

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 19, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Open Forum Sessions

Mr. Robert Thurber of 20 Brian Avenue asked the Council to consider including Open Forum sessions at both of the Council meetings held during any month.

Silver Pines Phases 1 and 2

(Mr. Yazbak recused himself from this discussion)

Mr. Joseph DeMayo of 62 Alpine Way felt that because the residents in the Silver Pines development paid user fees they should be entitled to maintenance by the town should there be a problem in the main line.

Town Administrator Hamilton stated that the town does not own the pipe from the house to the lateral and part of the user fee goes to the City of Woonsocket for the Regional Wastewater Plant.

Ordinances

Mr. George Hemond of 18 Eaton Street, in referencing the proposed Stormwater Pollution Prevention Plan ordinance, noted that every time an ordinance or law is written or expanded upon, you add

bureaucracy and limit freedom. He felt that with this particular ordinance state law is complete and he suggested keeping ordinances simple.

Tax Assistance

Mr. Hemond also spoke about tax assistance for the senior citizen residents. While there are town ordinances in place to assist them, he feels the seniors need to be made aware of them and that they need to apply. Mr. Hemond questioned why a tax exemption could not be combined with a disability credit and suggested the Council look into that.

As a taxpayer, Mr. Hemond said the town needs to pay attention to the municipal side of things. If taxes need to be raised, then taxes should be raised. The town needs to focus on commercial development.

Rankin Estates

Mr. James Lombardi of 7 Indigo Farm Road asked if discussions about Rankin Estates could be placed earlier on Council agendas.

Mr. Lombardi also commented that if Attorney Patrick Dougherty is not rehired, it may be cost prohibitive to bring in a new attorney.

REGULAR MEETING

The meeting began at 7:11 P.M. with the prayer and the pledge to the

flag. Council members in attendance were Ms. Alves, Mrs. Charest, Mr. McGee, Mr. Zwolenski and Mr. Yazbak. Town Administrator Hamilton and Town Solicitor Nadeau were also present.

**PUBLIC HEARING RE: DAS CORPORATION/VICTORY HIGHWAY
(Mr. Yazbak recused himself from this discussion)**

Mrs. Charest learned late last week that Attorney Richard Kirby would not be able to attend this meeting due to another commitment.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to continue this hearing to February 6, 2012.

CONSENT AGENDA

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the following: 1.) Minutes of November 21 and December 5, 2011; 2.) Payment of the following: General Fund - \$389,699.66; Sewer - \$114,486.47; Water - \$1,107.91; School Department - \$1,440,455.00; and Fire Department - \$195,147.00 for a total of \$2,140,896.04; 3.) Payment of Invoice from Yankee Supply in the amount of \$450.00; 4.) Monthly Financial Reports for October and November 2011; 5.) FEMA Exit Briefing Form; 6.) FEMA Project Worksheet; 7.) Parks & Recreation Commission Minutes of October 31, 2011; 8.) Animal Control Monthly Report for November 2011; 9.) NSF&R, Inc. Monthly Report for November 2011; and 10.) Resolution Re: "An Act Relating to Elections – Voting Districts and

Officials” from the Town of Jamestown.

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SILVER PINES DEVELOPMENT PHASES 1 AND 2

(Mr. Yazbak recused himself from this discussion)

Town Planner Robert Ericson stated there are still differences on Stipulation No. 1 of the preliminary plan. ADA compliance was required for both phases and the developer’s response is that, because it is privately owned, ADA compliance is not necessary. Also Stipulation No. 8 stated Parcel A would be turned over to the town. The developer recorded a quit-claim deed for their undefined interest in the parcel and it was highly restrictive. Mr. Ericson felt some of those restrictions should be removed since they have no functional utility for the Silver Pines residents.

Since Attorney Kirby was unavailable this evening, there was no further discussion allowed.

IT PROCESS FOR TOWN COMPUTERS

Mrs. Charest stated that School Department Technology Director Eric Butash would like to come before the Council in January to give an update and discuss the next steps. Mr. Lindberg would also like to discuss the payroll process. Mrs. Charest said Mr. Lindberg would like an update on the cell tower and if nothing has gone forward, then

he would like to ask the Council to support the School Department pursuing this with a vendor.

Ms. Hamilton responded that two Requests for Proposals have gone out. There was no response to the first one. The second RFP has a mid-December deadline and they are waiting to see if there will be any responses to that one.

MUNICIPAL ANNEX/POLICE STATION FIRE CODE VIOLATIONS

Ms. Hamilton has had a meeting with a structural engineer and he will have a report ready by the beginning of next week. She will forward it to the Council once it is received.

NORTH MAIN STREET/VICTORY HIGHWAY INTERSECTION

Ms. Hamilton stated there will be a pedestrian only light at the intersection. The State is scheduled to go out to bid in the spring of 2012. The Public Safety Commission had suggested some signage before the intersection to indicate there is a light. Neither the Police Department nor the State Traffic Commission had any other suggestions.

Mr. Yazbak suggested there be more enforcement. He travels that route daily and there are always cars rushing through a red light. He also suggested lights to allow a left hand turn for vehicles travelling in either direction on Victory Highway. Mr. Yazbak also recommended that the red and/or yellow lights stay on a second or

two longer.

APPOINTMENT TO SEWER COMMISSION

Mr. Yazbak did contact Michael Connolly to try to persuade him to remain on the board, but he declined. Mr. Yazbak asked him if he might have a recommendation, but he has not heard back yet.

PARE CORPORATION ADDITIONAL SERVICES AGREEMENT

Numerous mistakes had been made by the contractor with the entrance to Dowling Village that required an extensive amount of effort by Pare Corporation to coordinate with the contractor, the Town, the RIDOT Traffic Section and the developer's engineer.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve the contract addendum in the amount of \$4,500.

1ST READING ORDINANCE AMENDMENT RE: STORMWATER POLLUTION PREVENTION PLAN

Mr. Ericson stated this is a required ordinance from the MS4 permitting. Consequences for not complying could result in the Town being fined for noncompliance or having the permit withdrawn. The MS4 permit protects the town from being sued by someone whose surface water is impaired.

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Dr. Caroly Shumway explained text taken from other municipalities and from the 2011 RIDEM Stormwater Design Manual.

This constitutes the first reading. The second reading was scheduled for January 3, 2012.

WIND ENERGY PROPOSAL

The proposal is at an initial cost of \$0.115 per kilowatt hour and the town currently pays a little over \$0.12 per kilowatt hour. Mr. Ericson suggested approaching Lincoln or Smithfield to join in this venture.

Mr. Ericson introduced Mr. Eric Offenbug who was representing the applicant, Wind Energy Development, LLC. Mr. Offenbug stated the proposal is to enter into a public/private partnership with the Town of North Smithfield and, potentially, Lincoln. The wind turbine they are looking to place at Dowling Village will be capable of producing up to five million kilowatt hours per year. This agreement would piggyback onto the town's existing energy contract. The rate of \$0.115 would hold firm for three years and then have a two percent escalator associated with that. National Grid's residential rates have gone up 59 percent in the last ten years.

Mr. Ericson was looking to have the Town Council vote to enable the Town Solicitor to review the contracts, negotiate any changes

necessary and come back before the Council.

Mr. Yazbak wanted the Finance Director to weigh in on the costs and cost savings. The Council would need a report and a recommendation prior to moving forward. If there are any risks with bringing in other municipalities, the Council should be made aware of that also.

Mr. Zwolenski wanted to be sure there would be no liability with the present provider nor any interference with existing contractual obligations.

Mr. Yazbak asked if the Finance Director and the Town Planner could start to put together project numbers including bond retainment and the purchase of electricity.

SAM-MAN REALTY LAND DONATION LOCATED IN BRANCH VILLAGE

In a memo to the Council Mr. Ericson explained that Sam-Man Realty has offered the Town at least 15 acres of floodplain from Plat 5, Lot 479 along the Branch River before the bridge over Route 146A. The 15 acres will serve as a required match for a RIDEM \$174,000 grant to create a wetland at the last bend before the bridge. This land will also enable a sewer line connection from homes on Andrews Terrace and Branch Avenue to the Brickle manufacturing complex's 24-inch main line. The residential neighborhood has failing cesspools. The Town

currently values the land at \$432,300 for 43 acres, but a 21.6-acre portion of floodplain cannot be developed and is valued at \$38,900. The real tax loss to the Town would be less than \$600 per year.

Mr. Yazbak wanted to be clear that when Sam-Man's appraisal comes in, that amount will not be subtracted from the Town's assessment.

There was no opposition to Mr. Ericson moving forward.

AGREEMENT FOR BLACKSTONE RIVER AND CANAL NAVIGATION AND TRANSPORTATION PROJECT

Ms. Hamilton explained this project would provide some landings along the river for kayaks, canoes, etc. As the bike path became more prominent, this project became more important to complete. Each community received some money and each was asked to provide its own site estimates and develop a site plan. It is now recommended that those communities that did receive individual funding, should pool resources to go out to bid for engineering and site research services.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move forward with this project and to authorize the Town Administrator to sign the agreement.

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CONTRACT FOR PAYROLL SERVICES WITH ADP

Mr. Yazbak commented that this proposal is a thirty percent savings over the service that the Town presently is using. In the marketplace, ADP has been very aggressive in trying to obtain new business. The contract may be cancelled at any time with a thirty days notice.

MOTION by Mr. Yazbak and seconded by Mrs. Charest to award the contract to ADP for an annual cost of \$8,014.76, with the initial year also having a one-time implementation fee of \$250.00.

Mrs. Charest wondered if there would be a benefit to wait and hear from the Superintendent about merging the town's payroll with the school department's payroll.

Mr. Yazbak felt that even if the school department could do it, they would not be able to implement it for January 1st.

The MOTION passed unanimously on an aye vote.

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

AWARD OF BIDS FOR MIDDLE SCHOOL PROJECT

Refurbishment of a Potable Water Storage Tank

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to award the bid for refurbishment of the potable water storage tank to Northeast Water Solutions, Inc. in the amount of \$20,125.00 as well as \$1,200.00 to provide portable sanitary facilities and bottled water when work is performed and the school campus is not in active operation based upon the recommendation of the School Building Committee.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to take a five-minute recess at 8:45 P.M.

EXECUTIVE SESSION

MOTION by Mrs. Charest, seconded by Ms. Alves, and voted unanimously on an aye vote to enter into executive session at 8:51 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.) Review and Strategy of Litigation and Legal Representation for All Matters Regarding Town Legal Issues and 2.) Narragansett Improvement vs. Town of North Smithfield: a.) Narragansett Improvement Company, et als v. Jill Gemma et als, C.A. PC08-7468, b.) Narragansett Improvement Company, et als v. Vincent Marcantonio, et als, C.A. No. PC08-6504 and c.) Town of North Smithfield v. Narragansett Improvement Company, et als, PC08-3674.

The Council returned to open session at 9:55 P.M. to make a motion.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to extend the meeting to 11:00 P.M.

The Council then returned to executive session.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski and Ms. Alves, and voted unanimously on an aye vote to come out of executive session at 10:29 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 10:30 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk