

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 2, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

**Council President Charest read the following disclaimer: “It is the board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”**

**The meeting began at 7:01 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mrs. Charest. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.**

**PUBLIC HEARING RE: ZONE CHANGE ON VICTORY HIGHWAY/DAS CORPORATION**

**Mr. Yazbak recused himself from this discussion and vote.**

**Town Planner Robert Ericson commented that this petition has an**

**assisted living facility, a nursing home facility and a 55 plus active living facility as options. It is a very good concept that will benefit the town economy.**

**Mr. Ericson felt that this project is independent of the Silver Pines Development Phase 2, although it would be nice to resolve as many of the issues as possible with Phase 2.**

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**There was much discussion about a potential access/haul road between Route 102 and Main Street.**

**Mr. Ericson believes there will be a roadway to be used as an emergency entrance only.**

**Attorney Richard Kirby, who represents the developer, noted that part of the stipulations discussed before the Planning Board, although it was never written, was that the road was to be a haul road. One of the conditions made by the Planning Board was that if this petition is approved, the haul road would become a permanent point of access for Phase 2.**

**Mr. Al Cataldi, a resident of Silver Pines, showed there is no haul road or access road shown on the site plan from the Condominium Documents. He had been told that once Silver Pines Phase 2 is done, the haul road will be removed and the grass will be restored. Mr.**

**Cataldi stated residents are not opposed to the project but the developer wants to use water from Silver Pines. The water is metered from Main Street and paid for by the residents. The assisted living facility will use a substantial amount of water.**

**Mr. Joseph DeMayo of 62 Alpine Way did not feel the meeting held at the Town Administrator's office recently went well. There are still several outstanding issues with the Silver Pines development such as a final decision never being rendered, contributions made for sidewalk development that have not come to fruition and no approval for handicapped accessibility. Mr. DeMayo feels no vote for rezoning of the Victory Highway property should be held at this time.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote (Mr. Yazbak recused himself) to close the public hearing.**

**MOTION by Mr. McGee and seconded by Mr. Zwolenski, for discussion, to rezone the property as stated with the condition that the property only be used as an assisted living facility, nursing home facility and/or a 55 plus active living facility and also that the haul road from Route 102 to Main Street be turned into a permanent, private ingress/egress for emergency access only.**

**Mr. Kirby commented that the haul road is used for the buildout of Phase 2 and that the motion is contrary to the Planning Board's**

**condition. Mr. Kirby suggested that a discussion about access would be better determined by the Planning Board.**

**Mr. Zwolenski felt the traffic for any buildout of Phase 2 would be better served coming in off of Victory Highway because he doesn't think the roads in the development can handle that kind of traffic and that is why he would like to see the haul road become a permanent, private road.**

**Mrs. Charest noted there had been a lot of discussion at previous meetings about using the haul road for emergency or Phase 2 only access. She thought this might better serve the residents.**

**Mr. McGee withdrew his motion and Mr. Zwolenski withdrew his second.**

**MOTION by Mr. McGee and seconded by Ms. Alves to approve the petition to rezone property pursuant to RIGL 45-24-51 with regards to Assessor's Plat 1, Lot 127, Assessor's Plat 1, Lot 134 and Assessor's Plat 1, Lot 330 to change the current zoning designation of Rural Agricultural (RA) to a new zoning classification of Urban Residential (RU-20).**

**The motion passed 4 to 0 on a roll call vote with Mr. Yazbak recusing.**

**MOTION by Mr. McGee and seconded by Ms. Alves to add a condition**

to the approval to rezone the property that the rezoned property is restricted to assisted living facilities, nursing facilities and/or 55 plus active housing facilities.

The motion passed 4 to 0 on a roll call vote with Mr. Yazbak recusing.

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**MOTION** by Mr. Zwolenski and seconded by Ms. Alves that the haul road from Victory Highway (Route 102) to Main Street will be turned into a permanent, private means of ingress/egress for emergency access only.

The motion passed 3 to 1 on a roll call vote with Mrs. Charest voting no and Mr. Yazbak recusing.

**TRANSFER OF BV LIQUOR LICENSE FROM THE PINES PROPERTY LLC TO KITA MGT. LLC D/B/A THE PINES RESTAURANT**

**MOTION** by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to approve the transfer of a BV liquor license from The Pines Property, LLC to KITA Mgt., LLC d/b/a The Pines Restaurant located at 1204 Pound Hill Road.

**VICTUALING LICENSE – KITA MGT LLC D/B/A THE PINES**

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve a victualing license for KITA

**Mgt., LLC d/b/a The Pines.**

**ENTERTAINMENT LICENSE – KITA MGT LLC D/B/A THE PINES**

**MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to approve an entertainment license for KITA Mgt., LLC d/b/a The Pines.**

**HOLIDAY SALES LICENSE – KV NAILS**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to approve a holiday sales license for KV Nails located at 645 Great Road.**

**DRAINLAYER LICENSE**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve a drainlayer license for JASCO Mgmt. LTD/Frederick Gremza.**

**IT PROCESS FOR TOWN COMPUTERS**

**School Technology Director Eric Butash updated the Council members on Stage 2, which include rollout of antivirus software, upgrade to data center software, setup of redundant backup/disaster recovery plan and upgrade/update of desktop computers to latest software. Quotes he provided totaled \$35,702.01, slightly more than the \$33,250 projected. There is also \$5,000 of anticipated installation charges. Mr. Butash plans to look at telephone bills, internet service bills and perhaps copier contracts to see if there any savings**

available.

Mr. Yazbak asked if this could be placed on the next agenda and if the Town Administrator could ask the Finance Director to provide a recap of funds available.

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote that the Town Administrator work with School Superintendent Lindberg and/or his designee to facilitate the combination of computer support and maintenance on a consolidated basis.

#### **FIRE CODE VIOLATIONS AT THE POLICE STATION/MUNICIPAL ANNEX**

Ms. Hamilton stated she continues to work with the police chief on staffing issues.

#### **PARKING AND LOADING ZONING ORDINANCE**

**MOTION** by Mr. Zwolenski and seconded by Mrs. Charest to refer this ordinance to the Planning Board for review.

Roll call: Ms. Alves – yes; Mr. McGee – no; Mr. Yazbak – no; Mr. Zwolenski – yes; Mrs. Charest – yes. The motion carried 3 to 2.

#### **2ND READING ORDINANCE RE: PUBLIC HEARINGS BY COUNCIL PRIOR TO ANY VOTE TO APPROVE ANY COLLECTIVE BARGAINING**

## **AGREEMENT OR PUBLIC UNION CONTRACT**

**MOTION by Mr. Yazbak and seconded by Mrs. Charest to approve this ordinance for passage.**

**Mr. Yazbak stated this ordinance requires a public hearing that affords the union members as well as the taxpayers the right to**

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**understand what is being proposed and how it affects them. Although it would not be binding on the school department, it is strongly recommended that they also adhere to the proposed ordinance.**

**Ms. Hamilton commented that this will only be binding on police and municipal contracts and she believes it will interfere with the ability to have fair negotiations.**

**Mr. Yazbak would be willing to contact legislators to request enabling legislation to change state laws that could then force the School Committee to comply. He added that he believes it will be better for communication and that once the financial aspects are aired and comparisons made with other like municipalities in the area, all the secrecy of union contracts will be taken out.**

**Mr. Zwolenski liked what Mr. Yazbak was attempting to do and he would support him in going to state legislators and attempting to**

**change Title 16. Mr. Zwolenski does not believe that the School Committee will follow this ordinance willingly.**

**Ms. Alves thinks it is a good idea but since 85% of the budget is the school department's budget and if they are not going to open up with their contracts, then the municipal side shouldn't go through it either.**

**Mr. McGee agreed with Mr. Yazbak in that it has to start somewhere.**

**Roll call: Ms. Alves: no; Mr. McGee – yes; Mr. Yazbak – yes; Mr. Zwolenski – no; Mrs. Charest – yes. The motion carried 3 to 2.**

#### **FUNDING FOR “WE THE PEOPLE”**

**Ms. Hamilton explained that transfers are usually made in the latter part of the fourth quarter; however, a check can be sent out now.**

**A motion had been made and voted at a prior Council meeting to approve the funding.**

#### **MOTOR VEHICLE DAMAGE CLAIM – E. COGLEY**

**Mr. Ellis Cogley explained that while driving on Mattity Road on January 17th,, his vehicle lost all traction due to a small amount of snow/ice on the road, and began to slide off the road into a ditch that contained some large rocks. His vehicle sustained some serious front-end, undercarriage and rear-end damage and he was seeking approximately \$7,000 in damage costs.**

**Following questioning from Mr. Zwolenski, MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to deny the claim.**

### **SILVER PINES DEVELOPMENT SEWER LINES**

**Mrs. Charest read the following letter from Sewer Commission member James DeCelles: “At our February 22, 2012 meeting, the North Smithfield Sewer Commission voted unanimously (4-0) to confirm that the sewer system within the boundaries of the Silver Pines condominium complex is a private sewer system and not part of the town’s sewer system. This is no different than the other private developments such as the Rock Ridge and Laurelwood Condominium projects, the Walmart store at Dowling Village or Pound Hill Development. These are all private projects that were allowed to be tied into the existing town’s sewer system under the sewer lot development article of the sewer use ordinance (they were not within existing defined sewer districts). The point of confusion seems to be that when the Silver Pines project was constructed, the developer constructed a gravity sewer line which ran up Main St. toward Gator’s Pub, a pump station and a force main. This particular infrastructure, all of which were built in town roads, was built in accordance with the town sewer standards and turned over to the town as approved by the then seated town council. Again, the sewer lines, roads, water lines, etc. within the boundaries of these projects are the responsibility of the owner. The user fees charged to the property**

**owners is to maintain conveyance of sewage through the town-owned sewer system and to pay for the treatment costs at the Woonsocket Facility. Please contact me if you have any questions or require additional information.”**

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**Mr. Yazbak recused himself from this discussion.**

**Mr. Joseph DeMayo of 62 Alpine Way stated that last July or August there was an incident at Silver Pines where contractors were grinding cement driveways and putting that cement down the storm drains. The storm drains carry into detention ponds that are on the property. He filed a complaint with the town. Town Planner Robert Ericson went to the property and put a stop to it immediately.**

**Mr. Ericson commented that he did not remember all the terms but he had been at Silver Pines looking at the detention pond because it had high PH residue that was completely up to the head wall and was about to be disbursed, potentially damaging all the vegetation within the detention pond. He has not seen the specifics of what the maintenance requirement was for that but typically there are maintenance requirements made of the subdivider.**

**Mr. DeMayo stated the town does check on hydrants and water pressure whenever necessary.**

**Mr. DeMayo read from a document he stated was the sewer ordinance that explained certain terms and definitions. He claimed that no where in the document did he find any reference to “private”. Silver Pines is a residential development and the residents pay a user fee which is for carrying waste to the wastewater treatment facility and to maintain the lines that could become clogged.**

**Mr. Zwolenski asked if Mr. DeMayo was looking for either the City of Woonsocket or the Town of North Smithfield to unblock any blockage that may occur so that there is no health hazard there.**

**Mr. DeMayo responded that yes that was what he was looking for.**

**Mr. McGee felt that if the town maintains one privately-sewered development, it will have to do so for all the other privately-sewered developments in town.**

**Ms. Hamilton feels the town sewer ordinance is not sufficient to take care of all the individual issues that arise. There are too many exceptions to the rule and maybe there should be changes made to the ordinance. She asked the Council not to make any promises that cannot be kept.**

## **CHARTER REVIEW COMMISSION**

**Ms. Hamilton would like to reconvene the Charter Review Commission for clarification of some language, including dates for**

**the budget process.**

**Both Mrs. Charest and Mr. Yazbak did not think there was enough time to get any questions on the ballot for November.**

**Mr. Yazbak agreed there are items that need to be taken care of in the Charter. He suggested having a small work group with the Administrator so that when the next Council is elected, guidelines and recommendations will be in place. Mr. Yazbak offered to assist as well.**

#### **APPOINTMENT TO PERSONNEL BOARD**

**Ms. Hamilton nominated Suzanne Berner of 7 Lapre Road.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve Ms. Hamilton's appointment of Suzanne Bernier to the Personnel Board. This is the completion of a two-year term that will expire on December 1, 2013.**

#### **TOWN UNION CONTRACTS**

**Mr. Paul Vadenais, Chairman of the Budget Committee, noted that one of the tasks given to the Budget Committee was to review the town contracts. The group looked at all the contracts and found that none are the same. Mr. Vadenais presented recommendations regarding holidays, buy backs, annual leave, sick leave, bereavement, personal days, life insurance, longevity and health care plans. He felt**

there

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could be almost one million dollars in savings if everyone participates.

### **CONTRACT FOR REDESIGN OF TOWN'S WEBSITE – BRAVE RIVER**

Ms. Hamilton wished to have the town's current website redesigned at a cost of \$4,100.00. This redesign will allow each department to have access to make alterations and changes to the website as needed. Right now that cannot be done in-house and it is an extensive process.

Mrs. Charest was aware that the school department was going to look into revamping their website as it was not user friendly and she asked Ms. Hamilton if she had spoken with Mr. Butash or Mr. Lass to see if they can help with this.

Mr. Yazbak felt this needed to be co-ordinated through Mr. Butash with a recommendation from him. He also thinks there should be one website for the school and the town that would potentially save on the cost.

Ms. Hamilton agreed to speak with Mr. Butash to see if it would be viable.

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to table this matter to April 16, 2012.**

**COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT TO TOWN OF NORTH SMITHFIELD**

**Mr. Ericson explained the grant amount from the Office of Housing and Community Development to the Town of North Smithfield is \$327,000, basically for utility tie-ins and architectural costs. This will then be sent to a sub-recipient, the developer of Marshfield Commons, Woonsocket Neighborhood Development Corporation d/b/a NeighborWorks Blackstone River Valley.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to approve the RI Community Development Block Grant contract between the Office of Housing and Community Development and the Town of North Smithfield for the grant amount of \$327,000.**

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

**COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT TO WOONSOCKET NEIGHBORHOOD DEVELOPMENT CORP. D/B/A NEIGHBORWORKS BLACKSTONE RIVER VALLEY**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the RI Community Development Block Grant Contract to Woonsocket Neighborhood Development Corp. d/b/a Neighborworks Blackstone River Valley as the sub-recipient and to authorize the Town Administrator to sign the contract.**

### **BETTER BUILDINGS CHALLENGE COMMUNITY PARTNERSHIP AGREEMENT**

**In December 2011 the Department of Energy brought together a number of well-respected firms. In this phase they are reaching out to the people they consider to be the best representatives of each category in the various states. North Smithfield was selected by the state energy office for DOE to contact about joining. This is a project where you commit to reducing your energy costs between 2010 and 2020 by twenty percent and North Smithfield has already done that. This is giving the town national exposure. Mr. Ericson feels this is an economic development opportunity that could attract state-of-the art firms that tend to be very well managed.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to enter into the Better Buildings Challenge Community Partnership Agreement and authorize the Town Administrator to sign the document.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted**

**unanimously on an aye vote at 9:45 P.M. to extend the meeting to 10:45 P.M.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to enter into executive session at 9:53 P.M. pursuant**

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**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.) Narragansett Improvement Company, et als v. Jill Gemma et als, C.A. PC08-7468; 2.) Narragansett Improvement Company, et als v. Vincent Marcantonio, et als, C.A. No. PC08-6504; and 3.) Town of North Smithfield v. Narragansett Improvement Company, et als, PC 08-3674.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 10:47 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 10:48 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**