

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 7, 2012

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 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 was also in attendance. Town Solicitor Nadeau did not attend because of illness.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to move up executive session.

EXECUTIVE SESSION

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to enter into executive session at 7:01 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 Sullivan vs. the Town of North Smithfield.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 7:19 P.M. and to seal the minutes. No motions were made and no votes were taken.

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Sullivan vs. Town of North Smithfield

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote that, based upon the recommendations of the engineer and legal counsel, the Council approve improvements to Pomona Street drainage in an amount not to exceed \$57,918.72 contingent upon receipt of all easements required.

PROPOSAL FOR ENGINEERING SERVICES TO ALLEVIATE DRAINAGE PROBLEM ON MECHANIC ST.

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

Professional Engineer Joe Casali had been asked to look at a drainage problem on Mechanic Street. He provided a proposal that included a topographic survey, base mapping, drainage design and some limited construction services. Mr. Casali, after learning the scope of the issue from Public Works Director Raymond Pendergast, did not feel this was a health, safety and welfare problem. What he saw were deposits of sediment and salt. He proposed designing some type of infrastructure to convey the water between the property lines into the wetlands. When asked by Ms. Alves if this was necessary, Mr. Casali responded that it did not seem to be an immediate health issue, it seemed more like a nuisance between two neighbors.

Town Clerk Debra Todd, whose property is one of the lots in question, stated that, although Mr. Casali does not feel this is a health issue, the stormwater does flow down her driveway towards her well which could be a concern.

Mr. Pendergast stated the biggest issue is the approximate cost of \$10,000. There is no money to do this. If the Council chooses to move forward with this, where would the money come from.

Mr. Wayne Todd of 296 Mechanic Street commented that he has had to pick up a lot of cigarette butts and mulch from his driveway, that there is staining from gasoline and oil and that there are a couple of wells on the street that are polluted.

In Mr. Casali's experience, wellheads are capped and are usually sunk 250 to 300 feet deep so they are not adversely affected by groundwater pollutants. He thought that maybe the well should be tested to see if there are any pollutants and he will view the area when there is a rainfall.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to hire Mr. Casali to make a field exam of the property and co-ordinate testing of the well in question at a cost not to exceed \$500.00.

Mr. Zwolenski said this may be a civil matter and not an issue for the town but the engineer should be allowed to do the well testing.

PAYMENT TO POLLWORKERS FOR PRESIDENTIAL PREFERENCE PRIMARY

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve payment of \$1,610.00 for the pollworkers of the Presidential Preference Primary based on the recommendation of the Finance Director.

PAYROLL PROCESS FOR MUNICIPAL OFFICES AND SCHOOL DEPARTMENT

A report had been prepared by Lisa Marcotte in collaboration with Stephen Lindberg, Irene Scripsack, Brian Silvia, Brenda MacDonald, Denis Belleville and Karen Bernardino. It was a detailed analysis of the current payroll operations and related technology at the Town of North Smithfield and the North Smithfield School Department.

Superintendent of Schools Stephen Lindberg commented that the payroll function cannot be broken out from a comprehensive financial program.

From the report provided, Ms. Alves felt it would be more work for the town to prepare the necessary documents and send them to the school for processing. In addition, it does not appear to be cost effective because of having to obtain licensing with servicing for a

cost of \$29,750.00 and a yearly maintenance license cost of \$6,995.00.

The

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report also states that the school department may need an additional .5 fte to assist with payroll processing and provide back-up for vacation periods and absences. Ms. Alves stated it doesn't make sense to take away a position from the town and add one to the school department.

When asked by Mr. Yazbak, Mr. Silvia responded that the finance department is looking to obtain a new financial system, whether it be updating the one they have now or getting a whole new system.

Since the town is in need of upgrading the finance department's software/hardware, Mr. Yazbak hoped that options would be open to purchasing software that could be compatible to the school department down the road.

Mrs. Charest concurred with keeping options open.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote not to proceed with having the school department taking over the town payroll operation.

Mr. McGee noted that the finance clerk does more than just payroll

and he is not in favor of anyone losing a job unless it can be phased out through retirement.

CELL TOWER

Mr. Lindberg has contacted Verizon again to see if they still have any interest in pursuing negotiations if the site would be on school property.

Town Planner Robert Ericson was waiting to hear if the site would be the high school or Union Hill.

TOWN WEBSITE

School Department Technology Director Eric Butash offered his support for the contract with Brave River Solutions.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the contract with Brave River Solutions for the amount of \$4,100.00 based upon the recommendations of the administration and Mr. Butash.

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

IT/IMC CONTRACT

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

unanimously on an aye vote to award a one-year contract to Vaulted Computer Services for the amount of \$25,000.00 based upon the recommendations of the administration and the finance director.

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

FIRE CODE VIOLATIONS AT POLICE STATION/MUNICIPAL ANNEX

Ms. Hamilton stated she had nothing new to report but she and Chief Reynolds have been working on the overtime.

Mr. Yazbak asked the Chief if the Budget Committee had met with him on this topic and a mechanism to implement a change in staffing to address both the fire code issue and the custody issue.

Chief Reynolds responded that there have been a couple of proposals that have been discussed in the past. He had asked if there might be an independent body to take a look at the proposals, that maybe he was too close to the situation, and that independent body might make a recommendation to the Administrator or the Council.

When asked by Mr. Yazbak if there would be a plan forthcoming, Ms. Hamilton answered that she was sure there would be a plan when there is time to discuss feasible and reasonable approaches. It will probably be a very expensive plan and will require additional staff.

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Although hiring staff is expensive, Mr. Yazbak asked if anyone had done a cost benefit analysis to compare that expense to the tens of thousands of dollars the town is currently paying for overtime.

Ms. Hamilton said there have been some preliminary numbers but she is not confident that there is an adequate plan yet.

Mr. McGee stated there has to be a plan as to the staffing and how much it will cost and it's either going to get done or it's not.

Mr. Paul Vadenais, Chairman of the Budget Committee, said his committee plans to meet with the Chief, go over his proposals and then provide a cost benefit analysis for the Council but he is unsure that it can be done by July 1st.

Mr. Silvia stated there is a scope to this that is more than just one year. It really needs to be looked at over a period of time because there are long-term effects to this change that need to be considered.

Ms. Hamilton was not in agreement with increasing the number of people becoming involved because then it becomes more likely that word could get out that there may be staffing changes.

Chief Reynolds asked if it would be possible to meet in executive session to review what has been discussed and the Council and Ms. Hamilton felt that would be a good idea.

RESOLUTION RE: MANDATORY BINDING ARBITRATION

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the following resolution contingent upon the Town Solicitor's review and his approval as to form: "Whereas, Current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and Whereas, payroll cost is the largest single expenditure in school budgets; and Whereas, in recent years school districts and cities and towns have seen a calamitous reduction of state aid; and Whereas, there is a projected \$120 million gap in the upcoming FY 2013 budget; and Whereas, taxpayers are already burdened by some of the highest property taxes nationally; and Whereas, school districts and cities and towns must comply with RIGL §44-5-2 that caps the property tax levy imposed by municipalities; and Whereas, according to §16-2-9(d) "The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt"; and Whereas, mandatory binding arbitration would take away from locally elected officials the ability to control the biggest component of local budgets; and Whereas, the proposed mandatory binding arbitration legislation being advanced by its proponents does not take into account student welfare, conformation with existing property tax caps (RIGL §44-5-2),

recognition of management responsibilities, the cost of implementing the Basic Education Program and other unfunded mandates; NOW, THEREFORE, BE IT RESOLVED that the North Smithfield Town Council respectfully requests the Rhode Island General Assembly to oppose 2012-H7617 and H7620 and reject any and all binding arbitration legislation currently being considered for teacher and other school employee contracts; and BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island Municipality, Senators Cote, Tassoni and Fogarty, State Representative Newberry and the Governor.”

RESOLUTION RE: MANDATORY CONTRACT CONTINUATION

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the following resolution contingent upon the Town Solicitor’s review and his approval as to form: “Whereas, current state law does not provide for mandatory continuation of either existing municipal or school teacher collective bargaining agreements; and Whereas, a Superior Court justice recently ruled that state statute, defining when a contract ends, obviates any clause agreed to, allowing for a continuation of a public employee contract; and Whereas, school districts and cities and towns have seen a calamitous reduction of state aid; and Whereas, there exists a \$120 million revenue/expenditure gap in the FY 2013 budget and cities and towns, from FY 2007 – FY 2012 have lost over \$185 million general revenue sharing and auto excise reimbursement; and Whereas, taxpayers are

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already burdened by some of the highest property taxes nationally; and Whereas, school districts and cities and towns must comply with RIGL §44-5-2 that caps the property levy imposed by municipalities for FY 2012 at 4¼%; and Whereas, according to §16-2-9(d) “The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt”; and Whereas, school committees may require employee concessions to comply with the aforementioned state statutes; and Whereas, 2012-H7250 & 2012-S2532 would mandate that an expired contract shall continue under the same terms and conditions; and Whereas, this would serve as a disincentive for unions to bargain in good faith and allow existing employee wages and benefits to continue unchanged indefinitely thus forcing districts to possibly violate RIGL §44-5-2 & §16-2-9(d). NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of North Smithfield respectfully requests the Rhode Island General Assembly to oppose 2012-H7250 & 2012-S2532 and any other legislative proposal that would mandate expired municipal or school teacher contracts must continue at the existing terms and conditions; and BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island Municipality, Senators Cote, Tassoni and Fogarty, State Representative Newberry and the Governor.”

WOONSOCKET WATER DIVISION’S RATE APPLICATION

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to retain Town Solicitor Nadeau under extraordinary litigation for this matter, at his normal hourly rate, and if there is an issue with that, then the Council President is authorized to discuss with Mr. Nadeau the proper methods to proceed if other counsel needs to be retained and then report back to the Town Council on May 21st.

**NSF&RS, INC. FOURTH AMENDMENT AGREEMENT TO A CONTRACT
MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve the fourth amendment agreement to a contract with the North Smithfield Fire & Rescue Service, Inc. contingent upon approval by their Board of Directors and also to authorize the Town Administrator to sign the document.**

RESOLUTION RE: GOVERNOR'S LEGISLATION

This resolution is sponsored by Governor Chafee and refers to a package of legislation to help "highly distressed communities" resolve their financial problems.

Mrs. Charest was concerned that if the resolution doesn't help the town of North Smithfield, will it end up hurting the town in any way.

MOTION by Mr. Yazbak to table. There was no second therefore the motion died. No other action was taken.

AWARD OF BID RE: PURCHASE OF WATER METER

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to award the bid for a new water meter to Ocean State Meter in the amount of \$10,734.00 based upon the recommendations of the Finance Director and the Town Administrator. Funding will come out of the Water Department's Capital Expenditures Account.

AWARD OF BID RE: PURCHASE OF NEW GENERATOR FOR WATER/SEWER BUILDING

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to award the bid for the purchase of a new generator for the Water/Sewer building to SPL Electrical Corp. in the amount of \$7,350.00 based upon the recommendations of the Finance Director and the Town Administrator. Funding for this purchase will come out of the Sewer Department's Capital Expenditures Account.

BOND REFUNDING

Mr. Silvia has been working with the town's financial advisors on this. The resolution was not available for the packet but will be ready for the next meeting. He is looking to do a refunding on a current bond that will save the town \$150,000 to \$180,000.

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

table to the next meeting on May 21, 2012.

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MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:12 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk