

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 5, 2009

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 Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

SEWER PROJECT PAY REQUESTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Invoice No. 12 dated August 31, 2009 for construction administration and resident inspection services for Phase 1A in the amount of \$6,712.96 based upon the recommendations of the Sewer Commission and the Finance Director.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Invoice No. 12 dated August 31, 2009 for construction administration, resident inspection services, and miscellaneous expenses for Phase 1B in the amount of \$11,032.03 based upon the recommendations of the Sewer Commission and the Finance Director.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to Boyle & Fogarty Construction Co., Inc. for Payment No. 9 dated September 3, 2009 in the amount of \$544,105.87.

ANDREWS SURVEY AND ENGINEERING, INC. INVOICE RE: GOLD PROPERTY

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve payment of \$3,372.66 due to Bel Air Realty, LLC with the check to be given to Town Solicitor Nadeau and then forwarded upon receipt of the proper releases.

CONTRACT FOR WEBSITE MIGRATION TO NEW SERVERS AND HOSTING PLAN

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this discussion to October 19, 2009 with the understanding that the Council will receive more information to review via a .pdf format.

RI LEAP AGREEMENT

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve entering into this contract with the RI Department of Transportation and to specifically authorize the Town Administrator and the Town Solicitor to execute the document on behalf of the town.

MIDDLE SCHOOL CONSTRUCTION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve Gilbane Building Company Pay Requisition No. 33 dated September 16, 2009 for Construction Management services in the amount of \$30,214.70 based upon the recommendations of the School Building Committee and the Finance Director.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment for Gilbane Building Company Change Order No. 29 dated April 20, 2009 for roof repairs not covered under the warranty that occurred subsequent to substantial completion in the amount of \$658.00 and Change Order No. 30 to upgrade the water supply system in the amount of \$17,495.00 and to replace existing chem metering in the amount of \$1,858.00 for a total of \$19,353.00 based upon the recommendations of the School Building Committee and the Finance Director.

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to authorize the Town Administrator to sign the necessary paperwork to complete the Change Orders.

REDEVELOPMENT AGENCY

Both Mr. Leclerc and Mr. Zwolenski had concerns with Section 17.4(b) that states the president of the town council shall appoint seven residents subject to approval of the town council.

October 5, 2009

Mr. Leclerc also questioned several paragraphs in Section 17.11 including the hiring of counsel, compensation of members, eminent domain and relocation payments.

Mr. Biron and Mr. Zwolenski commented on the lack of budgeted funding for many of the issues.

Dr. Benoit stated the target area seemed to be Branch Village and, with the sewer project halted and, therefore, no infrastructure, there does not seem to be any urgency to have a Redevelopment Agency.

Mr. Nadeau felt there needed to be some policy regulations. It appears that the Redevelopment Agency has the authority to take priority over planning and zoning.

Mr. Zwolenski recommended changing Section 17.13 to read that the Town Council is the sole authority to designate an area as a redevelopment area. He also mentioned concerns with the definition of an “arrested blighted area” as well as with Section 17.16 – Bylaws, Rules and Regulations.

Mr. Lovett recalled that the Redevelopment Agency Task Force disbanded in November 2008 and the idea was to get a

Redevelopment Agency in place, with the understanding that the sewer project would proceed. He would recommend putting the Redevelopment Agency on hold but still amend the ordinance as needed.

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on a roll call vote that the Council move forward with a review of the ordinance and request the Town Solicitor to go through it and make necessary corrections and changes.

APPOINTMENTS TO SCHOOL BUILDING TASK FORCE

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve the following appointments to the School Building Task Force: Paul Leclerc, Council member; Fran Johannis, School Committee member; John Perry, contractor; Paul Nordstrom, engineer; David Chamberland, civil engineer; Josh Silvia, construction; and Michael Black, businessman.

AWARD OF BID RE: KENDALL-DEAN SCHOOL ROOF REPLACEMENT

MOTION by Mr. Biron, seconded by Mr. Leclerc and Dr. Benoit, and voted unanimously on a roll call vote to award the bid to Weisman Roofing in the amount of \$18,153.00 subject to review by the Town Solicitor of the final contract that will include the addition of a clause stating that Weisman Roofing will guarantee the work they perform. The funds will come from the fiscal year 2008/2009 capital budget for

technology.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to accept the proposal of Robinson Green Beretta to monitor the demolition repair and placement of the new roof at a cost not to exceed \$1,500.00.

Mr. Leclerc amended his MOTION and Mr. Zwolenski amended his second to strike the verbiage “for the expense of transportation, lodging and meals”. The motion passed unanimously on a roll call vote.

WAIVER OF TAX PENALTY PAYMENT – J. COFFEY

Mr. Coffey was not in attendance.

Mrs. Hamilton stated she would like to have the Finance Director, Cheryl Ficarra, and the Tax Collector, Diane Vadenais, meet with Mr. Coffey to discuss his options.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 8:35 P.M. pursuant to RIGL 42-46-5(A)(1) Any discussions of the job performance, character, physical or mental health of a person or persons to discuss a North Smithfield Fire & Rescue Service payment request re: reimbursement of employee medical expenses and RIGL 42-46-5(A)(5) Any discussions or considerations related to the

acquisition or lease of real property for public purposes, or of the disposition of public

October 5, 2009

held property wherein advance public information would be detrimental to the interest of the public to discuss an inquiry from a town resident re: a potential purchase of town-owned property.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to come out of executive session at 9:00 P.M. and to seal the minutes. No votes were taken other than an administrative vote to reverse the order of the agenda items.

Potential Sale of Town-Owned Property

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on an aye vote to refer the potential purchase of Plat 1, Lot 157 by interested residents to the Planning Board.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to adjourn at 9:02 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk