

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**DECEMBER 21, 2009**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **GOOD & WELFARE**

### **Sewer Assessments**

**Marc Baillargeon of 32 Pacheco Drive noted that residents in Phases IA and IB have received their assessments and he wondered if repayment could be made over 30 years rather than 20 years.**

**Secondly, Mr. Baillargeon requested clarification of who is paying the costs for design and engineering fees associated with Phases II and III. It was his understanding that the residents in Phases IA and IB would not be incurring any of those costs.**

### **Sewer Project Repaving**

**Diane Wojcik of 7 Lincoln Drive claimed it has been established that the cost of repaving roads in sewer projects has not been borne solely by recipients of the sewers. During her research, she contacted a former finance director who told her that the paving had always been removed. Mrs. Wojcik found Town Council minutes where road costs had been discussed in executive session. She urged someone to investigate those minutes to see what may have occurred to remove road costs.**

### **Future Sewer Projects**

**Mrs. Wojcik hoped that in any future sewer project the street number, address, type of system, and cost would be published.**

## **Town Budget**

**Ernest Alter of 600 Victory Highway spoke about the current economic and financial crisis. The times call for a three percent cut in North Smithfield teacher wages along with cancellation of pension COLAs going forward. He referred to comments made by Governor Carcieri that teacher salaries are the largest costs for cities and towns and it is**

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**only logical that cuts must be made in this area in order to reconcile the budget. Mr. Alter urged negotiations be reopened to effectuate these changes. If the union does not comply, then the Town of North Smithfield should cut the allocation to the school department to balance the budget.**

## **REGULAR MEETING**

**The meeting was called to order at 7:01 P.M. and began 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 was also in attendance. Town Solicitor Nadeau did not attend due to illness.**

## **APPROVAL OF MINUTES**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve and place on file the minutes of November 16 and December 17, 2009.**

## **PAYMENT OF BILLS**

### **Monthly Bills**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$254,720.77; Sewer - \$150,377.07; Water - \$904.67; School Department Wire Transfer - \$1,258,835.00 and Fire Department Wire Transfer - \$200,146.67 for a total of \$1,864,984.18.**

### **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 to James J. Geremia & Associates, Inc. for Invoice No. 15 dated November 30, 2009 for Phase III Design Services in the amount of \$3,964.50 based upon the recommendation of the Sewer Commission.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Invoice No. 15 dated November 15, 2009 for Phase IB Construction Administration in the amount of \$2,827.21 based upon the recommendation of the Sewer Commission.**

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

**unanimously on a roll call vote to approve payment to Boyle & Fogarty Construction Company for Payment Request No. 10 dated September 21, 2009 for a Phase IB grinder pump (single family home, outdoor unit) in the amount of \$6,417.70 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 to Boyle & Fogarty Construction Company for Payment Request No. 12 dated October 31, 2009 for three Phase IB grinder pumps (two 5 unit + outdoor duplex pump and one duplex to 4-family unit) in the amount of \$16,123.28 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 to Boyle & Fogarty Construction Company for Payment Request No. 13 dated November 13, 2009 for four Phase 1B grinder pumps (duplex to 4-family unit) in the amount of \$13,150.20 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 to John Rocchio Corporation for Payment Request No. 14 dated October 31, 2009 for a Phase IA grinder pump (5 unit + outdoor duplex) in the amount of \$6,417.86 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 to John Rocchio Corporation for Payment Request No. 16 dated November 30, 2009 for three Phase IA grinder pumps (duplex to 4-family unit) in the amount of \$9,862.65 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 to James J. Geremia & Associates,  
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**Inc. for Invoice No. 14 dated October 31, 2009 for Phase IA Construction Administration in the amount of \$4,331.88 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 to James J. Geremia & Associates, Inc. for Invoice No. 14 dated October 31, 2009 for Phase IB Construction Administration in the amount of \$8,756.07 based upon the recommendation of the Sewer Commission.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on an aye vote to authorize the Town Administrator to sign documents pertinent to Sewer Commission**

**invoices from James J. Geremia & Associates, Inc., Boyle & Fogarty Construction Company and John Rocchio Corporation approved tonight.**

### **SCADA System Change Order**

**MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to Fall River Electrical Associates Co. Inc. for Improvements #1 (Removal of Existing MTU) in the amount of \$620.00 and #2 (Installation of the PLC at the Repeater St.) in the amount of \$1,200.00 for a total of \$1,820.00 that will be paid from the Sewer Department budget and reimbursed from the Water Department. Additionally, it was voted unanimously on a roll call vote to approve Improvement #3 (Install Conduit and Wire for Pump Control at Five Stations) in the amount of \$6,900.00 that will come from the Sewer Department budget. Total amount is \$8,720.00.**

### **IT CONTRACT FOR NORTH SMITHFIELD POLICE DEPT. – VAULTED COMPUTER SERVICES**

**Mr. Leclerc had researched the proposed hourly cost and found Sgt. Senecal's fee to be extremely reasonable. He did, however, prefer to have a two-year agreement rather than a three-year agreement.**

**Mr. Biron felt there should be no more than a one-year contract due to the current economic situation. He also hoped that there could be another officer in the department that would take over this duty.**

**Mr. Zwolenski agreed that the hourly rate was great and he would go with a two-year contract.**

**Mr. Lovett believed this was an item that should go out to bid.**

**MOTION by Mr. Leclerc and seconded by Dr. Benoit to table this discussion to January 4, 2010.**

**Because of the holiday season and time constraints, Mr. Leclerc withdrew his motion and Dr. Benoit withdrew his second.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to table this discussion to January 19, 2010.**

#### **APPOINTMENT TO CHARTER REVIEW COMMISSION**

**Mrs. Hamilton announced that her appointment is Jason Tiner.**

#### **LIZ DEVELOPMENT**

**In a letter to the Council, Town Planner Robert Ericson explained this remains in executive session status.**

#### **CHERRY BROOK/STORMWATER MANAGEMENT**

**Again, in a letter to the Council, Town Planner Robert Ericson wrote that he met with Ted Spinard of Maguire, the firm selected for the**

**Cherry Brook study that the Town could not afford. They reviewed our Electronic Field Study LIDAR elevation contours, which can save \$15-\$17,000 in watershed surveying costs. Mr. Ericson will meet with Joe Casali of Casali Engineering to find additional options to lower the cost of an even more limited study. Mr. Ericson added that the town can find innovative ways to increase flood storage up and down the watershed. The measures will meet DEM requirements but landowners may need to be compensated. In the meantime, the Town and abutters need to keep the culverts free of debris.**

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**BV LIQUOR LICENSE – H & C FOOD SERVICES LLC D/B/A BOB & TIMMY’S WOOD GRILLED PIZZA JR.**

**A certificate from the Department of Health had not yet been issued for the restaurant but the owner had a meeting scheduled with them for December 28th. All other paperwork was in order.**

**Both Mr. Biron and Mr. Lovett had received opinions from Mr. Nadeau that the license should not be approved at this time.**

**MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to approve a BV liquor license to H & C Food Services LLC d/b/a Bob & Timmy’s Wood Grilled Pizza Jr. contingent upon receipt of a Department of Health certificate and to authorize the Town Administrator to issue**

**said license once received.**

**Roll call: Dr. Benoit – no; Mr. Biron – no; Mr. Leclerc – yes; Mr. Zwolenski – yes; Mr. Lovett – no. The motion failed 3 to 2.**

**MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to table the approval of the license to January 4, 2010 with the acknowledgement that the applicant need not appear at that time.**

### **GILBANE/RGB TASK ORDER 5 FEASIBILITY SERVICES PROPOSAL**

**As a member of the Halliwell School Building Task Force Committee, Mr. Leclerc explained that the condition of the school is deteriorating rapidly and there are funding constraints for the feasibility study. He asked the Council if they would allow the former chairman of the Middle School Building Committee, David Chamberland, and present member of the Halliwell School Building Committee, David DeQuattro, to meet with bond counsel and present a narrative for clarification purposes. Mr. Leclerc maintained that if the town does nothing about Halliwell School, there will be extensive repair costs.**

**Mr. Lovett was concerned with where the town would get the \$14,500 for the feasibility study. He noted that each option in the NESDEC report recommended closing Halliwell School.**

**Mrs. Hamilton commented that it would cost the town \$450.00 per**

**hour for this meeting.**

**Mr. Biron felt it would be foolish to spend \$14,500 for a study where the outcome is already known. He believes it will say that Halliwell School should be closed. Nor does he believe in having a referendum question to spend a minimum of \$12 million for a new school when there is no way voters will approve it.**

**Mr. Lovett thinks what the town should do is close Halliwell School and reorganize the existing student population into the three newest schools – the high school, NSES and the middle school. These are difficult financial times.**

**Mr. Leclerc has been told by the School Committee that, if Halliwell School is closed down, then other areas will need to be renovated to accommodate those students. This feasibility study will assess options to accomplish that.**

**Dr. Benoit questioned whether privately paid pre-kindergarten classes could be held somewhere else to free up those classrooms. He also suggested that the savings from closing Halliwell could be used to remodel other schools.**

**Mr. Marc Baillargeon recommended that Superintendent of Schools Lindberg do the study using his staff members that would be no cost to the town.**

## **CONSERVATION COMMISSION MINUTES**

**MOTION by Mr. Biron, seconded by Dr. Benoit and Mr. Leclerc, and voted unanimously on an aye vote to place on file the minutes of October 13, 2009.**

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## **SEWER COMMISSION MINUTES**

**MOTION by Mr. Biron, seconded by Dr. Benoit and Mr. Leclerc, and voted unanimously on an aye vote to place on file the minutes of September 16 and October 13, 2009.**

## **HOLIDAY SALES LICENSE – SPORTS DOG D/B/A HOCKEY DOG INC.**

**MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve a Holiday Sales license for Sports Dog d/b/a Hockey Dog Inc. located at 621 Pound Hill Road.**

## **CLAIM FOR DAMAGED VEHICLE – A. NIGRI**

**Mrs. Hamilton had spoken with Public Works Director Raymond Pendergast who feels the deterioration on Maple Avenue has been caused by the increase of traffic because of the bridge being rebuilt on School Street. He believes Mr. Nigri hit a manhole cover.**

**There were still questions surrounding the two tow repair bills, depreciation on the tires and which ordinance payment to Mr. Nigri would fall under.**

**MOTION by Mr. Biron to deny the claim based on the fact that Mr. Nigri hit a manhole cover, not a pothole, and the amount being sought is above the \$300 threshold allowed in the ordinance.**

**There was no second.**

**MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to table this discussion to January 4, 2010 to get more information regarding the towing costs and which ordinance to follow.**

**Roll call: Dr. Benoit – yes; Mr. Biron – no; Mr. Leclerc – yes; Mr. Zwolenski – yes; and Mr. Lovett – no. The motion carried 3 to 2.**

**2ND READING ORDINANCE AMENDMENT RE: FINE PAYMENT WITHOUT TRIAL – PROCEDURE (TRAFFIC FINES)**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt the following ordinance: “IT IS ORDAINED BY THE Town Council of the Town of North Smithfield as follows: Section 15-7 Fine payment without trial – Procedure. (a) A person charged with the violation of any procedure of the ordinances relating to parking or nonmoving violations ordained by the town council and notified in writing by a police officer to appear on a day**

and hour stated in such notice to answer such charge before the court instead of personally appearing in court may, in person or by one duly authorized by him in writing, appear at the police station within the hours stated on said notice, admit the truth of said charge and pay to the officer in charge of said police station, for each of the following enumerated offenses as follows: \$5.00 for the first violation, \$10.00 for the second violation and \$15.00 for the third violation committed within the consecutive period of 12 months next preceding the date of said violations; (i) Overtime or night parking; Parking within 8 feet of or blocking a fire hydrant; Parking on curb or sidewalk; Parking left wheels to curb; No parking, prohibited or restricted parking zone; Parking to obstruct a driveway; Parking within a crosswalk or an intersection; Parking in excess of 12 inches from the curb; Parking within 15 feet of an intersection; Parking in a bus or taxi stand; Double parking; Parking within 30 feet of a traffic control device; and any other parking or nonmoving violation not enumerated in sub-section (a)(ii) herein: \$50.00 for the first violation, \$75.00 for the second violation and \$100.00 for the third violation committed within the consecutive period of 12 months next preceding the date of each said violation. (ii) Parking in a marked handicap parking space; Parking in an emergency zone; Parking in a fire lane; and Parking on any public street during a declared snow emergency “no parking” period: \$100.00 for the first violation, \$200.00 for the second violation and \$300.00 for the third violation committed within the consecutive period of 12 months next preceding the date of each said violation. (iii) The failure to pay the fine amount(s) listed, or to

**appeal (plead not guilty), within ten (10) calendar days from the date of violation(s) shall result in a doubling of the fine amount(s). (iv) The failure to pay the fine amount(s) listed within thirty (30) calendar days from the date of violation(s) shall result in a tripling of the fine amount(s) and a summons to**

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**appear in court. (v) If found guilty in any court proceeding, the court may add costs (further fees) to the fines incurred pursuant to this ordinance. (vi) The Town may utilize any and all methods as may be authorized from time to time by federal or state law to enforce this section.**

**or may pay said fine by mailing the tag and the amount of said fine within five days from the date of such violation, postage prepaid, addressed to the North Smithfield Police Department, Main Street, Slatersville, 575 Smithfield Road, North Smithfield, Rhode Island. Failure to appear and pay such fine or to mail such tag and the amount of the fine within five days of such notice shall be deemed a waiver to dispose of such a charge without personal appearance in said court; and provided further, that such appearance, admission and payment is made to the police within five days of such notification and failure to appear within said time shall be deemed a waiver of the right to appear and to dispose of such charge without personal appearance in court. The payment of the fine in the manner herein provided shall operate as a final disposition of such charge**

and such proceedings shall not be deemed criminal. (b) The same. The remainder of the ordinance shall remain in full force and effect. This ordinance shall take effect upon passage.”

#### **APPOINTMENTS TO HISTORIC DISTRICT COMMISSION**

**MOTION** by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to appoint Jeffrey P. Harris of 97 St. Paul Street to the Historic District Commission for a three-year term that expires December 1, 2012.

There were no other appointments to the Historic District Commission.

#### **APPOINTMENT TO ORDINANCE REVIEW COMMITTEE**

There was no appointment.

#### **TOWN/SCHOOL DEPARTMENT CONSOLIDATION OF STAFF AND SERVICES**

Mr. Lovett had received a letter from Superintendent of Schools Lindberg about forming a group to work on consolidation of staff and services. Mr. Lindberg asked if Mrs. Hamilton and Mr. Lovett would consider becoming members of the group as town representatives.

Mr. Lovett wanted to inform the other members about the group and he said he would participate unless some other Council member would prefer to do it.

## **2010/2011 BUDGET**

**Mr. Biron placed this on the agenda because of recent statements by Governor Carcieri regarding potential loss of revenue to the cities and towns. North Smithfield could lose nearly \$1 million but Mr. Biron did not want to consider raising taxes. He suggested closing the library and immediately putting the school department on notice to start looking at cuts for both this fiscal year and next fiscal year.**

**Mrs. Hamilton had received a request from Mr. Lindberg for an extension of time to submit the school department budget. It was the view of the Council that, pursuant to the Charter, their budget had to be submitted at a certain time and the school department should adhere to that schedule. Additionally, there just is no money.**

## **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to receive and place on file the following:**

**A.) Animal Control Monthly Report for November 2009; B.) NSF&RS Inc. Monthly Incident Report for November 2009; C.) Resolution Petitioning General Motors Corp. to Retain the Simon Chevrolet/General Motors Franchise in Woonsocket from the City of Woonsocket and D.) Resolution Requesting Relief from Unfunded Mandates from the Town of Westerly.**

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

**and voted unanimously on an aye vote that a resolution be prepared requesting relief from unfunded mandates to be placed on the January 19th agenda.**

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**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to prepare a Town of North Smithfield resolution petitioning General Motors Corporation to retain the Simon Chevrolet/General Motors Corporation franchise located in Woonsocket to support our neighbors in Woonsocket and that it be placed on the January 19th agenda.**

#### **EXECUTIVE SESSION**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 9:54 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Lachappelle claim against the Town of North Smithfield for rent/damages and use of property.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 10:09 P.M. and to seal the minutes. No motions were made and no votes were taken.**

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

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**