

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 7, 2009

KENDALL-DEAN SCHOOL AUDITORIUM

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 (arrived at 7:02 P.M.) and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

PUBLIC HEARING RE: DEM OPEN SPACE GRANT APPLICATION

Town Planner Robert Ericson explained that an \$80,000 grant, which will be available for 18 months, has been committed to the town by DEM. The purpose of the grant would be to acquire an historic mill/raceway/dam parcel contiguous to an existing park in the center of Slatersville. The parcel of interest is identified as Assessor's Plat 4, Lot 34A, adjoining 20 Main Street to the west.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve the Rhode Island Open Space Grant Application for an amount of \$80,000 with no strings attached and no commitment to any plan. The Project Facility is Assessor' Plat 4, Lot 34A with historic mill, raceway and raceway dam.

SEWER PROJECT PAY REQUESTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 1 (Mr.

Zwolenski voted no) on a roll call vote to approve payment of James J. Geremia & Associates Invoice #14 in the amount of \$6,539.40 for Phases II and III Design Services based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to move payment to James J. Geremia & Associates for Construction Administration & Resident Inspection Services for Phase IA in the amount of \$4,331.88 and for Phase IB in the amount of \$8,756.07 to the December 21st meeting because of the lack of backup documentation.

MOTION by Mr. Leclerc and seconded by Dr. Benoit to approve payment to Boyle & Fogarty Construction Company for grinder pumps for Phase IB in the amount of \$6,417.70 with a balance of .17 to be reconciled in a future payment.

Because there was some confusion over the invoice, Mr. Leclerc withdrew his motion and Dr. Benoit withdrew his second.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to move payment of this item to the December 21st meeting to include the correction of \$.17 and a memo from the Finance Director that the invoices have been reviewed.

MOTION by Mr. Leclerc and seconded by Mr. Biron to approve payment of Boyle & Fogarty Construction Company Payment Request No. 12 in the amount of \$16,123.28 for Phase IB Environment One Grinder Pump Systems.

Once again there was confusion over the invoice so Mr. Leclerc withdrew his motion and Mr. Biron withdrew his second.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to move payment of this item to December 21 and that the Finance Director reviews the invoice.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to approve payment of Boyle & Fogarty Construction Company Payment Request No. 11 for Phase IB construction, Line Item No. 39 in the amount of \$6,131.67 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on an aye vote to table payment of Invoice No. 14 for John Rocchio Corporation in the amount of \$6,417.86 to December 21, 2009 and that proper backup be provided.

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HOLIDAY SALES LICENSE

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

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to grant a Holiday Sales license to Greenville Road General Inc. d/b/a Li'l General Store #24.

RESOLUTION RE: TRANSPORTATION IMPROVEMENT PROGRAM

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

“WHEREAS, The City of Woonsocket with funding received from Rhode Island Statewide Planning and the U.S. Department of Transportation, Federal Highway Administration conducted a commuter rail feasibility study that was performed with other partners and stakeholders throughout the state; and WHEREAS, The findings of this study which was concluded last year, indicated that it was feasible to reactivate commuter rail service running from Worcester, Massachusetts to Providence, Rhode Island; and WHEREAS, Blackstone Valley Communities, including the Town of North Smithfield, State Agencies, the Northern Rhode Island Chamber of Commerce, Providence Foundation, Pawtucket Foundation, and the Blackstone Valley Heritage Corridor Commission recently conducted a forum to identify actions that needed to be taken in order to advance the implementation of commuter rail in the Blackstone

Valley; and WHEREAS, It was identified by various State Officials present that the appropriate action would be for all interested and affected communities to petition the Rhode Island Department of Transportation and Statewide Planning for the inclusion of an amendment to the current Transportation Improvement Program for funding a final detailed study leading towards the implementation of the reactivation of commuter rail. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD, RHODE ISLAND, AS FOLLOWS: SECTION 1. The Town Council of the Town of North Smithfield hereby gives its support of the amendment to the State's Transportation Improvement Program that would provide funding for a final detailed study leading towards the implementation of commuter rail in the Blackstone Valley. SECTION 2. The Town's Director of Planning is hereby authorized to prepare a communication to RIDOT and Statewide Planning indicating the Town Council's support of this action. SECTION 3. This Resolution shall take effect immediately upon its passage by the Town Council."

IT CONTRACT FOR NS POICE DEPT. – VAULTED COMPUTER SERVICES

Mrs. Hamilton explained that Sgt. Bruce Senecal, upon retirement from the police force, is anticipating entering into an agreement with the town to provide IT services for the Police Department. This is work that he has been providing to the department as part of his official duties. Mrs. Hamilton added that Sgt. Senecal would be

working with IMC software that is specific to the police department and should he not continue, an outside company would have to be hired to provide the technical support. Sgt. Senecal has proposed a three-year contract at an hourly rate of \$40.00 per hour and an annual salary not to exceed \$18,000. He would be limited to working no more than 75 days per year.

When questioned by Mr. Biron, Mrs. Hamilton explained that funds to compensate Sgt. Senecal would come initially from the salary he would not be receiving due to retirement.

Since the Council members had not had the opportunity to review the proposal, MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to move this discussion to the December 21st meeting.

APPOINTMENT TO INDUSTRIAL DEVELOPMENT COMMISSION

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to accept the Town Administrator's appointment of Bruce Waterson to the Industrial Development Commission. This is a five-year term that expires December 1, 2014.

APPOINTMENT TO JUVENILE HEARING BOARD

Mrs. Hamilton appointed Carol Folan Dusablou to a three-year term that expires December 1, 2012.

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APPOINTMENTS TO PERSONNEL BOARD

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve Mrs. Hamilton's reappointment of Suzanne Bernier to a three-year term that expires on December 1, 2012.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on a roll call vote to approve Mrs. Hamilton's reappointment of Shawn Kane to a two-year term that expires on December 1, 2011.

GILBANE/RGB TASK ORDER 5 FEASIBILITY SERVICES PROPOSAL

Mr. Leclerc explained that the original proposed funding source, the 1999 school bond, cannot be used for this project. Fran Johannis, another Halliwell School Building Task Force member, had heard that school bond money had been used for a different school study and was continuing to pursue that.

Mr. Lovett questioned why the NESDEC Report couldn't be used as a feasibility study. It had already recommended closing Halliwell School and had offered other suggestions.

Mr. Leclerc responded that the Building Task Force may utilize the NESDEC report but even if an option is incorporated, it will still cost to implement an option. The Council will need to hear what the hard

numbers are from qualified people.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to move this discussion to December 21, 2009.

SCADA SYSTEM CHANGE ORDER

MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted unanimously on an aye vote to continue this to December 21, 2009 since there was no one from the Sewer Commission present to discuss it.

RESIGNATION FROM PLANNING BOARD – B. SANTA ANNA

MOTION BY Mr. Zwolenski, seconded by Mr. Biron and Mr. Leclerc, and voted unanimously on an aye vote to accept Mr. Bruce Santa Anna's resignation and to send him a letter of thanks.

KENDALL-DEAN SCHOOL ROOF REPAIR

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to draw \$18,153.00 from the 2007 bond (from the 1999 school referendum) for M. Weisman Roofing Co. and an amount not to exceed \$1,500.00 for Robinson, Green, Baretta to provide oversight for the roof replacement.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to take a five-minute recess at 8:42 P.M.

The meeting resumed at 8:47 P.M.

RESOLUTION RE: ESTABLISHING A MUNICIPAL COURT

MOTION by Mr. Biron, seconded by Mr. Leclerc and Mr. Zwolenski, and voted 4 to 1 (Mr. Lovett voted no) on a roll call vote to approve the following resolution: “WHEREAS, The town council has considered whether the establishment of a Municipal Court for the Town of North Smithfield would benefit the Town and its residents; and WHEREAS, A Municipal Court would provide the Town with numerous benefits, including but not limited to providing a more efficient forum for adjudicating traffic, parking and non-moving violations, zoning violations, and animal control issues; and WHEREAS, It is in the interest of the residents of the Town of North Smithfield that such a Municipal Court be established to provide a local facility rather than an out-of-town facility to travel to for court related business; NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD: That each Representative to the Rhode Island House of Representatives and each Senator in the Rhode Island Senate whose district includes all or some portion of the Town of North Smithfield be requested to take all necessary actions to introduce and attain the passage of an act authorizing and allowing the Town of North Smithfield to set up and maintain a Municipal Court. That Town Administrator, Paulette D. Hamilton, is hereby authorized and directed

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to perform any and all acts necessary to facilitate action by the Rhode Island General Assembly to introduce and attain the passage of an act authorizing and allowing the Town of North Smithfield to set up and maintain a Municipal Court. The Town Administrator is hereby authorized to sign all documents necessary to carry out the Resolution set forth above. This Resolution shall take effect upon passage.”

APPOINTMENTS TO CHARTER REVIEW COMMISSION

The School Committee submitted the name of School Committee member Francesca Johannis, Mr. Leclerc submitted the name of Michael Clifford and Mr. Zwolenski submitted the name of John Wojcik. Mrs. Hamilton will have her appointment at the next meeting.

MOTION by Dr. Benoit, seconded by Mr. Biron and Mr. Leclerc, and voted unanimously on an aye vote to send a letter to the newly appointed members to include a list of the members, a copy of the current Town Charter and a copy of the proposed changes made by the last two Charter Review Commissions.

DAMAGED VEHICLE CLAIM – A. NIGRI

Mr. Anthony Nigri of 202 Langdon Street, Providence submitted a claim in the amount of \$604.86 for damage done to two tires while traveling on Maple Avenue in North Smithfield. Apparently he had hit a raised sewer manhole cover.

Both Mr. Biron and Mr. Leclerc had questions regarding towing and tire replacement charges. Mr. Biron added that the ordinance states claims shall be paid on a depreciated basis.

Mrs. Hamilton was unsure whether the gas company or some other entity may have been working on the road around that time and she offered to look into that possibility.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to continue this matter to December 21, 2009 to enable the Administrator to gather more information.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to reappoint Elizabeth Martel to a three-year term that will expire on December 1, 2012.

APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc and Mr. Biron, and voted unanimously on a roll call vote to reappoint Judith Langford to a three-year term that will expire on December 1, 2012.

APPOINTMENTS TO PLANNING BOARD

MOTION by Dr. Benoit and seconded by Mr. Biron to appoint Stephen Vowels to complete the five-year term of Bruce Santa Anna that

expires December 1, 2010.

Mr. Zwolenski commented that, as an alternate, Mr. Vowels has missed four meetings during the course of the last year.

On a roll call vote the MOTION passed 4 to 1 with Mr. Zwolenski voting no.

MOTION by Dr. Benoit and seconded by Mr. Biron to appoint Eugene Simone to a five-year term that will expire December 1, 2014.

Mr. Zwolenski noted once again that, as an alternate, Mr. Simone has had poor attendance.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to appoint Arthur Bassett to the five-year term that will expire December 1, 2014.

Roll call vote on Mr. Simone: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – no; Mr. Zwolenski – no; and Mr. Lovett – yes. Mr. Simone was appointed on a 3 to 2 vote.

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MOTION by Dr. Benoit and seconded by Mr. Biron to appoint Joseph

Cardello III as the 1st Alternate. This is a one-year term that will expire on December 1, 2010.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to appoint Arthur Bassett as the 1st Alternate.

Roll call vote on Mr. Cardello: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – no; Mr. Zwolenski – no; and Mr. Lovett – yes. Mr. Cardello was appointed on a 3 to 2 vote.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to nominate Arthur Bassett as the 2nd Alternate.

APPOINTMENT TO PUBLIC SAFETY COMMISSION

MOTION by Mr. Biron, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on a roll call vote to appoint Sean Rousseau to a three-year term that will expire on December 1, 2012.

APPOINTMENT TO SEWER COMMISSION

MOTION by Mr. Biron, seconded by Mr. Leclerc, Mr. Zwolenski and Dr. Benoit, and voted unanimously on a roll call vote to appoint James DeCelles to a five-year term that will expire on December 1, 2014.

APPOINTMENTS TO ZONING BOARD

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

unanimously on a roll call vote to reappoint Stephen Kearns to a five-year term that will expire on December 1, 2014.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to reappoint Mario DiNunzio as the 1st Alternate. This is a one-year term that will expire on December 1, 2010.

MOTION by Mr. Biron and seconded by Dr. Benoit to appoint Christopher Puccetti as the 1st Alternate.

Roll call vote on Mario DiNunzio: Dr. Benoit – no; Mr. Biron – no; Mr. Leclerc – yes; Mr. Zwolenski – yes; and Mr. Lovett – yes. Mr. DiNunzio was appointed on a 3 to 2 vote.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to reappoint Paul Pasquariello as the 2nd Alternate. This is a one-year term that will expire on December 1, 2010.

1ST READING ORDINANCE AMENDMENT RE: SECTION 15-7 FINE PAYMENT WITHOUT TRIAL – PROCEDURE

Mr. Leclerc read the ordinance amendment which constituted the first reading. The second reading was scheduled for December 21, 2009.

EXECUTIVE SESSION

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

unanimously on an aye vote to enter into executive session at 9:40 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 North Smithfield Fire & Rescue Service payment request re: reimbursement of employee medical expenses and pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Rankin Path/Narragansett Improvement litigation, Tax Sale/Redemption Claim – potential litigation, NS Police Department contract negotiations and Property Damage Claim – potential litigation.

(Dr. Benoit recused himself when discussion began about the Rankin Path/Narragansett Improvement litigation.)

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 10:36 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to extend the meeting to 11:15 P.M.

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MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to re-enter executive session at 10:37 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective

bargaining or litigation to discuss Rankin Path/Narragansett Improvement litigation, Tax Sale/Redemption Claim – potential litigation, NS Police Department contract negotiations and Property Damage Claim – potential litigation.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to come out of executive session at 1:05 A.M. and to seal the minutes. One vote was taken and due to the requirements of secrecy due to the fact that it involves pending litigation it will not be disclosed until such time as disclosure will not hurt the town's interest in that litigation.

(There was a note from Dr. Benoit that he left the meeting at 11:15 P.M.)

Property Damage Claim – Potential Litigation

MOTION by Mr. Leclerc and seconded by Mr. Biron to authorize the Town Administrator to draft a letter to be reviewed by the Town Solicitor pertaining to this potential litigation.

Mr. Leclerc amended his motion and Mr. Biron amended his second to include authorization to make payment of the \$3,300.00 through the Phase IA sewer project. The motion passed unanimously on an aye vote.

North Smithfield Fire & Rescue Service Inc. Reimbursement of

Employee Medical Expenses

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to reimburse North Smithfield Fire & Rescue Service Inc. for an invoice dated October 7, 2009.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to adjourn at 1:10 A.M.

Respectfully submitted,

Debra A. Todd, Town Clerk