

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

MARCH 15, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

GOOD & WELFARE

Economic Reforms

Mr. Ernest Alter of 600 Victory Highway urged the Council to join with other communities to fight for major structural reforms that will significantly reduce costs at all levels of our government. He advocated pension reform, passage of e-verify for new employees, elimination of unfunded mandates, significant welfare reform, revision of laws that stifle job formation and competition, and across the board cuts in taxes.

REGULAR MEETING

The meeting was called to order at 7:00 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 and Town Solicitor Nadeau were also in attendance.

WE THE PEOPLE FUNDING REQUEST

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

North Smithfield High School teacher Natalie O'Brien attended the

meeting with several of her honors American Government students who won the statewide We The People Competition. The students are now afforded the opportunity to represent their school and state in a national competition to be held in Washington, D.C. They requested any financial support the town may be able to provide to defray their costs.

The Council asked Mrs. Hamilton to see if there was any money available in any line item.

The matter was continued to April 5, 2010.

SOLICITATION LICENSES – NEXT GENERATION

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

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve solicitation licenses to John Arcaro and Luke Lavallee representing Verizon FIOS. Hours of solicitation will be noon to sundown, Monday through Saturday.

APPROVAL OF MINUTES

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski and Dr. Benoit, to approve the minutes of February 16 & 25 and March 1, 2010.

Mr. Zwolenski requested the minutes of February 16, 2010 regarding discussion of the conservation easement for the Wawskiewicz property be corrected to more specifically reflect the name Blackstone River Watershed Council/Friends of the Blackstone throughout the discussion.

Mr. Leclerc amended his motion to include this correction, Mr. Zwolenski and Dr. Benoit amended their seconds, and the motion passed unanimously on an aye vote.

PAYMENT OF BILLS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 0 on a roll call vote (Mr. Biron recused himself) to approve payment of the following: General Fund - \$181,624.30; Sewer - \$49,741.03; Water - \$498.86; Wire Transfer School Department - \$1,902,898.00; and Wire Transfer Fire Department - \$200,146.67 for a total of \$2,334,908.86.

MEMORANDUM OF AGREEMENT WITH PETER LABONTE/CENTURY LIQUORS

Mrs. Hamilton provided a document with several proposed agreements between Mr. Labonte and the town in order to allow access to the animal shelter.

One of the agreements was to return old stone walls that had been pushed back because of plowing to their original location. Mr. Zwolenski suggested that the Planning Board take a look at that.

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CHERRY BROOK AND STORMWATER MANAGEMENT

Town Planner Robert Ericson provided a written update stating that the Town Solicitor is awaiting communication from the new administrator of the Silva estate regarding donation of the 69 acres previously discussed. During the recent heavy rains, Mr. Ericson checked the railroad culvert, found a partial ice blockage and discussed corrective options with Public Works Director Raymond Pendergast.

LIZ DEVELOPMENT

This remains in executive session status.

ORDINANCE REVIEW COMMITTEE

The Ordinance Review Committee requested their terms be extended past March 30, 2010 to September 30, 2010.

MEMBERSHIP OF ORDINANCE REVIEW COMMITTEE

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

Dr. Benoit felt the membership is not following the resolution that established the committee and is comprised largely of a special interest group that is strongly anti-business. In addition, Mr. Flaherty

is no longer a member of the Planning Board and, therefore, the Planning Board is not represented.

Mr. Leclerc also felt the membership is not following the resolution and some changes should be made.

MOTION by Mr. Zwolenski to extend the terms of the Ordinance Review Committee to September 30, 2010. There was no second.

There was discussion as to whether or not the Ordinance Review Committee was initiating ordinances on its own and not at the direction of the Council. Mr. Nadeau explained the committee is doing what is within its purview. Their recommendations are non-binding and have to come before the Council.

MOTION by Dr. Benoit and seconded by Mr. Leclerc to extend the term of the Ordinance Review Committee to September 30, 2010 but to let the terms of the existing members expire on March 30, 2010 and have a reorganization of the composition of members at the April 5th Council meeting.

Dr. Benoit subsequently withdrew his motion and Mr. Leclerc withdrew his second.

MOTION by Dr. Benoit and seconded by Mr. Biron to extend the date for the Ordinance Review Committee to continue its work to

November 30, 2010 and on April 5, 2010 there is a reorganization of members and a supporting resolution to accomplish that goal.

It was suggested that the date for the reorganization of members be changed to April 19th to allow the various boards to poll their members for volunteers.

Dr. Benoit amended his MOTION to change the date to April 19th and Mr. Biron amended his second.

Mr. Nadeau had a concern with a member of any private group being named as having membership on any committee in the town. He would recommend taking the member of the Valley Alliance out of the resolution and perhaps increase the number of at large members from two to three.

Mr. Nadeau suggested that, if this Council goes forward with authorization for the Ordinance Review Committee, consideration may want to be given to extending its functionality until December 31, 2010 so that a new Council will have a month to extend it or let it die.

Dr. Benoit amended his MOTION once again to extend the date for the Ordinance Review Committee to continue its work to December 31, 2010 and Mr. Biron amended his second.

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Roll call: Dr. Benoit – yes; Mr. Biron – yes; Mr. Leclerc – yes; Mr. Zwolenski – yes; and Mr. Lovett – yes. The motion carried 5 to 0.

2ND READING ORDINANCE AMENDMENT RE: SALARIES AND WAGES

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

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to adopt the following changes to the Salary and Wage Ordinance:

General Government	FY 08/09	FY 09/10
Finance Director	79,159	79,160
03/08/10 to 6/30/10		69,160
Assistant Finance Director	46,222	35,000
03/08/10 to 6/30/10		45,000

TRANSFER OF CONTROL OF SILVER PINES CONDOMINIUMS PUMP STATION

MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted unanimously on an aye vote to continue this matter to April 5, 2010.

RESIGNATION FROM HISTORIC DISTRICT COMMISSION

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept the resignation of Elizabeth

Martel and to send her a letter of appreciation.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on an aye vote to receive and place on file the minutes of January 12, 2010.

PERSONNEL BOARD MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on an aye vote to receive and place on file the minutes of December 2, 2009 and January 11, 2010.

SEWER COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and voted unanimously on an aye vote to receive and place on file the minutes of January 20, 2010.

GILBANE/RGB TASK ORDER NO. 5 FOR FEASIBILITY SERVICES

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 4 to 1 (Mr. Lovett voted no) on a roll call vote to authorize the Town Administrator to sign the Task Order on behalf of the town.

BUDGETS FOR FISCAL YEARS 2009, 2010 AND 2011

Mr. Leclerc stated he will be requesting a copy of a full budget from both the town and the school committee showing all line items, budgeted amounts, expenditures and balances.

Mr. Biron agreed and would like to see more detailed information for Grants and Contributions.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

There were no appointments.

1ST READING ORDINANCE AMENDMENT RE: USE OF RECREATIONAL VEHICLES

It was brought to Mr. Nadeau's attention that the town has been assessing fines under this ordinance that are in excess of those allowed under Rhode Island General Laws. Therefore, he has submitted amendments for Council consideration to bring our ordinance in line with state law.

Mr. Leclerc read the ordinance which authorizes a \$100.00 fine for each offense and does not permit an increase in fine amounts for subsequent offenses.

This constitutes the first reading. The second reading was scheduled for April 5, 2010.

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OPEN BURNING ORDINANCE

Mr. Leclerc has received several requests from residents asking that the start date for open burning be changed to an earlier date than the day after the observed Columbus Day holiday.

Dr. Benoit suggested issuing permits beginning October 1st through and including April 30th of the succeeding year.

The first reading was scheduled for April 5, 2010.

RESOLUTION RE: JUDICIAL FAIRNESS LEGISLATION

Mr. Lovett recused himself from this discussion.

MOTION by Dr. Benoit and seconded by Mr. Biron to adopt this resolution supporting legislative amendments to protect Rhode Island cities and towns and their public officials and employees.

Because Mr. Nadeau had not had the opportunity to review all the legislation involved with this resolution, Dr. Benoit and Mr. Biron withdrew their motion and second.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to continue this matter to April 5, 2010.

COMMUNICATIONS

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

unanimously on an aye vote to place on file the following communications: A.) Animal Control monthly report for February 2010; B.) NSF&RS monthly incident report for February 2010; C.) Resolution in support of H7014, Bridge Safety, from the Town of Bristol; D.) Resolution Re: Motor Vehicle Excise Tax Reimbursements from the Town of Burrillville; E.) Resolutions opposing amendments to the “Madeline Walker Bill” from the Towns of Burrillville and Foster; F.) Resolutions in support of establishing a “Blue Alert” program in the State of Rhode Island from the Town of Charlestown and the City of Providence; G.) Resolutions in support of enacting legislation for bicyclist safety from the Cities of Cranston and Warwick; H.) Resolutions in support of House Bills 7011, 7075, 7087, 7123, 7153 and 7178 and Senate Bills 2012 and 2033 from the City of Woonsocket; I.) Resolution encouraging the return of the America’s Cup Challenge to Newport from the City of Newport; and J.) Request for a proclamation from Cities Against Domestic Violence.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 9:27 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the North Smithfield Fire & Rescue Service Inc. contract and Narragansett Improvement vs. the Town of North Smithfield.

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

unanimously on an aye vote to come out of executive session at 10:35 P.M. and to seal the minutes. Two votes were taken and will not be disclosed until such time as disclosure will not be detrimental to the town of North Smithfield.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Mr. Biron, and voted unanimously on an aye vote at 10:37 P.M to extend the meeting to 11:00 P.M. and to take a two-minute recess.

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to reenter executive session pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield.

(Mr. Biron left the meeting at this time due to illness.)

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 10:48 P.M. and to seal the minutes. Two votes were taken and will not be disclosed until such time as disclosure will not be detrimental to the town of North Smithfield.

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MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 10:49 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk