

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 4, 2009

KENDALL-DEAN SCHOOL

7:00 P.M.

Mr. Lovett read the following disclaimer: “It is the Board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. 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.

APPROVAL OF MINUTES

MOTION by Mr. Leclerc and seconded by Dr. Benoit and Mr. Zwolenski to approve the minutes of March 16, 2009 and April 6, 2009.

Mr. Zwolenski asked that the minutes of April 6, 2009 be amended to

reflect that it was Mr. Leclerc and not Mr. Zwolenski who realized there was a penny difference in Phase I Invoice #6 for James J. Geremia & Associates.

The motion, as amended, was approved 5 to 0.

May 4, 2009

SEWER PROJECT PAY REQUESTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 3 to 2 (Mr. Leclerc and Mr. Zwolenski voted no) on a roll call vote to approve payment of Amendment No. 3 and 4 for Design Services/Construction Administration and Resident Inspection Services, Invoice No. 8, dated March 31, 2009 to James Geremia & Associates, Inc. for Area 1 - \$2,587.00, Area 2 - \$8,375.84, Area 3 - \$52,308.79 and Easements - \$7,755.00 for a total of \$71,026.63 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Phase 1A, Invoice No. 7, to James J. Geremia & Associates, Inc. for Construction Administration in the amount of \$5,930.55 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve payment of Phase 1B, Invoice No. 7, to James Geremia & Associates, Inc. for Construction

Administration - \$2,702.04, Resident Inspection - \$9,522.50 and Miscellaneous - \$405.00 for a total of \$12,629.54 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to Boyle & Fogarty Construction Co., Inc. for Phase 1B, Requisition #4 in the amount of \$126,438.21 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc and seconded by Dr. Benoit to approve payment to John Rocchio Corporation for Phase 1A, Requisition #5 for \$45,282.30 contingent upon receipt by the next Council meeting of backup documentation which reflects the previously approved change order and summary sheet based upon the recommendation of the Sewer Commission.

MOTION was amended by Mr. Leclerc and the second was amended by Dr. Benoit, to approve payment of \$45,282.30 to John Rocchio Corporation contingent upon Mr. Leclerc receiving backup information within one week based upon the recommendation of the Sewer Commission.

Mr. Leclerc withdrew his motion and Dr. Benoit withdrew his second.

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

unanimously on a roll call vote to approve payment to John Rocchio Corporation for Phase 1A, Requisition #5 for \$45,282.30 with the understanding that Mr. Leclerc will receive backup by the next Council meeting but this will not restrict payment.

AMERICAN RED CROSS

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to approve the agreement between the Town of North Smithfield and the Rhode Island Chapter of the American Red Cross and to authorize the Town Administrator to sign on behalf of the town.

STATISTICAL REVALUATION CONTRACT

MOTION by Mr. Leclerc and seconded by Mr. Biron and Mr. Zwolenski to approve the contract, Appendix A, and contract specifications, Appendix B, regarding the statistical update reappraisal and revaluation within the town of North Smithfield effective May 5, 2009 for the contractor's bid of \$98,350.00, the contractor being Appraisal Resource Co., Inc.

The motion was amended to include authorization for the Town Administrator and the Town Solicitor to sign the contract.

Following further discussion Mr. Leclerc withdrew his motion and Mr. Biron and Mr. Zwolenski withdrew their seconds.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on a roll call vote to authorize the Town Administrator and the Town Solicitor to sign the contract with Appendix A and the contract specifications under Appendix B for the contract with Appraisal Resource Co., Inc. for the total amount of May 4, 2009

\$98,350.00 which is contingent upon the per diem issue and legal issues to be worked out between the Town Administrator and the Town Solicitor.

RESOLUTION RE: 2009 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Town Planner Robert Ericson noted he is applying for a CDBG that will include the following:

- 1. \$60,000 for low- and moderate-income housing rehab grants and loans**
- 2. \$28,800 for a Family Literacy Center**
- 3. \$50,000 in pre-development costs for a 36-unit duplex village**
- 4. \$3,000 on behalf of the Community Land Trust of RI**

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve the following resolution: “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 \$141,800 to implement the activities proposed herein is hereby authorized and that Paulette D. Hamilton, 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.”

FY 2009/2010 BUDGET RECOMMENDATIONS – BUDGET COMMITTEE
No one was present from the Budget Committee as they had sent notice they would like to move this to the May 18th meeting.

PEDDLER’S LICENSE – R. DESMARAIS D/B/A THE HOT DOG TRUCK
MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to approve a peddler’s license for Renee Desmarais d/b/a The Hot Dog Truck with a business

address of 1003 Victory Highway and with the understanding that the Town Solicitor will speak with the Building Inspector regarding his signing “N/A” on the license application for zoning compliance.

NEW FIRE TANKER TRUCK

Mr. Biron explained that Deputy Chief Beausoleil did extensive research to see if any demo vehicles were available. They found Minuteman Fire & Rescue Apparatus, Inc. located in Walpole, Massachusetts that could have a brand new vehicle ready in October at a cost of under \$180,000.00. They also provided options for 100 percent prepay and 75 percent prepay.

Chief Joel Jillson noted that this bypasses the competitive bidding process because he feels this is a quasi emergency.

Mr. Biron added that going through the bid process would more than likely mean a minimum of ten months before the town could get a vehicle.

Mr. Nadeau stated the charter sets a procedure for declaring an emergency and making emergency purchases. He did not feel it has been followed in this case and wanted an opportunity to review the procedure before going forward.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye bid to continue this discussion to the end of

the agenda until further information is received.

May 4, 2009

1ST READING NEW ORDINANCE RE: CREATION OF SCHOOL BUILDING TASK FORCE

Superintendent of Schools Stephen Lindberg had drafted an ordinance creating a school building task force.

Mr. Nadeau recommended several changes:

1. Eliminating the paragraph that states “There shall be a clerk/secretary of the Task Force who shall be compensated by funds appropriated by the Council, and who shall serve to take minutes and perform administrative tasks for the Task Force.” He found that to be redundant in part because there is another paragraph that refers to the duties of a secretary.

2. Choosing either 12 or 18 months as the length of duration for the task force.

3. Rewording the section that makes it appear the Task Force can mandate the Town Administrator’s attendance at meetings.

4. Compensating the clerk from the School Department’s budget rather than the town’s budget.

5. Deleting the word “bimonthly”: “The Task Force shall report of its activities to the Town Council at least bimonthly once every other

month, as well as at such other times as it or the Council deems appropriate.”

Mr. Zwolenski felt the membership should be comprised of an odd number to eliminate deadlocked votes. He also questioned having a member of the Council on the task force because oftentimes schedules conflict.

Mr. Biron commented on the language that states the task force will be aided by the assistance of an architect, wondering where funds will come from to pay for that.

Mr. Leclerc read the ordinance as provided by Mr. Lindberg. This constitutes the first reading.

NEW FIRE TANKER TRUCK

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on an aye vote to revisit this matter.

Mr. Nadeau read from Article IV, Section 9(5) regarding emergency measures. He said the Administrator, by Charter, has the authority to declare an emergency. If she is telling you that it is an emergency, that this vehicle be purchased as soon as possible, then the Council can act this evening without a written resolution to authorize such purchase although Mr. Nadeau would recommend putting a cap on the price.

Mrs. Hamilton stated she would consider this purchase an emergency in order to retain the level of public safety service but she would also like to meet with the Council to inform them of budget constraints facing the town.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote, to enter into a purchase agreement, under a declaration of emergency, with Minuteman Fire & Rescue Apparatus, Inc. for a Pierce Stock 3000 gallon DX tanker on an International chassis for an amount not to exceed \$180,000.00. This has been identified as a public safety emergency based upon the recommendation of Fire Chief Jillson and the Town Administrator has declared it as an emergency purchase pursuant to provisions of the Charter.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc and Mr. Biron, and voted unanimously on an aye vote to take a five-minute recess at 9:20 P.M.

The meeting resumed at 9:25 P.M.

MEMORANDUM OF AGREEMENT FOR USE OF FACILITIES

This was a document provided by the School Committee regarding use of school facilities for municipal meetings.

The Council members had concerns with the last paragraph that states the Town Council, in conjunction with the School Committee, will be responsible for capital improvements to the Kendall-Dean Auditorium. They believed this should fall under the School Department's budget.

May 4, 2009

Also it was recommended that it be made clear that there will be no fees for municipal use of Kendall-Dean.

Mr. Zwolenski spoke about the mold issue in the bathroom and thought it could be unhealthy to be using the auditorium.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to continue this matter to the May 18th meeting and to invite the School Committee to attend that session for further discussion.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 9:31 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1.) Macsteel Service Center USA and 2.) Retention of Attorney Joseph Reale for Special Litigation.

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

and voted unanimously on an aye vote to come out of executive session at 10:20 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 10:21 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk