

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 4, 2011**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

**Town Council President Yazbak asked for a moment of silence for former Town Administrator Raymond Church who recently passed away.**

**The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Charest, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.**

## **PRESENTATION OF CITATION**

**A Council citation was presented to Miss Alexandra Euglow, a senior member of the high school girls hockey team who was the coaches' choice to receive the Hobie Baker Award. This award is given to a senior player who demonstrates character and sportsmanship.**

## **TRANSFER OF SILVER PINES PUMP STATION**

**Water Superintendent Russell Carpenter has spoken with a DAS representative concerning a couple of outstanding issues with associated costs of approximately \$1,300.00.**

**(Mr. McGee arrived at 7:04 P.M.)**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest and Mr. McGee, and voted unanimously on an aye vote to table this discussion to the May 9th meeting with the stipulation to forward the outstanding issues to the DAS attorney and that the town will not take over the pump station until they are resolved.**

## **TAXATION OF OUT-OF-STATE MOTOR VEHICLES**

**Mr. Yazbak thought there was supposed to be a press release notifying residents that the town would be starting to crack down on out-of-state registrations.**

**Mrs. Hamilton responded she was waiting to receive a list from Tax Assessor Chris Belair. Now that the list has been received, Mrs. Hamilton should be sending out the press notice as early as this week.**

**Mr. Nadeau stated requests can be made to the various motor vehicle registries for information on the license plates since the local police department is unable to obtain that information.**

## **2ND READING ORDINANCE AMENDMENT RE: DESIGNATION OF REDEVELOPMENT AREA**

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt the following resolution: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 17, entitled,**

**“Redevelopment Agency”, be amended to delete Section 17.13 in its entirety and to insert the following in place thereof: SECTION 17.13 DESIGNATION OF REDEVELOPMENT AREA. (a) the town council shall have the sole authority to designate by ordinance one or more areas within**

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**the community as a redevelopment area or areas, and to determine the boundaries thereof, in accordance with the provisions of G.L. 1956,**

**§45-32-4 which is incorporated in this section by reference. (b) Designation of the Branch Village Redevelopment Area. (i) Area Boundaries. The redevelopment area comprises 87 assessor’s lots totaling 11,496,148 square feet or 263.92 acres in the Branch village area, Town of North Smithfield, Rhode Island. The redevelopment area is bounded to the west by Route 146, and generally includes the land south of Great Road and north of Pound Hill Road from Route 146 east to Mendon Road; excluding the residentially zoned land north of Pound Hill Road in the Premisy Hill area, the land north of Great Road from the former Tupperware Mill to the end of the Business Neighborhood area approximately 1,100 feet from the intersection of St. Paul, the land on the west side of St. Paul Street from Great Road to the north approximately 2000 feet and on the east side of St. Paul Street extending from the intersection of Great Road north approximately 1,340 feet. The area shall be known as the**

**Branch Village Redevelopment Area. Table I lists the properties included in the redevelopment area. (ii)3. Findings By Town Council. The town council hereby expressly finds that the Branch Village Redevelopment Area suffers from blighted and substandard conditions and requires replanning, redevelopment, rehabilitations, improvement and/or a combination of these remedies. (iii)4. Purpose of Town Council; Plan Incorporated By Reference. The purpose and intent of the town council is that the Branch Village Redevelopment Area be redeveloped in accordance with and pursuant to the Branch Village Redevelopment Plan (Phase I, adopted by the town council on November 19, 2007, and Phase II, adopted by the town council on July 28, 2008), which is hereby incorporated by reference. (iv) Determination that Plan is Feasible and conforms To Comprehensive Plan. The North Smithfield Town Council hereby determines that the Branch Village Redevelopment Plan is feasible and conforms to the Comprehensive Plan, as found by the town's Planning Board on November 15, 2007 (Phase I), and on June 26, 2008 (Phase II), for the Town of North Smithfield and if carried out will promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of R.I.G.L. chapters 45-31 through 45-33. (v) Plan Designated As Approved Plan For Branch Village Redevelopment Area. The Branch Village Redevelopment Plan which is incorporated herein by reference is hereby designated as the approved plan for the Branch Village Redevelopment Area. This ordinance shall become effective upon passage and shall supercede any prior resolutions enacted by the Town Council establishing a**

redevelopment agency for the Town of North Smithfield.”

## **WITHDRAWAL FROM DOWLING VILLAGE PURCHASE AND SALES AGREEMENT**

Mr. Nadeau explained the purchase and sales agreement calls for a closing unless they are notified to the contrary prior to May 15, 2011. He just wanted to give them notice in plenty of time.

Mr. Ericson noted that the developer, Brian Bucci, has continued discussion with RAM Investments and has sent them another version of the document. Mr. Bucci would like to continue with this; therefore, Mr. Ericson suggested waiting one more Council meeting and if the town is not completely happy with the new document, then withdraw.

**MOTION** by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to table this to April 18, 2011 based upon the recommendation of the Town Planner.

## **FIRE CODE COMPLIANCE AT MUNICIPAL ANNEX/POLICE STATION**

A meeting was held last week with representatives of the Interlocal Risk Trust, Mrs. Hamilton, Finance Director Brian Silvia, Mr. Yazbak and Fire Marshal Brian Gartland. It was explained to the Trust representatives that the town is working on an appeal to the current fire code issues at the Annex/Police Station. The Building Inspector’s opinion had been rendered that the police station is not a detention

**facility but a business. That would give six minutes to evacuate the cell block instead of two minutes. The Trust agreed that if the town is successful in its appeal and can get the waivers and variances necessary to become compliant with regulations, they would continue to insure the town as they have in the past.**

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**Mr. Yazbak continued that the next step is to have the Town Administrator develop an RFP/RFQ for qualifications for a professional in this area to develop a plan for the police station that would bring**

**it up to code compliance as a business and to appeal the decision in front of the State Fire Safety Code Board of Appeal and Review.**

**Mr. Yazbak has an RFP/RFQ that would need to be tailored to North Smithfield as well as the names of three or four experts.**

**MOTION by Mrs. Charest and seconded by Mr. McGee to authorize the Town Administrator, along with Mr. Yazbak's assistance, to develop an RFP/RFQ and approach the three or four people on the list. Once a plan of action is developed, then a cost can be obtained and it will be determined whether or not it is feasible to move forward.**

**Mr. McGee would also like to be involved in this process.**

**Chief Joel Jillson stated that the fire department is in agreement with the building inspector's opinion that it is a business. But even being classified as a business, you cannot lock someone in a business.**

**Mr. Yazbak pointed out that the Chief and the Fire Marshal are in an adversarial position in regards to this matter. They are on the other side of the argument. He feels the town was not properly represented the first time and did not receive a fair hearing.**

**Chief Jillson stated the fire department wants to facilitate keeping any further expense to a minimum but they are mandated to follow a code.**

**Mrs. Hamilton explained that the town was represented at that one and one-half hour discussion by the fire department, the police department and the department of public works. Options were discussed but to no avail.**

**The MOTION passed unanimously on an aye vote.**

## **NORTH SMITHFIELD MIDDLE SCHOOL**

### **Purchase of Equipment to Groom Field Turf**

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve \$10,500 for the purchase of FieldTurf GroomRight and the hydraulic sweeper and \$22,675 for the**

**purchase of a tractor to operate the equipment.**

**Award of Bid for Connection of Drinking Water Pump House to  
Emergency Generator**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted  
unanimously on an aye vote to award the bid to Aladdin Electric  
Company in an amount not to exceed \$3,500.00 for the connection of  
the drinking water pump house to the emergency generator.**

**Mr. Paul Vadenais added that there are three other issues: purchase  
of a lift, fencing around the softball field, the baseball field and the  
leach field and refurbishing of the well vault that should cost no more  
than \$60,000.**

**Mr. Yazbak explained there have been two pools of money that the  
School Building Committee has been working with: one is RIHEBC for  
\$123,000 and the other is \$150,000 from the 1999 school bond  
authorized for use by the prior Town Council.**

**Mr. Vadenais added that with prior purchases and the amounts  
approved this evening, there is a balance of \$75,000 out of the  
\$150,000 that can be used for capital projects in the school  
department. He is hoping this Council will support the final three  
purchases he mentioned once the bids come in. The School Building  
Committee is prepared to sign off on the project and return  
approximately \$123,000 that could be used for debt service this year.**

**The Finance Director needs to obtain some final information and then the Council can accept the school and the remaining funds.**

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### **FISCAL YEAR 2010/2011 SCHOOL DEPARTMENT DEFICIT**

**Mr. Yazbak, Mrs. Charest, Mrs. Hamilton, Mr. Silvia and representatives of the school department have been meeting over the**

**past several weeks concerning the current fiscal year-end school department deficit. The latest information from the school department is that they will have a \$407,255 deficit for this fiscal year.**

**There**

**is an underfunding of the budget for next fiscal year of more than \$800,000. Mr. Yazbak read a letter from School Committee Chairman Robert Lafleur explaining how the school department budget has evolved into a deficit situation.**

**Mr. Yazbak and Mrs. Charest have asked the Town Administrator and the Finance Director to look at all options, including furloughs for town employees, supplemental tax bills, and utilization of the \$123,000 remaining from the middle school construction to free up debt service money which can be allocated to the town and then reallocated to the school department.**

**In speaking with Mr. Lafleur, Mr. Yazbak was told that the School Committee is not intending to pursue legal avenues at this time.**

**Mr. Silvia has been in contact with Steven Maceroni from First Southwest and Susan Calise of the Bank of NY Mellon Trust Company to see if that \$123,000 can be applied against the debt service payment principle. They are awaiting a response from Bob Donovan at RIHEBC.**

**There seemed to be no question that this could happen, it is a matter of when it could happen. If it has to wait until the first quarter of the next fiscal year, Mr. Yazbak believed the funds could be taken out of surplus this year and then reimbursed.**

**Mr. Silvia gave projections for supplemental tax bills. By including the costs of preparing, printing and mailing supplemental tax bills, the amount needed to cover the deficit would be \$430,700. This equates to projected tax increases of \$0.212/\$1,000 for residential property, \$0.244/\$1,000 for commercial property and \$0.595/\$1,000 for tangible property.**

**Mr. Silvia also provided three options for employee layoffs. Option 1 is layoffs for all town employees for an entire week and that is a projected savings of \$48,425.00. Option 2 is layoffs for all town employees except police union members for one week and that is a**

projected savings of \$25,931.00. Option 3 is layoffs for all non-union personnel of the town for one week and that is a projected savings of \$12,479.00.

**MOTION** by Mrs. Charest, seconded by Mr. McGee, and voted 4 to 1 (Mr. Zwolenski voted no) on a roll call vote to allocate the \$123,000 of RIHEBC money to the school department when it is available. If that does not happen before June 30th, the money will be taken from the surplus and then reimbursed next year.

Mr. Nadeau informed the Council that he had received a call from Richard Fleury, one of the counsel for the legislature. Mr. Fleury wants the town to redo the resolution for the one-time exemption for Dowling Village and to draft legislation.

#### **FISCAL YEAR 2011/2012 SCHOOL DEPARTMENT FUNDING DEFICIT**

There was no discussion on this.

#### **RESOLUTION OPPOSING MANDATORY BINDING ARBITRATION (HOUSE VERSION)**

**MOTION** by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adopt the following resolution: “WHEREAS, Current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and WHEREAS, payroll cost is the largest single expenditure in school budgets; and WHEREAS, in recent years

**school districts and cities and towns have seen a calamitous reduction of state aid; and WHEREAS, there exists a \$300 million revenue/expenditure gap in the current FY 2012 budget; and WHEREAS, taxpayers are already burdened by some of the highest property taxes nationally; and WHEREAS, school districts and cities and towns must comply with RIGL §44-5-2 that caps the property tax levy imposed by municipalities; and WHEREAS,**

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**according to §16-2-9(d) “The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt”; and WHEREAS, mandatory binding arbitration would**

**deprive locally elected officials the ability to control the biggest component of local budgets; and WHEREAS, the proposed mandatory binding arbitration legislation being advanced by its proponents does**

**not take into account student welfare, conforms with existing property tax caps (R.I.G.L. §44-5-2), and recognizes management’s responsibility to act in the interest of students. NOW, THEREFORE**

**BE IT RESOLVED that the North Smithfield Town Council respectfully requests the Rhode Island General Assembly to oppose 2011 – H5961 and any other mandatory binding arbitration legislation proposed in the current legislative session; and BE IT FURTHER RESOLVED that**

**a copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative**

and the Governor.”

**RESOLUTION OPPOSING MANDATORY BINDING ARBITRATION  
(SENATE VERSION)**

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adopt the following resolution:**

**“WHEREAS, current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and WHEREAS, payroll cost is the largest single expenditure in school budgets; and WHEREAS, in recent years school districts and cities and towns have seen a calamitous reduction of state aid; and WHEREAS, there exists a \$300 million revenue/expenditure gap in the current FY 2012 budget; and WHEREAS, taxpayers are already burdened by some of the highest property taxes nationally; and WHEREAS, school districts and cities and towns must comply with RIGL §44-5-2 that caps the property tax levy imposed by municipalities; and WHEREAS, according to §16-2-9(d) “The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt”; and WHEREAS, mandatory binding arbitration would deprive locally elected officials the ability to control the biggest component of local budgets; and WHEREAS, the proposed mandatory binding arbitration legislation being advanced by its proponents does not take into account student welfare, conforms with existing property tax caps (R.I.G.L. §44-5-2), and recognizes management’s responsibility to act in the interest of students. NOW, THEREFORE**

**BE IT RESOLVED** that the North Smithfield Town Council respectfully requests the Rhode Island General Assembly to oppose 2011 – S794 and any other mandatory binding arbitration legislation proposed in the current legislative session; and **BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative and the Governor.”

### **RFP/RFQ FOR RESCUE SERVICES**

Based on Mr. Yazbak’s recommendation, **MOTION** by Ms. Alves, seconded by Mr. McGee and Mrs. Charest, and voted unanimously on an aye vote to table this to a later date.

### **ORDINANCE FOR PUBLIC HEARING AND COUNCIL RATIFICATION FOR ALL COLLECTIVE BARGAINING AGREEMENTS**

Mr. Yazbak suggested that every contract proposed with any collective bargaining agreement has to come before the Council for a public hearing and subsequently approved at the next meeting.

**MOTION** by Mrs. Charest and seconded by Ms. Alves to authorize the Council President to discuss this idea with the School Committee and the Town Administrator and to draft an ordinance.

Mr. Nadeau offered to investigate whether this could be done by an ordinance or by a charter amendment.

**The MOTION passed unanimously on an aye vote, with the stipulation that the Town Solicitor would check into it further.**

## **ORDINANCE FOR ANNUAL REVIEW OF POST RETIREMENT BENEFITS**

**It is Mr. Yazbak's understanding that there is no annual review for anyone who retires. He feels each retiree should be asked each year to sign an affidavit that they do not have health insurance available**

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**from any other sources. Employers should be asked if the retiree has been offered the benefits and has chosen to decline.**

**MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to authorize Mr. Yazbak to work with the Town Solicitor to draft an ordinance that would call for an annual review of post retirement benefits.**

## **SLATERSVILLE DOCUMENTARY BY BREAKING BRANCHES STUDIO**

**Mrs. Hamilton explained that a short documentary will be done to promote Slatersville in obtaining a national parks designation. Funding was available so Mrs. Hamilton went out for an RFP and Christian de Rezendes of Breaking Branches Studio was awarded the project.**

## **DELINEATION OF TOWN ADMINISTRATOR/TOWN COUNCIL RESPONSIBILITIES**

**Because there are several new members on the Town Council, Mrs. Hamilton thought it would be helpful to review the responsibilities of the Administrator and Council as provided in the Town Charter. She provided copies of the sections of the Charter for each member.**

## **REQUEST FOR PROPOSALS FOR COMMUNICATIONS TOWER**

**Town Planner Robert Ericson asked Verizon if they could send him a generic RFP that they would respond to. He has received it, made changes pertinent to the town, and will be sending it out this week.**

## **AGREEMENT FOR PROFESSIONAL SERVICES BY PARE CORPORATION**

**The town uses Pare Corporation to review projects on occasion. Construction of Pound Hill Estates will commence and every time there is a new project, the town receives a standard new contract for professional services. These fees are paid for by developers.**

**MOTION by Mrs. Charest, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on an aye vote to approve the agreement provided by Pare Corporation for review of the Pound Hill Estates project as presented by Mr. Ericson.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize the Town Administrator to**

**execute the document based upon the approval of the Council.**

### **ON-LINE TAX BILLS**

**Mr. Yazbak thanked the Town Administrator and the Tax Assessor for getting this information on the town website. He would like to see the vehicle make, model and VIN number removed for safety reasons. Mr. Yazbak asked if that information could be removed and just show the amount of the tax.**

**Mrs. Hamilton stated she would check with Opal to see if that information could be redacted.**

### **APPOINTMENT TO ECONOMIC DEVELOPMENT CORPORATION**

**Mrs. Hamilton submitted the name of Lucien Benoit to complete the term of Bruce Waterson.**

**MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve the nomination of Lucien Benoit. This is a five-year term that expires December 1, 2014.**

### **APPOINTMENT TO REDEVELOPMENT AGENCY**

**Because no one was familiar with Mr. Alfred Sormanti, who was interested in the position, Mrs. Hamilton agreed to get his contact information so that a Council member could speak with him.**

**The appointment was continued to May 2, 2011.**

**CLAIM FOR POTHOLE DAMAGE – D. KWASNIEWSKI**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to pay Mr. Kwasniewski \$300.00 for damage to his vehicle caused by a pothole on Pound Hill Road.**

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**EXECUTIVE SESSION**

**MOTION by Mrs. Charest, seconded by Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to enter into executive session at 9:06 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 extra billing by the Town Solicitor and the Assistant Town Solicitor and to discuss post-retirement health and sick pay benefits pursuant to the North Smithfield Police Department union contract.**

**MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to come out of executive session at 9:25 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:26 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**