

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 6, 2013

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

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.

PRESENTATION TO EMA MEMBER JAMES REILLY

Colonel Branconnier and Major Wojcik of the Emergency Management Agency as well as Town Administrator Hamilton presented a citation and plaque to Sergeant James Reilly honoring his nine years of service to the town as a member of the Emergency Management Agency.

EASEMENT FOR LAURELWOOD WATER BOOSTER PUMP STATION

In 2005/2006 when developer John Boucher approached the town about the Laurelwood development, he was told there was not enough water pressure for the project. He was told he would have to put in a water booster station and the town would take it over and maintain it. Mr. Boucher was also told to put a separate meter in each unit.

There was some confusion as to what exactly was supposed to be voted on this evening, acceptance of the water booster station or an

easement. Mr. Flaherty asked that for the next meeting the proposed easement as well as back up information be included in the packet.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this matter to May 20, 2013.

2ND READING ZONING ORDINANCE AMENDMENT RE: WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVIOUS SURFACES

Ms. Lorraine Joubert of the URI Co-Operative Extension, who has been providing technical assistance on the drafting of this ordinance, reviewed her reasons as to why she felt this ordinance was important.

Dr. Caroly Shumway noted that the Department of Environmental Management and the Woonsocket Water Division support this ordinance.

There was no other discussion.

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

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 adopt this ordinance as a second reading.

It was noted that all changes/amendments made to the ordinance were voted on and approved by the Town Council.

FUNDING FOR FRIENDS OF THE NORTH SMITHFIELD ANIMAL SHELTER

Volunteer Co-Ordinator Nancy Vigneaux and volunteer Cynthia Rondeau spoke requesting funding for an internet connection at the shelter. Although the option of connecting with the highway department was discussed, there was concern about security. They were able to obtain a rate of \$49.99 per month from Cox Communications for two years. There would be no installation charge, no router, and a special condition for the second year of the contract. If no funding is available in the second year, Cox would allow the town to drop the contract.

Discussion followed about how to fund the \$600 needed; should it be a donation or a line item in the budget.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 1 on a roll call vote (Ms. Alves voted no) that the Town Administrator include \$600 for the Friends of the NS Animal Shelter under Grants and Contributions in the next draft of the budget that is provided to the Town Council.

RESOLUTION RE: BUS MONITORS

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

unanimously on a roll call vote to approve the following resolution as presented: “WHEREAS, The State of Rhode Island currently requires bus monitors through an unfunded mandate as part of Rhode Island General Law 16-21-1; and WHEREAS, Providing this service represents a significant expenditure for the North Smithfield School Department (NSSD); and WHEREAS, The State of Rhode Island is the only State in the country with this law; and WHEREAS, Research by the National Highway Traffic Safety Administration show that school children are eight times safer riding in a school bus than with their own parent or guardian to school; NOW, THEREFORE, BE IT RESOLVED, that the North Smithfield Town Council requests that the Rhode Island General Assembly introduce and pass legislation “authorizing the School Committees of the Cities and Towns to utilize bus monitors at their discretion.” BE IT FURTHER RESOLVED that the North Smithfield Town Council requests of our local elected officials their introduction/support of this type of legislation. BE IT FURTHER RESOLVED that the North Smithfield Town Council, realizing the strength of numbers, supports other Town and City Councils and School Committees throughout the State making the same request of our legislature. BE IT FURTHER RESOLVED that a copy of this resolution be sent to the North Smithfield School Committee, the North Smithfield Budget Committee, the local legislative delegation, the Rhode Island League of Cities and Towns and to every town and city council in the state.”

Mr. Zwolenski supported bus monitors for the youngest students.

USE OF ROCK SALT/ICE MELT

Mr. McGee has noticed big chunks of rock salt on the concrete sidewalks at several town and school buildings. Rock salt should not be used on concrete since it destroys the concrete. He asked if someone could notify the Public Works Director and the School Department that less rock salt usage would be less harmful.

LIAISON FOR PUBLIC SAFETY

Mr. Zwolenski had initially thought a Council liaison for the Department of Transportation might be a good thing but he has since changed his mind about the necessity.

APPOINTMENT OF PLANNING BOARD 2ND ALTERNATE

There was no appointment.

APPOINTMENT TO SEWER COMMISSION

There was no appointment.

APPOINTMENT OF ZONING BOARD 2ND ALTERNATE

There was no appointment.

MOTOR VEHICLE DAMAGE CLAIM - R. CORNELL

Mr. Lombardi noted there are three claims involved in this particular incident that involved a police vehicle and all will be sent to the Trust.

Mr. Robert Cornell, whose vehicle was damaged in the accident, felt the whole process of submitting a claim was flawed and hoped that it could be made simpler.

Ms. Hamilton explained about the process for a municipality, the deductible and how she was trying to avoid having to put a cap on any payment to Mr. Cornell. By combining all three claims Mr. Cornell should be able to get reimbursed the full amount of his claim.

ORDINANCE FOR ACCEPTING SUBDIVISION ROADS

Town Planner Robert Ericson presented an ordinance defining a method of accepting subdivision streets and related public improvements. Streets and public improvements would be deemed to be completed once that determination is made by the Planning Board.

Mr. Zwolenski commented that the town's land development subdivision regulations are very specific regarding concrete sidewalks, granite curbing and underground utilities. The last sentence of the proposed ordinance lists some public improvements that are required. Because not all requirements are listed, Mr. Zwolenski questioned whether the list should be there at all or whether the list should be expanded.

Mr. Ericson had included wording of "not limited to" because if there is a list, some items may be left off inadvertently.

Mr. Zwolenski suggested eliminating the last sentence.

Mr. Yazbak felt that the ordinance should include that the Planning Board determines completion of the acceptance of streets and related public improvements.

Mr. Flaherty noted that there are long-term costs associated with these decisions.

PUBLIC FACILITIES ADVISORY COMMITTEE

Mr. Flaherty introduced his ideas for establishing a Public Facilities Advisory Committee to determine the best use of all town-owned facilities, a capital improvement strategy and a method for funding suggested improvements. He proposed a short-term task force of approximately 20 members that would subsequently offer three options for each space from which the Town Council could choose.

Mr. Yazbak suggested limiting the membership number to a smaller group and to people who would have expertise and skills in certain fields. Although it may be a smaller group, they could certainly reach out to the various committees for input. He also thought road improvements should be considered.

A lengthy discussion followed on membership.

Mr. Flaherty believed that some professional services would be

necessary and money should be put in the budget for that.

Mr. Michael Rapko added there are deed restrictions on Kendall-Dean School that need to be investigated.

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

AMENDMENTS TO TOWN COUNCIL RULES OF ORDER

Mr. Flaherty proposed several rules for zoning ordinance amendments in order to clarify the process. (other than emergency amendments)

The second bullet states that anyone can submit a zoning amendment pursuant to RIGL §45-24-51. Both Mr. Zwolenski and Mr. Yazbak felt this should be more defined as to who “anyone” is.

Mr. Ericson stated that this opens up the process for investors in the town, yet regulations and the submission process has to be followed.

Mr. Yazbak questioned the seventh bullet which states, “A zoning ordinance amendment may modify an existing section. In that case deletions shall be indicated with strike-throughs or additions indicated with colored text and corresponding legend to indicate the source(s) of the proposed amendment.” He believes that once an ordinance is advertised and is before the Council for action, the only

way the ordinance should be changed is through Council action of voting on an amendment. There have been different colors in the ordinance indicating proposed changes from various people or groups that can be very confusing.

Mr. Ericson commented that an ordinance is presented with strikethroughs and red text and that is considered the document of record and remains as the document of record throughout the process. Once the Council votes on a change, it is included in the next document in black and white text.

Mr. Flaherty recommended adding a footer with the name of who proposed an amendment and the date.

Mr. Yazbak suggested perhaps just putting the paragraphs or sections that are being changed in the packets rather than the entire ordinance each time.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to strike the last sentence of the second bullet.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to add an additional bullet point after the eighth bullet that will read, "In all cases the current document of record will be provided and so noted on the document."

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and Mr. McGee, and voted unanimously on an aye vote to edit the sixth bullet point to read: “The Planning Board reviews for consistency with the Comprehensive Plan. Within 45 days the Planning Board sends the Town Council a report stating the findings for its decision.”

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt all of the proposed process rules for zoning ordinance amendments as amended as an addendum to the Town Council Rules of Order.

RESOLUTION RE: RHODE ISLAND ENERGY CHALLENGE

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adopt the following resolution: “WHEREAS, the Town of North Smithfield and its residents are interested in controlling energy costs and reducing the energy use by homes and businesses across our community; and WHEREAS, Energy efficiency and conservation measures are proven ways to reduce energy use and lower utility bills; and WHEREAS, SmartPower, a not-for-profit entity, is launching the Rhode Island Energy Challenge in partnership with National Grid to encourage residents to Find Your Four by taking four actions to reduce energy use in their homes; and WHEREAS, The Town of North Smithfield has endorsed the goals of the Rhode Island Energy Challenge; and WHEREAS, The Town of North Smithfield desires to earn the

designation of a Rhode Island Energy Champion by having 5% of residents participate in the Challenge; and WHEREAS, The Town of North Smithfield will promote the Rhode Island Energy Challenge, including participating in joint outreach opportunities, such as generating press releases, posting information on the Town's website; providing cable access information, ensuring Town officials' attendance at promotional events, assisting with signage placement and other joint outreach efforts; and WHEREAS, The Town of North Smithfield will designate a person to coordinate communications activities with SmartPower and the Rhode Island Energy Challenge. NOW THEREFORE BE IT RESOLVED that the Town of North Smithfield commits to meeting the goals of the Rhode Island Energy Challenge, being 5% of residents participating in the Challenge, in order to earn the designation as a Rhode Island Energy Champion and receive a demonstration solar system for a designated Town school; and RESOLVED that the Town of North Smithfield shall encourage all businesses, institutions and households within the Town to promote energy efficiency in our community by participating in the Rhode Island Energy Challenge."

U.S. EDA GRANT APPLICATION

Mr. Ericson has prepared an application to the US Economic Development Administration for a \$1.818 million grant mainly for sewers in Branch Village. This would require a fifty percent match from the town should the grant be awarded to North Smithfield and if the town chooses to accept it. This commitment can be substituted

with the Clean Water Act.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to take a three-minute recess at 9:43 P.M.

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to resume the meeting at 9:46 P.M.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve the commitment of funds necessary to apply for the US EDA grant.

This does not obligate the town to accept the award if granted.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:47 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk