

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 19, 2013

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

OPEN FORUM

Dispatcher Complaints

Bryan Dunton, Police Dispatcher and President of Local 937, had several complaints involving union issues between the dispatchers, the Police Chief and the Town Administrator. He asked the Council for assistance in negotiating a new contract.

Dowling Village

Albert Brien, 513 South Main Street, spoke about the residents who had come before the Council at a prior meeting and he indicated that their concerns about the purchase of their homes are a civil matter that will be adjudicated in court. He thought there may be some zoning and planning issues. Mr. Brien was looking for guidance as to where jurisdiction lies.

Police Station Fire Code Issue

Michael Dunton, 21 Pound Hill Road, felt that information provided regarding this issue was insufficient for the public. There are other options for solving the fire code issue.

Mr. Dunton stated that the Rhode Island State Police is the only other agency that does not have civilian dispatchers. He feels the town will

be spending more money putting police officers as dispatchers.

Mr. Dunton also addressed the dispatcher complaints. He agreed with Bryan Dunton that there is no oversight for grievances.

REGULAR MEETING

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 Mr. Flaherty. Also present were Town Administrator Hamilton and Town Solicitor Lombardi.

Mr. Flaherty 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.”

EXECUTIVE SESSION

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to enter into executive session at 7:03

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 North Smithfield IBPO Local 410 contract negotiations.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to come out of executive session at 8:01 P.M.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to seal the minutes. No motions were made and no votes were taken.

February 19, 2013

BV LIQUOR LICENSE - YAMA FUJI INC.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to grant the full liquor license to Yama Fuji Inc. contingent upon the TIP certification being updated.

SEWER ORDINANCE AMENDMENT RE: CREDITS FOR PRIVATELY FINANCED SEWER CONSTRUCTION

Mr. Flaherty has attended some sewer commission meetings and there is the feeling that the whole ordinance needs to be rewritten. He has been told by the administration that there is an organization they belong to, the Atlantic States Rural Water and Wastewater

Association. There is technical assistance available through this association at no cost.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to continue this item to the May 20th meeting.

BUDGET COMMITTEE REQUEST FOR INFORMATION

Budget Committee Chairman Michael Clifford explained that the committee has some concerns with the information they are receiving from the school department. They believe that their FY 2013-2014 proposed budget may not comply with state law in that it exceeds the 4 percent cap by \$375,530. They also believe the budget format does not comply with requirements of the Town Charter because prior year actual expenditures are not listed and actual expenditure to date information for the current year is not included. Mr. Clifford's opinion is that the budget should be returned to the school department and resubmitted with one that is within the 4 percent cap.

Mr. Yazbak questioned whether the proposed budget was in anticipation of an increase in state aid. He also noted the school department budget is a bottom line budget and in the past Mr. Yazbak had recommended cuts that could potentially be made.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to charge the Town Solicitor with

reviewing the information that Mr. Clifford has presented and rendering a legal opinion to the Budget Committee and the Town Council to see what would be the course of action.

Ms. Hamilton noted that the Governor's budget is a proposed budget and the Council should be cautious if considering adding additional funding to the school department budget.

Mr. Clifford added that the 5.82 percent increase does not include any additional salary raises that may be negotiated.

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on a roll call vote to have the Town Solicitor look into the issue of compliance with the Town Charter as explained by Mr. Clifford and report to the Budget Committee and the Town Council with a legal opinion and if possible a recommendation on how to proceed.

ZONING MAP AMENDMENT RE: BUSINESS HIGHWAY ZONE

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this to March 4, 2013.

CONSENT AGENDA

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to remove the payment of bills and the three resolutions under Communications from the Consent Agenda.

MOTION by Mr. Flaherty, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to remove the Council minutes of December 17, January 7 and January 22 from the Consent Agenda.

Minutes of December 17, 2012

Mr. Flaherty wished to amend these minutes as follows:

“APPOINTMENT OF TOWN SOLICITOR

Mr. Flaherty reviewed the process that the Town Council followed in seeking and interviewing candidates for the positions of Solicitor, February 19, 2013

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.”

MOTION by Mr. Flaherty, seconded by Mr. Yazbak, and voted unanimously on an aye vote to include this amendment to the minutes.

Mr. Zwolenski also wanted it noted that, contrary to Mr. Yazbak’s comments in his letter, there were two people who did attend some of

the interviews.

Minutes of January 7, 2013

Mr. Flaherty wished to amend these minutes as follows:

“MEETING WITH GENERAL ASSEMBLY DELEGATION

1.) As a follow up to passage of the Regulatory Reform Act last year, Mr. Flaherty asked the delegation for its continued support for funding the development of an automated system for uniform permitting and tracking that can be used in all municipalities.

Following Mr. Newberry’s comments about the historic tax credit. . .

Mr. Newberry also described his familiarity with the proposed amendment to the levy cap law that Mr. Flaherty mentioned. He indicated he thought the proposal had merit and that he would support it.

JOINT MEETING WITH ALL BOARDS

Add: Hearing no objection, he suggested that it be held on a Saturday morning in March. Once again, after no objection, he said he would email Town Council members to determine the best Saturday to schedule the meeting.”

MOTION by Mr. Flaherty, seconded by Mr. Yazbak, and voted unanimously on an aye vote to include these amendments to the

minutes.

Mr. Zwolenski wished to make a correction on Page 396 where he had questioned if pre-blast well surveys had been done and was told they had. He wanted it noted that it was Mr. Ericson who had stated the surveys had been done.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to amend the minutes as noted.

Minutes of January 22, 2013

Mr. Flaherty wished to amend these minutes as follows:

“CONSENT AGENDA

Minutes of December 3, 2012

Mr. Flaherty wanted to be sure that his December 3rd query to Council members about Branch Village sewers was reflected in the minutes. He explained that he was seeking consensus on 12/3 to proceed in studying a town-wide investment in sewers, provided that it was connected to economic development. Upon clarification by the Clerk, he was satisfied that this was reflected in the minutes.

APPOINTMENT OF SEALER OF WEIGHTS AND MEASURES

Mr. Flaherty explained that he and the Town Administration researched this position to better understand how the job duties are performed in accordance with state law and how other municipalities

ensure the accuracy of scales in their communities. He further explained that the Sealer of Weights and Measures is compensated directly by scale owners, not by a town stipend. Although there is a published fee schedule for state-appointed sealers (based on scale type and ranging from \$12 to \$30), Mr. Flaherty was not able to locate a local fee structure. Ms. Hamilton reported that she was informed by the State Department of Labor and Training (DLT), which oversees weights and measures per state law, that several scales in town were not in compliance - some for more than a year and a half - and also that the town-appointed sealer did not have the proper equipment to certify

February 19, 2013

pharmacy scales. She reported that the DLT offered to take over the function at no cost to the town, provided that the Town Council so requested. Mr. Flaherty explained that if the Town Council was interested in reducing the size of local government and improving efficiency, he couldn't think of a better place to start than consolidating this function with the State DLT. He also explained that 22 other Rhode Island municipalities assign this function to the DLT. He said he didn't believe that taxpayers wanted the Town Council to squander their limited time dealing with and overseeing this function. He therefore recommended that the Town Council request the DLT to appoint and oversee a Sealer of Weights and Measures.

Mr. Yazbak believes this will cost small businesses more money. Mr.

Flaherty asked if Mr. Yazbak had information describing the local fee structure. He did not. Mr. Flaherty concluded that we can't be sure how much more, if at all, this would cost local business owners."

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to amend these minutes as noted.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to add that former Town Councilman and former Sealer of Weights and Measures Dan Halloran stated there was a book of fees used at the town level.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to accept the amended minutes of December 17, 2012, January 7, 2013 and January 22, 2013.

Payment of Bills

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 (Mr. Yazbak abstained because one of the vendors is a client) on a roll call vote to approve payment of the following: General Fund - \$260,908.50; Sewer - \$10,657.69; Water - \$1,640.19; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$1,966,425.37.

Resolutions Re: Teacher Contracts and Layoff Notice Deadline

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

unanimously on an aye vote to ask the Town Solicitor to prepare three resolutions comparable to the ones in the packet for the next meeting and that the ones in tonight's packet be received and placed on file.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept the following items listed under the consent agenda: 1.) RI Land & Water Partnership Conservation Summit Invoice; 2.) Budget Committee Minutes for August 30, 2012, January 12, 23 and 30, 2013 & February 6, 2013; 3.) Conservation Commission Minutes for November 13, 2012; 4.) Parks & Recreation Commission Minutes for January 28, 2013; 5.) Sewer Commission Minutes for January 18, February 22, March 21, and May 16, 2012; 6.) Animal Control Monthly Report for January 2013; 7.) NSF&RS Inc. Monthly Incident Report for January 2013; 8.) NS Police Department Monthly Activity Report for January 2013; 9.) NS Municipal Court Monthly Activity Report for January 2013; 10.) Resolution Supporting Acts Deleting the Option of Straight Party Voting from the Town of Burrillville; and 11.) Resolution for Technology Bond from the Town of South Kingstown.

ZONING ORDINANCE AMENDMENT SECTION 6.12 WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVIOUS SURFACES

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this to March 18, 2013.

ANDREWS TERRACE/BRANCH RIVER AREA SEWER PLAN

Mr. Flaherty reviewed events and discussions that have taken place to date with this issue beginning with the Town Council meeting of December 3, 2012.

Mr. Zwolenski questioned if Mr. Flaherty got the sense at the February 11th meeting with RIDEM that they will review this and extend the time line.

February 19, 2013

Mr. Flaherty referenced a letter dated November 21, 2012 that stated failure to come back to the DEM with a reasonable and actionable plan would result in action to be taken by them regarding enforcement. Mr. Flaherty didn't leave the meeting with any commitment but there was definite cooperation.

Ms. Hamilton had the impression that if the town continues to show progress, DEM will continue to work with the town.

The preferred option of the Sewer Commission was Option #2 at a cost of approximately \$3.6 million and that accounts for 69 equivalent dwelling units.

APPOINTMENT OF 2ND ALTERNATE TO PLANNING BOARD

There was no appointment.

APPOINTMENT TO SEWER COMMISSION

There was no appointment.

APPOINTMENT OF 2ND ALTERNATE TO ZONING BOARD

There was no appointment.

COUNCIL LIAISONS

Ms. Alves would like to be the liaison to the school department and the school committee if they can meet at reasonable times.

Mr. Yazbak agreed to work with the police department, the fire department and the finance director.

Mr. Flaherty elected to work with the Town Administrator, the sewer commission, the Redevelopment Agency and the Economic Development Agency.

Mr. McGee will do school and municipal facilities, the public works department and inspections.

Mr. Zwolenski chose to work with planning and zoning.

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

unanimously on an aye vote to adjourn at 9:29 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk