

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MAY 18, 2009**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

**GOOD & WELFARE**

**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 May 18, 2009**

**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."**

**Sewer Project**

**Several residents voiced their concerns with the project. Issues included hiring a clerk of the works, an actual count of Equivalent Dwelling Units prior to granting further contracts, inadequate information and notice, stopping the project entirely, discrepancy in a change order and use of grinder pumps vs. gravity-fed pumps.**

## **LIZ Development**

**Mr. Leo Defond questioned where the money from the bond was located.**

## **REGULAR MEETING**

**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.**

## **TOWN COUNCIL STATEMENTS RE: SEWER PROJECT**

**MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on an aye vote to move this up on the agenda.**

**Dr. Benoit: The Council needs to consider all information gathered from the Town Solicitor and the Sewer Commission as to what the Council can and cannot do. He supports non-compulsory tie-ins as long as the resident has a perfectly functional septic system.**

**Mr. Biron: Misinformation had been sent out after the last meeting. Invoices that were paid then for the sewer project were for services rendered prior to March 28, 2009.**

**Mr. Zwolenski: He was never in support of mandatory tie-ins. He would like to mitigate the cost as much as possible and use gravity.**

**Mr. Lovett:** He has a real financial concern for the Phase 1 residents if the project is stopped. They would be responsible for the Phase 1 costs as well as design services for the other two phases and would be paying a much higher assessment than they were originally told. There are currently residents in Phase 2 who have DEM violations whose properties could be condemned if they do not have sewers. Mr. Lovett spoke about federal funds being used toward the sewer interceptor project back in the 80s. He believes everyone in town paid for that.

On the other hand, Mr. Lovett had some concerns about continuing with the project. It is too costly; however, there has been talk about backing out the repaving expense to be spread among all residents. The tie-in requirement of one year is too strict. He questioned whether grinder pumps are needed at the top of a hill and noted that the Sewer Commission is looking into eliminating most grinder pumps in Phase 3.

Mr. Lovett added that there is a potential for \$2 million in stimulus money. He felt a moratorium at this point is premature but there will be no award of any bids prior to the joint meeting with the Sewer Commission scheduled for June 8, 2009.

**Mr. Leclerc:** He spoke about several issues such as obtaining a breakdown of costs for Phases 1A and 1B; the relocation of utilities line item; the exact number of EDUs for all phases; revisiting the

**four-part formula used in the past; removal of paving from the bond; availability of grants and whether any had been applied for; review of mandatory tie-ins; the dollar amount of bids submitted for Phase 2; revised engineering for a gravity-fed system in Phase 2 and the need to review which residents and businesses need sewers.**

## **APPROVAL OF MINUTES**

**MOTION by Mr. Zwolenski and seconded by Mr. Leclerc with discussion to approve the minutes of April 20 and 22 & May 4, 2009.**

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**Mr. Leclerc had several corrections to the minutes of April 22nd. On Page 376 he asked that the following be included: “The gravity-fed systems for each home should be installed unless it is impossible to connect due to elevation issues. Usage should be metered and billed separately. The Branch Village development cost needs to be identified. The four-part formula which has been used in previous sewer projects needs to be put back in place. We need to actively pursue grants. They can possibly defray the cost of cash flow. DEM specified that only identified failed systems would mandate a tie-in.”**

**Mr. Zwolenski amended his motion to include Mr. Leclerc’s comments and Mr. Leclerc amended his second.**

**On Page 373 Dr. Benoit asked that the motion for a sign for the Wawzkiewicz property be more specific and that it was voted to**

**authorize placement of a wooden memorial sign.**

**In the last paragraph on Page 378 regarding discussion of a new fire tanker truck Dr. Benoit corrected the motion to read that it was voted unanimously on an aye vote, not an aye bid.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the minutes of April 20 and 22 & May 4, 2009 as amended.**

#### **PAYMENT OF BILLS**

**MOTION by Mr. Leclerc and seconded by Dr. Benoit to approve payment of the following: General Fund - \$143,205.23; Sewer - \$5,164.50; Water - \$1,765.96; School Department Wire Transfer - \$3,090,870.00 and Fire Department Wire Transfer - \$176,991.00 for a total of \$3,417,996.69.**

**Dr. Benoit believed there may have been a typing error on Page 2 that should read Carquest rather than Copquest as the vendor.**

**Mr. Leclerc amended his motion to include Dr. Benoit's comment, Dr. Benoit amended his second, and it was voted unanimously on a roll call vote to approve the payment of bills.**

#### **BUDGET TRANSFER REQUESTS**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted**

**unanimously on an aye vote to approve the following line item transfers requested by Mrs. Hamilton and Mr. Gray: From the Town Clerk's office -- \$Town Clerk Salary, \$1990.00; Deputy Clerk's Salary, \$1,140.00; Recording Clerk Salary, \$990.00; Health Ins., \$1,560.00; Travel and Dues, \$200.00 and Heat, \$300.00 for a total of \$6,180.00 to the Board of Canvassers – FICA, \$10.00; Election Expense, \$3,650.00 and to the Town Solicitor – Office Supplies, \$110.00 and Extraordinary Litigation, \$2,410.00 for a total of \$6,180.00.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to approve the following line item transfer requested by Mrs. Hamilton and Mr. Gray: From the Town Clerk's office – Longevity, \$20.00 to the Town Clerk's office – Dental Ins., \$20.00.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the following line item transfers requested by Mrs. Hamilton and Mr. Gray: From the Planning Department – Planner Salary, \$500.00; Clerk Salary, \$500.00; Longevity, \$800.00; Health Ins., \$7,000.00 and from the Assessor's Office – Assessor Salary, \$1,900.00; Clerk Salary, \$600.00; Health Insurance, \$2,000.00 and FICA, \$700.00 for a total of \$14,000.00 to the Assessor's Office – Dental Insurance, \$10.00 and to the Town Solicitor – Extraordinary Litigation, \$13,990.00 for a total of \$14,000.00.**

**MODIFICATION TO CONTRACT BETWEEN NSF&RS INC. AND THE TOWN OF NORTH SMITHFIELD**

**MOTION by Mr. Biron, seconded by Dr. Benoit and Mr. Leclerc, and voted unanimously on a roll call vote to accept the following modification dated May 14, 2009 to the contract: “WHEREAS, the Town and the Fire Department have entered into a Contract dated September 8, 2008 (the “Agreement”) wherein the Fire Department has agreed to provide certain**

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**fire and rescue services to the Town for the period of July 1, 2008 through June 30, 2010 (the “Term”). WHEREAS, due to budgetary constraints facing the Town, the Town has requested that the consideration to be paid to the Fire Department under the Agreement be reduced by \$60,000.00 until June 30, 2009. WHEREAS, the Fire Department is willing to reduce the consideration that it receives for its services under the Agreement in order to assist the Town during the current financial crisis. WHEREAS, the Town and the Fire Department desire to modify the Agreement pursuant to the terms and conditions set forth below. NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows: 1. Effective March 1, 2009, the Fire Department and Town agree to modify Exhibit I of the Agreement by reducing the amount to be paid to the Fire Department by Sixty Thousand Dollars (\$60,000.00) through June 30, 2009 (the “Reduction Amount”). The Reduction Amount shall be prorated and**

reflected as a reduction in the Payments made by the Town to the Fire Department in the amount of Fifteen Thousand Dollars (\$15,000.00) per month, for the months of March, April, May and June 2009. 2. Although the Fire Department shall use its best efforts to ensure otherwise, the Town recognizes that the reduced payments may cause a hardship for the Fire Department that does or threatens to impact its ability to provide services in the same manner as it currently provides to the Town. Such written notice shall include an explanation of the nature of any such actual or threatened hardship. Upon receipt of such written notice, the Town shall have the option to pay to the Fire Department all or any portion of the Reduction Amount so as to mitigate such actual or threatened hardship. 3. The Town Agrees to pay the Reduction Amount to the Fire Department, or a portion thereof, should the Town receive additional funding from the state or federal government. 4. All remaining terms and conditions of the Agreement shall remain in full force and effect.”

#### **AWARD OF BID RE: TRASH/RECYCLING CONTRACT**

Public Works Director Raymond Pendergast reviewed the bids submitted and, after discussion with the Town Administrator, recommended that the bid be awarded to Envirosafe/MTG Disposal for a one-year contract.

There was discussion regarding fuel surcharges, purchasing fuel from the town and a one-year contract vs. a two-year contract.

**MOTION by Dr. Benoit and seconded by Mr. Zwolenski to award the contract to Coastal Recycling, Inc. with a second year renewable option and that the contract be reviewed by Mr. Nadeau and brought back to the Council.**

**Mr. Nadeau was not asked to review the bid specs and was unsure that it would be appropriate under the terms of the bid specs to award the contract with a renewable option.**

**Dr. Benoit withdrew his motion and Mr. Zwolenski withdrew his second.**

**MOTION by Dr. Benoit and seconded by Mr. Zwolenski to award a one-year contract to Coastal Recycling, Inc.**

**Mr. Leclerc asked if there was anything in the bid specs that referred to a fuel surcharge.**

**Mr. Pendergast did not believe that there was any reference.**

**Dr. Benoit withdrew his motion and Mr. Zwolenski withdrew his second.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on an aye vote to have the Town Solicitor review the bid specs and report his findings at the June 15, 2009**

meeting as to the Council's options.

## **LIZ DEVELOPMENT**

Once again Mr. Leo Defond asked what happened to the money from the performance bond.

Mr. Ericson stated the sewer bond has been released but the performance bond has not. The issue in the area is whose

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responsibility is it for which parts of the street. Mr. Nadeau is working with Mr. Mesolella in an effort to get Mr. Mesolella to provide documentation for Mr. Nadeau. Mr. Ericson is hoping to bring in a PE from Lincoln to work on the project.

Mr. Ericson also has before him Elizabeth Avenue Phase II that he plans to deny based upon the recommendation of the Planning Board. He had invited Mr. Mesolella to come to the last meeting but no one attended.

## **CHERRY BROOK**

Mr. Ericson commented that this subdivision was built before DEM had any regulations about where things could be built. It needs to be determined which areas can absorb more water. He feels a study should be done of how best to minimize the sedimentation of the brook and that process will give the answer as to where to spend

money to get the best value for reducing the flow impacts and where to put some mini detention sites.

## **UNISON EASEMENT & LEASE ASSIGNMENT AGREEMENT**

Pursuant to the Easement and Lease Assignment Agreement that was executed in September 2005, as Unison is successful in bringing new tenants to the site, they have the option of purchasing those added revenues at a fixed multiple of 72 times the monthly rent. Recently MetroPCS has been added as a tenant. Unison is determining whether they wish to acquire this new revenue stream which would net the Town about \$151,200 but at 72 times the monthly rent and with only about 17 years left on the original 20 year deal term, initial indications are that it would not make sense for them to move forward with this acquisition. They would like to renegotiate the acquisition multiple and proposes 65 times the monthly rent at this time which would net the Town \$136,500.

Mr. Leclerc feels the monthly amount is highly undervalued.

**MOTION** by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this matter to June 15, 2009 in order to get a recommendation from the Finance Director on which way to proceed and to research if the monthly payments have been received.

## **MIDDLE SCHOOL PROJECT**

## **Owner's Contingency**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve Change Request 2740 for roof repairs in the amount of \$658.00 based upon the recommendation of the School Building Committee and the Interim Finance Director.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to strike Interim Finance Director from the original motion.**

## **2ND READING NEW ORDINANCE RE: SCHOOL BUILDING TASK FORCE**

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

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote that the Task Force shall expire no later than 18 months from approval of its membership.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to change the Section from 2-194 to 2-195.**

**MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to amend (a) as follows: "Here created is the School Building Task Force, which, with prior Town Council**

**approval, may be aided by the assistance of an architect.”**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 1 (Mr. Zwolenski voted no) to amend (b) as follows: “There shall be a clerk/secretary of the Task Force who shall may be compensated by funds appropriated by the Council, and who shall serve to take minutes and perform administrative tasks for the Task Force.”**

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**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to amend the following: “Non-voting, ex-officio, voluntary members, with whom the task force may consult shall include the Town Administrator the School Department Director of Facilities and School Administrators, all of whose attendance is not mandatory but who shall be available on request by the Task Force.”**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to make the following correction: “Minutes shall be filed by the Task Force with the Town Clerk, upon their adoption and approval by the Task Force, for distribution to the Town Council and with the School Committee.”**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on a roll call vote to amend (c)(2) as follows: “The Task Force shall report of its activities to the Town Council at**

**least bimonthly once every other month ...”**

**MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to add “Jr.” to Mr. Nadeau’s signature.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve the following ordinance as amended for a second reading: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances shall be amended to add Section 2-195 to Article XIII, to read as follows: Section 2-195 School Building Task Force (a) Creation, General Purpose. Here created is the School Building Task Force, which, with prior Town Council approval, may be aided by the assistance of an architect: 1.) To review: A.) The March 2009 NESDEC report [updated projections, etc.]; B.) Master Plan depth of already completed building and site condition analysis; C.) The most recent “existing conditions” report that is part of the school district 5 Year Capital Improvement Plan dated November 2008; D.) Options already proposed; E.) Other options to be considered; and, F.) Educational programming, recommendations, etc. 2.) To propose a recommendation to address the next phase of school buildings needs on or before January 19, 2010. (b) Membership. The Task Force shall be comprised of eight (8) voting members who shall be residents of the town (with exception below) who are of good character. Members shall serve without compensation, but the reasonable expenses of the Task Force or its members may be authorized by the Town**

**Council with prior approval. There shall be a clerk of the Task Force who may be compensated by funds appropriated by the Council, and who shall serve to take minutes and perform administrative tasks for the Task Force. This School Building Task Force should begin their work as soon as possible after approval of task force members with the intention of providing a recommendation(s) to the School Committee and Town Council to consider implementation for the 2010 – 2011 school year. The Task Force shall have no executive or legislative powers, and shall report its recommendations to the Town Council, to whom it shall serve an advisory capacity. The Task Force shall remain in place through the time of recommendations, and the execution of all documentation necessary for state reimbursement, and in any event the Task Force shall expire no later than 18 months from approval of its membership. The Task Force shall specifically include the following as members, all of whom shall be appointed by the town council: 1.) A member of the present Town Council. This member shall be appointed by the Town Council. 2.) A member of the present School Committee. This member shall be approved by a vote of the School Committee. 3.) The Superintendent of Schools, ex-officio. The Superintendent shall be a voting member for all matters with the exception of the payment of invoices, and need not be a resident of the town. 4.) All five other members shall be appointed by the Council with a recommendation from the above mentioned members. Priority should be considered toward those who have specific skills and qualifications that would assist the Task Force in its tasks, such as those in the professional, educational,**

**building trades, finance, business, design, architecture, engineering or the like. Non-voting, ex-officio, voluntary members, with whom the task force may consult shall include the School Department Director of Facilities and School Administrators, all of whose attendance is not mandatory but who shall be available on request by the Task Force. The Task Force shall appoint a chairperson, a vice chairperson or a co-chairperson, and a**

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**secretary who shall take notes of the activities of the Task Force, develop minutes, and facilitate compliance with open meetings and other procedures. Minutes shall be filed by the Task Force with the Town Clerk upon their adoption and approval by the Task Force for distribution to the Town Council and the School Committee. Members shall serve until a successor is appointed. (c.) Meetings. 1.) Meetings of the Task Force shall be in compliance with the open meetings act, and its records open in compliance with the state public records acts. The meetings shall be open for public comment addressed to the commission at each meeting. 2.) All major decisions of the Task Force shall be referred for approval to the Town Council. The Task Force shall report of its activities to the Town Council at least once every other month, as well as at such other times as it or the Council deems appropriate. 3.) The Task Force may organize such sub-committees as it deems necessary to affect its purpose, which sub-committees shall act in compliance with the open meetings laws. This ordinance shall take effect on the date of**

passage and in accordance with the Town Charter.”

## **USE OF FACILITIES AGREEMENT**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve the Annual Memorandum of Agreement Regarding Use of Facilities Between the School Committee and Town Council as follows: “Full use of Kendall-Dean Auditorium for all municipal committee meetings, Town Council meetings, municipal groups, board meetings, bid openings, negotiation meetings, municipal workshops, training, budget committee meetings, planning/zoning board meetings, etc. Use of the KD auditorium is at no charge to the municipality. If it is anticipated that a public meeting will exceed the capacity of the Kendall-Dean Auditorium, it is expected that the municipal group will follow the school district Use of Facility request procedures but will be exempt from facility use fees except for any personnel costs incurred e.g. custodial, police and/or fire. If a municipal meeting scheduled for Kendall-Dean Auditorium unexpectedly exceeds capacity, it is not expected that a school facility will be made available immediately at that time. The procedure described in the above paragraph will need to be followed. The school district will continue to be responsible for the cost of heat and electricity. The school district will install a proximity card system for access to the Kendall-Dean Auditorium. The municipality is responsible for the cleanliness and upkeep of the interior of the auditorium.\* {please see below} \*When previous town and school officials were in place, the school department agreed to**

open up the KD auditorium {it was completely closed up and used for storage} for use as a meeting room for the Town Council and municipal departments, etc. It was agreed that the cleanliness and upkeep of the interior of the auditorium was the responsibility of the municipality. In going forward, should the Town Council or municipality wish the school department to assume responsibility, there would have to be a cost involved as the school department does not have that extra man-hours in the present schedule.”

## **PRESENTATION OF BUDGET COMMITTEE RECOMMENDATIONS**

Budget Committee Chairman John Zambarano presented the committee’s proposed budget of \$33,833,208.00.

Mr. Biron questioned several areas including Probate Court, the Administration Office, the Tax Assessor’s Department, Audits & Computer Service, Town Hall, Plant Operations, the Police Department, Civil Defense, NSF&RS, the Highway Department and Debt Service – Principal.

## **CONSERVATION COMMISSION MINUTES**

**MOTION** by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to accept and place on file the minutes of March 10, 2009.

## **PERSONNEL BOARD MINUTES**

**MOTION** by Mr. Leclerc, seconded by Dr. Benoit, and voted

**unanimously on an aye vote to accept and place on file the minutes of January 12, 2009.**

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**SEWER COMMISSION MINUTES**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to accept and place on file the minutes of January 21, February 18 and March 18, 2009.**

**AUCTION AND VICTUALING LICENSES & OUTDOOR SOUND SYSTEM PERMIT – HOLY GHOST SOCIETY OF NORTH SMITHFIELD**

**MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to grant the request of the Holy Ghost Society of North Smithfield for auction and victualing licenses and for an outdoor sound system permit and to waive the fees. The festival is scheduled for Saturday, August 1, 2009 and Sunday, August 2, 2009.**

**VICTUALING LICENSE – P. AND E. KILL D/B/A KILL-ER KONES**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to grant a victualing license to Paul and Elaine Kill d/b/a Kill-er Kones.**

**DRAINLAYER'S LICENSE**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve a drainlayer's license to Thomas P. Mantoni d/b/a T-N-T Construction.**

**MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:33 P.M. to extend the meeting to 11:00 P.M. and to take a five-minute recess.**

**The meeting resumed at 10:40 P.M.**

**WATER TAX APPEAL – DSF SLATERSVILLE MILL, LLC**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to table this matter to the June 15, 2009 meeting.**

**SEWER TAX APPEAL – DSF SLATERSVILLE MILL, LLC**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to table this matter to the June 15, 2009 meeting.**

**APPOINTMENTS TO HISTORIC DISTRICT COMMISSION**

**There were no appointments at this time.**

**APPOINTMENT TO ORDINANCE REVIEW COMMITTEE**

**There was no appointment at this time.**

**LEGAL FEES REIMBURSEMENT FOR MEMBERS OF  
BOARDS/COMMISSIONS**

**Mr. Nadeau has been extremely busy with Narragansett Improvement issues and was unable to complete the draft.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to table this to July 20, 2009.**

**RESOLUTION RE: ELIMINATING STRAIGHT PARTY VOTE IN RHODE ISLAND**

**MOTION by Mr. Biron, seconded by Mr. Leclerc and Mr. Zwolenski and voted 4 to 1 (Mr. Lovett voted no) to join sister cities and towns of Rhode Island to eliminate the straight party vote and to adopt the following resolution: “WHEREAS, Rhode Island converted to an up-to-date optical election system a decade ago, but retained the straight party vote option, and WHEREAS, retention of the straight party vote option results in confusion at the polls and under-votes for local candidates, especially in cases of nonpartisan elections, and WHEREAS, the straight party option discourages qualified individuals to seek elected office, and WHEREAS, elimination of the straight party vote option would cause no harm and would contribute to increased voter participation in the election process, and WHEREAS, Rhode Island needs to join its neighboring states in the Northeast in modernizing its voting practices by eliminating the straight party vote option. NOW, THEREFORE, BE IT HEREBY RESOLVED, that Rhode Island needs to encourage more candidates to run for office to give**

**the electorate more choice in elections by requiring voting for the individual, not the party, and be it further RESOLVED, that the North Smithfield Town Council supports the repeal of the straight party vote option on the ballot in future elections and that this resolution be forwarded by mail to its RI General Assembly Representative and Senators and to the Speaker of**

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**the Rhode Island House of Representatives and President of the Rhode Island Senate.”**

## **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to receive and place on file the following: A.) Animal Control Monthly Report for March 2009; B.) NSF&RS Inc. Monthly Incident Reports for December 2008 and March 2009; C.) Resolution Authorizing City and Town Councils to Ratify School Teacher Contracts from the City of Warwick; D.) Resolution Urging Support of U.S. Supreme Court Opinion in Carcieri V. Salazar from the Town of Charlestown and E.) Letter Requesting Support for Elimination of Straight Party Ballot in Rhode Island from the RI Statewide Coalition.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted**

**unanimously on an aye vote to enter into executive session at 10:50 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Town of North Smithfield vs. Narragansett Improvement, Litigation Re: Impact Fees, Abbey Road/Keith Dulude vs. the Town of North Smithfield and an update on all other pending Town litigation.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 11:15 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to extend the meeting to 11:45 P.M.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to reenter executive session at 11:16 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to continue discussion of the Town of North Smithfield vs. Narragansett Improvement, Litigation Re: Impact Fees, Abbey Road/Keith Dulude vs. the Town of North Smithfield and an update on all other pending Town litigation.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 11:58 P.M. and to seal the minutes. No motions were made and no**

**votes were taken.**

### **Narragansett Improvement**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on an aye vote to approve a limited waiver of the attorney/client privilege with regards to producing documents regarding Narragansett Improvement relating to Attorney Rossi, limited to communications between Mr. Rossi and the Planning Board occurring through pendency of appeal for the Planning Board.**

### **Impact Fees**

**MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to impose a one-year moratorium on the imposition and payment of impact fees retroactive to the date of first payment. Refunds will be issued on impact fees already paid. The Town Council should create a capital development committee that will develop a capital plan to be approved by the Town Council.**

### **Town Lawsuits Transferred to Mr. Nadeau**

**MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote that cases currently being handled by former Town Solicitor Mark Hadden be transferred to present Town Solicitor Richard Nadeau, Jr.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted**

**unanimously on an aye vote to adjourn at 12:05 A.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**