

**REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL      JUNE  
18, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

**OPEN FORUM**

**Traffic Safety Concerns at Lapre Road and Great Road**

**Suzanne Bernier of 7 Lapre Road stated there have been numerous accidents at the corner of Lapre Road and Great Road. One concern is the amount of vegetation that has sprung up along the sidewalk that blocks the view of oncoming traffic. She has asked for the past several years that this vegetation be cut down and she is now asking the Town Council to make Lapre Road a one-way street so that no traffic exits Lapre Road onto Great Road.**

**It was suggested that the Police Department review the area and the matter was continued to July 16, 2012.**

**Ms. Hamilton stated she has contacted the State and submitted concerns about the area. The State has placed the matter on one of its lists.**

**June 18, 2012**

**Public Works Director Raymond Pendergast agreed to take a look at the vegetation tomorrow.**

## **Discussion of Job Performance in Executive Session**

**Ms. Mali Jones of 19 Indigo Farm Road noted the discussion listed under executive session, the job performance of the Town Planner, and stated the Town Council would be overstepping its bounds to discuss his job performance. If the Council intends to discuss conduct with respect to particular actions, that would be within its purview. Ms. Jones asked that if the aggregate extraction ordinance was at the heart of this matter, the Council should review the conduct of the Building Inspector and Town Solicitor as well.**

## **Disclaimer**

**Mrs. 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 video taping.”**

## **REGULAR MEETING**

**The meeting began at 7:02 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 present.

## **CONTINUATION OF PUBLIC HEARING ON BUDGET FOR FY 2012/2013**

Patricia Paul of 763 Black Plain Road, an employee of the town, spoke in support of the finance clerk's position that has been under consideration.

Ernest Alter agreed with Mrs. Paul and said cuts should be made in other areas such as pensions and benefits. Pressure should be placed on the General Assembly to give the town tools to make necessary reforms.

**MOTION** by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to close the public hearing.

## **CONSENT AGENDA**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 (Mr. Yazbak abstained) on a roll call vote to approve the following items: 1.) Town Council minutes of May 21, 2012; 2.) Bills: General Fund - \$182,005.58; Sewer - \$242,383.73; Water - \$5,141.56; School Dept. - \$1,440,465.00; and Fire Dept. - \$195,147.00 for a total of \$1,635,612.00; 3.) Budget Committee minutes of May 9 and 31, 2012; 4.) Conservation Commission minutes of April 10, 2012; 5.) Historic

**District Commission Minutes of March 19, April 16 and May 14, 2012; 6.) Planning Board minutes of April 19 and May 17, 2012; 7.) Zoning Board minutes of May 8, 2012; 8.) Animal Control Monthly Report for May 2012; 9.) NSF&RS Inc. Monthly Incident Report for May 2012; 10.) Police Department Monthly Activity Report for May 2012; and 11.) Municipal Court Monthly Activity Report for May 2012.**

**June 18, 2012**

**RESOLUTION RE: CONSTITUTIONAL AMENDMENT TO INCLUDE THE RI GENERAL ASSEMBLY UNDER JURISDICTION OF THE RI ETHICS COMMISSION**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to receive this resolution and to place on file.**

**OUTDOOR SOUND SYSTEM PERMIT - HOUDE**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to approve an outdoor sound system permit for Edward and Elizabeth Houde of 477 Black Plain Road for July 7, 2012 from 2:00 p.m. to 8:00 p.m.**

**OUTDOOR SOUND SYSTEM PERMIT - COOK**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to approve an outdoor sound system permit for Kelly Cook of 36 Buxton Street on July 21, 2012 from 4:00 p.m. to 7:00 p.m.**

#### **OUTDOOR SOUND SYSTEM PERMIT - DEBLOIS/GOODWIN**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to approve an outdoor sound system permit for Lynne DeBlois for an event to be held at 1993 Providence Pike on June 23, 2012 from 4:00 p.m. to 9:00 p.m. as long as the owner, Mr. Goodwin, contacts the Administrator with his approval since it is on his property.**

#### **HARKNESS ROAD EAST GUARDRAILS**

**Louise Carriere of 1 Tanglewood Road explained that scrapped telephone poles were installed in the 1980s as guardrails at a curve on Harkness Road East. As shown in pictures provided by Mrs. Carriere, they are now in extremely bad disrepair, provided no safety to travelers on the road and she requested the Council include the cost of new guardrails in this year's capital budget.**

#### **PAVING OF FARM STREET**

**In a letter to the Council members, Cheryl Branchaud requested that Farm Street be included in the list of roads to be repaved in the near future. According to Ms. Branchaud the road is deplorable, dangerous and considerably too deteriorated to attempt to patch.**

## **RESIGNATION FROM ZONING BOARD - S. KEARNS**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to receive the resignation of Mr. Kearns and to send him a letter of appreciation.**

## **APPOINTMENT TO ZONING BOARD**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to continue this appointment to the July 16th meeting to allow time for other people to consider serving on this board.**

## **AWARD OF BID FOR REFUSE AND RECYCLING CONTRACT**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue the contract for the refuse and recycling contract with Coastal Recycling Inc. for one additional year in the amount of \$464,280 based upon the recommendations of Ms. Hamilton, Mr. Silvia and Mr. Pendergast.**

## **PUBLIC HEARING DATE FOR GROUNDWATER AQUIFER PROTECTION ORDINANCE**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to schedule the public hearing for August 6, 2012 with the decision to be made at a subsequent meeting.**

**June 18, 2012**

## **PAINTING OF STEPS AT PACHECO PARK PLAYGROUND**

**Mr. Yazbak had received a request from Alyssa Stevenin-Runk to have the five metal steps of the playground edged with paint so that her son Zachary could play there. Zachary has been diagnosed with cancer of the eye and now has a prosthetic eye. He has no depth perception and is considered visually impaired. Painting the steps would enable Zachary to use the playground.**

**Ms. Hamilton explained that reflective tape had been placed on the steps by a volunteer but it was ripped off.**

**Mr. Pendergast noted he had purchased reflective paint a few weeks ago but, because of the weather, had been unable to paint the steps until two weeks ago.**

**Mr. Yazbak suggested that the Administrator send a quick note to Mrs. Stevenin-Runk to apologize for the delay in getting the steps done.**

## **ADOPTION OF BUDGET FOR FISCAL YEAR 2012/2013**

**MOTION by Mr. Yazbak and seconded by Mr. McGee to table the adoption of the budget to June 25, 2012 at 7:00 P.M.**

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

**Mr. Silvia reviewed some of the proposed changes that have been made to the budget.**

**MOTION by Mr. Yazbak and seconded by Mrs. Charest to ask the Budget Committee to review the budget numbers, make recommendations and report to the Town Council members via email.**

**Ms. Alves questioned why the Budget Committee was still giving recommendations. Their task was completed in April.**

**Mr. Yazbak responded that it has been done in the past and he felt that whenever the administration wanted to make changes to the budget it was important for those people who have spent so much time on it, besides the administration, to take another look at the budget.**

**Mr. Nadeau cautioned the Budget Committee that if information is disseminated that the Access to Open Records procedures be followed.**

**On a roll call vote the MOTION passed 3 to 2 with Ms. Alves and Mr. Zwolenski voting no.**

**Mr. Yazbak withdrew that motion and Mrs. Charest withdrew her second.**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted 3 to 2 (Ms. Alves and Mr. Zwolenski voted no) on a roll call vote to request that if the Budget Committee meets to discuss the changes made in Mr. Silvia's budget memo, a member of the committee attend next Monday's Town Council meeting.**

### **EXECUTIVE SESSION**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 1 (Mr. Zwolenski voted no) to enter into executive session at 8:10 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining**

**June 18, 2012**

**to collective bargaining or litigation to discuss Mitchell vs. the Town of North Smithfield.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to come out of executive session at 8:20 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to allow Ms. Hamilton to speak about an item not on the agenda.**

## **Employee Job Performance**

**Ms. Hamilton stated that the question of job performance lies solely with the Town Administrator and not the Town Council. She advised the Council that if they proceed with entering into an arena that is not in its purview, she will hire independent counsel to protect the town. Matters that rise to the level of misconduct or malfeasance should be addressed first with the Administrator. The Town Council would then have the authority to proceed according to proper procedures.**

## **Mitchell vs. The Town of North Smithfield**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to deny the claim of Mitchell vs. the Town of North Smithfield and to have the Town Solicitor notify the Trust of the denial.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 8:24 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**