

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**DECEMBER 15, 2014**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **NSTA Contract Ratification**

**Budget Committee Chairman Michael Clifford noticed that listed on the School Committee agenda for tomorrow evening was ratification of the school teacher contract. He clearly felt the School Committee had a moral obligation to have the contract reviewed by the Town Council prior to ratification based upon the recent vote of the town residents. They should also wait to see what they have in their budget. He wondered if the Council could do anything to intervene prior to contract ratification tomorrow evening.**

**It was Mr. Lombardi's opinion that the Council could not vote to take any action this evening; however, the Council President or the Town Administrator could take action on their own in regards to writing a letter. Mr. Lombardi added that the School Committee can pass the contract but it does not become ratified until the Council approves it.**

## **REGULAR MEETING**

**The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Alter, Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. Town Administrator Hamilton and Town Solicitor Lombardi were also in**

**attendance.**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to move the approval of licenses up next on the agenda.**

**HOLIDAY SALES LICENSE FOR UHAUL D/B/A UHAUL CENTER OF NORTH SMITHFIELD**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to approve a holiday sales license for UHaul Center of North Smithfield located at 408 Eddie Dowling Highway.**

**HOLIDAY SALES LICENSE FOR DAVI NAILS BEAUTY SALON SPA**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve a holiday sales license for Davi Nails Beauty Salon Spa located at 7 Dowling Village Boulevard contingent upon receipt by the Town Clerk of Health Department approval.**

**AGREEMENT WITH PARTNERSHIP FOR RHODE ISLAND STREETLIGHT MANAGEMENT (PRISM)**

**Mr. Jeff Broadhead, Executive Director of PRISM, explained that the town of North Smithfield, although legal, was being charged too much for streetlights. Legislation (Municipal Streetlights Investment Act) was passed in the 2013 session that would allow North Smithfield to**

**purchase its 1,500 streetlights from National Grid at the original cost less depreciation, which for the town is about \$45.00 per streetlight. Additionally, National Grid has been charging a lot of money for maintenance. This agreement would lower costs from the current \$240,000 per year to about \$122,000 per year. There is a fee of \$1.00 per streetlight to join in this participation agreement.**

**Mr. Lombardi brought up several areas in the language of the agreement that concerned him such as the Project Administration fee of \$3.60 per streetlight per year and an additional 2% project administration fee on any materials procured for Participant in association with execution of this agreement.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to lay this matter on the table.**

**2ND READING ORDINANCE AMENDMENT RE: ONE-WAY STREETS (MOWRY ROAD)**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to close the public hearing.**

**MOTION by Mr. Zwolenski and seconded by Mrs. Nadeau to approve the ordinance and have the Town Administrator contact the Department of Transportation for proper signage.**

**Since the public hearing had not officially been opened, the motion**

**and second to approve the ordinance was withdrawn.**

**Mr. Zwolenski noted that the Council has received a letter from Burrillville Town Manager Michael Wood stating that the Burrillville Town Council has no objection to this amendment.**

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

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve the following ordinance and have the Town Administrator contact the Department of Transportation for adequate signage to be provided. Also that Police Chief Reynolds have notice available on the mobile traffic sign about the change and when it will become effective: “Sec. 15-6 One-way Streets. (a) All vehicles shall travel at all times only in a westerly direction on Lapre Road from Great Road (State Highway 146A) to the first intersection on Lapre Road with Oaklawn Road. (b) All vehicles shall travel at all times only in an easterly direction on Mowry Road from the intersection on Tarkiln Road to Douglas Pike (State Highway Rt 7). This ordinance shall take effect on the date of passage and in accordance with the Town Charter.”**

**AGREEMENT WITH PARTNERSHIP FOR RHODE ISLAND STREETLIGHT MANAGEMENT**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted**

**unanimously on an aye vote to put this matter back on the table.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau and voted unanimously on a roll call vote to approve the agreement between the Town of North Smithfield and PRISM (Partnership for Rhode Island Streetlight Management) with the following stipulation: On Page 9, beginning in front of the first full paragraph shall be added, “Upon adoption of Phase III, the following shall apply which will require separate approval by the Town Council” and this will follow through until the end of Article 9. Term.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to authorize the Town Administrator to execute the agreement as amended.**

## **2ND READING ORDINANCE AMENDMENT RE: PUBLIC BUILDING IMPROVEMENT COMMISSION**

**Following little discussion on the ordinance, MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to close the public hearing.**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to include the verbiage in Section 9(c)(1) “The commission shall be responsible for overseeing the project with the assistance of a Clerk of the Works as applicable and advising the Town Council . . .”**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept this ordinance as amended as a second reading.**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to advertise in newspapers for the available positions on this commission.**

### **CONSENT AGENDA**

**Mr. Boucher requested that the resolutions and letter referencing RhodeMapRI be removed.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to remove the Town Council minutes of September 15, 2014 and the Planning Board minutes of November 20th.**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve the following: 1.) Payment of Bills – General Fund - \$615,104.04; Sewer - \$282,032.09; Water - \$3,952.19; School Department - \$1,553,518.58 and Fire Department - \$195,147.00 for a total of \$2,649,753.90; 2.) Town Council minutes for October 6, 2014; 3.) Personnel Board minutes for June 9 and 30, July 14 & October 14, 2014; 4.) Planning Board minutes for October 16, 2014; 5.) Sewer Commission minutes for August 10, September 17**

and October 15, 2014; 6.) Animal Control monthly report for November 2014; 7.) NSF&RS Inc. monthly report for November 2014; 8.) NS Police Department monthly report for October 2014; 9.) NS Municipal Court monthly report for October 2014; 10.) Monthly financial statements for November 30, 2014; and 11.) Resolution Re: Pancreatic Cancer Awareness Month from the Town of Richmond.

#### **Town Council Minutes of September 15, 2014**

Mr. Zwolenski noted that the minutes regarding the Beverly Jarry zone change reflect that a 25-foot buffer area be maintained on three sides.

#### **Planning Board Minutes of November 20, 2014**

Mr. Zwolenski noted that these minutes show a 20-foot buffer area in regards to the Beverly Jarry zone change. He asked that the Planning Board minutes be corrected to show the 25-foot buffer area as adopted by the Town Council.

#### **Resolutions Re: RhodeMapRI**

Mr. Boucher feels that RhodeMapRI is an intrusion on local communities and usurps each town's authority regarding zoning codes.

**MOTION** by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to accept the Town Council minutes of September 15, 2014, the Planning Board minutes of November 20,

**2014 and the resolutions and letter regarding RhodeMapRI.**

### **PURCHASE OF RESCUE 2 REPLACEMENT VEHICLE**

**Fire Chief Joel Jillson explained the department is in need of a Rescue vehicle and he explained that due to the Third Party Billing Account, there will be no cost to the town.**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to authorize the purchase of a rescue vehicle to replace the existing Rescue 2 for the amount of \$245,014.**

### **SEWER USE APPEAL – W. GASBARRO/EDDIE DOWLING HIGHWAY**

**Mr. William Gasbarro, owner of properties located at 63-67 and 69-75 Eddie Dowling Highway, was present to appeal his sewer use billing. Per the 2009 Sewer Ordinance, these properties' EDUs were re-evaluated in April 2014 according to the RI DEM's Onsite Wastewater Treatment System guidelines based on information given to the Sewer Superintendent concerning the businesses operating at these locations. Mr. Gasbarro presented detailed information on water/sewer usage at his properties and he is asking that the EDU figure for 63-67 Eddie Dowling Highway be reduced from 13 to 5 and the figure for 69-75 Eddie Dowling Highway be reduced from 3 to 2.**

**The Sewer Commission has voted at its November 19, 2014 meeting made the following motion: "MOTION by Mr. Murphy, seconded by Mrs. Sheridan and voted unanimously on a roll call vote to make a**

**recommendation to the town council to change the equivalent dwelling units (e.d.u.'s) at 63-67 Eddie Dowling Highway to five (5) e.d.u.'s and 69-75 Eddie Dowling Highway to two (2) e.d.u.'s and retroactive to July 1st 2014."**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to approve the request of William Gasbarro to reduce the EDU number at 63-67 Eddie Dowling Highway from 13 to 5 and to reduce the EDU number at 69-75 Eddie Dowling Highway from 3 to 2 retroactive to July 1, 2014.**

#### **AMENDMENT TO SEWER ORDINANCE RE: SEWER ASSESSMENT EVALUATION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept the proposal of Horsley Witten Group in the amount of \$8,900.00 to rewrite the Town Sewer Assessment Evaluation.**

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

#### **RULES OF ORDER OF TOWN COUNCIL**

**Mrs. Nadeau proposed an amendment to Rule No. 17 to allow her to assist the Town Clerk in preparation of the Council agenda because she is readily available to the Clerk and the Town Council President is**

often on the road and, at times, unable to respond to the Clerk in a timely manner.

There was a lengthy discussion about the matter and most members seemed uncomfortable with having someone other than the president setting the agenda.

There was also discussion as to whether two or three members were needed to place a matter for discussion on an agenda.

**MOTION** by Mr. Alter and seconded by Ms. Alves to have the president set the agenda with the assistance of other Council members and with the technical assistance of Mrs. Nadeau.

The motion was eventually withdrawn when Mr. Lombardi expressed his opinion that the motion on the floor does not really interact with Rule No. 17.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to add verbiage to Rule No. 17 that two Council members may contact the Town Clerk to add an item to an agenda.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to approve Rule No. 17 as amended.

## **RESIGNATION FROM BUDGET COMMITTEE – M. NADEAU**

**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to accept the resignation of Merredythe Nadeau from the Budget Committee and to send her a letter of gratitude.

## **ATTENDANCE OF PLANNING BOARD MEMBERS**

Town Planner Robert Ericson commented that he and Planning Board Chairman Dean Naylor would like to withdraw this item from the agenda as it has been handled internally.

## **APPOINTMENT TO ASSESSOR'S BOARD OF REVIEW**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reappoint Jeannine Kolb to the Assessor's Board of Review. This is a three-year term that will expire on December 1, 2017.

## **APPOINTMENTS TO CONSERVATION COMMISSION**

**MOTION** by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to accept the recommendation of Town Administrator Hamilton to appoint Michael Calo to the Conservation Commission. He will be completing a three-year term that will expire on December 1, 2016.

**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to accept the recommendation of

**Town Administrator Hamilton to reappoint Carol Ayala, Eric Piette, Jeffrey Delasanta and Scott Perry to the Conservation Commission. These are three-year terms that will expire on December 1, 2017.**

#### **APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION**

**Ms. Hamilton did not submit a name at this time.**

#### **APPOINTMENT TO HISTORIC DISTRICT COMMISSION**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll vote to reappoint Jeffrey Fontaine to the Historic District Commission. This is a three-year term that expires on December 1, 2017.**

#### **APPOINTMENT TO JUVENILE HEARING BOARD**

**MOTION by Ms. Alves, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to reappoint Mary Ann Violette Cardello to the Juvenile Hearing Board. This is a three-year term that expires on December 1, 2017.**

#### **APPOINTMENTS TO PARKS AND RECREATION COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept the recommendation of Town Administrator Hamilton to reappoint George Dys, Marc Gagnon, Brian Barry, Philip Paul, Peter Dowling and Robert Cesario to the Parks and Recreation Commission. These are two-year terms that will expire on December 1, 2016.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept the recommendation of Town Administrator Hamilton to appoint Rob Skinner to the Parks and Recreation Commission. This is a two-year term that will expire on December 1, 2016.**

#### **APPOINTMENTS TO PLANNING BOARD**

**MOTION by Mr. Alter, seconded by Mr. Zwolenski, and voted 4 to 1 (Mrs. Nadeau voted no) on a roll call vote to table these appointments until such time as an advertisement can be placed seeking applicants.**

#### **APPOINTMENTS TO PERSONNEL BOARD**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to accept the recommendation of Town Administrator Hamilton to reappoint Renee Rapko and Melvin Bilezerian to three-year terms that will expire on December 1, 2017 and Michael Connolly to a two-year term that will expire on December 1, 2016.**

#### **APPOINTMENT TO PUBLIC SAFETY COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reappoint John Sutherland to the Public Safety Commission. This is a three-year term that will expire on December 1, 2017.**

## **APPOINTMENT TO REDEVELOPMENT AGENCY**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski and Mrs. Nadeau to reappoint Robert Nault to the Redevelopment Agency. This is a five-year term that will expire on December 1, 2019.**

## **APPOINTMENT TO SEWER COMMISSION**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to table this matter at the present time in order to advertise for applicants.**

## **APPOINTMENTS TO ZONING BOARD**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to reappoint Mario DiNunzio to the Zoning Board. This is a five-year term that will expire on December 1, 2019.**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau and Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Vincent Marcantonio, Sr. to the Zoning Board as the 1st Alternate. This is a one-year term that will expire on December 1, 2015.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to reappoint Robert Najarian to the Zoning Board as the 2nd Alternate. This is a one-year term that will expire on December 1, 2015.**

## **APPOINTMENTS TO SCHOOL COMMITTEE**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to table these appointments at this time.**

## **APPOINTMENT TO PLANNING BOARD**

**Mr. Ericson asked if the Council members would reconsider tabling this item as the Planning Board will not have a quorum and there are several important issues coming before the board.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to reconsider the motion to table appointments.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to reappoint Cynthia Roberts to the Planning Board to complete a five-year term that will expire on December 1, 2016.**

**MOTION by Mr. Zwolenski, seconded by Mr. Alter, and voted unanimously on a roll call vote to table the rest of the Planning Board appointments until the vacancies can be advertised in the Valley Breeze.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to enter into executive session at 9:41 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 possible litigation in regards to Nicholson & Associates, LLC report re: Tax Assessor's/Tax Collector's Office.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to come out of executive session at 10:28 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote at 10:29 P.M. to continue the meeting to 10:45 P.M.**

#### **NICHOLSON & ASSOCIATES, LLC REPORT**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote that eight hard copies and one electronic PDF file of the Nicholson report be delivered to the Town Clerk by the close of business on December 30, 2014.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 10:41 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Acting Town Clerk**