

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

OCTOBER 6, 2014

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. Yazbak, Mr. Zwolenski and Mr. Flaherty. Ms. Alves was unable to attend due to work commitments and Mr. McGee arrived later in the evening. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 3 to 0 on a roll call vote to enter into executive session 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.) Narragansett Improvement Company, et als v. Jill Gemma et als, C.A. PC08-7468; 2.) Narragansett Improvement Company, et als v. Vincent Marcantonio, et als, C.A. No. PC08-6504; 3.) Town of North Smithfield v. Narragansett Improvement Company, et als, PC 08-3674; 4.) Proposed Settlement with GIH Realty LLC; and 5.) Water and Wastewater Agreements with City of Woonsocket.

(Mr. McGee arrived at 7:16 P.M.)

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0

on a roll call vote to suspend executive session at this time and to seal the minutes. No motions were made and no votes were taken.

Narragansett Improvement Litigation

Highlights of the addendum:

1. Paragraph 1(h) of the Settlement Agreement is modified by deleting the word “and” on line 4, after the word “LOD” and before the word “during”.

2. Paragraph 1(j) is modified by deleting the words “Leonard Way and Angela Way that are being used for the construction of the roadways in Phase I” and inserting the words “or through Rolling Acres, Nipsachuck Estates, and/or Mattity Estates during any phase of the construction of Rankin Estates.”

3. Paragraph 1(l) is deleted in its entirety and is replaced by the following language: The Town of North Smithfield grants Narragansett Improvement a partial abatement of taxes, for a sum total yearly abatement in the amount of \$14,300 per year for a period of seven (7) years from the date of Master Plan approval, for a grand total not to exceed \$100,100 in abatements for the Property (“Rankin Estates”). Said abatement shall apply to any subsequent owners of the entire Rankin Estates Property, or phase thereof, but shall specifically exclude, and not apply to, any subdivided, recorded lots sold individually. Narragansett Improvement will file its Master Plan Application on or before July 1, 2016.

4. All other terms and conditions of the Settlement Agreement shall remain in full force and effect.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to approve the addendum to the settlement agreement.

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to execute the addendum to the settlement agreement.

EXECUTIVE SESSION

MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to reconvene into executive session at 7:34 P.M. to discuss the proposed settlement with GIH Realty LLC and water and wastewater agreements with the City of Woonsocket.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to come out of executive session at 8:01 P.M. and to seal the minutes. No motions were made and no votes were taken.

Agreement with GIH Realty, LLC

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve the agreement as presented by the Town Solicitor and the Town Administrator for the overcharged amount of \$51,296.70.

Water and Wastewater Agreement with City of Woonsocket

There were no motions.

BRANCH VILLAGE REDEVELOPMENT PLAN

TIP Amendment, Engineering Services RFQ/P

Mr. Flaherty stated the Council had approved two resolutions. One objective is to complete transportation improvements in conjunction with the sewer project in Branch Village. To assist in getting on the state transportation improvement plan, it would help to have the engineering design work done.

Scott Gibbs, Chairman of the Redevelopment Agency, commented that money in the contingency fund is not sufficient to cover all the design work but it should be enough to get the project in the Department of Transportation queue.

Ms. Hamilton stated she is reviewing several RFPs for engineering design of other towns.

Workshop with Neighborworks Blackstone River Valley

Executive Director Joseph Garlick sees the ATP building as a mixed use, affordable housing would be a component as well as commercial use. There is a demand for arts production and studio space. He has an architect doing some preliminary work and there are some environmental contamination issues that need to be addressed. Mr. Garlick noted any project would need additional subsidy.

Mr. Flaherty confirmed that there would be no investment on the part of the town but projects would have to come back before the Town Council for approval.

Engineering Services Proposal for the Sewer Ordinance

This discussion was postponed.

OUTDOOR SOUND SYSTEM PERMIT - Rabbi Unterberger

This is a request to allow the use of speakers at festivals on the Lighthouse Christian Church parking lot, located at 322 Eddie Dowling Highway, on October 8, 11 and 15.

MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote (Mr. Yazbak abstained as he represents the owners of the property) to approve an outdoor sound system permit for October 8, 11 and 15 at 322 Eddie Dowling Highway with the time not to exceed 11:00 P.M.

ABATEMENTS

Mr. Yazbak thought the Council had asked for a financial update as to the amount of abatements still in play, the amount of abatements that have been approved by the Council and the amount of abatements that have not been reviewed yet.

Acting Tax Assessor David Dolce stated there are approximately five more appeals to be reviewed, one of which is fairly substantial.

There are two abatement periods in play -- approximately \$750,000 presented on June 3rd and after tonight there will be another \$162,000 for this fiscal year.

MOTION by Mr. Zwolenski, seconded by Mr. Flaherty, and voted 2 to 1 on a roll call vote (Mr. McGee voted no and Mr. Yazbak abstained as he has clients on the list) to accept abatements in the amount of \$89,161.17 as presented for fiscal year 2014/2015.

POTENTIAL ZONING/REGULATORY VIOLATIONS

Ms. Hamilton stated there are no changes in the Desper matter. The town is moving forward with Municipal Court and looking for substantial fines.

Town Planner Robert Ericson noted a letter of non-conformance has been sent to DVI, LLC from the Department of Environmental Management. Today he received a draft of a response from Dowling Village as to what has been done and they are close to complete compliance.

Mr. Ericson had received a complaint from the Valley Alliance requesting that SWPPP violations be considered as plan violations. Both the Town Solicitor and Mr. Ericson agree that DEM has exclusive jurisdiction over a five plus acre SWPPP. The Town is excluded and does not receive notices of violation. A request from

the Valley Alliance was that the Town not proceed with any further approvals for Dowling Village.

Woonsocket resident Sarah Rivera, an abutter to Dowling Village, complained about the terrible dust problem she is having and that blasting has ruined a trailer on their property. A number of trees have been removed and there is a drop-off that is extremely dangerous.

Mr. Ericson stated there has been a problem with dust control. What is being done is not sufficient; however, DEM visited the site and claims that what they are doing is fine. About three weeks ago Mr. Ericson had been told that a fence would be up within a week but it was not. There was a dispute between Mr. Bucci and owners because some of their vehicles were on Mr. Bucci's property. Mr. Bucci did a survey; this was the basis for what trees were removed and where the wall will be constructed.

Mr. Zwolenski insisted that a fence be put up now for public safety precautions.

Caroly Shumway claimed that one of the conditions of the Dowling Village final plan approval was to be in compliance with the wetlands permit. She stated that the developer is in violation of this permit and the town has the authority to enforce the regulations. She added that the Town and DEM have concurrent authority to enforce an approved SWPPP. Because of inadequate sediment controls by the developer,

Booth Pond needs remediation because of all the dust.

The discussion was continued to October 20, 2014.

BOND REFERENDUM RE: SCHOOL FACILITIES PLAN AND STAGE II RIDE APPLICATION

Mr. Flaherty has attended meetings regarding the status of the Facilities Plan. There has been an amendment to leave Building No. 10 at Halliwell School intact for storage. Secondly, because the Town Council took no action back in May on the Stage II RIDE application for reimbursement eligibility, deciding to wait until after the November 4th election to see if the bond was approved, RIDE regulations were not met. At the meeting it was decided to proceed with the Stage II application at this time. According to Mr. Flaherty, Superintendent Lindberg has been in touch with RIDE and still feels confident that we can earn the reimbursement.

MOTION by Mr. Flaherty, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to amend the Facilities Plan that was last amended on August 18, 2014 to include retaining Building No. 10 at Halliwell School without any renovations.

MOTION by Mr. Flaherty, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve the Robinson Green Beretta proposal dated May 18, 2014 to perform Stage II analysis to RIDE for reimbursement of \$31,200. Funding would come out of the

Contingency Infrastructure line item.

NICHOLSON & ASSOCIATES REPORT RE: TAX ABATEMENTS/TAX ASSESSOR'S OFFICE

Mr. Yazbak had been promised a report for this evening's meeting but it was not received.

Because of the lack of communication with Mr. Yazbak, Mr. Flaherty reached out to Mr. Nicholson and he indicated he would be at the Council meeting of October 20th to deliver his findings.

MOTION by Mr. Zwolenski and seconded by Mr. Flaherty at 9:45 P.M. to extend the meeting to 10:30 P.M. Since Mr. McGee voted no, the motion failed.

MOTION by Mr. McGee, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 9:48 P.M. to extend the meeting to 10:15 P.M.

STREETLIGHT SAVINGS PROPOSAL - J. Broadhead/PRISM

Jeff Broadhead, Executive Director of the Partnership for Rhode Island Streetlights Management (PRISM) was seeking authorization for the Administrator to sign a non-binding letter of intent with PRISM. The Town would be allowing PRISM to represent the Town with National Grid to attempt to get to a reasonable purchase price of electricity for streetlights.

Currently National Grid charges the town \$94.00 per streetlight. Mr. Broadhead believes that, through his company, the cost will be approximately \$17.00 to \$18.00 per light, saving the town \$90,000 per year. In order to do that, the town will have to expend some money down the road to purchase the lights at an estimated cost of \$67,000.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to allow the Town Administrator to sign a letter of intent and to have PRISM return at a future date with more information.

MUNICIPAL AGGREGATE ELECTRICITY PURCHASE

Mark Cappadona of Colonial Power spoke about a plan that would enable everyone in a community who is on basic service, currently getting National Grid's basic service prices and bringing those to the marketplace. This comes at no cost to the community.

Mr. Yazbak commented that in the past people go out into the marketplace, they enter into a contract, they forget how long the contract is for, the contract ends, all of a sudden the rates skyrocket, it takes you three to four months to understand that the rates have skyrocketed and then they end up paying three times the cost of National Grid. He asked if there was anything built into this whereby whoever is on the plan would get notified when the contract was due.

Mr. Cappadona explained this is an opt out aggregation contract and

it would be the job of Colonial Power to notify the Administrator when the contract was coming due. The residential user may opt out at any time and there is no penalty to return to National Grid.

SLATERSVILLE BRIDGE CLOSURE

Ms. Hamilton informed everyone that the Department of Transportation and Small Business Association will be coming to town on October 23rd to talk about the bridge closure and to possibly assist any business that suffers financially.

APPOINTMENT OF DEPUTY TOWN CLERK

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to approve the Town Administrator's appointment of Joanne Buttie as the Deputy Town Clerk.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to adjourn at 10:12 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk