

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 21, 2014**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **OPEN FORUM**

**Mr. George Hemond of 18 Eaton Street explained why he had resigned from the School Committee and that he was relocating to Texas. He explained that the letters that were written to the press were misinformed and misinterpreted information and that is what has made his decision to resign. He also clarified and explained why the 15 percent increase in the school department budget and that did not come from the Superintendent, they are told what to do by the School Committee. He suggests for the future to sit down and negotiate with the teachers to reduce the school department budget.**

**Mr. Michael Clifford of 489 Black Plain Road asked the town council if they can put this on the next agenda the Administrator's salary increase which has to be done prior to the election. The Budget Committee is still working on the budget and they don't have a number as of yet and that has to be set by the town council and if they could place it on the next meeting, then that would help them to put a number in the budget.**

**Mr. Zwolenski has received phone calls regarding tractor trailer traffic going onto Old Smithfield Road that goes over the culvert to the Woonsocket water system and wanted to inform everyone that they**

are looking at this and is placed on the May 5th agenda and will be discussing at that meeting and posting weight limits.

Mr. Flaherty commented that they are trying to put it on the May 5th meeting and if not it will be on the second meeting in the month of May.

## **REGULAR MEETING**

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 was not present because she wasn't able to leave Boston due to the marathon and she works in Boston. Also present were Town Administrator Hamilton and Town Solicitor Lombardi.

## **SWEARING-IN OF NORTH SMITHFIELD EMERGENCY MANAGEMENT AGENCY MEMBERS**

Mr. Flaherty read what the EMA does for the Town of North Smithfield and what their responsibilities are and what their motto is. Their motto is "Always ready, always there. Their mission statement is: Is to protect lives and property when major emergencies threaten public safety in North Smithfield. The North Smithfield Emergency Management Agency works towards this coordination of effective town response to two types of disasters, natural and manmade. Natural disasters are major storms, like snow and hurricanes, tornados, flooding and severe weather extremes, earthquakes and so

forth. Manmade disasters can be technical disasters including hazardous material incidents, nuclear, biological or radiological or cyber terrorism. As a local homeland security agency they plan with dealing with and responding to terror and threats foreign or homegrown. The EMA has 21 active volunteer members and nearly all of them are Red Cross certified in CPR and basic first aid as well as traffic control. Some members are licensed as amateur radio operators and thanks to a trainer in town. Most have completed an emergency response training and many have completed such training such as the use of gas masks, search and rescue and crowd control.”

He expressed that this is something that they hope they don't need to use but take great comfort that if those things do occur, that there are an entire team of people who have been adequately trained. He wants to express his appreciation on behalf of the entire town.

Mr. Peter Branconnier, of the North Smithfield Director for the EMA along with Mr. Armand Randolph of the RI Emergency Management Agency thanked the volunteers for their service and swore in the officers and had the Town Administrator hand out promotion badges and Certificate of Appointments to the members. The two promotions were for Mr. Michael Monteiro from Corporal to Sergeant and Mr. Jay Levenson from Lieutenant to Captain. He also named two people who have been exemplary as far as emergency management goes, this past year and awarded them Officer of the Year. They were for Mr. Jay Levenson, and Mr. Michael Cote. The town participates in the “MEDS” Medical Emergency Distribution System.

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**The Town of North Smithfield received a grade of 96 out of 100. The entire State of RI which was graded, received a grade of 88. The entire Providence County received a grade of 85 and contributes all the work to Mr. Cote who has done a lot of work in developing the “MEDS” program. It was with co-operation with the Police, Fire, School and Public Works Departments and EMS. The town offered a large number of inoculations for a number of issues in January of this year. Mr. Cote was awarded the 2014 Officer of the Year. Mr. Levenson handled the “CERT” Community Emergency Response Team. He is the Program Manager and has taught a number of classes. The purpose is to train neighbors to help neighbors in case of an emergency. Mr. Branconnier continued to say that this is a program that is continuing and will continue as long as funding is available and Mr. Levenson has been named Officer of the Year for 2013 and both individuals were congratulated by all.**

**Mrs. Hamilton expressed her appreciation for their efforts and service and thanked them.**

**Mr. Flaherty proposed to move Item IX Action on Water Billing Issues at Silver Pines Development under New Business up on the agenda.**

**ACTION ON WATER BILLING ISSUES AT SILVER PINES DEVELOPMENT**

**Mr. Yazbak recused himself from the Silver Pines discussion due to a conflict of interest.**

**Mr. Zwolenski explained that there has been ongoing discussion regarding Silver Pines since 2011 and are looking for direction and finalization for the water billing, meter and usage.**

**Mr. Joseph DeMayo of 62 Alpine Way is representing the Board for Silver Pines about their water bill. Mr. DeMayo read a motion made on May 9 2011 from a town council meeting with the “Motion made by Mr. Zwolenski, seconded by Ms. Charest and voted unanimously on a aye vote to do a thorough review of everything that deals with everything from Silver Pines from 2000 to present including all of the contingencies and to go line by line and to identify what was agreed to and what is remaining”. He asked in a public forum, if that had been done.**

**Mr. Zwolenski responded by stating not to his knowledge. He doesn't think a line by line review has been done.**

**Mr. DeMayo explained that they are against how their rate is being charged. They are not against the water usage. The question is the meter fee. Mr. DeMayo handed out a chart to all council members and explained his handwritten chart and how it is currently being read. They are billed for the two meters; an 8 inch and a 2 inch meter and they pay whatever the charge is. They have asked several times for a**

rate schedule and how they charge their customer for utilities. The City of Woonsocket is who sells them the water. A service charge is a charge for maintenance and upkeep. The quarterly charge is based on meter size and is charged to all customers. They have asked for a rate schedule and sent e-mails on January 10 and 13 and has had no response. They have stopped paying for first and second quarter of this year for the 61 unit charge. He explained that in 2007 they went on Woonsocket water and started receiving bills. The meter charge is removed from the bill and this goes to a maintenance fee in June, September and November 2011. He was questioning if it is a meter fee and goes to a maintenance fee. He stated that is how the Silver Pines was built with only two meters. They have one meter for residential and one meter for fire. And they pay the service charge which entitles the user for maintenance of lines, chemicals and anything throughout the system that delivers water to their homes.

Mr. McGee asked what his question is.

Mr. DeMayo stated that they did not pay the additional unit fees multiplied by 61 units and for which they are being charged for since 2007. He stated that it is a meter charge. They are paying for their meter charge.

Mr. McGee asked if they are being billed for 61 meters.

Mr. DeMayo replied yes for additional 61 meters.

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**Ms. Hamilton stated that Mr. Carpenter wasn't present because of beginning the process of hydrant flushing which is from 8:00 p.m. until 3:00 a.m. and he couldn't be present. She indicated that they just received notice that they were going to be on the agenda. She suggested having them revisit this item at the next May 5th town council meeting. Another suggestion would be to agree to put individual meters in.**

**Mr. Flaherty stated that it would be very difficult to add them to the May 5th agenda. His preference is to see Silver Pines and the administration to work out a reasonable solution and bring it before the town council for ratification.**

**Ms. Hamilton stated that they sent Mr. DeMayo a letter after he had sent an e-mail to her and Mr. Zwolenski back in March that provided him with two scenarios and asked him which one he wanted. One was to remove the residential additional units from the accounts of installing meters. She read directly from the letter stating that the meter units have a total cost of \$200.00 each, multiply by 62 units for a total cost of \$12,400.00. Each unit would be billed at \$40.00 multiplied by four quarters and multiplied by 62 units which would be a total of \$9,920.00 and the account for the fire supply meter and the consumption amounts would be true reads as opposed to now because of having only the two meters which are averaged out and**

**some units may consume more than other units. The second option is leaving the residential unit fee as is and presently it is one unit for \$40.00 multiplied four quarters equaling to \$160.00 and multiplied by 61 additional units for a total cost of \$8,235.00 and a savings for Silver Pines would be \$1,525.00. The additional unit fee is necessary for maintenance of the entire system. She stated that they will do whatever is convenient for them.**

**Mr. Flaherty doesn't feel that the town council is the right body to come to for a solution on how to get this resolved effectively. He has suggested different approaches and mediation is another option. He prefers having a proposal brought forward from Silver Pines and with the administration's support.**

**Mr. DeMayo stated that when they moved there they did not know they did not have separate meters. He stated that the town and the developer decided to put in only one meter and he doesn't know why. He doesn't think that Silver Pines residents are going to spend what the administration is asking them to do. If the town wants to install separate meters, it would be at the town's expense for labor and material. He stated that the water ends at the meter which is on Main Street and after they read that meter, it is one property. This was something that the Town Solicitor has said regarding the sewer and also the water ends on Main Street and questions why they are being charged for 61 additional unit fees.**

**Mr. Zwolenski asked if the resident's at Silver Pines want a separate meter or do they want to continue to pay the user fee for their residence.**

**Mr. Alan Nelson of 21 Silver Pines commented and gave his opinion that he would like to have a separate meter for safety purposes and be billed appropriately. He sees a common problem with individual meters with the water piping for the irrigation, it would probably need its own meter and also back flow prevention. And this was probably cheaper for the developer with having to pay all of the fees and he escaped the initial costs of all these meters.**

**Mr. McGee commented that the backflow preventers are always put in by the homeowner. He explained that they would come in and the town would put in the meter and the homeowner is responsible for backflow, expansion and the tanks.**

**Mr. Nelson wouldn't mind paying for it but suggested asking the developer to help and contribute some money with the cost on their behalf.**

**Mr. McGee asked where does the mutual water come from.**

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**Mr. DeMayo stated it comes from the 8 inch line. He explained it reads the meters and goes from the backflow for irrigation. There is five backflows and it goes into the property and they pay for all of the work.**

**Ms. Hamilton stated that Mr. Carpenter told her today that they would need two meters for that.**

**Mr. John Quirk of 38 Alpine Way and a Board member feel that they were overtaxed and that they paid for something that did not exist. He commented that they were taxed without representation and that they had no control over how the development was built. He would be happy to sit down and negotiate a price for being overcharged for several years but not happy to pay additional money and to be overtaxed for seven years. He stated that in his opinion and being part of the Board that if they cannot come to an agreement that they will find other means to come to an agreement.**

**Mr. Willett Richter of 31 Alpine Way commented about the letters mentioned and that there would be some type of fee associated with each unit and he is trying to understand of what that fee actually represents. As what Mr. DeMayo had said it used to be a meter fee and now it is called a maintenance fee. He asked about the meter or maintenance fee and what are those funds actually being used for. He recommends that there should be some type of study of analysis as part of the town that would describe to them of what that charge is.**

**Mr. Flaherty stated that they do not have the information and feels that at this level of detail is what the council ought to be deliberating. He suggests again that the administration work directly with the Silver Pines Condo Association and speaking on behalf and representing all of the owners and present a proposal to the town council so they can ratify.**

**Mr. McGee offered his time to work with Mr. DeMayo and Ms. Hamilton to get together since he has an understanding of all of what they are talking about. His question is what they are calling the fee, asking is it a service charge.**

**Ms. Hamilton stated that the additional unit fee is necessary maintenance of the entire system to include pipes, valves, water tanks, testing and chemicals which she had read earlier. She stated she will sit down with members from the Silver Pines Board to include Mr. McGee to meet with them and spell everything out and decide what is best.**

**All Silver Pines Board and Town Council members are in agreement to wanting to know where that fee is coming from.**

**Mr. DeMayo stated that there was no communication between the Board and the residents and explained that is the reason why they are at tonight's meeting and the letter that was sent to him from the town**

**administrator was given to the Board and the Board was placed on tonight's agenda to speak about the water issues. He reiterated that the fees are based on the meter.**

**Mr. Flaherty suggested the next step, is to have a meeting at the Town Hall with the Town Administrator, Water Superintendent, the Solicitor which he'll be able to interpret the rules and regulations and work towards having the administration and the homeowners association comes forward to the town council with an acceptable proposal.**

**Mr. DeMayo would like to have all Silver Pines Board members, the administration and the Town Council resolve these issues and discuss this matter in a public session.**

**Mr. Flaherty stated that he doesn't agree and that the administration and the Board need to resolve an acceptable proposal to bring to the town council. He stated that it isn't the town council who is going to shape and develop the proposal.**

**Mr. Zwolenski suggested having a meeting on a Saturday and have a workshop then.**

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**Mr. Flaherty suggested taking advantage of a mediation service and**

**which is through the Mediation Service of RI.**

**Mr. McGee is in agreement with Mr. DeMayo and has volunteered to be part of those meetings and understands his issues and sit down with everyone and solve these problems. If an agreement isn't worked out then look into a mediation service and feels that they can do that.**

**Mr. Flaherty asked for a timeframe to all meet and everyone was in agreement to meet on the day of May 5th in the town administrator's office.**

**Ms. Hamilton suggested having them provide her with two to three dates and at that time they can determine of when they can all get together.**

**Mr. Quirk asked that at the meeting to do the research for what services that can be provided and the cost of those services where they charge for seven years for 62 additional units and should be able to show them of what services the Town of North Smithfield provided for that charge that was applied to Silver Pines Condominium.**

**Mr. Flaherty suggested that when Mr. DeMayo communicates to Ms. Hamilton the recommended dates for the meeting, to ask at that time to include any base material he believes needs to be present at the meeting and identify those items such as what Mr. Quirk has**

identified and include that in the request so when they have the meeting the information they request is there.

## **PRESENTATION ON 5K RUN/WALK – NORTH SMITHFIELD ATHLETIC ASSOCIATION**

**Mr. Tony Guertin of 8 Country Way, Vice President of the North Smithfield Athletic Association addressed the upcoming 5K run/walk on Saturday morning May 31st starting from 9:00 A.M. until 10:00 A.M. that will be supported by the town's local police and fire services and the area grounds near North Smithfield High School as far as closing the roads in the area from North Smithfield High School, Greenville Road, Grange Road and Providence Pike and adjoining areas for approximately one half hour at a stretch. They will be sending out notifications ahead of time and will get all of the names and addresses in the area of the road closures and let them know that in the second week of May (approximately 3 weeks beforehand) they will send out a postcard to everyone in the area informing them what area roads will be shut down from approximately 8:50 A.M. for half an hour as the race goes through the area. He will also be sending out an e-mail from his distribution listing and will request from the town administrator to also send out notification from her distribution listing. They will also put up signs around the route letting residents know that there will be a short closure on that day. Mr. Paul Shatraw is looking into getting a electronic signage to place in the vicinity informing residents that the roads will be closed for a short period of time.**

## **CONTINUATION OF PUBLIC HEARING ON PROPOSED CHARTER AMENDMENTS**

**Mr. Clifford spoke on behalf of Article XIV School Department the composition of the school committee; he would like to suggest an alternative to having a full school committee appointed and is not the wishes of the committee. If they take away the right to vote for five people they may be offended by that. His suggestion is to propose and recommend having a seven (7) member school committee, five (5) elected and two (2) appointed, one person appointed by the town administrator and one person appointed by the town council. The number would remain an odd number. He feels that it sets up a better chain of communication and to take a look it as a global issue on the town's behalf as well as the school's behalf. He commented he would want all proposals to go before the voters so the voters can make the decision.**

**Mr. Flaherty stated that these proposals will go before the voters to be adopted.**

**Mr. Zwolenski thanked Mr. Clifford and commented that hopefully that there will be more participation at the meetings and feels it has a lot of merit.**

**Mr. Robert Boucher of 32 Woonsocket Hill Road stated that his preference would be to have a fully appointed school board by the**

**town**

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**administrator ratified by the town council. He is in agreement with having seven (7) members. He feels that due to the lack of transparency and accountability from the school committee that the taxpayers are at the end of their ropes and whatever financial gains coming from the Dowling Village developments that are coming into town, thinking that the school department is sucking the money from the town. What he would also like to see that the town has full responsibility for all of the buildings in town and the school committee deal with the policy and feels that the town is in control of the checkbook, they should be in control of the fiscal situations of the school department.**

**MOTION by Mr. McGee, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote to close the public hearing for proposed charter amendments.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to put Article II Elections (Recall Provision) proposed amendment before the voters in the November 2014 election.**

**Mr. Flaherty summarized some of the changes for submission of budget estimates in Article III Financial Provision. The changes are**

**changing submission of estimates from the second Monday in December to the first Monday in February of each fiscal year.**

**Mr. Flaherty referred to Sec. 5. Submission of budget to the council wants to change it from the second Monday in April of each year to the first Monday in June of each year.**

**Mr. Flaherty referred to Sec. 6. Capital budget consideration and changing it from the second Monday in January to the second Monday in November. And the planning board (or the town planner as its designee) shall make its recommendations, in order of priority, (new phrase) to the budget committee by March 1 and changing it from March 1 to February 1.**

**Mr. Flaherty read a letter received from Mr. Stephen Lindberg, Superintendent of Schools dated April 7, 2014 as follows: “The North Smithfield School Committee at its meeting of March 25, 2014 asked that I correspond with you on their behalf in an effort to note its and the School Department’s Administration specific concerns regarding current language contained within the Town Charter as it relates to submission of operating budgets. The Charter currently states in Article III. Financial Provision of the Town, Sec. 2 Submission of estimates: No later than the second Monday in December of each fiscal year, operating budget requests shall be submitted to the Town Administrator by the head of each department, board or other agency whose activities are to be supported in whole or in part by town funds**

during the next fiscal year in accordance with Article VIII of this charter. The School Committee firmly believes this language should be revised. Its recommendation is that 'no later than the second Monday in December of each fiscal year' is changed to 'no earlier than mid-March of each fiscal year...' The Committee feels that this time frame will allow for more financially-sound recommendations for its proposed budget to be made. Should you wish to discuss further, please feel free to contact me. The Committee thanks you for considering its input on this matter."

Mr. Clifford commented that the 80% of their budget is salaries and benefits and of the 20% of their budget is variable and part of their control and that represents \$5M out of the \$25M budget. He feels that there will be a hardship to go with the February 1 meeting date as opposed to the late March date and suggests trying this out for a couple of years. He commented that when he sat with Ms. Alves the budget committee kept the review times that is currently in the Charter now.

**MOTION** by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote amending Article III Financial Provisions Of The Town, Sec. 2. Submission of estimates moving it from the second Monday in December of each fiscal year to the first Monday in February of each fiscal year and under Sec. 5. Submission of budget to the

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**council amending and moving it from the second Monday in April of each year to the first Monday in June of each year.**

**There was some discussion on Sec. 6 Capital budget consideration.**

**Mr. Yazbak asked why is the planning board requesting so much more time when everyone else is condensing time and requests to ask the Planner.**

**Mr. Ericson stated that it isn't a problem for them, what the problem is when the Planning Board makes a decision and then there other things that come in.**

**Mr. Clifford stated that the purpose of moving the capital budget cycle beginning in November was if they were moving the operating budget back later and maybe they can flip flop and address the capital budget while they didn't have the operating budgets in front of them if they started earlier in November. He thought after the discussions they had that in the next year working with the Planning Board when they were reviewing the capital budgets and having some joint meetings with them. To hand them in in November was to simply allow the budget committee during the downtime to review and work with the Planning Board on the capital budget.**

**Mr. Yazbak feels that the procedure in that manner would work if they used a five (5) year capital budget implementation tool but they don't as far as he can tell.**

**Mr. Flaherty is in agreement that they should be moving in the direction of the true five (5) year capital budget and feels that all of their timeframes ought to support that as opposed doing a different timeframe and recognize they should be doing the capital like they should be doing and he would rather set the standard and try to get the five (5) year.**

**Mr. Clifford feels that it is the operating budget that really needs to be addressed.**

**Mr. Flaherty commented that if they don't make it a mandate today that he doesn't think it isn't going to happen.**

**Mr. Ericson stated that a capital budget is a gain. He suggested that finance has to come up with a four or five page definition of what everything is and how it works because he feels that no one is going to be trained correctly if the finance department doesn't have their own set of rules. He is in agreement for them to go to a five (5) year budget and now they have to understand how the capital budget interacts with the operating budget because they may not be able to afford what they think should be in the capital budget.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to keep Sec. 6 Capital Budget consideration the same as it currently is.**

**Mr. Flaherty referred to Article IV Town Council, Sec. 8 (23) to read as follows: “The Town Council shall have the authority to ratify all collective bargaining agreements negotiated for the Town, including all collective bargaining agreements under School Committee jurisdiction, after a public hearing.”**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote for passage to Article IV Town Council, Sec. 8 Powers (23) as follows: The Town Council shall have the authority to ratify all collective bargaining agreements negotiated for the Town, including all collective bargaining agreements under School Committee jurisdiction, after a public hearing.**

**Mr. Flaherty referred to Article IV Town Council, Sec. 8 Powers (24) to read as follows: “No Department, agency, board or commission of the Town, including the School Department, shall modify the health, retirement and pension benefit programs of its employees resulting in increased costs or expenditure to the town without prior approval of the Town Council. Approval shall be by a vote of the Town Council. A minimum of four (4) affirmative votes is required to approve**

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**modification(s). Modifications made by the providers of the health, retirement and pension plans do not require approval of the Town Council.”**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski to vote for passage for Article IV Town Council, Sec. 8 Powers (24) with discussion.**

**Mr. Flaherty asked about having a minimum of four affirmative votes to approve versus having a majority.**

**Mr. Yazbak stated that it had come from Burrillville’s charter.**

**Mr. Clifford thinks that Burrillville has seven (7) town council members.**

**MOTION withdrawn by Mr. Yazbak, second withdrawn by Mr. Zwolenski for Article IV Town Council, Sec. 8 Powers (24).**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted 4 to 0 on a roll call vote to amend for passage Article IV Town Council, Sec. 8 Powers (24) No Department, agency, board or commission of the Town, including the School Department, shall modify the health, retirement and pension benefit programs of its employees resulting in increased costs or expenditure to the town without prior approval of the Town Council. Approval shall be by a vote of the Town Council.**

**A minimum of three (3) affirmative votes is required to approve modifications(s). Modifications made by the providers of the health, retirement and pension plans do not require approval of the Town Council.**

**Mr. Flaherty referred to Article IV Town Council, Sec. 9. Procedures (3) Publication of Ordinance was proposed by the town clerk as follows: “After passage there shall be published within (was five) changing to fifteen days in a newspaper with general circulation in the town, a notice describing the ordinance in brief and general terms and within the same period the entire ordinance shall be made available for public inspection in the office of the town clerk.”**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted on a 4 to 0 roll call vote to approve and present to the tax payers Article IV Town Council, Sec. 9. Procedures (3) Publication of Ordinance: After passage there shall be published within fifteen days in a newspaper with general circulation in the town, a notice describing the ordinance in brief and general terms and within the same period the entire ordinance shall be made available for public inspection in the office of the town clerk.**

**Mr. Flaherty referred to Article X Department of Public Works Sec. 2 Powers and duties to read as follows: “The department of public works shall provide but not be limited to providing the functions and services of the town relating to streets, highways, sidewalks, bridges,**

**watercourses, street lighting and storm sewers; for the collection and disposal of garbage and other refuse; for the construction, maintenance, repair and operation of all public buildings and properties other than those of the including the school and plumbing permits for public buildings and properties” which was suggested by Mr. Pendergast. And under section (4) Parks and recreation division: This division shall be responsible for the operation and management of public parks and other recreational properties and equipment within the town, except those under the jurisdiction of including the school department.**

**There was much discussion among council members.**

**Mr. Yazbak’s concern is would they get the funding and feels that it would not be a good idea.**

**Ms. Hamilton indicated that this would be the first steps for consolidation due to past discussions about consolidating both the town and school.**

**Mr. Clifford thinks there is a section in the Charter that refers to the highway department doing things like that for the school department**

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**which specifically says subject to reimbursement for services by the**

**school department to the town.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted on a 4 to 0 roll call vote to reject the changes to go before the voters on Article X Department of Public Works, Sec. 2, Powers and duties and (4) Parks and recreation division to keep the language as is.**

**Town Solicitor Lombardi informed council members that Non-Union Employees employed “at will” is a new section under Article XIII Sec. 15 and is listed under the Personnel Board.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted on a 4 to 0 roll call vote to accept and to put before the voters to include a new section on Article XIII Sec. 15 Non-Union Employees employed “at will” listed under The Personnel Board to read as follows:  
“Department Heads and Non-Unionized Town employees are employees “at will”. A new or re-elected Town Administrator will have the ability to retain or remove any Department Head or non-unionized Town employee (other than School Department employees) within 3 months of taking office. All Department Heads and Non-Union employees will be in “acting” status until notified that they will be retained, reassigned, terminated or laid off within this three month period. After 3 months, if the Town Council adopts a budget that requires the elimination of a position, a consolidation of Departments, or sections of a Department, or a reduction in the workforce for any reason whatsoever, Department Heads and**

**Non-unionized employees can be laid off, reassigned, or terminated in order to meet adopted budgetary limitations imposed by the Town Council. This section will take priority over other Charter provisions to the contrary or that conflict.”**

**And accepted and to put before the voters is to include a new section on Article VIII, listed under Sec 9 Finance, Budget Committee Review Required for all negotiated Union Contracts “After preliminary agreement between the Administration and any Union or the School Department and any Union and prior to the Contract going in front of the Town Council for a ratification vote, the Budget Committee will review all negotiated union contracts and verify the Administration’s or School Department’s calculations as to the increased costs and/or burdens (or the decreased costs and/or benefits, if applicable) and report their findings to the Town Council in written format at least one week in advance of a Public Hearing on the proposed union contract.”**

**Mr. Flaherty referred to Article XIV School Department Sec. 1 Membership; term and made a correction that the regular biennial election in odd-numbered years and stated that Elections are no longer in odd-numbered years.**

**Mr. Zwolenski read the proposed changing there shall be a school committee consisting of seven members, five of whom shall be elected at large at the regular biennial elections.**

**Mr. Clifford suggested having the solicitor review the language on these before going before the voters.**

**Mr. Lombardi was planning on writing the ballot questions and that it wasn't an issue.**

**Mr. Flaherty's concern was that if they already took action for this to go before the voters are they doing everything they can to catch an error.**

**Mr. Lombardi stated that if they wanted him to make clerical changes or changes that may conflict with other sections then a separate vote can be taken at that time.**

**Mr. Yazbak doesn't want to take away the electorates votes to have votes for all five members of the school committee and now they have a recall provision that is going on the ballot.**

**Mr. Ericson commented that in Rhode Island, you cannot elect a Planning Board.**

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**Mr. Zwolenski agreed with Mr. Yazbak to let the voters decide.**

**MOTION by Mr. Zwolenski, there was no second.**

**There**

shall be a school committee consisting of seven members, five of whom shall be elected at large at the regular biennial election in even-numbered years to serve for a term of four years co-terminus with the Town Council and until his successor is elected and qualified. Two members shall be appointed, one by the Town Administrator, one by the Town Council. If the appointed member selected by the Town Administrator resigns, the Town Administrator shall appoint a replacement to serve the balance of the term. If the appointed member selected by the Town Council resigns, the Town Council shall appoint a replacement to serve the balance of the term.

Mr. Flaherty commented that the town clerk researched this and they don't have to have legislation for these to go on the referendum that they need to get the language in by August and wants to table to the next meeting.

Mr. Yazbak thinks that it has to go before the legislature to approve the ballot and then it can go before the Secretary of State. He thinks it has to be turned in by June.

Mr. Flaherty stated that Rep. Newberry said they only need to go before the General Assembly for bond questions but for charter amendment proposals it didn't need to go to the General Assembly. He wants this to be tabled until the next meeting for further discussion.

**Mr. Lombardi will double check if this has to go before the General Assembly.**

**Mr. Yazbak stated the question; Can the Town of North Smithfield put before the voters various questions to amend their charter. He stated that can be introduced and past right now. It is the content that needs to be determined before August.**

**Mr. Clifford asked if the solicitor can research this if they can legally appoint two members and five elected.**

**Mr. Lombardi stated he will research this if they can legally appoint two members and five elected.**

**Mr. Flaherty referred to Article IV Town Council, Sec. 11 Probate Court and proposing the word shall and replacing the word to may as it relates to department directors etc.**

**Ms. Hamilton feels that it does take away from the jurisdiction of who ever is the administrator. Because the town council may override if the administrator may feel the need of a position and the town council may not and the way it was written would be arbitrary.**

**Mr. Yazbak stated that the only way that the town council can do that is to take away funding.**

**Ms. Hamilton stated that it is a very small consolidation effort and thinking long term.**

**Mr. Flaherty feels that there are risks on both sides.**

**Mr. Ericson commented that they are creating a situation where they are going to pay a premium on the next person who is going to come in. He stated that the premium might be the better way to go in the short haul and he agrees that a lot of these things are going to have to be done in the short haul and that there may be a tradeoff.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski with discussion to move for passage as presented.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote for passage as presented changing the word shall to may on the following Articles: Article IV Town Council Sec. 11 Probate Court; Article VI Town Solicitor Sec. 1. Appointment; Article VI ½ School Department Solicitor Sec. 1. Appointment; Article VII**

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**Department of Finance Sec. 1. Organization, Sec. 2. Director of Finance, Sec. 4. Tax Assessors, Sec. 5. Board of assessment review; Article IX Town Clerk, Sec. 1. Selection and term; Article X Department of Public Works, Sec. 1. Organization, Sec. 2. Powers and**

**duties; Article XI Director of Public Safety Sec. 2. Police department, Sec. 4. Inspection division; Article XV Other Offices and Commissions, Sec. 1. Town sergeant, Sec. 2. Auctioneer, Sec. 3. Sealer of weights and measures, Sec. 4. Emergency Management Agency, Sec. 5. Department of Public Welfare, Sec. 6. Housing authority, and Sec. 8. Conservation commission.**

**Mr. Flaherty referred to Article VI Town Solicitor, Sec. 1 Appointment. He explained the change occurred because of an issue when the town council was elected and sworn in and they didn't have time to interview candidates for the solicitor's position because they were supposed to make that appointment co-terminus with the town council. The proposed change is "There may be a town solicitor who may be appointed by a majority of the town council to serve co-terminus with the Town Council or until duly replaced by a newly sworn in town council."**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote on Article VI Town Solicitor Sec. 1. Appointment that "There may be a town solicitor who may be appointed by a majority of the town council to serve co-terminus with the Town Council or until duly replaced by a newly sworn in town council.**

**Mr. Flaherty referred to Article VII Department of Finance Sec. 2.1. Debt limitation without referendum read as follows: "No bonded**

indebtedness may be incurred pledging the credit of the town in excess of \$200,000.00 unless submitted to a vote of the electors at a general election.” The proposed wording is “No bonded indebtedness may be incurred pledging the credit of the town in excess of an amount equal to 3% of the Town’s budgeted revenue for that fiscal year unless submitted to a vote of the electors at a general election or special election referendum and approved by a majority of electors voting at said election, provided however, that this limit shall not apply to borrowing in anticipation of tax receipts, to be repaid within the same fiscal year.”

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote for passage and to put forth in front of the voters for election on Article VII Department of Finance Sec. 2.1. Debt limitation without referendum that “No bonded indebtedness may be incurred pledging the credit of the town in excess of an amount equal to 3% of the Town’s budgeted revenue for that fiscal year unless submitted to a vote of the electors at a general election or special election referendum and approved by a majority of electors voting at said election, provided however, that this limit shall not apply to borrowing in anticipation of tax receipts, to be repaid within the same fiscal year.”

Mr. Flaherty referred to Article VIII, The Budget. The proposed changes are restricted to Sec. 3 Preparation of the budget to read as follows: These estimates accompanied by a statement of

recommendations from the town administrator shall be presented to the budget committee by the second third Monday in March January. An additional paragraph was added to read as follows: “The Budget Committee may be assigned additional tasks by the Town Council and/or Town Administrator such as: overseeing the development of pro-forma statements by department, monitoring department budgets during the fiscal year, reviewing fiscal impact statements, reviewing audit reports, offering recommendations which could result in savings, and investigating financial practices and policies of other communities which if implemented could benefit the Town.”

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to strike and/or Town Administrator from the paragraph in Article VIII Sec. 3 Preparation of the budget.

Mr. Flaherty referred to Article VIII The Budget under Sec. 4. Procedure for budget committee proposing the following: “The budget committee shall complete its consideration of the budget, including all necessary conferences with the town council, the town administrator,

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department representatives, citizens and private corporations, not later than the first second Monday in June April in each year.”

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to amend Article VIII Sec. 4. Procedure for budget committee to read as follows: “The budget committee shall complete its consideration of the budget, including all necessary conferences with the town council, the town administrator, department representatives, citizens and private corporations, not later than the third Monday in May in each year.”**

**Mr. Flaherty referred to Article VIII The Budget Sec. 5 Budget Format proposing the following: “In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last three completed fiscal years the amounts of such items actually expended during such years.”**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to amend Article VIII The Budget Format to add the word three completed fiscal years the amounts of such items actually expended during such years.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to postpone Article XIV School Department Sec. 1 Membership; Term until Monday May 5th town council meeting.**

**Mr. Flaherty referred to Article XIV School Department, Sec. 5. Powers and duties for (6) Buildings and grounds proposing the following:**

**“The department of public works, at the request of the school committee and with the approval of the town administrator.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to reject the proposed amendment for Article XIV School Department, Sec. 5 Powers and duties for (6) Buildings and grounds.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a roll call vote to allow the town solicitor to make any administrative non-subset ant changes to the proposals that have been approved to be sent to the voters should there be any inconsistencies with other provisions of the Charter.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and Mr. McGee and voted unanimously on an aye vote at 9:52 P.M. to extend the meeting to 10:20 P.M.**

**1st READING OF THE PROPOSED ORDINANCE AMENDMENT RE:  
CHAPTER 6, ARTICLE IV CONVEYANCE OF PROPERTY OWNED BY  
THE TOWN**

**Mr. Ericson explained that you would get fair market value for the property in all cases.**

**Suggested amendments to the ordinance:**

**MOTION by Mr. Zwolenski, referred to 6.30 Manner of sale item B. In the event that the real property is offered for sale by competitive bidding, the sale shall be conducted in substantially the same manner as set forth in Section 6.4 of the North Smithfield Town Code, provided that the Town Council and strike Town Administrator in his or her and replace the word their sole discretion, may reject any bid which they deem inadequate.**

**There was no second.**

**Mr. Zwolenski commented that they are looking for selling town land at the highest price.**

**Mr. Flaherty is recommending this proposed ordinance amendment Re: Chapter 6, Article IV Conveyance of property owned by the town to be a first reading.**

**Mr. Yazbak asked that in Sec. 6.28 Conveyance defined is requesting adding some wording that excludes open space land that is required by Planning and Zoning.**

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**All town council members are in agreement with Mr. Yazbak's suggestion.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted**

**unanimously on a 4 to 0 roll call vote to continue the public hearing and a 2nd reading for discussion by council, vote or other action on the proposed ordinance amendment Re: Chapter 6, Article IV Conveyance of Property owned by the town to May 19th.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to accept the proposed ordinance amendment Re: Chapter 6, Article IV Conveyance of Property owned by the town as a 1st reading.**

**1st READING OF THE PROPOSED ORDINANCE AMENDMENT RE:  
CHAPTER 14, SECTION 14.5 REVISION OF RIGHTS-OF-WAY**

**Mr. Ericson stated that this is an ordinance that very few towns have. He explained that it is determined by Chapter 24-6 of RI General Law and that the town would have to go through a public hearing process notification process prior to a public hearing and would have to notify the direct abutter. At that point it would go before the Planning Board immediately to see if it is consistent and whether it is desirable because the Planning Board presumably has the control over the use of roads. He referred to a State law that goes back to 1896 and gave some examples and that all of those details have to be followed in that archaic law to have considered a true abandonment.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to accept the proposed ordinance amendment Re: Chapter 14, Sec. 14.5 Revision of**

**Rights-Of-Way as a 1st reading.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to continue the public hearing and a 2nd reading for discussion by council, vote or other action on the proposed ordinance amendment Re: Chapter 14, Sec. 14.5 Revision of Rights-of-Way to May 19th.**

### **CONSENT AGENDA**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on an aye vote to remove the March 3 and 17 town council minutes from the consent agenda.**

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

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on an aye vote to accept the following: 1.) Minutes of March 12, and April 7, 2014, 2.) Financial Reports for March 2014, 3.) Budget Committee Minutes of January 28, March 11, 18 and 25, 2014, 4.) Historic District Commission Minutes of January 27, 2014, 5.) Parks and Recreation Commission Minutes of March 31, 2014, 6.) Personnel Board Minutes of October 24, 2013 and January 13, 2014, 7.) Animal Control Monthly Report for March 2014, 8.) NS Police Dept. Monthly Activity Report for February and March 2014, 9.) NS**

**Municipal Court Reports for February and March 2014, 10.) Resolutions from the Towns of Burrillville, Foster, North Kingstown and Portsmouth, 11.) Resolution from School Committees of North Kingstown, Smithfield and South Kingstown.**

**Minutes of March 17, 2014**

**Mr. Zwolenski corrected minutes on the third page referring to the second to the last paragraph to read, “Mr. Zwolenski noted there are several lots that could be changed in the surrounding area because of concerns over protecting the water supply.”**

**Mr. Zwolenski corrected minutes on the fourth page referring to the top of the page where it states that Mr. Zwolenski disagreed; he wants to add the following: “Mr. Zwolenski stated that this area is the Woonsocket Water supply which existing homes in the area have already been affected by MBTEs.”**

**Mr. Zwolenski corrected minutes on the fourth page referring to the Public Facilities Advisory Task Force Proposals, sixth paragraph from the bottom which read as follows: Discussion followed regarding whether to have separate questions on the ballot – one for the public**

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**facilities plan and one for the road improvements and wants to add the following: “Mr. Zwolenski was in favor of separating the road**

repair bond and public facilities bond.” He commented that he would like to see those two separate.

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 roll call vote to approve and amend the corrections to the minutes of March 17, 2014.

#### **Minutes of March 3, 2014**

Mr. Yazbak corrected minutes on the top of the fifth page where it reads the following: “Mr. Yazbak feels the contract is in violation of the Town Charter and he doesn’t understand how a contract with someone on his job performance (add duties) and responsibilities can override provisions.” Mr. Yazbak wants to replace the word performance and add duties.

Mr. Flaherty corrected minutes on the fourth paragraph of the fifth page where it reads the following: “Having been advised by the Town Solicitor, Mr. Flaherty believed it is within the Town Solicitor’s purview to hire outside counsel should it be determined it is necessary. The Council was briefed in executive session at the February 10th meeting and it was voted in open session to adopt an agreement that referenced this.” He feels that it should be clarified and remove the word “this” and that it should say the following: “referenced the hiring of an independent accounting consultant to review the schools books.”

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote to approve and amend the corrections to the minutes of March 3, 2014.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote to consider amendments to the April 7, 2014 minutes.**

#### **Minutes of April 7, 2014**

**Mr. Flaherty referred to the RI Dept. of Education Application for School Reimbursement Eligibility on the second paragraph where it states the following: “Mr. Flaherty was going to propose using the Contingency Fund for payment;” He wants to add after Contingency, the word “Infrastructure” Fund because it is a different fund.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote to approve and amend the correction to the minutes of April 7, 2014.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote at 10:19 P.M. to extend the meeting to 10:35 P.M.**

#### **PAYMENT OF BILLS**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to remove the bill from**

**Robinson Green Beretta Corp. transaction #11595 for \$4,112.57 for services Brick and Mortar Analysis.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted 3 to 1 on a roll call vote, Mr. Yazbak voting no to approve legal services for payment contained in the payment of bills for Partridge Snow and Hahn and Vincent F. Ragosta, Jr.**

**MOTION by Mr. McGee, seconded by Mr. Zwolenski and voted on a 3 to 1 roll call vote with Mr. Yazbak abstaining to accept and approve the following payment of bills: General Fund - \$405,693.44; Sewer - \$252,532.36; Water - \$59,268.53; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of #2,410,713.33 withholding the invoice from Robinson Green Beretta for \$4,112.57.**

#### **APPOINTMENT OF PERSONNEL BOARD**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted on a 3 to 1 aye vote with Mr. Yazbak voting no to appoint Michael Connolly of 1**

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**Lamoureux Blvd, to the Personnel Board. This will be the completion of a one two year term that expires December 1, 2014.**

#### **AWARD OF BID RE: ACTUARIAL SERVICES**

**Ms. Hamilton explained that this study is to ensure compliance with GASB 43 & 45 actuarial valuation and is done every two years and the last one that was completed was in fiscal year 2012.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on a roll call vote and based on the town administrator's recommendation to award the bid to Danziger Markhoff, LLP for \$4,750.00 from the lowest bidder, for Actuarial Services contract.**

#### **AWARD OF BID RE: POLICE DEPARTMENT IT/IMC CONTRACT**

**Ms. Hamilton explained that there were two bids received and Apex Technology Group which they were the lowest bidder withdrew their bid. Vaulted Computer Services is provided by Mr. Bruce Senecal a former North Smithfield Police Officer who handles a lot of the IT work in the police department as well as the FBI issues and IMC and is the only bidder.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted unanimously on a 4 to 0 roll call vote to award the bid to Vaulted Computer Services for \$30,000.00.**

#### **AWARD OF BID RE: FINANCIAL AUDIT CONTRACT**

**Ms. Hamilton explained that there were five qualified bidders that were received for a single audit between the school and the town providing services for three years through fiscal year 2017. The bids were reviewed by Mrs. MacDonald, finance director, Ms. Lisa Marcotte**

**and Mr. Denis Belleville of the school department and herself and agreed that any audit that was conducted in the last fiscal year will be discussed and the award of bid would go to Parmelee Poirier & Associates for fiscal year 2015 \$38,370.00, fiscal year 2016 \$41,020.00 and fiscal year 2017 \$43,095.00. This was recommended by the finance director with the approval of the Auditor Generals' office. The pricing for the town is \$28,590.00 and for the school side of the audit is \$15,255.00. This is a three year contract with a provision of continuation after the first year.**

**Mr. Yazbak asked why the lowest bidder was disqualified.**

**Mr. Lombardi stated that according to the finance director, they were disqualified for past errors.**

**MOTION by Mr. Zwolenski, seconded by Mr. Flaherty and voted unanimously on a 3 to 1 vote with Mr. Yazbak voting no on a roll call vote to award the bid to Parmelee Poirier & Associates based on the town finance director's and town administrator's recommendation and clarification from the town solicitor's received from the Auditor General.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and voted unanimously on an aye vote at 10:34 P.M. to extend the meeting to 10:40 P.M.**

**AGREEMENT WITH DEPARTMENT OF HUMAN SERVICES/DIVISION OF ELDERLY AFFAIRS RE: SFY 2014 COMMUNITY SERVICE GRANT**

**Ms. Hamilton explained it was a grant that they were made aware of after they lost their mini bus and was told that it would be available to possibly provide transportation services to the elderly. It was submitted several times and rejected and are waiting for the Board of Directors to sign this. Unfortunately, with the length of time it took to acquire, there are only two months remaining to utilize the \$2,652.00 and it isn't a program that they can extend.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and voted unanimously on a 4 to 0 roll call vote approving the application to the Department of Human Services, Division of Elderly Affairs Re: SFY 2014 Community Service Grant in the amount of \$2,652.00 and to authorize the town administrator to enter into the agreement.**

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**RESOLUTION RE: SUPPORT FOR THE MUNICIPAL ROAD AND BRIDGE REVOLVING FUND OFFICE OF THE GENERAL TREASURER**

**Mr. Flaherty explained that this change came from the General Treasurer's office and this question will go before the voters in November that would utilize low interest loan money in this fund.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and voted unanimously on a 4 to 0 aye vote to support the municipal road and bridge revolving fund that was requested from General Treasurer's office.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and voted unanimously on an aye vote to adjourn at 10:38 P.M.**

**Respectfully submitted,**

**Patricia A. Paul, Deputy Town Clerk**