

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 11, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

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. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton was also in attendance. Town Solicitor Nadeau arrived later in the evening. Also there was a stenographer hired by Mr. Yazbak.

FIRE CODE VIOLATIONS AT THE MUNICIPAL ANNEX/POLICE STATION

Mr. Yazbak asked for this meeting to review events pertaining to the fire code violations at the Municipal Annex/Police Station and to plan a course of action for a second appeal.

Fire Marshal Brian Gartland explained the citations he had issued, using the 2003 edition of the Fire Code. The problem arises from the amount of time it would take to evacuate a prisoner from the holding cell. The State is about to adopt the 2009 version of the Fire Code which addresses this issue by allowing business occupancies to lock up people as long as they can be evacuated within two minutes.

Fire Marshal Gartland, Police Captain Lafleur and Public Works Director Ray Pendergast attended a hearing at the RI Fire Safety Board of Appeal and Review on how to address this issue. The Board

concluded that in order for prisoners to be continued to be locked up at the police station, the 2009 version of the Code must be used. Mr. Gartland feels updating the police station building itself may fix the problem.

Mr. Yazbak was concerned that, at the time of the appeal, the town had not hired an outside professional consultant nor did it have a course of action. Even though the town's representatives were able to obtain six variances, the issue is still costing the town a considerable amount of overtime expense in the police department.

When the new town council took office in December, it was brought to their attention about the overtime costs. Mr. Yazbak spoke with a former town fire marshal, Jonathan Depault, and passed on some possible resolutions to Chief Jillson who deemed some not to be viable.

Before pursuing an option of developing an RFP/RFQ for a consultant, a meeting was called with representatives from the Interlocal Risk Management Trust, the town's insurer, who stated that if the town complied with fire safety codes, they would have no issue.

If there can be a change that is acceptable, such as a brick and mortar solution, the Trust would also accept that.

Mr. Yazbak introduced Warren Ducharme. He is a registered architect, a certified eligible building official, and he has a number of

professional affiliations. He also received an education from the Wentworth College of Technology; he has degrees in architectural and

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civil engineering and he is employed by the State of Rhode Island in the Department of Administration. He is an acting commissioner for the Rhode Island Building Code Commission.

(Town Solicitor Nadeau arrived at 7:35 P.M.)

Mr. Ducharme spoke about some sections in the Life Safety Code: Section 23.4.5.2 - Alternate Provisions. Section 23.4.5.2.2 – Where security operations necessitate the locking of required means of egress, the following shall apply: (1) Detention-grade hardware meeting the requirements of ASTM F 1577, Standard Test Methods for Detention Locks for Swinging Doors, shall be provided on swinging doors within the required means of egress. Section 23.4.5.2.3 – The lockup shall be provided with a complete smoke detection system in accordance with 9.6.2.9. Section 23.4.5.2.4 – Where the requirements applicable to the predominant occupancy do not require a fire alarm system, the lockup shall be provided with a fire alarm system meeting the following criteria: (1) The alarm system shall be in accordance with Section 9.6. (2) Initiation of the alarm system shall be accomplished by all of the following: (a) Manual fire alarm boxes in accordance with 9.6.2. (b) Smoke detection system required by

23.4.5.2.3. (c) Automatic sprinkler system required by the provisions applicable to the predominant occupancy. (3) Staff and occupant notification shall be provided automatically in accordance with 9.6.3. (4) Emergency force notification shall be provided in accordance with 9.6.4.

If items one through four are not required under a business use, enforcing them anyway would only enhance the safety of the area. It was determined that the town does comply with many of those items.

Mr. Ducharme noted that in the appeal the town applied for relief under Section 23.4.5.1.4 where, in his opinion, they could have used the Alternative Provisions, Section 23.4.5.2. The town needs to review all the available options to see what is the best solution for the safety of the detainees and the budget of the town.

In response to a question, Police Chief Steven Reynolds stated it is very unusual to hold any prisoner over 24 hours. In any event, civilian dispatchers located in the building cannot leave their post to evacuate prisoners. If a prisoner is in harm's way, the only way for the prisoner to be released is for an officer to physically remove him. Chief Reynolds continued that overtime costs do not occur all the time. The second shift is a three-person shift and if there is a prisoner, one officer stays in the building at all times. If there were a minimum of three people for the first and third shifts as well, this

problem would not exist.

If there was an opportunity for additional manpower for the police department, Mr. Yazbak would prefer to have them on the road rather than sitting in the station with a prisoner.

Mr. Ducharme recommended reopening the hearing at the State Board of Appeal and Review and presenting a list of corrections and modifications that are done.

Mrs. Charest asked if there was mutual cooperation with another city or town. If there was no third North Smithfield officer on duty, perhaps the detainee could be moved there.

Chief Reynolds answered that North Smithfield does have mutual aid with surrounding communities. There are policies in place that allow the town to detain prisoners in another jurisdiction. However, that can become difficult at times because a North Smithfield officer would have to transport that prisoner, leaving this department in some instances with only one person. That would not be feasible.

Mr. Pendergast was of the opinion that, when he left that appeal hearing, the town had won its case. What the town got from that hearing was time to regroup and find out what was needed to be done to move forward. Rather than putting together an RFP/RFQ for professional services, he suggested that a committee be formed that

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would include the fire department, the police department and the administration to address the issues.

Mr. Zwolenski wanted to see Mr. McGee and Mr. Yazbak as part of the committee.

Ms. Hamilton agreed to take the comments under advisement, form a committee, and keep the Council informed.

AGGREGATE EXTRACTION ZONING ORDINANCE

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to refer this to the Planning Board for review.

Mr. Zwolenski asked that a copy of the proposed ordinance be sent to the Ordinance Development Commission.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:06 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk