

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MARCH 18, 2013**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **OPEN FORUM**

### **Recognition of Student Achievements**

**Mr. Flaherty offered his congratulations to the High School Boys Basketball team for advancing to the semi-finals of the Rhode Island State Open Championship as a Division III team and to the members of the High School Jazz Ensemble who competed in the 45th Annual Berklee High Jazz Festival. This year they won first place in their division.**

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## **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, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton and Town Solicitor Lombardi were also in attendance.**

## **DISCLAIMER**

**Mr. Flaherty read the following disclaimer: “The Town Council meeting is being filmed by a town volunteer. We appreciate his efforts to allow residents to view these proceedings on local cable. The town is not responsible for the taping.”**

## **PRESENTATION BY FIRE CHIEF JILLSON TO CHARLES MILANO**

**Chief Jillson presented a plaque to Charles Milano commending him for his act of bravery in escorting Mr. and Mrs. Camille Fagnant from their burning home. Mr. Milano also re-entered the building, against the advice of the fire dispatcher, and retrieved the long-time family pet.**

## **WE THE PEOPLE**

**A Council citation was presented to high school teacher Natalie O'Brien recognizing her and her thirty-four freshman students who once again won the Rhode Island "We The People" competition.**

**MOTION by Mr. Yazbak and seconded by Mr. Zwolenski to appropriate \$5,000 out of the contingency fund to assist in defraying the cost for the students to attend the next phase of the competition in Washington, D.C.**

**Mr. Zwolenski and Mr. Yazbak offered a friendly challenge to the school department to match that contribution.**

**Ms. Alves felt there should be a line item in the budget for these types of donations and she also felt there should be a cap. Other groups will be coming forward and asking for donations. To give \$5,000 to each would be difficult.**

**Mr. Yazbak offered to donate \$1,000 if the full \$5,000 was not**

available.

On a roll call vote the MOTION passed 4 to 1 with Ms. Alves voting no.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to take a five-minute recess at 7:18 P.M.

The meeting resumed at 7:24 P.M.

### **TECHNOLOGY UPDATE**

Mr. Eric Butash, Director of Technology for the school department, stated that all upgrades have been completed for the town. He was able to bundle the town's devices in with the school contract language and when purchases were made, they were at a fraction of the cost. Some of the school's software was able to be deployed to the town.

Mr. Flaherty asked if a long-term agreement between the school department and the town was in place. He noted there was a suggestion in the report that someone be designated to assure that proper funding is secured to keep the infrastructure updated and maintained.

Mr. Lindberg offered assistance going forward if the town wants it.

### **AWARD OF BID RE: BOX TRUCK FOR SCHOOL DEPARTMENT**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to award the bid to Altrui Brothers for the amount of \$44,289.00 based upon the recommendations of the School Facilities Manager, the Superintendent, the Finance Director and the Town Administrator.**

## **REDEVELOPMENT AGENCY**

**Chairman Scott Gibbs was present to establish an open line of communication with the Town Council in regards to the Branch Village redevelopment district. The Redevelopment Agency believes the Branch**

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**Village district has a high potential for success. Passing a new zoning ordinance and amending the zoning map is important but it does not translate into investment. It is very important to create a clear vision for Branch Village and form a compelling reason why this location makes sense from an investment standpoint. Without sewers the town will not be competitive. With revenue streams such as National Grid coming into North Smithfield, Mr. Gibbs suggested taking a portion of that revenue and earmarking it for investment and infrastructure.**

**Mr. Yazbak noted that discussion has already started about sewers in the Branch River area and he wondered if the Redevelopment Agency**

members would be able to offer input to that discussion in the near future.

Mr. Gibbs responded that members had attended a Sewer Commission meeting and made it very clear that they wanted to be a part of the discussion.

Mr. Flaherty stated the Sewer Commission had made a recommendation based on the options provided by Mr. Geremia. The numbers are being updated from at least two years ago. They are looking at a total investment of a little more than \$4 million. Part of the recommendation is to set the assessments in the same general range as those of Phases 1A and 1B with the understanding that the town will be filling in the gap.

Mr. Gibbs added that improvements to the roads in the area are critical.

#### **WATER SUPPLY PROTECTION OVERLAY DISTRICT - 1ST READING**

This ordinance was originally passed on February 4, 2013 but there was some question as to whether the process had been done correctly. Out of an abundance of caution Mr. Lombardi felt it should be reintroduced.

Mr. Flaherty personally thought it was helpful to have a color-coded ordinance so he would know what amendments had been proposed

**by the Planning Board or the Ordinance Development Committee. He wants to get the process resolved within the next few weeks.**

**Mr. Zwolenski was also comfortable with a color-coded ordinance.**

**Mr. Yazbak's concern emanates from the position that only the Town Administrator or the Town Council can propose an ordinance. A document with amendments from different organizations and with different colors presents confusion as to what exactly is being proposed. He does not want a developer to be able to challenge an ordinance because of some issue. Once the sponsor is comfortable, then the Council can go through with amendments.**

**Town Planner Robert Ericson stated it is perfectly legal to have changes in an ordinance that emanate from a public hearing.**

**Mr. Yazbak felt the only proper way is to have one black copy and a second copy with suggested changes. Although there were amendments during a public hearing, there were no formal votes or action taken to amend the first document.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to continue the public hearing to April 1, 2013.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and Ms. Alves,**

**and voted 3 to 2 on a roll call vote (Mr. McGee and Mr. Yazbak voted no) that the text for Section 6.19.6 shall read: “The following uses, except those lawfully maintained pre-existing uses, are specifically prohibited within the Aquifer Water Supply Overlay District absent a special use permit:”**

**In addition, the title of Section 6.19.8 shall be changed to Special Use Permits and the first line shall be changed to “The Special Use Permit Granting Authority under this etc...”**

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**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2 on a roll call vote (Mr. McGee and Mr. Yazbak voted no) to accept the Water Supply Protection Overlay District ordinance, as amended, for a first reading.**

**1ST READING ZONING ORDINANCE AMENDMENT RE: WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVIOUS SURFACES**

**Mr. Ericson noted that Section 20 Definitions was not advertised as Section 20 but it could be included as Section 6.12.5.1.**

**Dr. Caroly Shumway reviewed the ordinance noting that it increases structural setbacks from fifty feet to one hundred feet. Only in the surface water supply basin boundaries for Woonsocket Reservoirs #1**

and #3 will it increase OWTS septic setbacks from one hundred feet to one hundred fifty feet. The ordinance is needed because the state limits were set forty years ago and are not scientifically justifiable. Increasing the setbacks benefits drinking water quality for humans and wildlife. She added that all existing structures and septic systems are grandfathered. Developers who are vested in a master, preliminary or final plan are also grandfathered. Exemptions for small and non-conforming lots as well as those in MU1, MU2 and RS zoning districts are included in the ordinance. The wetland buffer will reduce nitrogen, phosphate and sediment and it will improve wildlife. With assistance from the Planning Board, language was added that was derived from other towns on removal of cesspools. There was language about overturning a cesspool upon sale of a house or by 2016, whichever occurs sooner. The Department of Environmental Management is going to require a complete elimination of cesspools by 2020.

Dr. Shumway read letters from Marc Viggiani, Acting Water Division Superintendent for the City of Woonsocket, dated March 12, 2013 and from Russell J. Chateauneuf, Chief of Groundwater and Wetlands Protection, RI Department of Environmental Protection, dated April 13, 2012. Both letters offered support for the ordinance.

Lorraine Joubert, part of the Nonpoint Education for Municipal Officials program, stated she has three major points: 1.) The State regulations have not proven sufficient for protecting wetlands and

managing onsite treatment systems, 2.) Towns are required to adopt more stringent regulations and 3.) These types of regulations have not affected economic development. She added that some ordinances that have been adopted are designed to protect neighboring properties from excess floodwaters.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 5 to 0 on an aye vote to continue the public hearing to April 1, 2013.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to amend Section 20 Definitions to read Section 6.12.5 Definitions.

**MOTION** by Mr. McGee, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to amend the second paragraph of Section 6.12.4 Substandard Systems: Cesspools to read, “ This subsection shall take effect as of January 1, 2020 unless etc.”

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no on procedural grounds) to accept the changes made to the ordinance by the Ordinance Development Committee, the Planning Board as well as those made by the Town Council this evening.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to accept this ordinance as

**amended for a first reading.**

## **CONSENT AGENDA**

**Mr. Yazbak requested that the bills be removed from the consent agenda.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to approve/accept the following: 1.) Council minutes of**

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**February 19 and March 4, 2013; 2.) Monthly Financial Report for February 2013; 3.) Budget Committee minutes of February 13, 18, 19, 20 and 27, & March 6, 2013; 4.) Conservation Commission minutes of January 8, 2013; 5.) Historic District Commission minutes of January 16, 2013; 6.) Parks & Recreation Commission minutes of February 25, 2013; 7.) Personnel Board minutes of January 14 and February 11, 2013; 8.) Animal Control Monthly report for February 2013; 9.) NSF&RS Inc. Monthly Incident report for February 2013; 10.) NS Police Dept. Monthly Activity report for February 2013; 11.) NS Municipal Court Monthly Activity report for February 2013; 12.) Resolution Supporting Acts Deleting the Option of Master Lever Voting from the Town of Charlestown; 13.) Resolution Opposing Mandatory Binding Arbitration Legislation for Teacher and School Employee Contracts from the City of Woonsocket; and 14.)**

## **Resolutions Regarding Gun Safety from the Town of Charlestown and the City of Newport.**

### **PAYMENT OF BILLS**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote (Mr. Yazbak recused because he has a client on the vendor list) to approve payment of the following: General Fund - \$224,299.96; Sewer - \$69,693.75; Water - \$2,004.35; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$1,989,217.06 based upon the recommendations of the Finance Director and the Town Administrator.**

### **OUTSOURCING REWRITE OF SEWER ORDINANCE**

**Ms. Hamilton met with Sewer Administrator Jim Wilcox, Sewer Superintendent Russell Carpenter and Diane Johnson of ASRWWA and will meet again on Wednesday. Ms. Johnson will be submitting her recommendations within thirty days.**

**ASRWWA is an association of water and wastewater professionals to which the town belongs. Because of the town's membership, it is entitled to technical assistance. The recommendations will be presented to the Sewer Commission first; they will review and then make their recommendations to the Town Council.**

### **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.**

## **EASEMENT FOR LAURELWOOD WATER BOOSTER PUMP STATION**

**Mr. Lombardi has some concerns regarding this agreement and he would like to discuss it with Mr. Carpenter.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote that, based upon the concerns of the Solicitor, this matter be tabled to a future meeting to afford time for the Solicitor to review the agreement and report back to the Council with his concerns.**

**Mr. Zwolenski would like to have the developer or his attorney appear before the Council.**

## **SOLAR PROJECT PROPOSAL - FRIENERGY**

**Ms. Hamilton had provided a proposal to the Council members. She asked that they look it over because it has a good concept for utilizing existing space near Pomona Street. Company representatives would be willing to come to the April 15th meeting.**

**There appeared to be some discrepancy in the locations so Mr. Zwolenski agreed to hear the proposal when they come to a meeting.**

**RESIGNATION FROM JUVENILE HEARING BOARD - J. PISE**

**MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to receive and place on file the resignation of Jason Pise from the Juvenile Hearing Board. The Clerk was asked to send a letter of appreciation.**

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**APPOINTMENT TO JUVENILE HEARING BOARD**

**This is Ms. Hamilton's appointment and she asked that it be deferred to the next meeting.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:56 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**