

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MARCH 7, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:03 P.M. with the prayer and the pledge to the flag. Council members in attendance were Ms. Alves, Mrs. Charest, Mr. McGee and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Nadeau were also present.

PUBLIC HEARING RE: REZONING OF PROPERTY ON VICTORY HIGHWAY – NORTH PINE RESIDENCES, LLC AND DAS CONTRACTING

(Mr. Zwolenski arrived at 7:04 P.M.)

Attorney Richard Kirby, representing the petitioners, once again asked for a continuance as he was still trying to retrieve information from Caito Engineering and he would also like to settle the issue of the transfer of the pump station from Silver Pines to the town.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to continue the public hearing to May 9, 2011.

OPINION BY BUILDING INSPECTOR ON STATUS OF MUNICIPAL ANNEX/POLICE STATION BUILDING

At a meeting with Mrs. Hamilton, Mr. Yazbak asked if the Building Inspector could provide or request an opinion as to what type of

building the Municipal Annex/Police Station actually is, a detention center or a business. Depending on the answer, the town will have a better idea which direction to proceed to work on the overtime issue of the police department.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to formally request the Town Administrator to ask the Building Inspector to render an opinion regarding the Municipal Annex/Police Station building.

COST PROPOSAL FOR TOWN ENGINEERING AND TECHNICAL REVIEW SERVICES

Town Planner Robert Ericson explained this is primarily for stormwater management review. When a project comes in at preliminary plan level, they have to have a stormwater management plan consistent with their DEM permit.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to approve the cost proposal of Joe Casali Engineering, Inc. for town engineering and technical review services.

MOTION by Mrs. Charest, seconded by Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to authorize the Town Administrator to sign the contract.

CONTRACT AGREEMENT WITH COMMUNITY HOUSING LAND TRUST OF RI, INC. (CDBG)

Mr. Ericson explained that every year the town applies for a Community Development Block Grant and other parties are allowed to come on to our grant. Community Housing Land Trust of RI, Inc. attaches to almost everyone's grant separately and then when an amount is awarded specifically to them, they enter into a token contract with the town.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the contract agreement with Community Housing Land Trust of RI, Inc. in the amount of \$1,250.00.

March 7, 2011

MOTION by Mr. Zwolenski, seconded by Mrs. Charest and Mr. McGee, and voted unanimously on an aye vote to authorize the Town Administrator to sign the contract.

SECOND AMENDMENT TO WIRELESS COMMUNICATION EASEMENT AGREEMENT

Mr. Nadeau explained this relates to a contract signed in 2005 with regard to the water tower on Comstock Road. Pursuant to the agreement made at the time, the town sold the revenue stream to Unison and gave them the right to go out and seek additional carriers.

This amendment reflects that Unison is purchasing from the town

that revenue stream of Cox Communications for the amount of \$151,200.00.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the Second Amendment to Wireless Communication Easement Agreement as explained by the Solicitor.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to authorize the Town Administrator to sign the agreement.

RESOLUTION RESTRICTING PROCEEDS OF SALE OF TELECOMMUNICATION LEASES

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt the following resolution: “WHEREAS, The Town of North Smithfield is limited in resources to purchase and finance fixed capital assets; and WHEREAS, the Town of North Smithfield has made no significant purchases of fixed capital assets in the past four years for items such as computers, computer software, police vehicles, fire and rescue vehicles and/or public works vehicles; and WHEREAS, the then serving Town Council voted on September 6, 2005, to sell the rights to wireless communication fixed asset communications equipment located on the water storage tank in the North Smithfield Industrial Park, designated as being part of 40 Comstock Road (the “Site”); and WHEREAS, pursuant to

Section 13 of the Easement and Lease Assignment Agreement dated as of September 7, 2005, between the Town of North Smithfield and Unison Site Management, L.L.C. (“Unison”), Unison retains the right to bring additional wireless carriers to the Site and lease to each such carrier space on the water storage tank; in addition, Unison was granted the right to purchase from the Town of North Smithfield the revenue paid by each such additional wireless carrier for a lump sum payment equal to seventy-two (72) times the monthly rent received from each such additional wireless carrier; and WHEREAS, the Town of North Smithfield has been notified of an additional wireless carrier leasing space on the water storage tank, and that it shall receive \$151,200.00 pursuant to Section 13 of the Easement and Lease Assignment Agreement; and WHEREAS, although the prior Town Council did earmark specified uses for the payment received in 2005 at the time the Easement and Lease Assignment Agreement was executed, it did not earmark the additional proceeds received by the Town of North Smithfield from future sales pursuant to Section 13 of the Easement and Lease Assignment Agreement. NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of North Smithfield that the use of any and all monies received from the date hereof through and including November 30, 2012, pursuant to Section 13 of the Easement and Lease Assignment Agreement, be restricted to purchases of fixed capital assets. Approval for the use of such funds for any individual item shall be determined from time to time by the Town Council.”

EXECUTIVE SESSION

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to enter into executive session at 7:38 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to discuss the 1977 Wastewater Contract, proposed renegotiations, and the town's alternatives.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to come out of executive session at 8:06 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 8:06 P.M.