

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JUNE 20, 2011**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **OPEN FORUM**

### **Rankin Estates Development and Aggregate Extraction Ordinance**

**Mr. Ken Murphy of 4 Indigo Farm Road and many of his neighbors in the area are concerned with what's going on with the Rankin Estates development. It was his understanding that the Planning Board had denied the development due to huge amounts of excavation and gravel removal. Mr. Murphy saw that discussion of an aggregate extraction ordinance was on the May 2nd Council agenda and then later pulled. He wondered why and he also asked that he and his neighbors be informed about the Narragansett Improvement litigation prior to any settlement being made.**

**Mr. Yazbak explained that Mr. Murphy was talking about two separate issues. There is ongoing litigation between the Town of North Smithfield and Narragansett Improvement Company, the developer of Rankin Estates. There was also an ordinance about aggregate extraction that had been worked on beginning several months ago. It was taken off the May 2nd agenda because Council members were not comfortable with it. As far as the Narragansett Improvement litigation, the Council is not able to discuss it at this time.**

**When asked, Mr. Nadeau said that he, Town Planner Robert Ericson**

**and other interested parties, including the owners of Holliston Sand & Gravel, Material Sand & Stone and Narragansett Improvement, had all given some input into the proposed ordinance.**

**Mr. Yazbak suggested that Mr. Murphy send any concerns he may have to the Town Solicitor with copies to the Town Council.**

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### **REGULAR MEETING**

**The meeting began at 7:10 P.M. with the prayer. The North Smithfield High School Women's Chorus and Chamber Chorus sang the National Anthem and led the pledge of allegiance.**

### **PRESENTATION OF CITATIONS TO NSHS CHORUSES**

**Citations were presented to members of both the Chamber Chorus and the Women's Chorus who participated in the Heritage Music Festival held in New York City and where each group received Gold Awards and First Places in their respective divisions. A citation was presented as well to their director, Regina McAdam.**

**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.**

## **PRESENTATION OF CITATION TO STEVEN D'AGOSTINO**

**A citation was presented to Steven D'Agostino recognizing him for his generous donation of repaving and relining the parking lot at the police station at no cost to the town.**

## **CONSENT AGENDA**

**Mr. Zwolenski requested that the approval of minutes from May 9, 2011 be removed for discussion.**

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following: A.) Minutes of May 16, 2011; Monthly bills: General Fund - \$111,599.74; Sewer - \$184,180.69; Water - \$570.77; and Wire Transfer Fire Department - \$195,146.67 for a total of \$491,496.87.; B.) Monthly Financial Statements for May; C.) Budget Committee Minutes of May 3 and June 2, 2011; D.) Conservation Commission Minutes of April 12, 2011; E.) Ordinance Development Committee Minutes of April 14, 2011; F.) School Budget Advisory Committee Minutes of May 11 and June 1, 2011; G.) Animal Control Monthly Report for May 2011; H.) NSF&RS Inc. Monthly Report for May 2011; I.) Resolution from the Town Council of East Greenwich and J.) Resolution from the Smithfield School Committee.**

**TOWN COUNCIL MINUTES OF MAY 9, 2011**

**On Page 194 under discussion of the transfer of the Silver Pines pump station to the town there was a reference to Mr. Zwolenski being asked to resign from the Planning Board. He wished to have the minutes corrected to show that all members of the Planning Board had been asked to resign at that time.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to amend the minutes of May 9, 2011 as noted.**

#### **LICENSES FOR TUROYO INC.**

**Still no Certificate of Good Standing or Health Department certificate had been provided.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to continue this item to July 18, 2011.**

**The Clerk was instructed to notify Mr. Blacksmith that this will be the final continuance and if the proper documentation is not received by July 18th, the application will have to be readvertised.**

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

**Finance Director Brian Silvia had received a quote from Public Works Director Raymond Pendergast of \$1,700 to hire a vendor to do a study. The administration has decided to wait until July 1st because**

**they are trying to freeze all line items at this time due to the pending deficit for this year.**

**Mr. Yazbak asked if Mr. McGee could be updated on any proceedings since he is the liaison for town buildings.**

## **BUDGETS FOR FISCAL YEAR 2011/2012**

**Ms. Alves asked Mr. Silvia to go through each department in case any Council members had questions.**

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**Mr. Silvia went through revenue, capital requests, water, sewer and each department's budget explaining some of the reductions and increases. He noted that the administration is proposing an increase in the levy of 2.99%.**

### **Grant Writer**

**Ms. Alves asked how much the grant writer brought in to the town. Ms. Hamilton responded that it is several million dollars. The person is paid on a per grant basis and is not on salary.**

### **Community Development Block Grant**

**Mr. Zwolenski asked if there were administrative costs.**

**Mr. Ericson answered that for administrating the actual programs, yes**

there are. There are no costs for the grant writer or for developing a grant.

### **Conservation Commission**

Although Ms. Hamilton increased her proposal to \$600, Mr. Zwolenski asked that the commission be funded at \$800.

### **Highway Department**

Mr. Zwolenski asked Mr. Pendergast if he felt there was enough budgeted for crack seal and hot and cold patch or any other item that would help to keep the roads safe.

Mr. Pendergast responded that he could certainly use more in the crack sealant line item.

Town Planner Robert Ericson commented that the planning office has an intern who is documenting the outfalls and catch basins in town. She has found many that the town did not know existed. Many of the catch basins are full which could lead to potential flooding. The truck is down and even if it was fixed, there is no person available to operate it. Mr. Ericson stated the town is in total non-compliance with state programs.

### **Capital Requests**

Mr. Yazbak asked what funding sources are available.

**Mr. Silvia answered there is the money from the sale of leases on the cell tower.**

### **PUMPKINFEST CONTRACT**

**This document, which had already been signed by the Town Administrator, states that it will become a binding contract once it is approved by the school department so Mr. Yazbak felt it should be approved by the Council.**

**Mr. Nadeau felt it was an application that has to be signed in order for the school department to consider it. Out of an abundance of caution, since it does state that it becomes a contract, it should be brought before the Council.**

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to ratify the contract that has been entered into for the use of school facilities for Pumpkinfest.**

### **KENDALL-DEAN SEWER CONNECTION**

**Ms. Alves brought this forth because Council minutes do not indicate a motion was made to approve the sewer connection for Kendall-Dean.**

**Mr. Silvia had identified bond money and contingency as options for funding of the connection. He had also received a memo from Superintendent Lindberg that the school department may be able to**

**cover the expense.**

**Ms. Hamilton stated she and Mr. Silvia will continue to work with the school department and if they are unable to cover the \$7,700, then the town will use one of the funding sources that has been identified.**

**Mr. Yazbak noted that if the money does need to come from the 1999 school bond, the Council will have to vote on it.**

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### **NS FIRE & RESCUE SERVICES INC. CONTRACT AMENDMENT**

**Ms. Hamilton explained there has been a proposal from the NSF&RS to extend their existing contract for an additional year and also to reduce their allocation by \$60,000.**

**There were errors in the amendment that was presented regarding the ending date of the contract and the budget amount.**

**Mr. Yazbak will not agree to a contract for several reasons. First of all he doesn't believe you can contract for matters of public safety and the department does not have a current signed contract. He asked if the \$60,000 reduction was contingent upon extending the contract another year.**

**Paul Shatraw, Chairman of NSF&RS, stated that it was not. The offer still stands.**

**MOTION by Ms. Alves, seconded by Mrs. Charest, and voted unanimously on an aye vote to table the discussion to June 29th.**

**OUTDOOR SOUND SYSTEM PERMIT – SLATERSVILLE CONGREGATIONAL CHURCH**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve an outdoor sound system permit as requested by the Slatersville Congregational Church for Saturday, August 27, 2011 from 10:00 A.M. to 4:00 P.M. on the Church Common.**

**AWARD OF BID RE: WATER AND SEWER ONE-TON DUAL REAR WHEEL TRUCK**

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

**MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to award the bid to Paul Masse Chevrolet for the bid amount of \$41,699.00 with funding to come from the operating funds of the Enterprise Fund based upon the recommendation of the Finance Director.**

**STORMWATER POLLUTION PREVENTION PLAN ORDINANCE**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to remand this ordinance to the Planning**

**Board for a determination of consistency with the Comprehensive Plan.**

#### **ONSITE WASTE WATER TREATMENT SYSTEMS ORDINANCE**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to remand this ordinance to the Planning Board for a determination of consistency with the Comprehensive Plan.**

**Mr. Yazbak had received a memo from a former council member who had concerns this ordinance may be overly restrictive as compared to DEM regulations.**

#### **MIXED USE ZONING DISTRICT**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to remand this to the Planning Board for a determination of consistency with the Comprehensive Plan.**

#### **2ND YEAR OF BRAVER CONTRACT**

**Mr. Silvia explained that a three-year contract had been approved but it is done in one-year increments. This is the second year.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the letter of engagement/contract as presented by Braver PC and as recommended by the Finance Director and Town Administrator.**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to authorize the Town Administrator to execute the document.**

## **APPLICABILITY OF OPEN MEETINGS ACT TO AD HOC ADVISORY GROUPS**

**Mr. Yazbak had put this on the agenda to address certain allegations; however, it has turned into a legal matter so he will not address it tonight.**

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## **YEAR-END TRANSFERS**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve the year-end transfers as presented by the Finance Director.**

## **APPOINTMENT TO THE JUVENILE HEARING BOARD**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to consent to Ms. Hamilton's appointment of Walter Pierowski to the Juvenile Hearing Board. This is a three-year term that expires December 1, 2011.**

## **FIRST BENEFITS LLC SERVICE DISCLOSURE AGREEMENT**

**Ms. Hamilton explained this is a college tuition benefit offered to**

**employees and done through payroll deduction.**

**MOTION by Mrs. Charest and seconded by Mr. Zwolenski to approve the First Benefits Service Disclosure Agreement.**

**Mrs. Charest asked if this had any benefits more than Rhode Island's 529 Plan.**

**Ms. Hamilton stated it did not and that it was equal to the Rhode Island 529 Plan. Since there were only a couple of employees who appeared to be interested in this program, Ms. Hamilton offered to tell them about the statewide plan.**

**Mrs. Charest withdrew her motion and Mr. Zwolenski withdrew his second.**

## **PERSONAL SERVICE AGREEMENT/RI HISTORICAL PRESERVATION AND HERITAGE COMMISSION**

**Mr. Ericson explained that the Council had previously approved a contract between the Town and the RI Historical Preservation and Heritage Commission. This is a \$10,000 contract for Dr. Holmes to do the research and GIS input for the indigenous and European settler place names in Providence County between 1630 and 1730.**

**Mr. Yazbak asked why the RIHP&HC wouldn't enter into the contract with the consultant.**

**Mr. Ericson told him it was because they need an eligible local government to represent them.**

**Mr. Yazbak asked if the town would still have to pay the contract if it does not receive the money.**

**Mr. Ericson said the money is guaranteed.**

**When asked, Mr. Nadeau's only concern was that the town did not have the money yet.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to approve this agreement as presented.**

## **OPEN FORUM**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to return to the Open Forum for no longer than fifteen minutes because there had been some other people who had wanted to speak earlier.**

## **Citizen's Legislative Committee**

**Ms. Michelle Taylor of 1253 Eddie Dowling Highway stated this group has been formed to attend the State House and lobby for legislation to support North Smithfield. She was hoping to get more residents**

**involved in the process of sending emails to legislators.**

### **Budget Committee**

**Chairman of the Budget Committee Paul Vadenais asked for the Council's indulgence on the night the budget is set to accept additional input from the committee because they have received new information since their recommendations were presented.**

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### **Employee Compensation**

**Mr. John Quirk of 38 Alpine Way said it would be very helpful to him if employee benefits were not taken out and put in a separate line item. He would like to see individuals' salaries added together with their compensation and presented that way.**

**Mr. Silvia noted there is a personnel supplement available that includes all of that information.**

### **Teamwork of Municipal Entities**

**Mr. George Hemond of 18 Eaton Street was very appreciative that the Administration, the Town Council and the School Committee have come together and worked as a team on the budget.**

### **EXECUTIVE SESSION**

**MOTION by Mrs. Charest, seconded by Ms. Alves, and voted**

**unanimously on an aye vote to enter into executive session at 9:19 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 claim of Diane Ludden.**

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

#### **CLAIM OF DIANE LUDDEN**

**MOTION by Mrs. Charest, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to deny the claim of Diane Ludden against the Town of North Smithfield and to authorize the Town Solicitor to notify Ms. Ludden's counsel that the claim has been denied.**

**MOTION by Mrs. Charest, seconded by Mr. Yazbak, and voted unanimously on an aye vote to adjourn at 9:28 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**