

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 21, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

No one spoke in the Open Forum.

REGULAR MEETING

The regular 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 and Mr. Zwolenski. Mr. Yazbak had a business commitment but arrived later in the evening. Also present were Town Administrator Hamilton and Town Solicitor Nadeau.

PRESENTATION OF CITATIONS

Citations were presented to Avery Beatty for winning the local Voice of Democracy competition and to Jacob DiSpirito for winning the local Patriots Pen competition.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to enter into executive session at 7:10 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 1.) Sullivan vs. Town of North Smithfield and 2.) School Department Contract Negotiations.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on an aye vote (Mr. McGee had left the area for a few moments) to come out of executive session at 8:19 P.M. and to seal the minutes.

Sullivan vs. Town of North Smithfield

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on an aye vote to authorize the Town Solicitor to enter into dialogue with Casali Engineering to review this case.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

Mr. Richard Gregory presented an update on where the commission stands on bringing a national park to the Blackstone River Valley.

(Mr. Nadeau left the meeting at 8:21 P.M. due to illness.)

A resource study has been submitted to Congress and is now part of a bill that would create five nodes of historic districts in Rhode Island and Massachusetts. This would be a new unit of the National Park System and, due to the efforts of Senator Jack Reed, will be a part of the Senate Appropriations Committee's bill for the budget of 2012. Mr. Gregory commented that any remarks of appreciation to any of the Rhode Island or Massachusetts Senators or Representatives would be greatly appreciated.

CONSENT AGENDA

Mr. Zwolenski asked that the approval of minutes be removed.

MOTION by Mr. McGee, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve the following: 1.) Payment of bills: General Fund - \$168,783.55; Sewer - \$306,926.47; Water - \$518.51; School Department - \$1,440,455.00 and Fire Department - \$195,147.00 for a total of \$2,111,830.53; 2.) Invoices from Nadeau & Simmons in the amount of \$1,687.50; 3.) Conservation Commission minutes of September 13 and October 11, 2011; 4.) Historic District Commission minutes of September 19 and October 17, 2011; 5.) Ordinance Development Committee minutes of July 14, 2011; 6.) Parks & Recreation Commission minutes of September 26, 2011; 7.) Personnel Board minutes of November 18 and December 15, 2010 & January 19 and August 8, 2011; 8.) Sewer Commission minutes of September 7 and October 19, 2011; 9.) Animal Control monthly report for October 2011; 10.) NSF&RS Inc. monthly incident report for October 2011; 11.) Resolutions Re: Pension Reform from the City/Town Councils of Burrillville, East Greenwich, Hopkinton, Jamestown, Lincoln, Portsmouth, Tiverton and Westerly and the School Committees of Exeter-West Greenwich, North Smithfield and Smithfield; 12.) Resolutions Re: Repeal of Tax on Tours from the Towns of Jamestown and Narragansett; 13.) Resolution Re: Aftermath of Tropical Storm Irene from the Town of Middletown and 14.) Letter Supporting Pension Reform Resolutions of Other Towns from the Town of Burrillville.

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MINUTES

Mr. Zwolenski had several corrections:

Page 250 – Corrected to “Mr. Zwolenski asked in which direction the rain runoff would go.”

Page 252 – Corrected to indicate that Mr. Zwolenski had gone out to the parking lot in an attempt to find Mr. Kirby and ask him back into the meeting. Once Mr. Zwolenski learned that Mr. Kirby was gone and he returned to the meeting is when Mr. Zwolenski made the comment that he had lost his patience.

Page 253 – The minutes regarding the amendment to the Length of Service ordinance do not reflect that discussion was held about limiting membership on the Planning and Zoning Boards.

Page 257 – Corrected to “Mr. Zwolenski was told by counsel Kirby that the proposal for an assisted living project cannot be connected to Silver Pines Phases 1 and 2; however, the developer has not been credible.”

Page 258 – Mr. Zwolenski: “Based on a memo written by Building Inspector Robert Benoit dated September 29, 2005, Mr. Kirby referred to a memo written by the Building Inspector. This memo was not

given to Town Council members until we were actually in the meeting. It was an important point. He was claiming that this particular Phase 2 met ADA compliance and it didn't and he said it was in the packet. It wasn't and then that's when this memo was given to us. So Mr. Kirby was reading from a memo, we didn't have a copy of it until that point when they disseminated that. And also I made it quite clear when I had a chance to read that memo that the memo referred to the housing units in Phase 2. It did not refer to ADA compliance anywhere on the roads or the sidewalks."

MOTION by Mrs. Charest, seconded by Ms. Alves and Mr. McGee, and voted 4 to 0 on an aye vote to accept the minutes of October 3 and 17 & November 7, 2011 as amended by Mr. Zwolenski.

(Mr. Yazbak arrived at 8:31 P.M.)

DRAINLAYER LICENSE – J. RUOTOLO CONSTRUCTION INC.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 5 to 0 on an aye vote to approve the drainlayer license for J. Ruotolo Construction Inc. effective December 1, 2011.

**HOLIDAY SALES LICENSE – STOP & SHOP SUPERMARKET CO. LLC
D/B/A STOP & SHOP FUEL FACILITY #721**

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to approve a holiday sales license for Stop & Shop Supermarket Co. LLC d/b/a Stop & Shop Fuel Facility

#721 effective December 1, 2011.

YEARLY LICENSES

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to approve all licenses as presented except for those set aside i.e. Lower Level Bar & Grill, Pinelli's Cucina Trust Inc., Gusto Pizzeria Spaghetteria, Lotus LLC, VFW #6342 Leclair Kozlik Logan & Bassett, Quik Stop Deli Inc., Wright's Dairy Farm and Gator's Pub/TDM Enterprises Inc.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 5 to 0 on an aye vote to approve liquor and other licenses to Lower Level Bar & Grill, Pinelli's Cucina Trust Inc., Gusto Pizzeria Spaghetteria, Lotus LLC and VFW #6342 Leclair Kozlik Logan & Basset contingent upon receipt of the Certificate of Good Standing by the Town Clerk's office.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 (Mr. McGee abstained) on an aye vote to approve liquor and other licenses to Gator's Pub/TDM Enterprises Inc.

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MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0

(Mr. Yazbak abstained) on an aye vote to approve licenses to Quik Stop Deli Inc. and Wright's Dairy Farm.

AWARD OF BID RE: REVALUATION CONTRACT

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

MOTION by Mrs. Charest and seconded by Mr. McGee to award the contract for revaluation to Appraisal Resource Revaluation Group in an amount not to exceed \$218,000 based upon the recommendations of the Tax Assessor and the Finance Director outlined in a memo dated October 27, 2011.

Mr. Yazbak had no problem with the bid or the recommendation, but he did have concerns that once again this is an unfunded state mandate and also with having revaluation this year in this economic environment. Mr. Yazbak fears that homes valued in the \$400,000 to \$600,000 range have depreciated more than the so-called starter homes thus pushing the tax burden onto the homeowners of the lower-priced homes. Those are the people who can least afford an additional tax increase.

Tax Assessor Chris Belair commented that there is a tax stabilization ordinance in effect as well as a \$500 exemption for senior citizens. She noted that the purpose of revaluation is equalization and the reason to start it now is to look at the trends.

When asked, Mrs. Belair stated that all the values will be known by December 31, 2012 and hearings will be held beginning in the first quarter of 2013. She will keep the Council members apprised of the numbers so they will know if a resolution or enabling legislation should be introduced.

The MOTION passed unanimously on an aye vote.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize a signature for the contract.

AWARD OF BID RE: ROAD MATERIALS

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this up for immediate consideration.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to award the bid for the following road materials to Material Sand and Stone based upon the recommendations of Public Works Director Raymond Pendergast, Finance Director Brian Silvia and Town Administrator Paulette Hamilton:

Washed Sand	\$11.80 per ton
Processed Gravel	10.72 per ton

Loam-Regular	13.00 per cubic yard
Screened	14.30 per cubic yard
Crushed Stone 3/8"	13.00 per ton
Crushed Stone 3/4"	12.75 per ton
Crushed Stone 1 1/2"	12.25 per ton
Gravel Bank Run	10.00 per ton
Stone Dust	11.00 per ton

Funding is as follows:

1-001-4311-423 (Ice Control) = \$69,010.35

1-001-4311-603 (Catch Basin Construction) = \$817.30

1-001-4311-604 (Sand & Gravel) = \$359.69

IT PROCESS FOR TOWN COMPUTERS

Mr. Silvia stated that the Tax Assessor's office needs some new equipment for revaluation. The order is in and they are awaiting delivery.

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SLATERSVILLE FILM CONTRACT

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a aye vote to accept the contract with Breaking

Branches Pictures as written.

If grant funding does not become available, the project will not go forward.

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

PUBLIC SAFETY COMMISSION REPORT ON INTERSECTION OF NORTH MAIN STREET AND VICTORY HWY

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to accept the report from the Public Safety Commission.

Ms. Hamilton has asked the state to erect a sign that was recommended by the Commission.

This matter was continued to the December 5th meeting for further suggestions.

MUNICIPAL ANNEX/POLICE STATION FIRE CODE VIOLATIONS

Ms. Hamilton is still working with Chief Reynolds on staffing. She is also waiting to hear from the Fire Marshal about the cost for a brick and mortar solution.

The matter was continued to December 5th for a further update.

**2ND READING ORDINANCE AMENDMENT RE: LENGTH OF SERVICE
ON BOARDS/COMMISSIONS**

MOTION by Mr. Yazbak, seconded by Mrs. Charest and Ms. Alves, and voted unanimously on a roll call vote to accept amendments that were incorporated into the ordinance.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve the following ordinance for a second reading as amended: “No officially appointed board or commission member, whether appointed through the offices of the town administrator or town council, shall be limited in terms of the length of service such member may render on that particular board or commission, excepting only members of the Planning Board and the Zoning Board of Review, who shall be limited in terms of the length of service such member may render on either the Planning Board or the Zoning Board of Review for a total of ten (10) consecutive years; provided, however, that any former member of either the Planning Board or the Zoning Board of Review shall again be eligible for re-appointment to such board after not less than five (5) years shall have elapsed from the end of such ten (10) consecutive year period. This limit is specific to the Planning Board and the Zoning Board of Review and is not a limit of service to the town in other capacities on different boards or commissions. These limits are retroactive to appointments made after December 1, 1995. All other members

serving on boards and commissions may serve out their full terms and seek out reappointment without prior year service penalty.”

MEDICAL EMERGENCY DISTRIBUTION SYSTEM CONTRACT

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to approve this annual contract between the town and the Department of Health.

MODIFICATION TO AGREEMENT WITH THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

Ms. Hamilton explained that this modification to the agreement will extend the term to October 12, 2012, in accordance with the one-year extension of the Corridor Commission’s authorization.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to approve this agreement.

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

DIRECT ENERGY CONTRACT

The Rhode Island League of Cities & Towns went out to bid on an electricity contract for any cities and towns electing to join their bid. It was awarded to Direct Energy. Mr. Silvia has worked with a company representative to determine rates for North Smithfield. As of November 21st the rates were \$6.38 for December 2011 to December 2012;

\$6.48 for December 2011 to December 2013; and \$6.58 for December 2011 to December 2014. All of these rates are subject to change daily. The town administration recommended that the town move forward with a two-year contract.

MOTION by Mrs. Charest and seconded by Mr. Yazbak to award the town's energy contract in accordance with the bids received by Rhode Island League of Cities and Towns to Direct Energy for a two-year period from December 2011 to December 2013 for a cost of approximately \$6.48 per kilowatt hour. The motion was denied 5 to 0 on a roll call vote.

After further discussion, MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on a roll call vote to award the town's energy contract in accordance with the bids received by Rhode Island League of Cities and Towns to Direct Energy for a three-year period from December 2011 to December 2014 at an approximate rate of \$6.58 per kilowatt hour.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted

unanimously on an aye vote to authorize the Town Administrator to sign the contract.

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:33 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk