

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 22, 2009

NS HIGH SCHOOL AUDITORIUM

6:30 P.M.

The meeting began at 6:32 P.M. The prayer and the pledge to the flag were waived. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

SEWER PROJECT

This meeting was called to allow further discussion and public comment regarding the three phases of the town sewer project.

The Council received a petition signed by 500 to 600 residents challenging the Town of North Smithfield Sewer Commission's financial modification of the sewer general obligation bond requiring only those households affected by the sewer installation to pay.

Mr. Lovett explained that past sewer referendum questions had been worded similarly and that only those who benefited from the line incurred the debt.

Mention was made of several meetings held by the Sewer Commission and the Town Council and of the media coverage. Appendix B of the Sewer Facilities Plan talks about the various sewer districts and the assessments.

Mr. Lovett questioned Mr. Nadeau as to whether there are any state laws that address user assessments.

Mr. Nadeau responded there is RIGL 45-14-1 that states each city and town is authorized and empowered to enact ordinances assessing users of sewers or sewer systems of the cities and towns. Therefore, under that statute, the assessment can be made against only the residents of the specified sewer district as has been done in the past.

Mr. Lovett also asked for an explanation of Section 18-1-16 of the Town Charter that was included in the petition and whether the Council had to legally take any action on it since it is a petition and not an ordinance.

It was Mr. Nadeau's opinion that the petition submitted does not comply with requirements of the Charter in terms of being something the Council must consider within 70 days of receipt. The reason being is that the Charter specifies that if there is a proposed ordinance

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that is submitted with the petition, then the Council would have to address that. There was no ordinance attached.

Mr. Leclerc commented on several differences from prior sewer

projects such as the replacement of the four-part formula with an EDU formula, asphalt costs that were not expected to be paid by the users but by the entire town and previous sewer systems that used gravity fed pumps rather than grinder pumps.

Mr. Lovett commented there appeared to be some question about the bid process for the design services/construction administration. He asked Mr. Nadeau if the Town Charter or state law addresses awarding of bids for professional services.

Mr. Nadeau answered that the Charter sets forth the requirements for competitive bidding but it does have a specific exception for professional services.

Mr. Lovett added that the Sewer Commission has been discussing a possible delay for tie-ins and there may be a reduction in the number of the users and a reduction in the cost.

When asked, Project Engineer James Geremia, stated that the \$21 million cost, as well as the number of Equivalent Dwelling Units (EDU), were estimated numbers. In May they will have the actual number of EDUs for Phases I and II as well as project costs. The only variable that will remain will be the project cost for Phase III. None of these consider federal stimulus money that may be granted to the town.

Mr. Geremia added that the houses in the Lincoln Drive area will be using the gravity fed system. They are doing everything possible to eliminate the low pressure sewers within the Phase II project area. As far as tie-ins, Mr. Geremia explained that obtaining interceptor bond funds would play a part but there is no requirement from the state on extending the time for tie-ins; it would be at the discretion of the Council. The present ordinance would need to be revised, however.

Mr. Lovett asked how the Phase III area of town came to be included in the sewer project.

Mr. Geremia responded that when they looked at potential project areas as pointed out in the facilities plan, they took the core and looked at areas branching from that where there were ISDS failures or repairs. They searched DEM records to identify problem areas and looked at soil conditions within the area. The Phase III area contains a lot of ledge. If ledge is several feet below finish grade, the septic system is leaching, following the ledge downhill to those homes at the lower end and into the Blackstone River.

Mr. Lovett noted the concerns of residents living in the East Harkness Road/Tanglewood Road area such as a narrow road and blasting of ledge that could affect their wells.

Mr. Geremia said they are looking at plans to accommodate the residents of that area. They will be meeting with public officials, the

school department, fire department, police department and homeowners.

Mr. Geremia noted that the town has applied for a sewer tie-in loan program. That is a maximum of \$10,000 with two percent interest paid over five years. Because the state is not going to have that fully in place at the time the notice goes out for the Phase I residents, they are permitting the town to modify the plan to allow homeowners to go back one year to apply for the financing.

The rest of the evening residents were allowed to comment on their concerns. Two power point presentations were given; one by George and Carol Nasuti of Lincoln Drive who, during their presentation, asked that the Council consider stopping the project, and the other by Robert Thurber and Mariellen Sheriden. Many of the issues revolved around lack of individual notice, the use of grinder pumps, the

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assessment and tie-in costs and the fact that only the users would be responsible for repayment, the reasoning behind going up Old Great Road, East Harkness Road and Tanglewood Road, having a special election for those in Phases II and III and sharing the cost of repaving with the whole town.

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

unanimously on an aye vote at 10:07 P.M. to take a five-minute recess.

The meeting resumed at 10:16 P.M.

A few homeowners spoke in favor of continuation of the project, claiming that during this economic time more competitive bids are available, there will be less worry about well contamination, it will improve the economic development of the town and will provide relief for those with unacceptable septic systems. They felt they did receive the necessary information beforehand to vote in favor of the referendum and if the project does not continue, those in Phase I will be saddled with additional expenses that will not be shared by anyone in Phases II and III.

At one point Mr. Nadeau was asked if the Council can legally stop the project.

Mr. Nadeau answered that, under certain circumstances, the Council could stop, modify or continue. There could be additional liability to the town if Phases II and III are not completed. Certain houses will be condemned by the Department of Environmental Management and some funding could be lost.

Mr. Leclerc's final comments were that the project should be reevaluated. More investigation should be made into the use of

gravity pumps, asphalt costs need to be removed from the bond and additional phases should be stopped until the true costs of the system are identified.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Dr. Benoit, and voted unanimously on an aye vote to adjourn at 11:10 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk