

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 19, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

GOOD & WELFARE

Sewer Project

Mr. Leclerc stated he believed a workshop should be held on this subject at another time because there are people missing at tonight's meeting.

Death of Robert Potenza

Linda Thibault informed the Council that longtime School Superintendent Robert Potenza had passed away over the weekend at the age of 98.

Property Damage on Fountain Street

Mr. Richard Laverdiere of 54 Fountain Street complained that tractor trailer trucks unable to make it under the St. Paul Street bridge were turning around on Fountain Street and damaging his property. He would like to have signs erected at the beginning of St. Paul Street warning of the low bridge.

Grinder Pumps

Thomas Cabral of 108 Mendon Road spoke about the problem he had with his grinder pump recently that was not working properly. After calling a technician over the weekend, he was extremely dissatisfied

with the response he received. Mr. Cabral does not believe the pump was ever inspected.

Kevin Iskierski of Fountain Street added that several houses in the area have had problems with the grinder pumps, houses that never had any septic issues at all. Water backed up on the first floor of one house causing thousands of dollars worth of damage. He wants the Town Council to take this problem seriously.

John Marchand of 159 Green Street stated he thought there was supposed to be a pumping station at the corner of Green Street and Pacheco Drive but he was never approached about having it located on his property. He put in a new septic system five years ago and now has to bear the expense of a sewer connection.

Ernest Alter of 600 Victory Highway called on the Town Council to investigate who is responsible for this mess.

Tax Penalty

Leo Defond of Saranac Street complained that when his plumber went to apply for a permit to connect to the sewer system, he was denied because \$1,250 was due in interest. Mr. Defond does not understand why he is paying interest on something he isn't using.

North Smithfield School Teacher Contract

Ernest Alter feels the newly signed teacher contract is nothing to

gloat about and will wipe out any possible tax revenue gained from the proposed new Wal-Mart at Dowling Village. School Committee and Town Council members need to stand up for the taxpayers and, at the very least, freeze or lower teacher salaries. The Town Council should strongly advocate for meaningful structural reforms that will transfer full budgetary control, including labor negotiations, to the Town Council.

April 19, 2010

REGULAR MEETING

The regular meeting began at 7:10 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Zwolenski and Mr. Leclerc. Mr. Lovett was out of town. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

BUDGET LINE ITEMS FROM PRIOR SEWER PROJECTS

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to move this item up on the agenda.

Diane Wojcik claimed that evidence had been presented in the past showing that the cost of road repaving in previous sewer projects had been removed. However, no one seemed able to find line items in budgets, or any other way, that explained how the roads were paved. Mrs. Wojcik got copies of budgets that were still available and analyzed everything that had to do with sewers. She still has

questions that remain unanswered. Why would the Sewer Bond FHA 2010, the Sewer Bond Clean Water 2011 and the Sewer Bond Ironstone Principal be listed under debt service in the budget. Shouldn't they be in the Sewer Enterprise Fund and what was the money used for. Mrs. Wojcik referred to the Sewer Bond FHA 2010 and how the Council has stated the annual rate of \$53,000 was used to cover cost overruns for the sewer interceptor, treatment plant and road asphalt overlay. Minutes pertaining to this discussion show that the motion was passed at a financial town meeting and all residents paid this cost. In reference to the Sewer Bond Clean Water 2011, Mrs. Wojcik stated the Town Administrator said this money was used to pay the interest on the bonds of that line item; however, she does not understand how this money would be used for interest because it is a line item in the debt service principal, not debt service interest. For the Sewer Bond Ironstone Principal, \$30,000 was expended for each of the five years it was in effect. Mrs. Wojcik stated the Town Administrator claimed that if it was listed in a debt service line item, it was used to pay down debt for those bonds issued during the 1996 – 2005 range. Again she wondered why this would be paid out of the town's general fund. Why aren't the Ironstone people paying out of the enterprise fund and why is that line item stopped in 2005 when the Ironstone project is not yet paid. Mrs. Wojcik wondered if that money could have been used for roads and now that the roads are paid, there is no more line item. Mrs. Wojcik referenced minutes from the June 11, 2001 Council meeting that stated there was a discussion of the proposed budget for the upcoming year. The proposed debt

service principal was \$1,237,918.00. Mrs. Kirby, a Budget Committee member, questioned why the sewer and water bonds are coming out of the operating budget and she was referring to the three bonds. The response from then Finance Director Richard Erickson was that a decision had been made twenty-five years ago that the town would pay for the paving of the streets. Mrs. Wojcik's fourth question referred to Capital Request for Asphalt Overlay/Other. In the years 1994 to 1998, \$200,000 was appropriated. Was it used to overlay roads that had been torn up by sewers. Mrs. Wojcik had been told by former Town Administrator Robert Lowe that in the years that money was allotted, sewer roads were always done first. That was a way to keep sewer assessments down. In Town Council minutes of April 9, 1990, Mr. Denomme states that the taxpayers will be paying for the asphalt to repair roads of the sewer project. In a Providence Journal article dated July 8, 1996, Vincent Marcantonio is quoted as saying the town agreed to repave roads torn up by sewer lines. Councilman Alexander Biliouris states in the Providence Journal dated November 1, 1996 that the town picked up the cost of repaving roads, a justifiable expense because all town residents benefit from paved roads.

Mrs. Wojcik's last concern was a letter dated January 3, 1997 from former Town Clerk Joan Mowry to Mr. Greg McClure. It refers to discussion regarding sewer assessment figures for School Street/Birch Hill and the first phase of Ironstone that took place in executive session held on October 16, 1996. Mrs. Wojcik wondered

why the discussion took place in executive session. During the same time frame, the sewer assessment was lowered. She asked if the Town Council at that time was in violation of the open meetings law, would the present Town Council have access to those minutes that may explain how the assessment came to be reduced.

April 19, 2010

When asked, Mr. Nadeau stated that executive session minutes are sealed for a reason. Council does have the right to go into executive session under certain provisions of the Rhode Island Open Meetings law. If that law is followed and the reasons are justified under the law, then those discussions should remain sealed until there is no reason for the minutes to remain sealed. Mr. Nadeau would not advise opening minutes to the public without them first being reviewed and without some compelling evidence that they should be opened.

Mrs. Wojcik asked if this Council would be willing to have the minutes of October 16, 1996 reviewed.

Mrs. Wojcik believes she has found the evidence as to how road repaving had been paid. She asked the Council to allocate the yearly cost of approximately \$13.00 from everyone's tax bill to cover the cost of roads.

MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted 4 to 0

on an aye vote to have the Town Solicitor review the executive session minutes of October 16, 1996 to see if they can be opened to the public.

Sewer Commission Chairman Shawn Kane explained that the \$13.00 cost is per tax household, including commercial properties, and is for twenty years. He added that the Sewer Bond FHA 2010 was for the interceptor project and there is not one user connected to that pipe.

As the Sewer Commission Chairman, Mr. Kane recommended that the cost of the road overlay be removed from the assessment and be spread to the whole tax base of the town and, furthermore, that a credit be issued to the residents of the 2009 sewer district.

APPROVAL OF MINUTES

Mr. Zwolenski pointed out a correction to the minutes of April 5, 2010, Page 40, whereby the word “not” should have been the word “no”.

Dr. Benoit asked that the minutes of March 15 reflect that he recused himself from executive session discussion.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the minutes of March 15 and April 5, 2010 as amended.

PAYMENT OF BILLS

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 4 to 0 on a roll call vote to approve payment of the following: General Fund - \$160,249.24; Sewer - \$16,241.66; Water - \$47,198.83; Wire Transfer School Department - \$1,845,832.00; and Wire Transfer Fire Department - \$200,146.67 for a total of \$2,269,668.40.

RESIGNATION FROM INDUSTRIAL DEVELOPMENT COMMISSION

Mrs. Hamilton informed the Council that Scott McGee had tendered his resignation from the Industrial Development Commission.

APPOINTMENT TO INDUSTRIAL DEVELOPMENT COMMISSION

Mrs. Hamilton submitted the name of Brett E. Farbstein as an appointee to the Industrial Development Commission.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to accept the appointment of Brett E. Farbstein to the Industrial Development Commission. This is a five-year term that expires December 1, 2013.

LIZ DEVELOPMENT

Town Planner Robert Ericson stated this is still in pending litigation.

CHERRY BROOK AND STORMWATER MANAGEMENT

Mr. Ericson spoke about the recent flooding in town. The residents of Lapre Road and Meadowbrook Drove sustained the most damage. Sections of town roads were undermined at various places

throughout the town. The bridge at Crookfall Brook was lost but it was repaired “as was” within four days.

April 19, 2010

Residents and the Town will be recouping some of their losses through FEMA.

Mr. Ericson spoke about the hazard mitigation project that began as the 1968 study of the Cherry Brook watershed. In 2008 the Council declined to award \$40,000 for another study of the watershed. Mr. Ericson has found there is a natural basin on the southwest side of Route 146 that is controlled by a single oversized culvert. He can tell FEMA that this is the town’s hazard mitigation project. With the LIDAR contours available on the 2008 Electronic Field Study aerials, the town can save \$15,000 to \$17,000 on ground survey and have the entire hydrological study done using aerials. Mr. Ericson expects the project to cost less than \$25,000. If the town is successful in getting it approved by FEMA as a hazard mitigation project, the cost to the town could be approximately \$4,000. What he needs is a PE stamp on the TR-20 study and specific design for a flashboard system in that culvert as well as a timing regime to know during a rainfall at what point to insert and take out the flashboards. The town needs to acquire the land that will be used as the natural basin from the Philip Silva estate. Mr. Ericson and Finance Director Brian Silvia are also looking for approval to work with a FEMA-skilled firm, Maguire Group, for assistance in getting all the funds the town deserves. These

funds would also cover Maguire Group's administration fees.

ACCEPTANCE OF PROPERTY FROM PHILIP SILVA ESTATE

MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted 4 to 0 on a roll call vote to accept the donation to the town of North Smithfield of Plat 009 Lot 167, Plat 012 Lot 003, Plat 012 Lot 002, Plat 012 Lot 256, Plat 009 Lot 166, Plat 009 Lot 604, Plat 012 Lot 004, Plat 012 Lot 006, Plat 012 Lot 013, Plat 012 Lot 013A, Plat 009 Lot 164, Plat 012 Lot 005, Plat 012 Lot 181 and Plat 009 Lot 163 from the Estate of Philip Frank Silva and to abate any and all real property taxes owed to the Town of North Smithfield through and including June 30, 2010 that have accrued and remain unpaid on each and every of the aforesaid lots on the aforesaid plats.

SELECTION OF FEMA CONTRACTOR

MOTION by Dr. Benoit and seconded by Mr. Zwolenski to engage the services of Maguire Group with the understanding it is a per/hour contract with a cost not to exceed \$4,000 paid by the town.

After further discussion, Dr. Benoit amended the MOTION, Mr. Zwolenski amended his second, and it was voted 4 to 0 on a roll call vote to include that FEMA and the state will cover 87.5 percent of the consultant costs with the town obligated to cover \$4,000 or less.

SOLICITATION LICENSES – NEXT GENERATION (B. AND A. MAYCOCK)

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to move licenses up next on the agenda.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to approve Solicitation licenses to Brandon and Amanda Maycock with hours of operation to be Monday through Saturday from noon to dusk.

PEDDLER'S LICENSE – O. SABALLY D/B/A NEW ENGLAND ICE CREAM

MOTION by Dr. Benoit, seconded by Mr. Zwolenski and Mr. Biron, and voted 4 to 0 on an aye vote to approve a Peddler's license to Omar Sabally d/b/a New England Ice Cream with hours of operation limited to between 9:00 A.M. to dusk in residential areas and 9:00 A.M. to 9:00 P.M. in business areas.

VICTUALING LICENSE – ORI, INC. D/B/A HERCULES PIZZA RESTAURANT

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to approve a Victualing license to ORI, Inc. d/b/a Hercules Pizza Restaurant.

TRANSFER OF BVL LIQUOR LICENSE – ORI, INC. D/B/A HERCULES PIZZA RESTAURANT

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to continue this to the May 3, 2010 meeting since the

April 19, 2010

applicant does not yet have a certificate of good standing from the Division of Taxation.

BUDGET COMMITTEE 2010/2011 BUDGET PRESENTATION

Budget Committee Chairman John Zambarano presented his committee's recommendations noting that the town can probably expect a \$4.5 million to \$4.9 million revenue shortfall that will have to be made up in an adjustment to the tax rate. Total state aid is expected to come in at approximately \$5.5 million. Reduction from the fourth quarter motor vehicle excise tax could result in receiving only \$250,000 instead of \$567,000. The Rhode Island General Assembly is working on legislation that could affect these numbers further for next year. The Budget Committee believes a significant examination should be made for both the Sewer and Water accounts.

On the expenditure side, the committee presented a budget figure of \$33,449,408 that essentially level funds most departments. There is a significant increase in health care insurance. Mr. Zambarano suggested looking at longevity and clothing allowance expenses. He suggested taking a look at new employee hire benefits and strongly suggested a three-year moratorium on new construction. Right now debt service principal and interest is running at \$3.3 million per year and the school department is 97 percent of that number. The Budget

Committee has proposed collaborative efforts between departments but has seen no evidence of that taking place. They recommend establishing a formal operations review committee to examine maintenance functions for buildings and grounds, major systems, energy contracts, fuel supply contracts, bidding procedures, etc. with the goals of creating higher productivity, more efficiency and accrued savings.

According to figures published by the Department of Labor and Training, unemployment is eleven percent of the town population. School enrollment is only thirty students greater than it was ten years ago.

CHARTER RECOMMENDATIONS

Mr. John Wojcik, secretary of the Charter Review Commission, presented the commission's recommendations. There were three major areas upon which they focused: Article III – Financial provisions of the town, Article V – Town Administrator and Article VIII – the budget.

Francesca Johannis, another commission member, strongly recommended that a public hearing be held prior to any ballot questions being submitted to the Secretary of State's office.

Mr. Wojcik felt a workshop with the Council members and commission members would be helpful. Mr. Leclerc will speak with

Mr. Lovett to schedule this meeting.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to accept and place on file the minutes of February 9, 2010.

PERSONNEL BOARD MINUTES

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to accept and place on file the minutes of March 2 and 10, 2010.

GRACE PERIOD FOR TAX COLLECTIONS

Although Dr. Benoit is aware there is an unwritten policy of extending collection due dates by a few days, he would like to see a written document that would be equitable for everyone.

Mr. Nadeau has spoken with Assistant Tax Collector Mary Jean Perry who felt that a grace period just extends the due date to another day. There will always be someone saying there is an issue. Mr. Nadeau said the Council could enact an ordinance allowing for a grace period if it chooses. He recommended the Council obtain an opinion from the Finance Director.

April 19, 2010

Mrs. Hamilton added this could create a delay in cash flow if a significant number of residents pay taxes at a later date.

Dr. Benoit welcomed more input from the Finance Director and the Assistant Tax Collector but still would like to have a written policy even if it is for a three-day grace period. He also asked if someone could look into the practice of charging interest back to the first quarter if someone forgets to pay their taxes during a later quarter.

The discussion was continued to May 3, 2010.

CLAIM FOR VEHICLE DAMAGE – P. FONTAINE

MOTION by Mr. Zwolenski, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to move up all items under New Business.

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to continue discussion of this claim to May 3, 2010 since Mr. Fontaine was not in attendance.

**TEMPORARY EXEMPTION FROM NOISE ORDINANCE –
WOONSOCKET CONGREGATION OF JEHOVAH'S WITNESSES**

MOTION by Mr. Biron and seconded by Dr. Benoit to approve the request for a temporary exemption from the noise ordinance for May 29th and 30th and June 5th and 6th.

The Council was informed that, according to the noise ordinance, the request would have to be advertised, abutters notified and a hearing held prior to approval.

Mr. Biron withdrew his motion and Dr. Benoit withdrew his second.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski and Mr. Biron, and voted 4 to 0 on an aye vote to continue this to May 3, 2010.

**OUTDOOR DINING/ALCOHOLIC BEVERAGES – G. & C.
BLACKSMITH/LOWER LEVEL BAR AND GRILLE**

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to allow Lower Level Bar and Grille to serve liquor outdoors once the concrete patio and doors are installed and with no expansion of hours.

2ND READING ORDINANCE AMENDMENT RE: REDEVELOPMENT AGENCY

Mr. Zwolenski initiated discussion on Section 17.5(b) that refers to appointments to the agency and whether or not each appointment had to be approved by the Council as a whole. He felt each Council member's appointment should be able to stand on its own.

Dr. Benoit disagreed and felt the Council should be able to approve or disapprove an appointment. Both he and Mr. Biron said the same process was done earlier this evening with the Administrator's

appointment to the Industrial Development Commission.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this to May 3, 2010 for further review and discussion.

RESOLUTION RE: CONTINUATION OF ORDINANCE REVIEW COMMITTEE

Once again there was discussion about the membership of the committee. At a prior meeting, Mr. Nadeau had stated he personally felt that any private organization should not be carved out in an ordinance or resolution as having a specific place on any town board.

Being a member of the Valley Alliance would not rule anyone out from being on a committee, they could be selected as a member from the public.

Dr. Benoit's concern was that the Ordinance Review Committee is comprised of four former or present Valley Alliance members. He feels the organization is strongly anti-business biased and that is not what the town needs.

Town Planner Robert Ericson said what the Ordinance Review Committee needs are people who are skilled in environmental science and how to solve problems.

April 19, 2010

MOTION by Dr. Benoit to add this to the May 3rd agenda for further discussion and appointments. There was no second.

There was a suggestion to add a couple more professional specialties in Section 6 under Membership.

Mr. Biron felt the verbiage was unnecessary and he hoped the most qualified people would be appointed anyway.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 4 to 0 on a roll call vote to approve the following resolution as amended:

“Whereas, The Town Council wishes to receive the input of citizens and members of existing boards and commissions to assist in the process of reviewing certain ordinances that impact town zoning and planning; Whereas, The Town Council wishes to continue a previously established committee for the purpose of making recommendations to the Planning Board and the Planner for ultimate referral to the Town Council for the Council’s review and consideration; IT IS RESOLVED by the Town Council of the Town of North Smithfield as follows: Ordinance Review Committee (a) Creation, General Purpose. By previous Resolution, the Town Council created the Ordinance Review Committee for the Town of North Smithfield for the general purpose of the review of, and for the issuance of non-binding recommendations concerning certain ordinances that relate to zoning and planning. The commission has

no executive or legislative powers, and shall report its recommendations to the Town Planner, who it shall serve in an advisory capacity. The committee shall remain in existence from the date of its existence, or from October 11, 2007 to December 31, 2010, and shall present its final recommendations to the Town Council by December, 2010. The Town Council may further extend these periods by passage of a new resolution, but in any event the term of the committee, and its membership, shall expire within thirty (30) days of the termination of the current term of the present Town Council. (b) **Membership.** The committee shall be comprised of seven (7) voting members who shall be residents of the town who are of good character. Members shall serve without compensation, but the reasonable expenses of the committee or its members may be authorized by the town council with prior approval. The committee shall specifically include seven (7) members, as follows, all of whom shall be appointed by the town council: 1. A member of the Conservation Commission, ex-officio. This member shall be approved by a vote of the Conservation Commission, and finally appointed by the town council. 2. A member of the present Planning Board, or one of its alternates, ex-officio. This member shall be approved by a vote of the planning board, and finally appointed by the town council. Should the Planning Board elect not to appoint a representative to the committee, then a member of the general public shall be appointed to this position under the terms of Paragraph 5, below. 3. A member of the Industrial Development Commission, ex-officio. This member shall be approved by a vote of the Industrial

Development Commission, and finally appointed by the town council.

4. A member of the Zoning Board, ex-officio. This member shall be approved by a vote of the Zoning Board, and finally appointed by the town council.

5. Three members from the public at large, appointed by vote of the town council. These members shall be town residents throughout the term of service.

6. In appointing members, priority should be considered toward those who have specific skills and qualifications that would assist the committee in its tasks, such as those in the professional building trades, finance, business, design, architecture, engineering, land development or the like. All seven of the above members are full voting members.

7. The committee shall appoint a chairperson, a vice chairperson or a co-chairperson, and a secretary who shall coordinate and supervise the activities of the clerk, and assist the clerk where necessary. There shall be a clerk/secretary of the committee, who shall be one of the members of the committee and shall be elected by its members, and who shall serve to take minutes and perform administrative tasks for the committee, including but not limited to the taking of notes and minutes of the activities of the committee and facilitate compliance with open meetings and other procedures. Minutes shall be filed by the committee with the town clerk (for distribution to the town council and to the planning and zoning boards).

8. The terms of all members shall not extend more than thirty (30) days beyond the term of the council that appointed them.

(c) Purposes and Authority. 1. The

April 19, 2010

committee shall be responsible to prepare such recommendations and advice to the Town Planner and its consultant, each or either of which may attend meetings of the committee. Recommendations shall be directed to the town planner and to the planning board. The planning board and the town planner shall issue their independent recommendations for action on the committee's submission for review and action by the town council, along with a copy of the original recommendations of the committee. All such recommendations shall be non-binding on the town council. The recommendations of the ordinance review committee may include: a. Planning laws and regulations, which in any event shall be advisory only, and non-binding on the planning board, and for adoption, action or not, by the planning board in accordance with state law and town planning regulations; b. Zoning laws and regulations, which in any event shall be advisory only, and non-binding on the town council, and for adoption, action or not, by the town council in accordance with state law and the town charter and ordinances; c. A noise ordinance, which in any event shall be advisory only, and non-binding on the town council, and for adoption, action or not, by the town council in accordance with state law and the town charter and ordinances; d. Any other matter as may be directed by the town council. Furthermore, the town council may restrict or narrow the scope of the committee's review should the town council so decide by motion. 2. The committee shall report its progress, in writing, to the town council every 60 days, either through its membership or through the town planner, with an outline of topics and ordinances

reviewed, and other matters of status. The council retains the authority to overrule, revoke, or restrict the committee's authority at any time. (d) Meetings. 1. The committee shall meet periodically, and no less frequently than once monthly. Meetings of the committee shall be in compliance with the open meetings act, and its records open in compliance with the state public records act. The meetings shall be open for comment by the general public addressed to the committee at each meeting."

2ND READING ORDINANCE AMENDMENT RE: OPEN BURNING

MOTION by Dr. Benoit and seconded by Mr. Zwolenski to adopt the Open Burning ordinance.

Mr. Biron felt the ordinance should have remained the same without changing any dates.

Dr. Benoit withdrew his motion and Mr. Zwolenski withdrew his second.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Biron voted no) on a roll call vote to modify Section 7-8(a) Permit – Availability so that burning be permitted from the Saturday prior to the observed Columbus Day holiday through and including April 30 of the succeeding year.

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0

on an aye vote to reconsider the vote on the amendment to Section 7-8(a).

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:34 P.M. to extend the meeting to no later than 11:00 P.M.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:34 P.M. for a two-minute recess.

The meeting resumed at 10:41 P.M.

MOTION by Dr. Benoit, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Biron voted no) on a roll call vote to amend Section 7-8(a) so that permits may be issued for open burning during the period from the Saturday prior to the observed Columbus Day holiday through and including April 30 of the succeeding year. No such permits shall be issued during the period from and after May 1 through and including the Friday prior to the observed Columbus Day holiday.

MUNICIPAL COURT

Mr. Biron learned there had been a glitch in how the bill had been submitted that needs to be corrected.

Mr. Biron stated that if a line item is not included in next year's budget for start up costs, the court will probably have to wait until

some time in the fall to begin to operate, thus losing some revenue. He was hoping for a commitment from the Council to allocate funds in next year's budget and this would enable Captain Lafleur to order furnishings.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to commit to adding a line item for the municipal court in the 2010/2011 budget for an amount to be determined.

BUDGETS FOR FISCAL YEAR 2009, 2010 AND 2011

Mrs. Hamilton stated that next year the town will be starting with a shortfall of \$1,070,000.00 unless the General Assembly makes some changes. There is no enabling legislation to tax for motor vehicles.

For the first time in recent history, the Senate did not approve the supplemental budget passed by the House. It was sent back to them. Mrs. Hamilton stated there is legislation being considered to extend the budget deadline by 90 days but that would cause a significant cash flow problem for the town.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

There were no appointments.

COMMUNICATIONS

MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to receive and place on file the following: A.) Animal

Control Monthly Report for March 2010; B.) NSF&RS Inc. Monthly Incident Report for March 2010; C.) DEM Notice of Violation at 27 Church Street; D.) DEM Notice Re: Slatersville Hydroelectric; E.) Letter from Taxpayer Advocate Service – IRS; F.) Resolution in Support of H7014, Bridge Safety from the Town of Portsmouth; G.) Resolutions in Support of Establishing a “Blue Alert” Program in the State of Rhode Island from the City of Cranston and the Towns of Jamestown and Narragansett; H.) Resolutions Encouraging the Return of the America’s Cup Challenge to Newport from the Towns of Charlestown, East Greenwich and Narragansett & Cities of Cranston and East Providence; I.) Resolutions Opposing Binding Arbitration or Endless Contract Law for Teachers from the Towns of Burrillville and East Greenwich, Cities of East Providence and Woonsocket and the Smithfield School Committee; J.) Resolutions Authorizing Cities/Town to Postpone Budget and Financial Town Meetings from the Towns of Foster and Tiverton; K.) Resolutions in Support of Judicial Fairness Legislation from the Town of Burrillville and the City of East Providence; and L.) Resolution to Enact Legislation Requiring Seat Belts on School Buses from the Town of Warren.

MOTION by Mr. Zwolenski, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote at 11:03 P.M. to extend the meeting for five more minutes.

Mr. Zwolenski left the meeting at this time.

EXECUTIVE SESSION

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 3 to 0 on an aye vote to enter into executive session 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.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 3 to 0 on an aye vote to come out of executive session at 11:11 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 3 to 0 on an aye vote to adjourn at 11:12 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk