

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 17, 2012

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Narragansett Improvement Lawsuit

Ms. Mali Jones of 19 Indigo Farm Road questioned where the lawsuits stood and if this Council would be able to resolve the matter. She was told that the settlement was rejected and, therefore, the town is litigating.

Real Estate Taxes

Mr. Ernest Alter of 600 Victory Highway commented that real estate taxes are structured in a way unrelated to income. It becomes increasingly oppressive to those with lower incomes. He wondered if the town would get to a point, as is done in some states, where the taxes are based on age and income.

Halliwell School

Mr. Alter added that the town should not spend any more money on Halliwell School. Now is not the time to entertain another large capital expense.

Finance Director Brian Silvia Resignation

Mr. Zwolenski commended Mr. Silvia on the job he has done in North Smithfield and wished him well in his new position.

DISCLAIMER

Mr. Zwolenski 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.”

REGULAR MEETING

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 and Mr. Zwolenski. Mrs. Charest did not attend due to illness. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to remove the payment of bills, the monthly financial reports for August 2012 and the executive summary for the month ending June 30, 2012.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve the following: 1.) Minutes of June 25, 2012; 2.) Budget Committee minutes of June 21, 2012; 3.) Ordinance Development Committee minutes of July 26, 2012; 4.) Animal Control monthly report for August 2012; 5.) NSF&RS, Inc. monthly incident report for August 2012; 6.) NS Police Dept. monthly activity report for August 2012; 7.) NS Municipal Court monthly activity report for August 2012; and 8.) Letter from the City of Pawtucket requesting fixed share of state surplus funds be provided to cities/towns.

Payment of Bills

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 0 (Mr. Yazbak recused) on an aye vote to approve payment of the following: General Fund - \$152,084.53; Sewer - \$6,572.29; Water - \$4,658.00; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$1,856,533.82.

Executive Summary

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to ask the administration to provide information to the Council as to how certain items seemed to appear at the last minute in regards to the surplus.

AWARD OF BID FOR POLICE FLEET VEHICLES

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on

an aye vote to move this item up next on the agenda.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to award the bid to MHQ Municipal Vehicles for three vehicles (One 2011 Ford Crown Victoria - NEW for \$31,904.00, One 2011 Ford Crown Victoria - NEW for \$34,794.00 and One 2013 Ford Explorer for \$33,335.00) in the amount of \$100,033.00 based upon the recommendations of the Police Chief, the Finance Director and the Administrator.

APPOINTMENT TO ZONING BOARD

There was no appointment.

APPOINTMENTS TO JUVENILE HEARING BOARD

There were no appointments.

2ND READING ORDINANCE AMENDMENT RE: ONE-WAY STREETS

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote to remove subsection (a) that reads: “All vehicles shall travel only in a southerly direction on Church Street in Slatersville on Sundays between 6:30 a.m. and 12:30 p.m.”

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 3 to 1 (Mr. McGee voted no) on a roll call vote to adopt the following ordinance as amended: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 15,

Section 15-6, entitled, “One-way street”, be amended as follows: Sec. 15-6 One-way street. All vehicles shall travel at all times only in a westerly direction on Lapre Road from Great Road (State Highway 146A) to the first intersection on Lapre Road with Oaklawn Road. This ordinance shall take effect on the date of passage and in accordance with the Town Charter.”

ANDREWS TERRACE/BRANCH VILLAGE SEWER PLAN

Mr. McGee suggested taking Andrews Terrace and making it a part of the Phase IA and IB sewer district and those residents would pay equally what the residents in IA and IB are paying.

Ms. Hamilton stated the recommendation from Sewer Superintendent Russell Carpenter and Sewer Administrator Jim Wilcox is to do the Branch Village area and pick up St. Paul Street also.

Mr. McGee felt that would be too costly and he wanted to focus on Andrews Terrace. The Town would have to get an easement from Sam-Man Realty to run a 1,800-foot line to the pumping station and funding would come from the \$5,200 assessment fees already collected.

Ms. Hamilton stated that what is done generally is the total cost is determined and then it would be divided by those four homes on Andrews Terrace.

Mr. Zwolenski commented that the Ordinance Development Committee has incorporated public and semi-public uses sewer treatment plant, non-municipal, into the newly proposed district uses ordinance.

MOTION by Mr. McGee and seconded by Mr. Zwolenski to find the approximate cost to tie in 1,800 feet into the interceptor in Phase IA and Phase IB and to ask the Administrator to be sure the town can get an easement through private property.

The motion was not voted on because Ms. Hamilton agreed to get the information necessary prior to the next meeting.

CONSERVATION EASEMENTS FROM SUSAN GUERARD

Town Planner Robert Ericson explained there are three separate easements on the property located on Iron Mine Hill Road.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 1 (Mr. Yazbak voted no) to approve the easements with the condition that the rights of access be delineated in the easements themselves either in a description by metes and bounds or in the plan and that it be reviewed and approved by the Town Solicitor prior to signing.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 1 (Mr. Yazbak voted no) to authorize the Town Administrator to sign the documents once they are completed.

DISTRICT USE REGULATIONS ORDINANCE

Mr. Yazbak felt that the Planning Board should be the entity bringing forth this ordinance rather than the Ordinance Development Committee based upon a statement in the Comprehensive Plan. If the Planning Board wants to use the Ordinance Development Committee's recommendations, that is fine.

Mr. Zwolenski responded that the Ordinance Development Committee is an advisory committee. They bring their recommendations to the Council who then refers to the Planning Board for review for consistency with the Comprehensive Plan as well as to make any comments they deem necessary. He believes proper procedures have been followed.

Mr. Ericson commented that the reference to zoning changes in the Comprehensive Plan refer to the zoning map and to the use tables that are associated with it. They are really inseparable. The Planning Board has reviewed the ordinance for consistency with the Comprehensive Plan and they have also gone line by line to make recommended changes to what the Ordinance Development Committee has done.

As far as the zone change that Flagg RV is requesting, Mr. Yazbak would prefer to settle that particular request first and not be rushed into adopting the entire use table.

Mr. Ericson said Mr. Yazbak's point was well taken but the Planning Board chairman felt it would be important to get the Business Highway part processed, not necessarily exactly as the Comprehensive Plan indicated, but to process it so there could be a public hearing.

MOTION by Ms. Alves, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to schedule a public hearing for the District Use Regulations on October 15, 2012.

1ST READING ORDINANCE AMENDMENT RE: SLATERSVILLE HISTORIC DISTRICT MAP

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 3 to 0 (Mr. Yazbak recused) to accept this ordinance/map as a first reading.

PACHECO PARK LIGHTS

Finance Director Brian Silvia felt if there was money available in the 2013 capital budget, this is where the funding could come from for the lights.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on an aye vote that when a funding strategy is found, it is passed on to the Budget Committee to solicit comments and suggestions and then come back to the Council.

DOWLING VILLAGE WIND TURBINE/WIND ENERGY LEASE

Mr. Ericson explained that the prior Town Council approved a purchase and sales agreement and then the \$400,000 grant expired so the Town opted out. Given the Town's bond rating and given the lower cost of the land, this is now a somewhat more favorable endeavor.

Mr. Eric Offenburg, a representative of the DV Wind Partnership, gave a presentation on the proposed project. He explained that DV Wind would install the turbine. Mr. Offenburg also spoke about siting, the financial aspects and the time frame. The purchase price is \$925,000 and there is a grant from DEM of \$400,000, leaving a balance of \$525,000. An eight percent financing cost was added in (\$42,000) bringing the total to \$567,000. DV Wind would like to install a 195-foot meteorological tower in November to record wind data for December, January, February and March.

A couple of Council members had several questions they would like answered and they agreed to send them to Mr. Nadeau.

AWARD OF BID FOR ACTUARIAL SERVICES

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to award the bid to USI Consulting Group for \$3,900 based upon the recommendations of the Town Administrator and the Finance Director.

CHANGE ORDER FOR NSES WINDOW REPLACEMENT

Mr. Silvia noted this was originally awarded at the July 16th Council meeting. During a walk-through inspection it was discovered that two classrooms had been overlooked. A quote was received from the same vendor, ADM Construction LLC, to do the two rooms at a cost of \$4,400.

Both Mr. Yazbak and Mr. Zwolenski asked how these two rooms had been overlooked. They asked that a request be sent to School Facilities Director, Anthony Kopacz, to see where the error lies.

The matter was tabled to the October 1st meeting to enable the administration to gather more information.

EXECUTIVE SESSION

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to enter into executive session at 9:04 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 a potential litigation claim.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to come out of executive session at 9:14 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and

voted 4 to 0 on an aye vote to adjourn at 9:14 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk