid for a request for proposals for aerial photography.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Planner to go out to bid for an RFP for aerial photography for the Cherry Brook area.**

#### **LIZ DEVELOPMENT**

**Back in November of 2007, Mr. Mesolella was told that the bond for this project could be pulled if conditions were not met. As Mr. Zwolenski recalled, Mr. Mesolella was given to the end of April to correct the problems in the development.**

**Mr. Phillips did not think that an actual date had been set; however, he had expected to receive a plan by now and has not. He would suggest pulling the bond if a plan is not submitted for the Planning Board's first meeting in May.**

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**Mr. Hadden suggested that a letter be sent stating that the Planning Board expects a final set of plans prior to the May 1st meeting. In the absence of those plans, it will be considered by the Planning Board to take legal action.**

#### **APPOINTMENT TO HISTORIC DISTRICT COMMISSION**

**There were no appointments.**

## **APPOINTMENT TO SEWER COMMISSION**

**There was no appointment.**

## **DESPER PROPERTY**

**Mr. Hadden spoke with Mr. and Mrs. Wowk and he has a meeting scheduled at the premises on Friday.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue the discussion to the May 19th meeting.**

## **FUNDING FOR ARCHAEOLOGICAL SURVEY OF NIPSACHUCK HILL AND SWAMP**

**Mr. Zwolenski asked the Council members to consider an additional \$1,000.00 in funding to defray some of Dr. Meli's expenses.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted 3 to 1 on an aye vote (Mr. Lovett voted no) to approve an allocation of \$1,000.00 for associated costs for Dr. Meli for documentation of the Nipsachuck Hill and Swamp with monies to come from either the Planning miscellaneous receipts account or from an area determined by the Finance Director.**

## **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to place the following items on file: A.)**

**Animal Control Monthly Report for March 2008, B.) NSF&RS Monthly Incident Report for January and March 2008, C.) RIDEM Insignificant Alteration Permit – Iron Mine Hill Rd./Sayles Hill Rd., D.) Resolution Opposing House Bill 7448: An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations from the Town of Burrillville, E.) Resolution in Support of House Bill 7776 that Prohibits Certain Language in Collective Bargaining Agreements from the Town of East Greenwich, F.) Resolution in Support of House Bill 7108 Relating to Labor Relations – Collective Bargaining from the Town of Portsmouth, G.) Resolution Re: Town Advertising Practices from the Town of Smithfield, H.) Resolution Re: Global Warming Pollution from the Town of Smithfield, I.) Resolution Supporting Placement of \$15 Million Open Space Bond Referendum on November 2008 Ballot from the Town of South Kingstown, J.) Resolution in Support of House Bill 7108 Relating to Labor Relations – Collective Bargaining from the City of Warwick, K.) Resolution Requesting Commission of a Study for Formation of Countywide General Services from the City of Warwick, L.) Resolution Requesting Restoration of E-911 Funding from the City of Warwick and M.) Resolution Re: Mosquito Abatement from the City of Newport.**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 9:44 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**