

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

DECEMBER 2, 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 Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Ms. Alves arrived a little later. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

ZONING ORDINANCE AMENDMENT RE: FENCES, WALLS, AND HEDGES IN RESIDENTIAL DISTRICTS

Because the ordinance had not been advertised in a newspaper, **MOTION** by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to continue this to January 21, 2014.

SILVER PINES SEWER CONCERNS

Mr. Yazbak recused from this discussion.

Mr. Zwolenski was in favor of maintaining and cleaning the lines in this development. Every development has different circumstances with it and there are minutes that the town was to assume the infrastructure for this particular development.

MOTION by Mr. Zwolenski that the Town of North Smithfield maintain those lines should they need to be cleaned/jetted with the

understanding to those residents that, if in the process of cleaning/jetting something breaks, the Town is not responsible for any repair work. There was no second.

Town Solicitor Lombardi had been asked to review the situation and give an opinion. There is an ordinance in place, Section 8-29(k), that states the Town is responsible for repairs and maintenance up to the property line. The owner of the property is responsible for laterals. He does not believe it falls within the ordinance for the Town to clean lines on private property.

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Sewer Superintendent Russell Carpenter questioned where a lateral starts. Silver Pines Drive is not considered a town road.

Mr. Lombardi noted the Town has taken over the pump station so that would now be the extent of the Town's responsibility.

Mr. Carpenter added that there was an agreement between the Town and the developer to take over the pump station because fifteen to twenty houses along Main Street were required to tie into the sewer system.

Mr. McGee felt if the Town cleans the pipe on private property and it

breaks down, it will be the Town's responsibility to dig up the road to repair it. Once that happens, other developers will want the same benefit.

Mr. Zwolenski stated the Town should not be responsible for any breaks in the infrastructure but this goes back to what a previous Council did. He is not worried so much about other condominiums or private developments because town land was not sold to facilitate the purchase and the Town did not put a sewer line in the road for another development. This is a separate case altogether.

Notwithstanding what occurred in the past, Mr. Flaherty feels the Council is obligated to follow the ordinances of the town. Having some kind of understanding that if the Town cleans the pipe and damage occurs, probably requires a whole other legal agreement.

(Ms. Alves arrived at 7:19 P.M.)

Silver Pines resident Joseph DeMayo, while referring to the sewer ordinance, claimed that if you are a condo or townhouse resident and are tied into the sewer system, you should receive the benefits of being tied in. He also referenced Section 8-17.

Because the Town took over the pump station and the Silver Pines residents are tied into that pump station (a public system) the residents should be entitled to some benefits. Mr. DeMayo feels the

town is not enforcing what is written in Council minutes of 2000 and 2001.

EMERGENCY REPAIRS TO BRANCH RIVER PUMP STATION

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve payment of \$5,650, because of the emergency nature, to SPL Electrical Corporation for the pump that is currently off line.

WIRELESS FACILITY ON COMSTOCK ROAD WATER TOWER

Ms. Hamilton stated that GTP has requested a co-location on the Comstock Road water tank. She is hesitant to sign an agreement because she thinks the town may be entitled to some money. Mr. Lombardi is doing research on the matter.

CHARTER REVIEW

Mr. Flaherty spoke of his recommended Charter changes that included: 1.) Adjusting budget submission deadlines and combining/clarifying redundant provisions; 2.) Eliminate reference to \$200k debt limitation cap and replace with a percentage of town budget; 3.) Amend the term of Solicitor and Assistant Solicitor to allow a new Council to solicit candidates and hold interviews; 4.) Allow votes to be taken in executive session provided that they are publicly disclosed as the need for confidentiality has expired; 5.) Add a recall provision for all elected officials; and 6.) Although Article XVI, Section 18 added a paragraph stating that whenever the masculine is

used, it shall be understood that the feminine applies as well, he proposed that all references be changed throughout the Charter.

Mr. Yazbak agreed with a debt limitation cap based upon a percentage of the budget. He also suggested changing from having certain employee positions mandated, making the argument that there may be a Council sometime in the future that may want to regionalize positions.

Mr. Lombardi mentioned a section that states directors have to be removed for cause. He thought the Council may want to look into that

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since often an Administrator has the ability to put his/her own director in.

Ms. Alves would like to see the Budget Committee meet monthly rather than just during the busy time to review financial statements and she also suggested increasing the number of members on the committee.

Mr. Yazbak added that perhaps the Budget Committee could review union contracts and estimate costs associated with them.

Mr. Yazbak's final suggestion is that all union contracts have a public

hearing before adoption or ratification by either the Town Council or the School Committee.

Mr. Zwolenski agreed with many of the proposals brought forth.

**ORDINANCE AMENDMENT RE: SALARIES & WAGES 1ST READING
MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to accept the document presented for a first reading.

The second reading is scheduled for December 16, 2013.

**PURCHASE OF PUBLIC SAFETY COMMUNICATION EQUIPMENT
MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to accept the State Master Price Agreement #3309688 to purchase portable radios, two digital repeaters, GPS software and installation from Cyber Comm for a purchase price of \$57,150.00 based upon the recommendations of the Public Works Director and the Finance Director.

Funding will come from approved capital expenditures from FY 12/13 of \$57,891.00.

DEM GRANT FOR PACHECO PARK

Public Works Director Raymond Pendergast explained that these grants are for fifty percent matching funds. There is a small grant for

up to \$75,000 and a large grant for \$75,000 up to \$400,000. He would like to apply for both. With the smaller grant Mr. Pendergast feels he can renovate the tennis court and basketball court, raise the fencing outside of the boys' baseball field and do a few other minor things that are safety issues. The large grant would be used for the 2001 Master Plan for Pacheco Park. It could include a Junior High School baseball field, a multi-purpose field and possibly a walking trail.

MOTION by Mr. Flaherty, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on a roll call vote to support the submission of the two grants to DEM for Pacheco Park.

APPOINTMENT TO ASSESSOR'S BOARD OF REVIEW

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Sherry Mercurio. This is a three-year term that will expire on December 1, 2016.

APPOINTMENT TO BUDGET COMMITTEE

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reappoint Merredythe Nadeau. This is a three-year term that will expire on December 1, 2016.

APPOINTMENTS TO CONSERVATION COMMISSION

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reappoint Michael Johnson, Paul Soares and Glenn Vario. These are three-year terms that will expire

on December 1, 2016.

APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION

MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted unanimously on a roll call vote to reappoint Scott Lentz. This is a five-year term that will expire on December 1, 2018.

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APPOINTMENTS TO HISTORIC DISTRICT COMMISSION

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to reappoint Elizabeth Martin and Eric Piette. These are three-year terms that will expire on December 1, 2016.

APPOINTMENTS TO JUVENILE HEARING BOARD

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept Ms. Hamilton's reappointment of James Tracy, Jr. This is a three-year term that will expire on December 1, 2016.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Cynthia Lopes and Alicia Curran. These are three-year terms that will expire on December 1,

2016.

APPOINTMENT TO PERSONNEL BOARD

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept Ms. Hamilton's reappointment of Suzanne Bernier. This is a two-year term that will expire on December 1, 2015.

APPOINTMENTS TO PLANNING BOARD

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to reappoint Dean Naylor. This is a five-year term that will expire on December 1, 2018.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to appoint Cynthia Roberts as the 1st Alternate. This is a one-year term that will expire on December 1, 2014.

APPOINTMENT TO PUBLIC SAFETY COMMISSION

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Paul Connolly. This is a three-year term that will expire on December 1, 2016.

APPOINTMENT TO REDEVELOPMENT AGENCY

MOTION by Ms. Alves, seconded by Mr. Yazbak and Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Joseph Freitas,

Jr. This is a five-year term that will expire on December 1, 2018.

APPOINTMENT TO SEWER COMMISSION

MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to reappoint John Winkleman, Jr. This is a five-year term that will expire on December 1, 2018.

APPOINTMENTS TO ZONING BOARD

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Scott Martin. This is a five-year term that will expire on December 1, 2018.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to reappoint Vincent Marcantonio, Sr. as the 1st Alternate.

EXECUTIVE SESSION

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to enter into executive session at 8:40 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 1.) Kaczorowski vs Town of North Smithfield and 2.) Valley Alliance for Smart Growth, Inc. vs Town of North Smithfield (before Zoning Board of Appeal).

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

and voted unanimously on a roll call vote to come out of executive session at 9:10 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:10 P.M.

Respectfully submitted,