

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 17, 2012

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

East Harkness Road Guardrails

Councilman Yazbak had received an email from Louise Carriere regarding her earlier request for replacement of guardrails on East Harkness Road. She thanked the town for getting them installed the weekend after Thanksgiving.

Resolution Banning Automatic Weapons

Daniel Halloran of 62 Douglas Pike spoke about the tragedy that occurred in Newtown, Connecticut and asked the Council to prepare a resolution to ban automatic weapons and to send it to the State's Washington delegation.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. A moment of silence was held for the victims of Newtown, Connecticut. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton was also in attendance.

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APPOINTMENT OF TOWN SOLICITOR

***Mr. Flaherty reviewed the process that the Town Council followed in seeking and interviewing candidates for the positions of Solicitor, Assistant Solicitor, Probate Court Judge and Municipal Court Judge. For the first time in recent memory, this included a call for applicants, holding three (3) open session meetings to interview 13 candidates for 4 positions and holding a fourth (4th) follow up meeting in open session to discuss the relative strengths and weaknesses of all candidates prior to a planned vote on December 17, 2012.**

(*Amended by Mr. Flaherty at the 2/19/13 Council meeting)

Mr. Yazbak lodged the following formal complaint: “Please be advised that this is a formal complaint as to the process the North Smithfield Town Council has employed in selecting the Solicitor, Assistant Solicitor, Municipal Court Judge and the Probate Court Judge for the term of December 1, 2012 to November 30, 2014. Here are the facts, for the record, as I understand them: 1. Town Administrator puts an “ad” on the Town website without formal Town Council approval or direction. When I inquired the Town Administrator stated that she discussed “with members during the campaign” while going “door to door”. 2. No “RFQ” or “RFP” was issued. No advertising was placed in local newspapers or Law Journals. The Rhode Island Bar Association was not informed. 3.

The Town Administrator did “e mail” to selected neighboring cities and towns explaining vacancies existed. 4. Town Administrator stated that the “ad” on the Town website only included information as detailed in the Town Charter. No indication of job duties and/or functions were identified on the Town website other than the “basic” qualifications in the Town Charter. 5. On Friday November 30, 2012 the day before this Town Council took office, Attorney Joseph Carroll from Woonsocket arrived at the North Smithfield Police Department and stated he was appointed “acting” Assistant Town Solicitor to handle police prosecutions the week of December 3, 2012. Attorney Carroll was given 50 plus files for the following week’s police prosecution calendar which he took off premises. 6. Inauguration occurred on Saturday night December 1, 2012 as per Town Charter. 7. On the morning of Monday December 3, 2012 after I was notified by a Town Resident I inquired of Police Chief Steven Reynolds as to how Mr. Joseph Carroll was “authorized” to act as an Assistant Solicitor and to prosecute cases without authorization of the Town Council by Charter. It appears the Chief was not fully aware of Mr. Carroll’s involvement and/or lack of appointment by the Town Council. I asked the question how someone without authorization could prosecute cases and asked if that would “jeopardize” the prosecution of those individuals charged. 8. I specifically asked the Chief on the morning of December 3, 2012 who retained Attorney Carroll. He stated that neither he nor his Department asked for Mr. Joseph Carroll’s involvement. 9. At the Town Council meeting of December 3, 2012 I specifically asked the Town Administrator if she authorized or

appointed Attorney Carroll. She stated she did not. She stated she thought the Police Department called him in. I stated she should communicate with her Police Chief because that was not what he stated to me earlier in the day. 10. Later at the Town Council meeting a majority of the Council agreed to conduct interviews and it was suggested that that process would be held in executive session. The public in attendance at that meeting understood the process would be in executive session based on the comments made by certain Town Councilors that evening. 11. On Tuesday December 4, 2012 I wrote an e mail to President Flaherty indicating my "objection" to an executive session as I felt that "interviews" did not meet one of the exceptions under Rhode Island Law for executive session. After providing the President with the RI General Law in this regard he made the determination that all interviews would have to be held in a public or "open" meeting. 12. The Town Council then scheduled interviews on (1) Thursday December 6, 2012, (2) Friday December 7, 2012 and (3) Saturday December 8, 2012. Due to my personal work schedule I was not available to attend the Thursday and Friday sessions and an unforeseen personal circumstance prevented my participation on Saturday. 13. The location for these interview sessions was North Smithfield Town Hall, not the normal meeting place of the Kendall-Dean School Auditorium. 14. I have been told no members of the general public attended these "open" meetings other than candidates. 15. During the Saturday December 8th meeting it was determined that another meeting on
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Wednesday December 12, 2012 would take place to “discuss” the appointments. Once again, I informed the President that I would not be able to attend due to work commitments. 16. On Thursday December 13, 2012 I was able to go to the Town Clerk’s office and I spent 3 hours listening to the tape recordings of the December 12th meeting and the interviews of Mr. Lombardi, Mr. Iglizzi and Mr. Rossi. 17. My understanding of the December 12th meeting was that consensus has been reached by at least three (3) members of the Town Council on certain individuals with the “formal” vote to come tonight. I also believe that Mr. Lombardi and Mr. Rossi were afforded a “second interview” where Councilors questioned and conducted conversation with them on a variety of topics. 18. I am sorry that my work schedule does not allow for “last minute” changes and that I could not participate further. 19. For these reasons I object to any and all appointments by this Town Council tonight for the positions of Solicitor, Assistant Solicitor, Municipal Court Judge and Probate Court Judge. Respectfully submitted: S/Edward F. Yazbak, North Smithfield Town Council”

Mr. Flaherty commented this is not an ideal situation. The way that the Charter is written does not afford an opportunity for the Council to interview candidates for these positions without having a lapse of service. He felt they did the best they could to have a transparent process.

MOTION by Ms. Alves and seconded by Mr. Zwolenski to appoint James J. Lombardi III as Town Solicitor.

**MOTION by Mr. Yazbak to nominate David Igliozzi as Town Solicitor.
There was no second.**

Mr. Yazbak: “I do not approve of the appointment of Mr. Lombardi as Solicitor on the grounds that he lacks the experience as a trial attorney in the Federal and State Courts of our State. Mr. Lombardi may be a great tax attorney and he should be commended for his countless volunteer hours in this regard, but the fact he has only been active in 12 cases before the Courts in the State of Rhode Island is not enough experience for this town’s top legal position. In addition, he is only listed on 3 Court Cases in Federal Court for the Rhode Island District and all three of these cases appear to be tax type cases, not civil litigation cases. So we have a candidate with, at most, 15 cases in Court. Now Mr. Lombardi may have appearances in Federal Bankruptcy Court or other Courts, but not in Courts where civil and/or criminal litigation occurs or has occurred. Mr. Lombardi is also involved with the neighborhood coalition against the Rankin Path development, and although his involvement in his neighborhood is admirable, he was part of a group who tried to intervene in the legal process between the Town and Narragansett Improvement. Basically part of the group which brought and may continue to bring legal action against the town. Although Mr. Lombardi may be well versed in Charter issues based on his experience in Providence as a part

time Treasurer, (a position he plans on holding at the same time he serves as Solicitor if appointed), a bulk of Mr. Nadeau's work, and Mr. Hadden before him, and Mr. DeCelles before him is to attend to numerous civil issues facing the Town of North Smithfield. In my 10 years experience we have always had an inventory of 20 to 40 cases "in process" that requires an experienced attorney who has extensive Courtroom experience, especially in State Court. If you speak with any of the three (3) previous solicitors they will all state that they are extremely busy handling legal issues for the Town in Court or in Court proceedings such as depositions, hearing, motions, etc. Mr. Lombardi just lacks the experience necessary to perform the job. I have no ill will to Mr. Lombardi but I cannot in good conscience vote for him to hold the position of Solicitor or Assistant Solicitor."

Mr. McGee stated he had contacted other attorneys and the Interlocal Risk Management Trust and was told there was no conflict regarding Narragansett Improvement if Mr. Lombardi represented the town.

Mr. Flaherty commented there has been ample opportunity for anyone who had concerns regarding a relationship with Narragansett Improvement to make those concerns known prior to tonight's meeting.

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Mr. Zwolenski noted this is his fifth opportunity to vote on a Town

Solicitor and this process has been better than any in the past.

The motion to appoint James J. Lombardi III as Town Solicitor was approved 4 to 0 on a roll call vote. Mr. Yazbak did not vote due to the process.

APPOINTMENT OF ASSISTANT TOWN SOLICITOR

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted 4 to 0 (Mr. Yazbak did not vote due to the process) on a roll call vote to appoint Stephen R. Archambault as Assistant Town Solicitor.

APPOINTMENT OF MUNICIPAL COURT JUDGE

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 4 to 0 (Mr. Yazbak did not vote due to the process) on a roll call vote to reappoint Aram P. Jarret, Jr. as the Municipal Court Judge.

APPOINTMENT OF PROBATE COURT JUDGE

MOTION by Mr. Zwolenski and seconded by Ms. Alves to appoint Robert V. Rossi as the Probate Court Judge.

MOTION by Mr. Yazbak and seconded by Mr. McGee to reappoint Howard Portney as the Probate Court Judge.

Mr. Yazbak: "I do not approve of the appointment of Mr. Robert V. Rossi to the position of Probate Court Judge. Mr. Rossi lacks the

experience necessary to serve in this important town Position. A review of his resume and the taped interview indicates very little Probate Court experience. In fact during the interview Mr. Rossi admitted to being in front of the Probate Court on a limited number of occasions all related to his job as a lawyer who provides debt collection services to his clients. Now, Mr. Rossi may be an expert in debt collection issues. I have clients who utilize his service in this area and even the town of North Smithfield, I believe, still uses his services in this regard. However, he is not an appropriate candidate for Probate Court Judge due to the fact that he does not practice probate law on a continuing or ongoing basis. Probate Court Judgeships require lawyers who are experts in legal matters of this type, not expert debt collectors. In addition, Mr. Rossi served in another position prior, that of Assistant town Solicitor, in which he had limited experience. His service to the Town in this area is the subject matter for a number of allegations contained in the \$6,000,000.00 lawsuit the town of North Smithfield is presently defending with Narragansett Improvement and which is sufficiently detailed with transcripts given to the Town Council by myself over the last few weeks. I highly recommend that all Town Council members exercise their due diligence prior to voting and review the transcripts of hearings and motions before Judge Hearst in regards to Mr. Rossi's alleged actions and schedule another time for a final vote. Do we, as a Town Council, really want to go down this road again? We need attorneys who are extremely experienced, not attorneys who are being repaid for political favors, in my opinion."

Mr. Zwolenski was very comfortable with Mr. Rossi as the Probate Court Judge and Mr. Rossi served admirably as the Assistant Town Solicitor. There are no political favors here.

On a roll call vote the motion to appoint Robert V. Rossi as the Probate Court Judge passed 3 to 1 (Mr. McGee voted no and Mr. Yazbak did not vote due to the process.)

PUBLIC HEARING SEWER ORDINANCE AMENDMENT RE: CREDITS FOR PRIVATELY FINANCED SEWER CONSTRUCTION

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up on the agenda.

Attorney Eric Brainsky, representing Industrial Drive Development Co., once again explained his client's request. His client had been told by town representatives that the sewer line on Industrial Drive would be extended down to the property in question. The town did not end up doing that. Mr. Brainsky's client had been assured that the ordinance provided a mechanism for private sewer construction to be reimbursed

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to the developer. When the sewer ordinance was rewritten, the provision for that was taken out. According to Mr. Brainsky, the Sewer Commission believed that was a mistake. After going back

and forth between the Council and the Sewer Commission, Mr. Nadeau was directed to draft an amendment to the sewer ordinance to place the sewer credits back in.

Mr. Flaherty reviewed the various fees associated with sewers namely assessments, tie-ins, usage, and tie-ins outside of an established district.

Mr. Brainsky added that the tie-in outside of an established district is for residential use. There is a calculation for commercial use.

Mr. Flaherty read the proposed amendment: “(6) Credit for privately financed sewers. Effective January 1, 2009, any person who, after recommendation of the Board to the Town Council, and with the approval of the Town Council, pays any portion of the cost of installing or repairing a Sewer in a street or highway abutting his or her property, and who agrees to convey all of his or her right, title and interest in such Sewer, to the town may apply to the Town Council for a credit against his or her sewer assessment for the value of the work he or she has so financed. Upon determining that such Sewer meets the current standard sanitary sewer requirements of the Town of North Smithfield, the Board subject to the approval of the Town Council, shall establish the amount to be credited against such person’s assessment. The credit may be equal to but shall not exceed the amount of the assessment. In the event the cost of the Sewer exceeds the amount of the credit, all or a portion of any future

sewer improvement charges collected from any third party owners of property served by the portion of the Sewer installed or repaired by such person may in the sole discretion of the Board, subject to the approval of the Town Council, be remitted to said person (who paid for the installation or repair of said Sewer) in the amount by which the cost of the Sewer exceeds the credit.”

Mr. Flaherty questioned the portion that refers to paying any portion of the cost of installing or repairing sewers in a public road because he couldn't imagine a private property owner would be making repairs to an existing sewer in a road. He also questioned where it is written that you can apply for a credit against your sewer assessment. Mr. Flaherty's understanding of an assessment is the cost levied against the property owner for the cost of installing the sewer in front of his property.

Mr. Brainsky addressed the wording in the proposed amendment that makes it retroactive to January 1, 2009. He stated this was done because the Sewer Commission had made the comment that the credit provision should never have been taken out of the sewer ordinance and this was merely correcting that error.

Joseph DeMayo of 62 Alpine Way stated that sewerage in North Smithfield is not based on usage, it is a flat rate. One fee includes elimination of waste and maintenance of lines. There is a big difference between commercial and residential waste and Mr. DeMayo

does not think it is fair for any commercial property to get a reprieve from a tie-in.

Michael Rapko of 25 Old Greenville Road was confused by the language. It is very unusual for a commission to admit that a mistake was made in omitting a major clause to an amendment. He has reviewed Sewer Commission minutes and found nothing that referred to a mistake being made in leaving the credit out.

Mr. Yazbak believes it was the Town Council who made the omission when they rewrote it in 2009. He did not think Mr. Rapko would find any Sewer Commission action that took that part of the ordinance out.

Mr. Rapko felt the town should find out how the credit was left out. The sewer lot development fee of \$5,200 goes into a capital fund for sewer improvements which the town needs for repairs and maintenance of sewer pumps, sewer trucks, etc. To give the money back to developers means you will be spreading the improvement costs to the users.

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Michael Clifford of 489 Black Plain Road questioned why the developer shouldn't share in the burden of the design and infrastructure that supports the use of the sewer even if they are

outside the district. Land is much more valuable with sewers. It's not the business of government to subsidize the profit line for private enterprise. Mr. Clifford feels the developer has a moral obligation to pay that fee for the infrastructure from which he's getting a benefit. He added that he had seen a copy of the working draft of the sewer ordinance and there was a big "x" through the section pertaining to credits.

Gary Ezovski of 88 North Main Street spent many hours working on a sewer ordinance 32 years ago that dealt with all the possibilities of future connections. It was first developed based upon a five-part formula and it was put together in a way to make sure that anyone who benefitted from the installation of the sewers was going to pay for the sewers. The commission at the time had hoped that funds could be built up for future expansion. Mr. Ezovski stated if you went back to the original sewer ordinance there was language about a credit. It wasn't an attempt to build someone's profitability; it was an effort to try to make sure there were users because the town received a lot of money from the federal government for the original construction of this system. It came with a commitment that the town was going to use some baseline percentage of the interceptor line. The town was required to deliver flow to the Woonsocket system. With the original design of the sewer system, virtually the entire town was considered in terms of future location of sewers. The more users there are, the more opportunity there is to spread the cost of the system and keep the user fees down.

Attorney Thomas Carter, representing Bucci Development, stated that the proposed amendment provides credits for sewer infrastructure installed in town streets and highways. In the interest of fairness, Mr. Carter believes that Bucci Development should be allowed to apply for the credit as well. The town benefits from sewer infrastructure installed at no cost to it. If the town passes the sewer amendment, it will be selectively enforcing the ordinance.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to continue this public hearing to February 19, 2013.

HOLIDAY SALES LICENSE - T. TRAN D/B/A DAVI NAILS SALON & SPA

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

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve a holiday sales license to Tony Tran d/b/a Davi Nails Salon & Spa located at 7 Dowling Village Boulevard.

BVL LIQUOR AND VICTUALING LICENSES - YAMA FUJI INC.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to continue this to January 7, 2013.

Mr. Yazbak commented that this is the third time this request has been on the agenda without all documentation being submitted and he would not be inclined to continue the request to another meeting after January 7th.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to remove the payment of bills from the consent agenda.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on an aye vote to approve the following: 1.) Town Council minutes of November 19, 2012; 2.) Final Invoice for the High School Generator from Advanced Electrical Corp. in the amount of \$5,000.00; 3.) Financial Reports for November 30, 2012; 4.) Resignation from the Zoning Board - Guy Denizard; 5.) Conservation Commission minutes of October 9, 2012; 6.) Historic District Commission minutes of August 20, September 17 and October 15, 2012; 7.) Parks & Recreation Commission minutes of November 26, 2012; 8.) Animal Control Monthly Report for November 2012; 9.) NSF&RS Inc.

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Monthly Incident report for November 2012; 10.) NS Police Department Monthly Activity report for November 2012; and 11.) NS

Municipal Court Monthly Activity report for November 2012.

Payment of Bills

MOTION by Ms. Alves, seconded by Mr. McGee, and voted 4 to 0 (Mr. Yazbak recused because he has a client on the list) on a roll call vote to approve payment of the following: General Fund - \$168,358.04; Sewer - \$203,334.50; Water - \$2,038.44; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$2,066,949.98.

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT GROUNDWATER AQUIFER PROTECTION OVERLAY DISTRICT

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

Town Planner Robert Ericson provided a map showing the areas of water that need to be protected.

Caroly Shumway of 76 Great Road commented that North Smithfield has both groundwater and surface water areas that need protection.

Lorraine Joubert explained the GAA classification.

Mr. Ericson referred to Section 6.19.10(C) that states, “the maximum percentage of a lot covered by all impervious surfaces (pavement, principal and accessory buildings, etc.) shall be 25%.” Ms. Joubert

helped the town with a model of what would be needed to be done by putting limits of impervious cover on different zoning categories. In reviewing the Ordinance Development Committee's work, the Planning Board recommended that Paragraph C be changed so that the absolute maximum percentage of impervious area for each zone would be as follows: Manufacturing 40%; Business Highway 35%; Residential Agriculture 12%; RS 15%; REA 10%; RU 25%; Professional Services 35%; BN 35% and all commercial 35% which would include the mixed use districts.

Ms. Shumway advocated cutting the residential districts as follows: RA from 12% to 8%, RS from 15% to 12% and REA from 10% to 8%. If you do that you will keep your total impervious coverage for the surface water supply basins on the order of 8%.

Page 1 -- There was some discussion about removing GAA classification in parentheses in Section 6.19.1(A). Gary Ezovski of 88 North Main Street was concerned that this removal would make every gas station in town non-conforming and there would not be another gas station in town. He was willing to work with anyone to come up with sensible means to protect groundwater for our great-grandchildren but he also wants them to have the opportunity to build a house and have a place to work. Performance standards are a far better way to deal with some of these issues. He felt this ordinance will keep businesses out of the town and it is land devaluation.

Ms. Shumway stated the town is not protecting its drinking water by development. The Ordinance Development Committee has not changed too many regulations in the district. This ordinance would ensure that Woonsocket's surface water supply basins, which 25% of North Smithfield residents drink, would be protected. Developers don't follow performance standards and the town does not enforce its regulations. Nationwide, the biggest problem to drinking water and to lakes, streams and rivers is stormwater. It is much cheaper to reduce impervious coverage at the zoning level at the initial plan rather than after the fact.

Mr. Flaherty asked if Ms. Joubert was aware if any other communities had taken a performance standard approach instead of a prohibition approach.

Ms. Joubert responded that the most common reason why groundwater becomes contaminated today is leaking underground storage tanks or the lines. She cannot think of another town that has major groundwater aquifers that does not have this type of ordinance and has adopted it

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at least ten to fifteen years ago. Many of those ordinances are much more complex in terms of what the requirements are for specific types of land uses and the best management practices are. Ms.

Joubert believes the Ordinance Development Committee went with this approach because it was simpler.

Mr. Zwolenski noted that the ordinance does not affect lawfully maintained pre-existing uses.

One of the concerns Mr. Flaherty has with the performance standard approach is who would determine that a use is meeting the performance standard.

Mr. Yazbak asked to be informed if there was a conflict with the Planning Board on any of the recommendations.

Under discussion about Prohibited Uses, Mr. Ezovski again reemphasized that trying to make a list about what you can't do is the wrong way to go about this.

Mr. Flaherty asked Mr. Ezovski if he would be willing to work with Mr. Ericson to provide him with thoughts on how to take a more performance-based approach.

Mr. Ezovski agreed to make himself available.

In Section 6.19.8.3, Mr. Yazbak suggested removing the Conservation Commission from the paragraph. He didn't feel another layer of government was necessary and the wording is already inclusive. If

the Zoning Board or the Planning Board thought it was necessary, they could remand the application to the Conservation Commission.

Mr. Ericson felt the Conservation Commission is a central body for review.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote at 9:57 P.M. to continue the meeting to 10:30 P.M.

Following another discussion about percentages of impervious cover, Mr. Ezovski claimed percentages are not the way to go. Standards have been established for years and they have been based upon performance. You have to capture enough water to prevent down gradient degradation for particular storms.

Mr. Ericson stated that using detention ponds simply maintained the peak rate of flow at its previous level. That peak, in its natural state, could have lasted 30 minutes. In its developed state, it could last four hours. When you combine all these different detention ponds in a watershed, then you wind up with downstream flooding because all the peak flows are accumulating down.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this hearing to January 22, 2013.

MOTOR VEHICLE DAMAGE CLAIM - C. SAVARD

MOTION by Mr. McGee, seconded by Mr. Zwolenski, and voted 4 to 0 (Mr. Yazbak recused because Ms. Savard is a client) on an aye vote to move this item up next on the agenda.

Ms. Cheryl Savard submitted a claim for damage done to her vehicle during a dog search at the high school.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 (Mr. Yazbak recused) on an aye vote to award \$300.00 to Ms. Savard for reimbursement. That is the maximum amount allowed.

PUBLIC HEARING RE: ZONE CHANGES PLATS 1 AND 21A FROM NEIGHBORHOOD BUSINESS AND SUBURBAN RESIDENTIAL TO BUSINESS HIGHWAY

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this hearing to January 7, 2013.

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TAX ABATEMENTS

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

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

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote at 10:29 P.M. to continue the meeting until 11:00 P.M.

MOTION by Mr. Yazbak, seconded by Mr. McGee and Ms. Alves, and voted unanimously on an aye vote to approve tax abatements in the amount of \$190,058.06 based upon the recommendation of Tax Assessor Chris Belair.

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT DISTRICT USE REGULATIONS

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on an aye vote to continue this hearing to January 22, 2013.

DOWLING VILLAGE STORMWATER MANAGEMENT AND WATER QUALITY

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to continue this matter to January 7, 2013.

TOWN COUNCIL TWO-YEAR WORKPLAN

MOTION by Ms. Alves, seconded by Mr. Yazbak, and voted unanimously on an aye vote to move this item to January 7, 2013.

SALE OF TOWN-OWNED LAND

MOTION by Ms. Alves, seconded by Mr. Yazbak and Mr. McGee, and voted unanimously on an aye vote to move this item to January 7, 2013.

PURCHASE OF HOUSE AT 603 POUND HILL ROAD

This property was sold a while ago but the seller retained lifetime tenancy. That person is now deceased and the owners want to level the house for parking. They have offered the house to the town for \$1.00 and they have also offered up to \$10,500 to have the house moved.

Mr. Ericson stated that the town has no place to put the house and the move could cost \$40,000.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to authorize the Town Administrator to send a letter rejecting the offer.

AWARD OF BID RE: PURCHASE OF GASOLINE AND DIESEL FUEL

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to award the bid for gasoline and diesel fuel to Santa Buckley Energy as outlined in the memorandum dated December 11, 2012 and based upon the recommendations of Acting Finance Director Brenda MacDonald and Town Administrator

Hamilton.

AWARD OF BID RE: $\frac{3}{4}$ TON PICKUP TRUCK WITH PLOW

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to have the purchase of the $\frac{3}{4}$ ton pickup truck with plow go out for rebid.

MOTION by Ms. Alves, 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