

WORKSHOP NORTH SMITHFIELD TOWN COUNCIL

JANUARY 30, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

10:00 A.M.

The meeting began at 10:00 A.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.

REDEVELOPMENT AGENCY ORDINANCE

Mr. John Flaherty, a member of the Branch Village Task Force, reviewed the background of how the ordinance came into existence. He explained that in order to do any work with a redevelopment agency in North Smithfield, there has to be a defined district, there has to be an identified need and there has to be a plan. The only location where these criteria are met at this moment is the Branch Village area. Mr. Flaherty stated that the Task Force presented a fully vetted plan for long-term economic development.

When asked about funding, Mr. Flaherty responded there is no need at this time for any funds but it may well happen in the future.

Mr. Nadeau had a concern with how the Redevelopment Agency interacts with the Planning Board, the Zoning Board and other town agencies. He feels there is language in the ordinance that is contradictory. This document doesn't address coherently the roles

and interactions of the various town boards.

Dr. Benoit referred to Section 17.11(a)(11) that states “Lend money and to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber (by mortgage, deed of trust, or otherwise), or otherwise dispose of any real or personal property or any estate or interest therein acquired under the provisions of G.L. 1956, chs. 45-31 — 45-33, inclusive, to the United States, the state government, any state public body, or any private uses in accordance with the redevelopment plan, irrespective of the cost of acquiring and preparing the property for redevelopment.” This is where he feels the town could lose money. It will be said that it is for the betterment of the community so the town bites the bullet. However, the town doesn’t have money to lose.

Suggested amendments to the ordinance:

Section 17.2. Mr. Zwolenski asked for areas to be identified where redevelopment should occur.

Mr. Nadeau didn’t think that should be done because Section 17.13 gives the flexibility to select suitable areas as necessary.

Mr. Zwolenski agreed.

Section 17.5(b). Mr. Zwolenski asked if there was a way to change

this so that each Council member would have an appointment to the Redevelopment Agency.

Mr. Nadeau believed this was in the ordinance because of the state statute. The Council may want to have legislation introduced to accommodate how North Smithfield members would be appointed. There could also be agreement among the Council members that each would forward a name to the president who would formally make each appointment. The Council President would have two appointments, each member and the Town Administrator would have one.

Section 17.6. Mr. Zwolenski asked if an employee would be considered to have an indirect financial interest in a property if he lived in a project area.

Mr. Nadeau explained this section comes directly from state law.

Section 17.11(a)(7). Mr. Zwolenski referred to the sentence which states, "Prepare or have prepared all plans necessary for the redevelopment of blighted and substandard areas; with the consent and approval of the planning board, to carry on and perform, for and on behalf of the planning board, all or any part of the planning activities and functions within the community". He feels the words "within the community" is too broad.

Dr. Benoit suggested changing the word “community” to “district”.

Section 17.11(a)(9). Mr. Zwolenski asked if this grants the redevelopment agency inspection powers.

Town Planner Robert Ericson explained that in federal funding sources, such as community development block grants, there are inspection processes that take place in construction which are above and beyond what the local code requires. There may be federal code requirements.

Mr. Nadeau suggested adding the words “pursuant to RIGL §45-31-28” at the end of the sentence.

Section 17.11(a)(4). Mr. Nadeau asked if Paragraph (c) should have been included in the approved ordinance. The Clerk responded that it had been inadvertently omitted.

There was discussion on this particular paragraph. Mr. Zwolenski was uncomfortable with the verbiage and asked Mr. Nadeau if he could come up with something else.

Section 17.12. Mr. Zwolenski would like to have something in there about appointing personnel unless the money is gained from grants. Appointing personnel, staff, legal representation and relocation payment is going to require some type of budget.

Mr. Flaherty noted that the Redevelopment Agency would only have money because of actions taken by the Council.

On a separate note, Mr. Flaherty asked that consideration be given to the names submitted to Mrs. Hamilton for appointment to the agency.

Dr. Benoit commented that he has asked in the past for the qualifications of those people and all he has received is a list.

Section 17.14. Mr. Zwolenski asked if there was any way other than by eminent domain the redevelopment agency could acquire a fee simple estate or interest in any residential property containing a habitable dwelling unit or any commercial, industrial or mixed-use property containing an operating business.

Mr. Nadeau suggested the following verbiage: “The necessity for the acquisition of property shall be conclusively presumed upon the adoption by the agency of a resolution which shall first be approved and adopted by the Town Council”.

To Mr. Nadeau this process in effect says the business owner has no real redress in the event that he does find that easement burdensome.

Both Dr. Benoit and Mr. Zwolenski stated they would not want the

redevelopment agency to usurp the powers of the planning board or the zoning board.

Section 17.16. Mr. Zwolenski asked if it would be overkill to include Town Council approval in that section.

Mr. Nadeau suggested adding the words “provided, however, that no such bylaws, rules or regulations shall contravene this ordinance” at the end of the sentence.

Section 17.17. Dr. Benoit had recommended amending the second sentence to read, “The redevelopment agency is authorized to regulate all improvements within a redevelopment district in the Town of North Smithfield etc.”

Mr. Nadeau wanted to change the wording a little to clarify that planning board review is determinative.

Section 17.21(a). Mr. Nadeau suggested adding verbiage that plans would have to be filed with the planning board and zoning board not just with the redevelopment agency. They would have to follow the rules with regard to getting approvals from other town boards.

Section 17.21(e). Mr. Zwolenski recommended the following: “Request for comment. In order to assist in its review of plans, the redevelopment agency may shall request other agencies and boards

to review and comment on proposals.

Section 17.12. There was discussion as to whether to include Town Council approval in Section 17.11 or to somehow broaden Section 17.12 to make it more encompassing, Mr. Nadeau stated he would look over this section and try to make it both as concise and as broad as possible.

Section 17.23. Dr. Benoit noted this does not specify when reports would be received. Mr. Ericson recommended quarterly.

Section 17.21(e). Mr. Flaherty brought this section up again because he felt the word “may” should be left as is because there are no agencies identified. He feels it would unnecessarily complicate the process and he would prefer to give discretion to the redevelopment agency.

Mr. Nadeau will try to have a draft ready for a first reading on February 16, 2010.

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 12:43 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk