

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

JUNE 7, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

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 and Mr. Lovett. Mr. Zwolenski was away and unable to attend. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

SEWER PROJECT PAY REQUESTS

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 0 on a roll call vote to approve payment to James J. Geremia & Associates, Inc. in the amount of \$2,063.61 for Phase IB Construction Administration Invoice No. 19.

APPOINTMENT TO PARKS AND RECREATION COMMISSION

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted 4 to 0 on a roll call vote to approve Town Administrator Hamilton's appointment of H. Anthony Deller to the Parks and Recreation Commission. This is a two-year term that expires December 1, 2010.

RESOLUTION RE: REPEAL OF MOTOR VEHICLE AND TRAILER EXCISE TAX ELIMINATION ACT OF 1998

Mr. Lovett recused himself from this discussion.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 3 to 0 on a roll call vote to adopt the following resolution: “WHEREAS, the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 was designed to phase-out motor vehicle excise taxes; and WHEREAS, the provisions of the Act include certain components intended to ensure direct benefit to taxpayers, including State Exemptions, a Hold Harmless clause, and the Frozen Tax Rate; and WHEREAS, the State of Rhode Island appears poised to eliminate the motor vehicle excise tax reimbursement program originally intended to compensate cities and towns for related revenue losses; and WHEREAS, the Town of North Smithfield stands to lose approximately \$2,000,000 in FY 2011; and WHEREAS, failure to collect sufficient revenues will impact the Town’s ability to maintain critical public safety services and educational functions; and WHEREAS, if the reimbursements cease but other provisions of the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 are not repealed, the several cities and towns will be unable to recoup those revenues; and WHEREAS, repealing the Act in its entirety is the most straightforward method to avoid unnecessary complications and restore the cities and towns to their pre-1998 position. NOW, THEREFORE, BE IT RESOLVED that, if motor vehicle excise tax reimbursements are to be substantially reduced or eliminated, then we, the Town Council of the Town of North Smithfield, do hereby advocate that §44-34.1, Motor Vehicle and Trailer Excise Tax Elimination Act of 1998, be repealed in its entirety to allow the several cities and towns to reestablish an appropriate mechanism for collecting necessary revenues. BE IT FURTHER

**RESOLVED that we, the Town Council of the Town of North
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Smithfield, do respectfully request the legislative delegation which represents the Town to support such legislation. BE IT FURTHER RESOLVED that we, the Town Council of the Town of North Smithfield, do hereby entreat the various Rhode Island city and town councils to contact the Governor and their legislative delegations, seeking support of such legislation.”

SKATEBOARD PARK

Mrs. Hamilton received a petition signed by eighty adults and three hundred children requesting pursuit of an alternative to the skateboard park that had recently been disassembled and that a committee has been formed.

Public Safety Commission member Sean Rousseau explained the committee is looking for a permanent structure. They are researching private funding or the possibility of charging dues.

The Council members urged Mr. Rousseau to explore insurance to be sure there is no liability to the town.

INTERLOCAL EQUIPMENT SHARING AND PERSONNEL INTERCHANGE CONTRACT

Mrs. Hamilton explained this proposed contract was written by the

Town Solicitors representing Burrillville, Glocester, North Smithfield and Smithfield. It would enable the towns, all members of the Interlocal Trust, to share equipment, services and personnel.

Mr. Biron thought it could be less expensive to contact a rental company when necessary.

When Mr. Leclerc stated he would like to see a cost breakdown, Mr. Nadeau said he did not foresee a schedule of costs. More specifics would have to be in writing and the intent of the agreement is to ensure equipment and employees are still covered by the Trust.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to sign the document.

RESOLUTION RE: ENERGY SAVING CAPITAL IMPROVEMENT PROJECT LEASE REVENUE BOND

Mr. Lovett recused himself from this discussion.

Town Planner Robert Ericson explained this resolution is parallel to the one the Council recently passed for the school department but this would be for municipal use. This is for the performance-based contracting and will cost the town nothing. Mr. Ericson added that he has applied for \$421,445 net cost (after anticipated utility rebates) in the ARRA energy conservation competitive grant cycle.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted 3 to 0 on a roll call vote to adopt the following resolution: “WHEREAS, the Town of North Smithfield desires to finance the construction and equipping of an energy savings capital improvement project in the town; WHEREAS, in order to complete the above financing, the Town of North Smithfield desires to issue a lease revenue bond in an amount not to exceed \$434,539, the large majority of which will be used to finance the construction and equipping of the Energy Savings Capital Improvement Project for Town services buildings. NOW, THEREFORE, BE IT RESOLVED: That the Town of North Smithfield hereby requests that the General Assembly enact legislation authorizing the Town of North Smithfield, and if required by RI law, with the prior approval of the qualified electors of the Town of North Smithfield, if required, to issue a lease revenue bond in an amount not to exceed \$434,539 in order to complete the Town Financing.”

NSES WATER PROJECT

School Committee member Paul Vadenais told the Council the water system at NSES needs an upgrade. The line going to the wellhead has been reduced in size due to a buildup of manganese and the School Department wants to put in a better filtration system. Mr. Vadenais believes the cost to be approximately \$40,000 and there is funding available from the 1999 referendum to cover the cost.

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The School Department will go out to bid and return to the Council for approval.

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

The Clerk informed the Council there was still no Certificate of Good Standing.

MOTION by Mr. Leclerc and seconded by Mr. Biron to continue this to June 21, 2010. Because this has been delayed for a couple of months and no one was present to explain, the Council chose not to continue but to have the applicant reapply. The motion and second were withdrawn.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to remove this from further agendas until the applicant reapplies.

SOLICITATION LICENSES – NEXT GENERATION SALES

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 0 on an aye vote to approve a solicitation license for Luke Lavallee with the stipulation that he will only solicit from noon to sundown Monday through Saturday and not at all on Sundays.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an

aye vote to approve a solicitation license to Peter Osterhout with the stipulation that he will only solicit from noon to sundown Monday through Saturday and not at all on Sundays.

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to approve a solicitation license to Thomas Votta with the stipulation that he will only solicit from noon to sundown Monday through Saturday and not at all on Sundays.

SOLICITATION LICENSE – SOUTHWESTERN COMPANY/JEREMY GRAVES

Since Mr. Biron had some questions and Mr. Graves was not present, MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted 4 to 0 on an aye vote to table this matter.

VICTUALING LICENSE – STEPHEN PALAZZO D/B/A CAGNEY FOOD SERVICE

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted 4 to 0 on an aye vote to grant a victualing license to Mr. Palazzo d/b/a Cagney Food Service to be located at RI Sports Center, 1186 Eddie Dowling Highway.

PEDDLER'S LICENSE – MICHAEL BOZZI D/B/A BOZZI'S BARBEQUE

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to approve a peddler's license to Michael Bozzi d/b/a Bozzi's Barbeque to operate at Homestead Gardens located at 200

Industrial Drive on Saturdays and Sundays from noon to 8:00 P.M. or sunset.

FISCAL YEARS 2010 AND 2011 BUDGETS

Mrs. Hamilton noted the General Assembly has eliminated the fourth quarter motor vehicle tax reimbursements to the cities and towns. This equates to a \$2 million loss for North Smithfield for FY 2011 although the town will have the ability to tax vehicles with a value of at least \$500.00. Mrs. Hamilton is looking at every department for savings.

CHARTER REVIEW RECOMMENDATIONS

Dr. Benoit questioned what the next step would be in order to get any charter questions on the November ballot.

Mr. Nadeau explained the Council must send any questions to the Secretary of State's Office by August. The Town Council may use or reject any of the recommendations submitted by the Charter Review Commission or they could propose some of their own.

Dr. Benoit felt there should be some type of public forum to enlighten the citizens. It was decided to hold a workshop on July 12, 2010 at 7:00 P.M.

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TOWN ORDINANCE SECTION 15.12 CLAIMS AGAINST THE TOWN; DAMAGE CAUSED BY POTHOLES

Mr. Biron questioned whether this ordinance should be removed from the Code of Ordinances. People are often missing the deadline or do not have the proper receipts and paperwork. If someone has a claim, he could just bring his case before the Council.

Mr. Leclerc agreed but felt this ordinance at least provides guidelines.

Mr. Nadeau commented that the section encourages people to make claims and he feels the town may not be liable for potholes. It creates a legal liability.

The Council agreed to discuss it further on July 12th.

CREATURES, CREATURES, CREATURES

Dr. Benoit wondered about the status of this business since they are operating without any license and owe a significant amount of taxes to the town.

Mr. Nadeau explained there is no citing authority at the moment but this is something that could go before the town's Municipal Court that should be established soon. He noted that since a considerable amount of taxes is owed, the account should be sent to the town's tax collection firm.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to enter into executive session at 8:46 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1.) North Smithfield Fire & Rescue Service, Inc. contract, 2.) Abbey Road/K. Dulude vs. the Town of North Smithfield, 3.) DSF Slatersville Mill, LLC vs. the Town of North Smithfield and 4.) James Chacharone vs. the Town of North Smithfield.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 4 to 0 on an aye vote to come out of executive session at 10:03 P.M. and to seal the minutes. No motions were made and no votes were taken.

Abbey Road/K. Dulude vs. Town of North Smithfield

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted 4 to 0 on an aye vote to approve a settlement agreement with Abbey Road/Keith Dulude.

DSF Slatersville Mill, LLC vs. Town of North Smithfield

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted 3 to 1 (Mr. Leclerc voted no) on an aye vote to approve a settlement agreement with DSF Slatersville Mill, LLC.

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted 4 to 0 on an aye vote to adjourn at 10:05 P.M.

(The tape recorder did not record this meeting)

Respectfully submitted,

Debra A. Todd, Town Clerk