

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**NOVEMBER 17, 2014**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **Brookside Equestrian Center Solar Project**

**Because of the question of a possible deficit or shortfall, Mr. Michael Rapko did not feel this Town Council should consider this matter until after the report by Richard Nicholson regarding the Tax Assessor's and Finance Department's offices is received. He added that access from Tiff Road has been an issue for a long time as well so that should be cleared up before any thought is given to a tax exemption.**

## **EXPRESSIONS OF THANKS**

**Since this was the last meeting for several Council members, Mr. Zwolenski, Mr. McGee, Ms. Hamilton and Mr. Lombardi expressed their appreciation for having served with each other and for their commitment to the town.**

## **REGULAR MEETING**

**The meeting began at 7:01 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 detained by traffic and arrived a little later. Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.**

## **ORDINANCE AMENDMENT RE: ONE-WAY STREETS**

**Mr. Jason Richer of 45 Douglas Pike informed the Council of his concerns regarding vehicles turning on to Mowry Road from Route 7 at high rates of speed. The road is 15 ½ feet wide, not wide enough for two-lane traffic. Pedestrians cannot walk safely and there have been numerous accidents at the intersection.**

**Letters of agreement with making the road one-way were received from both the RI Department of Transportation and the North Smithfield Police Department.**

**Mr. Zwolenski concurred and personally had experienced the inadequacy of the width of the road.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted 4 to 0 on an aye vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to consider this the first reading and to reach out to the town of Burrillville to be sure they are aware of the proposal.**

## **RESIGNATION FROM CONSERVATION COMMISSION – M. JOHNSON**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak, and voted 4 to 0 on a roll call vote to accept the resignation of Michael Johnson from the Conservation Commission and to send him**

**a letter of appreciation.**

## **ZONING OFFICE ISSUES**

**Mr. Carl Johnson was asked by Ms. Hamilton to prepare a list of activities he has accomplished while serving as the town's zoning inspector. He provided this list to the Council.**

## **ADVERTISEMENTS FOR POSITIONS OF TOWN SOLICITOR, ASSISTANT TOWN SOLICITOR, PROBATE AND MUNICIPAL COURT JUDGES**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to place an advertisement in local papers for the four positions at a cost not to exceed \$500 to be paid from the contingency fund.**

## **REVISIONS TO CONDEMNATION PLAT 2755, COLD SPRING PARK TO THE MEADOWS**

**Town Planner Robert Ericson explained that due to minor adjustments in engineering, some changes have occurred on Condemnation Plat 2755. The Temporary Easement was increased from 33,381 square feet to 33,881 square feet.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 0 on a roll call vote to approve the revision offer with a total just compensation of \$1.00 based upon the advice of the Town Planner.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to sign the document.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote at 7:23 P.M. to take a ten-minute recess.**

**(Ms. Alves arrived at 7:28 P.M.)**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to resume the meeting at 7:31 P.M.**

#### **SLATERSVILLE HISTORIC DISTRICT**

**Mr. Flaherty and Mr. Yazbak recused from this discussion.**

**Mr. Ericson reminded the Council members that at the last meeting there had been discussion about having no sunset clause to the district but that any Town Council could change the end date.**

**Mr. Flaherty did not sense any objection to having no end date at the last meeting. The Council would not have to bear the expense of readvertising and renoticing abutters every two, four or six years.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote to close the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 3 to 0 on a roll call vote to continue the Slatersville Historic District with no sunset clause.**

**CONTRACT AGREEMENT WITH RI COUNCIL 94, AFSCME, AFL-CIO LOCAL 937**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and Mr. McGee and voted unanimously on a roll call vote to approve the contract between the Town of North Smithfield and RI Council 94, AFSCME, AFL-CIO Local 937 for the dates July 1, 2014 to June 30, 2017.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to authorize the Town Administrator to sign the contract.**

**CONSENT AGENDA**

**Mr. Yazbak requested the payment of bills be removed.**

**MOTION by Ms. Alves, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to approve the remaining items: 1.) Conservation Commission minutes for September 9, 2014; 2.) Animal Control monthly report for October 2014; 3.) NSF&RS Inc. monthly report for October 2014; 4.) NS Police Department monthly report for October 2014; 5.) NS Municipal Court monthly report for October 2014; 6.) Resolution re: State Tax on Social Security Benefits from the Town of Hopkinton; and 7.) Monthly financial statements.**

## **Payment of Bills**

**Mr. Yazbak recused because he has clients on the vendor list.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to approve payment of the following as presented by the Finance Director and the Town Administrator: General Fund - \$412,206.84; Sewer - \$4,243.18; Water - \$1,944.88; School Department - \$1,553,518.58 and Fire Department - \$195,147.00 for a total of \$2,028,164.26.**

## **RENEWAL OF YEARLY LICENSES**

**Both Mr. Yazbak and Mr. McGee recused from this matter.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 0 on a roll call vote to renew the licenses as presented by the Town Clerk's office.**

## **BROOKSIDE EQUESTRIAN CENTER SOLAR PROJECT REQUEST FOR TAX EXEMPTION**

**Mr. Flaherty recused from this discussion.**

**Andrew Street, Director of Project Management for the company that would like to build the solar farm on the Spinella property addressed the Council. The exemption shall be for the value that results in a tax yield of \$10,662 per year until the actual value of the property yields a**

lower tax. Responding to one of the concerns voiced by the Council at a prior meeting, Mr. Street noted that Ian Palmer, CEO of New Energy Equity, has negotiated an agreement to sell electricity to Holliston Sand Company at a 40% reduction from the utility prices once their contract with National Grid ends after the first fifteen years of the project. Mr. Street feels this project is now comparable to the one the Council approved with Next Sun Energy.

Mr. Yazbak commented that Mr. Street is looking for a subsidy and we have other people in town paying their full share of taxes on tangible property. In addition, the electricity is traveling off the Spinella property. In fifteen years, Holliston Sand Company may have no need for the electricity. Mr. Yazbak added that all the electricity being produced by Next Sun Energy is staying on that property. This is not the case with Mr. Street's project.

Mr. Street responded that Next Sun Energy is legally contracted to sell their electricity to National Grid.

Mr. Lombardi wished to clarify that the Next Sun Energy tax exemption was for electricity sold to National Grid for the next fifteen years so this agreement is very similar to that of Next Sun Energy.

Mr. Yazbak noted that there had been testimony at the last meeting that the industrial park consumes twice as much as what was being generated and the electricity was staying right there. That is the only

**exception he would make for these commercial places. Mr. Yazbak feels the ordinance this Council passed allowing tax exemptions to individual homeowners is an excellent program.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to deny the request.**

**RESOLUTION REQUESTING THE GENERAL ASSEMBLY PROVIDE AN EXEMPTION TO AUTHORIZE THE TOWN OF NORTH SMITHFIELD TO CHANGE THE COMPOSITION OF THE SCHOOL COMMITTEE**

**MOTION by Mr. Flaherty, seconded by Ms. Alves, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to approve the following resolution: “WHEREAS, The Town Council of North Smithfield believes that adding two members to the School Committee, one chosen by the Town Administrator and one chosen by a majority of the Town Council, will bring better relations and free-flow of information between the respective bodies; and WHEREAS, The Town Council of North Smithfield passed a Town Charter amendment to reflect the changes in the composition of the School Committee on April 21, 2014; and WHEREAS, The residents of the Town of North Smithfield agreed with the changes by voting in the majority by referendum on November 4, 2014; and WHEREAS, The Town seeks an exemption from the General Assembly from the requirements of Rhode Island General Laws Title 16 Chapter 16-2-5 titled “School Committees”. NOW, THEREFORE, BE IT RESOLVED, that the Town of North Smithfield hereby requests from the General Assembly an**

**exemption for the requirements of the composition of a School Committee under Rhode Island General Laws Title 16 Chapter 16-2-5 and/or other sections of the Rhode Island General Laws.”**

**RESOLUTION APPROVING FINANCING REPAIR AND REHABILITATION OF THE KENDALL-DEAN BUILDING, MEMORIAL TOWN HALL BUILDING AND THE MUNICIPAL ANNEX**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to approve the resolution as presented.**

**RESOLUTION APPROVING THE FINANCING FOR THE DEMOLITION (OR SAFEGUARDING), REPAIR, REHABILITATION AND CONSOLIDATION OF SCHOOL CLASSROOM AND STORAGE BUILDINGS**

**MOTION by Mr. Flaherty, seconded by Mr. Zwolenski, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to approve the resolution as presented.**

**RESOLUTION APPROVING THE FINANCING OF THE REPAIR AND REHABILITATION OF LOCAL ROAD INFRASTRUCTURE**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 (Mr. Yazbak voted no) on a roll call vote to approve the resolution as presented.**

**TWO-YEAR COUNCIL WORKPLAN**

**Mr. Flaherty reviewed some of the many accomplishments made by the Council in reference to the two-year workplan adopted at the beginning of the Council members' term. These included the establishment of the MU1 and MU2 zoning districts, developing a strategic infrastructure and investment plan targeted to high priority business development areas, the assessment of the town's space needs, the work that is to be done to the Slatersville Stone Arch Bridge and to the Slatersville area, the work done in bringing the zoning ordinance in compliance with the 2006 Comprehensive Plan and resolution of the Rankin Estates lawsuits. Other matters that were accomplished but not on the workplan included the purchase of open space adjacent to Dowling Village, making Town Council and School Committee meetings available through You Tube, approval of ordinances such as Groundwater Overlay and Wetlands Setbacks, approval of the Council 94 contract and the compromise worked out for the Anchor Subaru zone change.**

## **EXECUTIVE SESSION**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on a roll call vote to enter into executive session at 8:14 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 pending pension litigation.**

**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 8:30 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to adjourn at 8:31 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**