

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 16, 2009

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

GOOD & WELFARE

School Department Contracts

Mr. Ernest Alter of 600 Victory Highway suggested forwarding a resolution to our state representatives, the House Majority Leader and

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the Senate President for structural reforms transferring power to conduct contract negotiations from the School Committee to the Town Council. As a result of the 2006 school contract, North Smithfield taxpayers are paying over \$2 million a year more. Major concessions will need to be made going forward and the town needs to act aggressively with some type of resolution.

Sewer Project

Mr. Robert Thurber of 20 Brian Avenue spoke about truthful, accurate statements vs. untruthful, inaccurate statements made in regards to the sewer project, particularly as they pertain to repayment of paving costs.

Mr. Kevin Iskierski of Fountain Street stated his sewer assessment is outrageous and personally criticized the Town Administrator and

each Town Council member, except for Mr. Zwolenski, for their actions or inactions.

Municipal and School Department Employees Salaries and Benefits

Mrs. Claire O'Hara of 16 Summit Avenue, a school department employee and union representative, spoke about the poor economic time of the town and how many residents are hurting. She stated new employees have been hired with large pay raises. Mrs. O'Hara has always felt that a person must prove himself before getting a pay raise. Sacrifices and cuts will have to be made across the board.

REGULAR MEETING

The meeting began at 7:05 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, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the minutes of October 19 and November 2, 2009.

PAYMENT OF BILLS

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$98,914.27; Sewer - \$105,350.03; Water - \$2,501.41;

Wire Transfer School Dept. - \$1,715,983.00; and Wire Transfer Fire Dept. - \$200,146.67 for a total of \$2,122,895.38.

MUNICIPAL COURT

Mrs. Hamilton and North Smithfield Police Captain Tom Lafleur met with Burrillville Police Chief Bernard Gannon and Town Manager Michael Wood in an effort to obtain information on starting a Municipal Court in North Smithfield. Mrs. Hamilton feels that North Smithfield could net approximately \$50,000 to \$60,000 per year. She has applied for a grant for start-up costs for the first two years. Mrs. Hamilton and Public Works Director Raymond Pendergast have investigated using Scouters' Hall as the venue and it appears to be workable.

Mr. Nadeau explained that he could draft a resolution and the House legal counsel would draft the legislation. He will provide the resolution for the December 7th meeting.

RESOLUTION RE: DEM STATE REVOLVING FUND LOAN PROGRAM FOR THE SEWER TIE-IN LOAN FUND

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following resolution:

“WHEREAS, Funds are available under the Rhode Island Department of Environmental Management State Revolving Fund Loan Program (the “Program”) for sewer tie-ins; WHEREAS, DEM has (i) approved the application of the Town of North Smithfield for funding of

\$150,000 pursuant to the Program and (ii) requested the present resolution for the purpose of authorizing the Town Administrator to sign on behalf of the Town any and all documents related to the Town's receipt of funding pursuant to the Program, including but not limited to that certain promissory note issued by the Town; WHEREAS, It is in the interest of the citizens of the Town of North Smithfield that such documents, including but not limited to that certain promissory note

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in an amount not to exceed \$150,000 issued by the Town, be executed to undertake participation in the Program; NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD: That Town Administrator, Paulette D. Hamilton, is hereby authorized and directed to sign on behalf of the Town any and all documents related to the Town's receipt of funding pursuant to the Program, including but not limited to that certain promissory note issued by the Town, for the following sewer projects: 1. Waterford Area, Greene Street Area, and Warren Avenue/Park Drive Area 2. St. Paul Area and Great Road East Area 3. Victory Highway/Dawley Brook Area and Willerval/Tanglewood Area. The Town Administrator is hereby authorized to sign all such documents, including but not limited to that certain promissory note in an amount not to exceed \$150,000 issued by the Town, in accordance with RIDEM requirements, upon recommendation and consultation with the Town's Solicitor. This Resolution shall take effect upon passage."

Mrs. Hamilton added loans will be available up to \$10,000, at a two percent interest rate for a term of five years. The town may also apply for additional funding.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up on the agenda and to enter into executive session at 7:28 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Police Chief's contract.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 8:05 P.M. and to seal the minutes. No motions were made and no votes were taken.

POLICE CHIEF CONTRACT

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve the contract as presented between the Town of North Smithfield and Chief Steven Reynolds.

LIZ DEVELOPMENT

Mrs. Hamilton read the update provided by Town Planner Robert Ericson: "On October 1, the Planning Board voted to call \$131,494 from the Phase II bond to cover remaining work. The PB tabled the

request to extend the time to record the Phase II subdivision. The Town Solicitor is attempting to negotiate a settlement before contacting the bond company. Two scheduled meetings with Michael Kelly had to be canceled, most recently Atty Kelly had the flu. I anticipate another meeting shortly.”

CHERRY BROOK AND STORMWATER MANAGEMENT

Again, Mrs. Hamilton read the update provided by Town Planner Robert Ericson: “The Army Corps of Engineers has taken over the Woonsocket levee system, which actually begins in North Smithfield. They will be clearing obstructions at the river edge of the floodplain, including overhanging trees and brush. After Dowling Village Final Plan review, I will be working with Casali Engineering to further define a limited engineering study proposal for the three most important flow constriction points on Cherry Brook.”

AWARD OF BID RE: MOBILE COLUMN LIFT

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to award the bid for a mobile column lift to Mohawk Resources in the amount of \$44,417.53 under State Contract Bid #06405. Funding will come from the Capital Lease agreement dated December 21, 2007.

PURCHASE OF PROMETHEAN SMARTBOARDS

School Committee member Paul Vadenais believed there is approximately \$62,000 left in the school department’s capital budget

for technology. He asked the Council to release those funds for the purchase of Promethean SmartBoards for the high school and the elementary school.

Finance Director Cheryl Ficarra determined there was \$57,051.00 remaining in the account.

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MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to appropriate monies from the FY 09 capital budget line item for technology in the amount of \$57,051.00 for the purchase of Promethean SmartBoards.

GILBANE/RGB TASK ORDER 5 FEASIBILITY SERVICES PROPOSAL FOR ELEMENTARY SCHOOL

Mr. Leclerc read the following letter from Ronald M. Fagnoli, Senior Project Executive, Gilbane/RGB: “We propose for your consideration to provide Project Feasibility Services in the amount of **FOURTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$14,500.00)** on a lump sum basis for the following scope: Review the current NESDEC Report relative to the latest demographics and its relation with the previous findings at Halliwell School; Incorporate the projected demographics into an options analysis; Provide 5 options for the development of the elementary school program; Rank the 5

options; Provide Parametric Estimates for the 5 options; Prepare a final report for review with members of the Task Force and the Town Council incorporating all findings, ranked options and associated parametric estimates; Attend meetings as required to present findings and report. The services to be provided will occur over the period 11-19-09 through to 2-1-10. Costs associated with the above will be billed on a lump sum per month basis as work is performed. Payments will be made in accordance with the Master Agreement dated February 9, 2004 that is currently in place. Upon your recommendation and approval by the Town Council of this proposal we will draft Task Order 5 to the above referenced agreement for your execution.”

MOTION by Mr. Leclerc to move forward with this study contingent upon the money being available and verified by the Finance Director.

There was discussion about the funding coming from the 1999 School Bond. The language allowed for renovations of other school buildings; however, both Mr. Biron and Mr. Lovett were concerned that this money would be used for a study and not specifically for a facility.

Mr. Nadeau felt that bond counsel would be able to verify if the funds could come from that bond.

Mr. Nadeau continued that the Council approved the roof repairs to

Kendall-Dean School based on funding information that turned out to be erroneous. He believes the matter should come back before the Council to insure that money is available.

The motion died for lack of a second.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to place this matter on the December 7th agenda.

RESOURCE ASSOCIATE FOR HISTORIC DISTRICT COMMISSION

Historic District Commission member Jeffrey Fontaine explained to the Council that long-time member Irene Nebiker had been informed that she could no longer serve on the commission due to term limits. Because of her vast knowledge, he requested the Council allow Mrs. Nebiker to be appointed as a resource associate, with no voting rights.

Mr. Nadeau responded that appointing Mrs. Nebiker would be creating a position that is not part of the commission's set-up under the Charter. The meetings are open to the public and she can certainly attend and voice her comments.

PERSONNEL BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to place on file the minutes of October 1,

2009.

PLANNING BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to place on file the minutes of June 11 and 25, July 2 and 16 & September 3 and 17, 2009.

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PLANNING BOARD COURT TRANSCRIPTS

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to place on file the transcripts of July 16 and 23 & August 13, 2009.

PRIVATE DETECTIVE LICENSE – INDUSTRIAL SECURITY & INVESTIGATIONS INC.

MOTION by Mr. Biron, seconded by Mr. Leclerc and Dr. Benoit, and voted unanimously on an aye vote to grant a Private Detective license to Industrial Security & Investigations Inc. operated by Maurice T. Dionne.

PRIVATE DETECTIVE LICENSE – R. J. PENDERGAST INVESTIGATIONS

MOTION by Mr. Biron, seconded by Mr. Leclerc and Dr. Benoit, and voted unanimously on an aye vote to grant a Private Detective license to Raymond J. Pendergast, Jr. d/b/a R. J. Pendergast Investigations.

SECONDHAND DEALER LICENSE – DEVINE DÉCOR AND MORE LLC
MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to grant a Secondhand Dealer license to Devine Décor and More operated by Laurie Carnevale and located at 69 Eddie Dowling Highway.

HOLIDAY SALES LICENSE – GREENVILLE ROAD GENERAL INC.
MOTION by Mr. Leclerc and seconded by Mr. Biron to grant a Holiday Sales license to Greenville Road General Inc. d/b/a Li'l General Store #24 located at 104 Greenville Road.

Since the purchase and sales agreement had not yet been finalized, Mr. Nadeau suggested that this be continued to the December 7th meeting.

Mr. Leclerc withdrew his motion and Mr. Biron withdrew his second.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to move this discussion to December 7, 2009.

OUTDOOR SOUND SYSTEM – D. LAPIERRE

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 and seconded by Mr. Zwolenski to approve the request for an outdoor sound system permit for Danielle Lapierre on June 19, 2010 from 6:00 P.M. to 12:00 A.M. at property located at 21 Lincoln Drive.

Mr. Zwolenski suggested that since the property is owned by Danielle's mother, Simone Lapierre, who was present, the request should come from her.

Mrs. Lapierre, therefore, made the request for an outdoor sound system permit.

The MOTION was amended by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the request for an outdoor sound system permit for Simone Lapierre on June 19, 2010 from 6:00 P.M. to 12:00 A.M. at property located at 21 Lincoln Drive.

WAIVER/REDUCTION OF BUILDING PERMIT FEES – J. ROTATORI

Mr. Jon Rotatori submitted a letter stating that his home had a devastating fire on January 5, 2009 and was uninsured. Although he is disabled, Mr. Rotatori is planning on renovating the home himself with the assistance of friends. He asked the Council to waive or

reduce the building permit fees.

Building Inspector Robert Benoit did not know the cost of the permit fees because no applications had been submitted.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted 3 to 2 on an aye vote (Dr. Benoit and Mr. Biron voted no) to waive all fees pertaining to the Rotatori home located at 373 Eddie Dowling Highway.

RENEWAL OF YEARLY LICENSES

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve all licenses and fees as presented subject

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to payment of fees and supplying to the Clerk all necessary documentation.

The licenses are as follows:

LIQUOR LICENSE BV

Gator's Pub/T.D.M. Enterprises, Inc.; Lindy's Tavern; Lower Level Bar & Grill/Kismet Inc, George Blacksmith, Pres.; Pinelli's Cucina Inc./Pinelli's Cucina; The Pines, Inc.; Village Haven/VH Inc.

LIQUOR LICENSE A

North Smithfield Wine & Spirits Inc. d/b/a N. Smithfield Beverages & More; Town & Country Liquors Inc.

LIQUOR LICENSE BVL

Hercules Pizza/L & M Food Service Inc.; Pizzarelli's Catering Inc. d/b/a Pizzarelli's New York Style Restaurant; Wide World of Indoor Sports Inc.

LIQUOR LICENSE D

North Smithfield Fly Fishing Club Inc./The Island; Sayles Hill Rod & Gun Club; VFW #6342/Leclair Kozlik Logan & Bassett; Villa at Saint Antoine/Frassati Residence.

VICTUALING LICENSE

Beef Barn Inc.; Burger King #3667/Jan Co Central Inc.; Coffee & Cream Inc./3 Greenville Rd.; Coffee & Cream Inc./Rte. 146 South Side; Cumberland Farms Inc. #1274; Dunkin Donuts/Slate Donuts Inc.; Early Riser Breakfast, Patrick Dalton; Firehouse Pizza Shop II Inc.; Gator's Pub/T.D.M. Enterprises Inc.; Hercules Pizza/L & M Food Service Inc.; Kill-er Kones/Paul & Elaine Kill; Lindy's Tavern Inc.; Lower Level Bar & Grill/Kismet Inc., George Blacksmith, Pres.; McDonald's Restaurant/Napoli Management Co./R. L. Curtis Co. LLC; North Smithfield Fly Fishing Club Inc./The Island; Pinelli's Cucina Inc./Pinelli's Cucina; The Pines Inc.; Pizzarelli's Catering Inc. d/b/a Pizzarelli's New York Style; Quik Stop Deli Inc. of NS Inc.; R I Sports

**Center Inc.; Rustic Tri View Drive In/Rustic Acquisition LLC;
Sayles Hill Rod & Gun Club; Subway Store #33289 d/b/a Feathers
LLC; Subway/G & M Foods Inc.; Super Stop & Shop/Ahold Inc.;
Tony's Snack Bar; VFW #6342/Leclair Kozlik Logan & Bassett; Villa at
Saint Antoine/Frassati Residence; Village Haven/VH Inc.; Wendy's
International/Wendy's; Wide World of Indoor Sports Inc.; Wright's
Dairy Farm Inc.**

HOLIDAY LICENSE

**Blockbuster Video #95456/Blockbuster Inc.; Branch Village Pool &
Spa Needs; Brigido's Fresh Market/Augusto Inc.; C V S Pharmacy
#326/RI CVS Pharmacy Inc.; Classic Village Jewelers & Gifts Inc.;
Coffee & Cream Inc., 3 Greenville Rd.; Country Clutter Primitives;
Cumberland Farms Inc. #1274; Dunkin Donuts/Slate Donuts Inc.; The
Hockey Dog Inc.; Leeway Inc.; Leeway True Value; Lil General Store
#9/Great Road General Inc.; Mundy's Flower & Gift Shop/Freedom at
Last Inc.; North Smithfield Sunny Mart; Pearl's Candy & Nuts/Certified
Candy Co.; Quik Stop Deli Inc.; Redbox Automated Retail LLC; Rite
Aid #10234/Maxi Drug South Inc.; Sam's Food Store; Ski Shop Plus
Inc.; Subway Store #33289 d/b/a Feathers LLC; Super Stop &
Shop/Ahold Inc.; Wright's Dairy Farm Inc.**

ENTERTAINMENT LICENSE

**Gator's Pub/T.D.M. Enterprises Inc.; Lindy's Tavern Inc.; Lower Level
Bar & Grill/Kismet Inc, George Blacksmith, Pres.; North Smithfield Fly
Fishing Club Inc./The Island; Villa at Saint Antoine/Frassati**

Residence.

ICE SKATING RINK LICENSE

R I Sports Center Inc.

BINGO LICENSE

Deerfield Commons Bingo; Gatewood Residents Assoc.

THEATRE LICENSE

Rustic Tri View Drive In/Rustic Acquisition LLC.

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DRY CLEANERS LICENSE

Personal Touch Cleaners

FLEA MARKET LICENSE

Northern RI Flea Market

COIN OP POOL TABLES

**Avalon Entertainment LLC; Lower Level Bar & Grill/Kismet Inc.,
George Blacksmith, Pres.; VFW #6342/Leclair Kozlik Logan & Basset.**

COIN OP MECHANICAL DEVICES

**Avalon Entertainment LLC; Lower Level Bar & Grill/Kismet Inc.,
George Blacksmith, Pres.; R I Sports Center Inc.; Wide World of**

Indoor Sports Inc.

COIN OP JUKEBOXES

Avalon Entertainment LLC; Lindy's Tavern Inc.; Lower Level Bar & Grill/Kismet Inc., George Blacksmith, Pres.; North Smithfield Fly Fishing Club Inc./The Island; VFW #6342/Leclair Kozlik Logan & Bassett.

PEDDLERS LICENSE

Del's Lemonade of Woonsocket

TO BOARD CATS & DOGS

Cozy Quarters Pet Inn Inc.; Hi on a Hill Boarding Kennel, Ruth S. Pacheco.

MOTEL LICENSE

D R Motel Enterprises/Traveler's Motor Lodge; Hilltop Inn/Jalaram LLC.

SECONDHAND DEALERS LICENSE

Devine Décor & More LLC; Farm Antiques-Primitives/Gils Enterprises LLC; Krazy Daisy Fashion Consignment, Christine Keene.

JUNKYARD USED AUTO PARTS LICENSE

Bernard's Auto Parts Inc.; Leo's Auto Parts, Christopher J. Bruno; North Smithfield Auto Recycling Inc.; Northeast Auto Recycling Inc.

DETECTIVE LICENSE

Maurice H Jalette d/b/a M H J Investigations; O'Leary, Lawrence R. Jr./A B C O Investigations.

DRAINLAYERS LICENSE

Adler Brothers Const. Inc.; Allard Construction Co. Inc.; Armando Ricci & Sons Inc.; Cruz Construction Co. Inc.; Dennis Diffley d/b/a Dennis Diffley Drain Services; Giguere & Marchand Oil Service Inc.; ID's Enterprises Inc.; Narragansett Improvement Co.; P & R Construction Co. Inc.; Pete's Plumbing Inc.; Ricci Drain-laying Co. Inc.; Jesse W. Riel d/b/a J W Riel Landscape Const.; Smithfield Peat Co. Inc.; T-N-T Construction, Thomas Manton; Teixeira & Son Excavating Inc.

APPONTMENTS TO CHARTER REVIEW COMMISSION

There were no appointments and the matter was continued to the December 7, 2009 meeting.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

There were no appointments.

APPONTMENT TO ORDINANCE REVIEW COMMITTEE

There was no appointment.

COMMUNICATIONS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to receive and place on file the following: A.) Animal Control Monthly Report for October 2009; B.) NSF&RS Inc. Monthly Incident Report for October 2009; C.) Resolutions Opposing Binding Arbitration for Teacher Contracts from the Towns of Cumberland, North Providence, Portsmouth and Westerly and the School Committees of Jamestown, North Smithfield and Smithfield; and D.) Resolution Opposing House/Senate Bills Reducing the RI Housing Foreclosure Period from the Town of Glocester.

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MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to adjourn at 9:35 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk