

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 18, 2011**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **OPEN FORUM**

### **Sale of Property at 11 Gilfillan Road**

**Ms. Paula Farrell, representing the neighborhood comprising Homestead Avenue, O'Donnell Avenue, Getchell Street, Bamford Street and Gilfillan Road, has learned that property located at 11 Gilfillan Road has been sold to a private organization that intends to transform it into a group home. This is not acceptable given the location, size and shape of the property and the residents feel it will have a detrimental affect on the neighborhood. Ms. Farrell stated that other group homes in North Smithfield are not kept up as well as the surrounding properties. She continued that the purchaser is a tax exempt organization and the town can ill afford to lose taxes in the current economy. Ms. Farrell submitted photos of the other group homes as well as a list of questions the neighbors would like to have answered.**

**The item was placed on the May 2nd agenda.**

## **Town Council Meetings**

**Mrs. Carol Nasuti of 5 Lincoln Drive spoke about the two prior town council meetings. She was disappointed that there appeared to be a lack of respect and that items were discussed that in her opinion**

were not properly posted on the agenda. Regarding separation of duties, Mrs. Nasuti stated that if residents wanted the Town Council to have complete control, they would have voted for the Town Manager position in November. Mrs. Nasuti also gave her views on the discussion held at the April 11th Council meeting regarding the fire code violations at the Municipal Annex/Police Station. She challenged all officials, both elected and appointed, to treat each other with respect.

## **REGULAR MEETING**

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 and Town Solicitor Nadeau were also in attendance.

## **OFFICER OF THE YEAR AWARD**

Police Chief Steven Reynolds presented the department's Officer of the Year Award to Officer Greg Landry.

## **CONSENT AGENDA**

Mr. Zwolenski asked that the Town Council minutes be removed from the Consent Agenda.

**MOTION** by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the remainder of the Consent Agenda: B.) Payment of the following bills: General Fund -

**\$423,110.07; Sewer –**

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**\$191,069.18; Water - \$47,076.68; Wire Transfer School Department - \$0; and Wire Transfer Fire Department - \$195,146.67 for a total of \$856,402.60. C.) Communications from Town Officers 1.) Audit Documents: Single audit, Management letter comments and Communication with those charged with governance as required by auditing standards. D.) Communications from Town Boards and Commissions: 1.) Budget Committee Minutes from March 17 and 29 & April 6, 7, 11 and 12, 2011; 2. Parks and Recreation Commission Minutes from October 25, 2010 and February 28, 2011 and 3.) Resignation from Personnel Board from Shawn Kane; E.) Communications: 1.) Animal Control Monthly Report for March 2011; 2.) Resolutions from Town Councils of Gloucester, Jamestown, Little Compton and Middletown; and 3.) Resolutions from School Committees of Exeter West Greenwich and Smithfield.**

## **APPROVAL OF MINUTES**

**Mr. Zwolenski corrected the minutes of March 21, 2011 on Page 175 that discuss the speed signs at school locations. The list of questions/concerns referred to in the minutes were from Mr. Falardeau, not Mr. Zwolenski.**

**TRANSFER OF CLASS BV LIQUOR LICENSE – THE PINES RESTAURANT, LLC**

**Because the Certificate of Good Standing was missing from the documentation, MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a roll call vote to continue this matter to May 2, 2011.**

**VICTUALING LICENSE – THE PINES RESTAURANT, LLC**

**MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this also to May 2, 2011.**

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

**Mr. Yazbak noted that meetings have been scheduled to discuss the school department deficit on the Wednesdays prior to Town Council meetings. He added that the projected school department deficit of approximately \$407,000 has not changed.**

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

**There was nothing new to report on this.**

**REBUTTAL OF MEMO RE: HISTORY OF SCHOOL DEPARTMENT FUNDING DEFICIT**

**Ms. Hamilton is still in the process of gathering information and asked that this be removed from tonight's agenda.**

**MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to table this to May 2nd.**

## **MUNICIPAL ANNEX/POLICE STATION FIRE CODE APPEAL**

**Mr. McGee will be working with Fire Marshal Brian Gartland, Police Lieutenant Brad Aubin and Public Works Director Raymond Pendergast on this.**

**Mr. McGee stated there was a preliminary meeting today to discuss options, who to bring in, etc. They hope to meet weekly until the matter is settled.**

## **KENDALL-DEAN SEWER CONNECTION FUNDING SOURCE**

**Finance Director Brian Silvia does not believe the Enterprise Fund can be used for this and he has been looking at areas within the general fund that may be coming in under budget that may be used as a funding source.**

**Mr. Yazbak suggested contacting Superintendent of Schools Stephen Lindberg for definitive costs and Budget Committee Chair Paul Vadenais for other funding sources.**

**Ms. Hamilton stated she did look into expenditures from the Enterprise Fund. Given that it is a predominantly paid ratepayer asset for the town, morally and ethically she did not feel it would be right to use it.**

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

**This is a purchase and sales agreement the town entered into with regard to property adjacent to Dowling Village. The purpose was to**

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**pave the way for the addition to the town of approximately 42 acres of open space and another two acres that was going to be leased for a wind turbine. The deadline to withdraw from the purchase and sales agreement with no penalty is May 15, 2011. Currently there are no pending discussions between the proposed developer of the wind turbine project and the owners of the real estate. Therefore, Mr. Nadeau would like the Council to vote to withdraw from the purchase and sales agreement so he can notify the current owners in a timely manner. If the town fails to withdraw by May 15th, there is an obligation to purchase the property for approximately \$925,000.**

**MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on a roll call vote to withdraw from the purchase and sales agreement as outlined by the Town Solicitor.**

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

**Chief Reynolds has identified a resource whereby the town will be able to get information about ownerships of out-of-state vehicles through the Registry of Motor Vehicles.**

**Mr. Silvia noted that Tax Assessor Chris Belair had a meeting today with the Investigative Agency at the DMV and she was told she would**

**be able to get all the necessary information within a week.**

**Ms. Hamilton said a press release should be in the newspapers this week.**

**RESOLUTION RE: ONE-TIME EXEMPTION TO RIGL §44-5-2 (3050)**

**Mr. Nadeau commented this has already been done but there were some questions at the legislature and they asked the town to revise the resolution. Mr. Nadeau is awaiting some information from School Committee Chair Robert Lafleur.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to move this to the May 2nd agenda based upon the recommendation of the Town Solicitor.**

**NON-DISCLOSURE AGREEMENT BETWEEN NATIONAL GRID AND THE TOWN**

**Mr. Nadeau explained that Mr. Ericson is seeking information from a GIS mapping system that he needs in order to complete some projects he is working on. National Grid responded with a non-disclosure agreement that Mr. Nadeau has reviewed and he recommends approval.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve the agreement as presented and to authorize the Town Administrator to sign it.**

## **RHODE ISLAND STATE TRAFFIC COMMISSION SPEED STUDY**

**At the request of Mrs. Charest, Ms. Hamilton asked that a study be redone for the area near the schools. The final study was provided this week. It indicates that some new signage should be posted.**

**Ms. Hamilton had attended the Commission hearing and it was stated there that they found if the speed limits were too slow, people would be tailgating the car in front of them. Although the Commission states in the report that raising the speed limit to 45 MPH should be considered, Ms. Hamilton told them the town was comfortable with remaining at 40 MPH.**

**Mr. Zwolenski was unhappy with the way the State looked at this and thought the speed limit should be lowered in the area.**

## **ACCEPTANCE OF THE MIDDLE SCHOOL PROJECT**

**Mr. Silvia wanted further clarification on who was eligible to sign this document but he agreed to facilitate a meeting with Mr. Vadenais of the School Building Committee for his signature once he received the information he needed.**

## **HALLIWELL SCHOOL SEWER ASSESSMENT**

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

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**In an email Sewer Commission member Paul Nordstrom provided background information on the sewer assessments in the Forestdale/Birch Hill districts as well as in the newer Phases IA and IB. He felt it would be helpful to have a workshop with the Town Council, the town administration and the Sewer Commission.**

**Mr. Yazbak offered to schedule such a workshop on August 1, 2011.**

#### **PRESENTATION OF BUDGET COMMITTEE PROPOSED BUDGET**

**Chairman Paul Vadenais submitted the committee's proposed budget for fiscal year 2011/2012, pointing out their recommendations for each department individually. The total recommended budget is \$34,378,014. This is a decrease from the Administrator's recommended budget of \$41,446.**

#### **MONTHLY FINANCIAL REPORT FOR MARCH**

**Mr. Silvia provided copies of the expenditures and revenues to date of the various departments and the town as a whole.**

#### **FILING OF PLANNING BOARD MINUTES**

**The Town Clerk had noticed that no Planning Board minutes had been filed in the clerk's office since June of 2009 and she notified Town Planner Robert Ericson. He explained that he actually has**

minutes on DVDs in his office and they had been filed with the Secretary of State but there had been an oversight in getting them to the clerk's office. That has been taken care of and everything is up to date.

## **EXECUTIVE SESSION**

**MOTION** by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 8:54 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 for an update on the Cheryl Moore lawsuit.

**MOTION** by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to come out of executive session at 9:09 P.M. and to seal the minutes. No motions were made and no votes were taken.

**MOTION** by Mr. Zwolenski, seconded by Mr. McGee, and voted to adjourn at 9:10 P.M.

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**