

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 20, 2010

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Manhole Cover on Smithfield Road

Mr. Zwolenski noted there was a problem with a manhole cover on Smithfield Road across from Morse Avenue.

Mrs. Hamilton responded that RIDOT said it was a manhole cover to nowhere; it was not a drain, it was not for sewers. So they just paved over it to cover the indentation.

Sewer Project

Mr. Kevin Iskierski reviewed the project from its approval on the ballot in 2007 to the present, noting particularly the costs such as repaving and police details, which are burdening the residents in Phases IA and IB. He hopes this Council can give some measure of relief to those residents.

Mr. Zwolenski stated he had asked the Town Solicitor to give a legal opinion as to what the Council can or cannot do to provide some kind of relief. He asked that this matter be placed on the January 18, 2011 meeting.

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 Ms. Alves, Ms. Charest, Mr. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to remove Payment of Monthly Bills from the Consent Agenda.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following items under the Consent Agenda: A.) Filing of Minutes of September 20 and 27, 2010; B.) Gilbane Building Company invoice in the amount of \$8,000.00, C.) Sweeney Real Estate Appraisal Invoice in the amount of \$1,000.00, D.) Sewer Project invoices (James J. Geremia Invoice #21 for \$744.42 and Invoice #22 for \$438.36 for a total of \$1,182.78; and Boyle & Fogarty Construction Application #19 Grinder Pumps for \$24,525.90), E.) Economic Development Commission Minutes for December 6, 2010, F.) Ordinance Review Committee Minutes from October 20 and November 10, 2010, G.) Personnel Board Minutes from September 16 and October 20, 2010, H.) Animal Control Monthly Report for November 2010 and I.) NSF&RS Inc. Monthly Incident Report for November 2010.

MONTHLY BILLS

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to remove payment of a \$60.00 parking ticket from the bills.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to remove payment of \$1,000.00 to Sweeney Real Estate for an appraisal. This was listed as a separate item on the agenda and would result in a duplicate payment.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to approve payment of the following as amended: General

Fund - \$662,848.59; Sewer - \$5,894.87; Water - \$6,434.96; Wire Transfer School Department - \$1,714,376.00; and Wire Transfer Fire Department - \$195,146.67 for a total of \$2,584,701.09.

AWARD OF BID RE: IT SERVICES FOR MUNICIPAL OFFICES

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to award the bid to Velocity Solutions, LLC for a contract of service for an amount not to exceed \$10,000 and not to exceed one year based upon the recommendations of the Town Administrator and the Finance Director.

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PUBLIC HEARING RE: APPOINTMENTS OF MUNICIPAL COURT ADMINISTRATOR AND MUNICIPAL COURT CLERK

MOTION by Mrs. Charest, seconded by Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to move this item up next on the agenda.

Because the current Court Administrator and Court Clerk also hold positions in the police department, the Town Charter states a public hearing must be held prior to appointment to waive the restriction on dual office holding.

No one spoke at the public hearing.

MOTION by Mrs. Charest, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to close the public hearing.

1ST READING ORDINANCE AMENDMENT RE: SALARIES AND WAGES

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to receive and file the proposed ordinance as presented as a first reading.

The second reading was scheduled for January 3, 2011.

ADOPTION OF REVISED SEWER BUDGET 2010/2011

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve the revised sewer budget as presented by the Finance Director and the Town Administrator.

The budgeted amount is \$1,925,767.00 and the rate will remain the same.

ADOPTION OF WATER BUDGET 2010/2011

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on a roll call vote to approve a water budget of \$483,084.00. The rate will remain the same as last year.

ABATEMENTS

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote (Mr. Yazbak abstained as he had several clients on the list) to accept abatements in the amount of \$401,717.63 as presented by the Tax Assessor, Finance Director and Town Administrator.

CHERRY BROOK

Town Planner Robert Ericson explained that because of the March 2010 flooding the town may possibly get federal assistance to pay for 75 percent of an engineering study and the other 25 percent of the study from CDBG or some other source. However, the time line is not good. It will be the end of March 2012 before the town can see any

money. The idea is to take the culvert and put flashboards in, raising them high enough to store the water behind it and then release the water at a time when flooding had passed. If the town does anything before March 2012, it loses the ability to get federal money.

PRIOR APPROVAL OF BILLS BY TOWN COUNCIL

Mr. Ericson referenced an issue in September where the Town had received federal funds for a down payment on the Johnson Controls project for Town services buildings. An old Annex boiler needed to be replaced but because the Town had to wait for Council approval, demolition and installation were pushed back to the beginning of the heating season. This cost the Town several hundred dollars. Mr. Ericson and Mr. Silvia reviewed the Charter and found no specific power for prior approval of bills.

Mr. Yazbak felt that if the Town is operating under an approved and signed contract, and if the Town Administrator, Finance Director and responsible financial person from any committee agree, he has no problem with moving that process along. He would have to think about the monthly bills.

Mr. Nadeau commented that the Charter gives the Council all the power to run the town including, but not limited to, the 22 specific items listed. The question is whether the Council wants to exercise it and how they want to exercise it.

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Mr. Yazbak agreed to meet with Mr. Ericson and Mr. Silvia to discuss the matter further.

NORTH SMITHFIELD POLICE DEPARTMENT CONTRACT

At the last Town Council meeting the Town Administrator had been asked to contact the Police Department union to see if they would be willing to reopen contract negotiations.

Mrs. Hamilton did so and the union declined to reopen.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to place on file the letters from Mrs. Hamilton and union president Russell Ridge.

APPOINTMENT OF MUNICIPAL COURT ADMINISTRATOR

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to reappoint Tom Lafleur as the Municipal Court Administrator.

APPOINTMENT OF MUNICIPAL COURT CLERK

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to reappoint Darlene Bourgette as the Municipal Court Clerk.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to waive the restriction in the Charter regarding dual office holding because it is in the public interest for these two individuals to hold the dual positions – one being a police captain and the Court Administrator and the other being the Police Chief’s Administrative Assistant and the Court Clerk.

APPOINTMENT TO ASSESSOR’S BOARD

There was no appointment and the matter was continued to January 3, 2011.

APPOINTMENT TO BUDGET COMMITTEE

Mr. Zwolenski appointed Mary Jo Vallee of Sunnycrest Drive. This is a one-year term that will expire on December 1, 2011.

APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to appoint John Zambarano of 165 Comstock Road to the Historic District Commission. This is a three-year term that expires on December 1, 2013.

There is still one vacancy.

APPOINTMENT TO JUVENILE HEARING BOARD

MOTION by Ms. Alves and seconded by Mr. Yazbak to appoint Alicia

Curran.

MOTION by Mr. McGee to appoint Steven D'Agostino. There was no second.

MOTION by Mr. Zwolenski and seconded by Mrs. Charest to appoint Sandra Soares.

Roll call vote on Alicia Curran: Ms. Alves – yes; Mrs. Charest – no; Mr. McGee – yes; Mr. Zwolenski – no; and Mr. Yazbak – yes. The motion carried 3 to 2. This is a three-year term that expires December 1, 2013.

APPOINTMENT TO SEWER COMMISSION

MOTION by Mr. Zwolenski to appoint Shawn Kane. There was no second.

MOTION by Mr. McGee, seconded by Ms. Alves, and voted unanimously on a roll call vote to appoint Mariellen Sheridan of 7 Duane Court to the Sewer Commission. This is a five-year term that expires on December 1, 2015.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to send a letter of appreciation to Mr. Kane.

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SCHEDULING OF MEETING WITH SCHOOL COMMITTEE AND LOCAL GENERAL ASSEMBLY MEMBERS

A meeting was scheduled for January 8, 2011 at 9:30 A.M. at Kendall-Dean School.

ORDINANCE REVIEW COMMITTEE

Mr. Ericson recommends that the Ordinance Review Committee (ORC) change to a sub-committee of the Town Council for the purpose of flexibility.

ORC member Dr. James Brennan referenced a proposal for reinstatement of the committee. He would like to see a member of the Town Council as a liaison to the ORC and he would like to have clerical assistance in posting agendas and taking minutes.

Paul Soares, current Vice Chair of the ORC, added that the system they have been working under since 2007 has been cumbersome and time consuming. There is a lot of research done on ordinances and he feels the committee is not getting direction that it needs from the Town Council.

Another member of the ORC, Arthur Bassett, agreed that the process is not working and they need more direction from the Council so that they are not bringing forth things that the Council doesn't even want

to see.

Since Mr. Zwolenski is the liaison to the Planning Board, he felt it would be natural for him to be the liaison to the Ordinance Review Committee also.

Mr. Yazbak noted that when he was a Council member a few years ago, if anyone had an issue that required an ordinance, it was done through the Council if they felt it was needed. He questioned how this whole process came to be.

Dr. Brennan stated there are sixty suggestions in the Comprehensive Plan regarding zoning changes. He said they demanded review and he thinks that is what motivated the creation of the commission.

Mr. Ericson would never have allowed sixty zoning changes in a Comprehensive Plan and when the town is ready to make revisions to it, some of those proposed zoning changes will be removed.

Mr. Ericson recommended that Mr. Zwolenski negotiate agreement among all parties.

Mr. Yazbak believes the Ordinance Review Committee should be a sub-committee of the Council with at least two members being a part of it, maybe working with one member of the major boards and the Planner.

Mr. Zwolenski thinks direction should come from the Town Planner and the Town Council. The full seven members of the Ordinance Review Committee should be kept on board to work with the Planner and Council. It takes numerous hours to develop ordinances.

Mr. Yazbak, Mr. Zwolenski and Mr. Ericson agreed to meet to come up with a plan.

HEARING DATE FOR LIQUOR LICENSE VIOLATION – LOWER LEVEL BAR & GRILL

It was agreed to hold the hearing on the liquor license violation on January 18, 2011.

CREATION OF TOWN/SCHOOL CAPITAL IMPROVEMENT AND ADVISORY GROUP

Mr. John Perry and Mr. Paul Nordstrom, both members of the School District Capital Improvement and Facility Advisory Group, proposed to the Council to create a Town/School Capital Improvement and Advisory Group. They provided several recommendations involving membership, development of a professional five-year capital plan, formation of a vehicle asset document and a review of current technology.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to ask the Town

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to develop an ordinance creating the Town of North Smithfield Capital Improvement Advisory Group as soon as possible.

MACSTEEL SERVICE CENTER USA EXECUTIVE SESSION MINUTES

MOTION by Mrs. Charest, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on an aye vote to open executive session minutes in regards to MacSteel Service Center USA vs the Town of North Smithfield. (Following executive session it was voted to reseal these minutes.)

EXECUTIVE SESSION

MOTION by Mrs. Charest, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 8:57 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss MacSteel Service Center USA vs the Town of North Smithfield and pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public to discuss a potential lease/purchase of property.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to come out of executive session at 9:58 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest and Ms. Alves, and voted unanimously on an aye vote to reseal the prior executive session minutes regarding MacSteel Service Center USA.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:59 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk