

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 6, 2015

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 Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. Ms. Alves was unable to attend due to a work commitment and Mr. Alter is deceased. Also in attendance were Town Administrator Hamilton and Town Solicitor David Iglizzi.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to enter into executive session at 7:02 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to the same to discuss Interjurisdictional Water and Wastewater Agreements with the City of Woonsocket.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to come out of executive session at 7:34 P.M. and to seal the minutes. No motions were made and no votes were taken.

DEFERRAL OF SEWER USE AND ASSESSMENT FEES - K. HAGAN AND A. MORRIS

In 2010 both Ms. Amey Morris and Ms. Kim Hagan were granted 5-year deferrals from tying into the town sewer line and paying user

and assessment fees by the Sewer Commission. These deferrals expired on October 20, 2014. Ms. Morris and Ms. Hagan came before the Town Council on November 3, 2014 to ask for additional deferrals but were granted a 4-year deferral from tying into the sewer line but the Council never addressed their request for deferrals on paying assessment and user fees. Both have fairly new septic systems.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote that due to the fact that the Sewer Commission has recommended a four-year deferral on tying in to the sewer line the Town Council will defer payment of the sewer assessment and sewer use fees from October 1, 2014 to October 1, 2018.

Mr. Zwolenski noted that this would be the last time that this could be done.

ZONING ORDINANCE AMENDMENT SECTION 6.13 PARKING AND STORAGE OF CERTAIN VEHICLES

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to continue all three public hearings on the proposed zoning ordinances this evening to June 15, 2015 so that all appointments may be made to the Ad Hoc Ordinance Review Committee and they will have time to review the ordinances.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to reconsider the motion to continue the public

hearings to June 15, 2015.

**ZONING ORDINANCE AMENDMENT SECTION 6.14 PARKING,
STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT**

Steven Page of 175 Main Street questioned what the issue is with parking recreational vehicles on private property.

Zoning Officer Carl Johnson answered that the proposed ordinance allows for two recreational vehicles to be parked whereas the present ordinance allows for only one.

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**ZONING ORDINANCE AMENDMENT SECTION 7-9 USE OF
DUMPSTERS**

Paul Soares of Sayles Hill Road asked if there is a fee for the application. He also feels that the hours for dumpster pickup are way too liberal and being located within two hundred feet of an adjacent residential property is too close. Mr. Soares felt the hours should coincide with the noise ordinance.

Mr. Johnson responded there is no fee for the application but the town does not want to see dumpsters on a property in perpetuity.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to continue the three public hearings on the zoning ordinances to June 15, 2015.

PROPERTY LEASE PROPOSAL - WED NORTH SMITHFIELD, LLC

Attorney Steven Brusini spoke on behalf of his client, WED North Smithfield, LLC, an affiliate of Wind Energy Development, LLC. His client is proposing to lease from the Town of North Smithfield approximately two acres of vacant land located at Dowling Village for an initial term of 25 years with three five-year tenant renewal options. The rent would be \$54,000 per year for the first five years with a five percent rent increase for each five-year period thereafter during the term of the lease as follows: Years 1-5: \$54,000 per year (\$270,000); Years 6-10: \$56,700 per year (\$283,500); Years 11-15: \$59,535.00 per year (\$297,675); Years 16-20: \$62,511.75 per year (\$312,559); Years 21-25: \$65,637.34 per year (\$328,187); Years 26-30: \$68,919.21 per year (\$344,596); Years 31-35: \$72,365.17 per year (\$361,826); and Years 36-40: \$75,983.43 per year (\$379,917). The total amount of rent that would be paid to the town over the entire term of the lease would be in excess of \$1,491,000 and the total amount of rent that would be paid to the town over the entire term of the lease, and the extensions, would be in excess of \$2,578,000. The leased land, along with adjoining land to be leased from a private owner, will be used for the installation of two 2.5 MW wind turbines. One turbine would be on the town's property and the other would be on an adjacent property owned by the Pacheco family.

Attorney Richard Nadeau has been asked to represent the town with respect to this project. When the town purchased the property with the Land Trust there was approximately 43 acres adjoining Dowling Village. In the plan that was designed back then there was a 2+ acre parcel that has a roadway built into the plan which gives access from Dowling Village up to the two acre parcel. The Pacheco property is not contiguous to this two-acre parcel. The two-acre parcel is surrounded by land that is owned by the Land Trust and the Town jointly which is under a conservation management agreement with DEM. Zoning relief was granted about five years ago. There has been no road design.

MOTION by Mr. Zwolenski and seconded by Mr. Boucher to take an affirmative vote so that WED North Smithfield can start to negotiate with the Town Administrator, the Finance Director, the Town Solicitor and our special town attorney.

The motion and second were later withdrawn.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to authorize the Town Administrator, the Town Solicitor and Attorney Nadeau to enter into negotiations and come back to the Town Council for a vote on this proposal.

SOLAR POWER PURCHASE AGREEMENT - ENERGY DEVELOPMENT

PARTNERS

Mr. Frank Epps, Principal and Managing Director of Energy Development Partners, explained his company is looking to construct a 3.5 mWp DC solar facility on property owned by Landfill Resource & Recovery Inc. adjacent to the landfill. He is proposing a power purchase agreement that would sell electricity to the town for 25 years that would start at 12.5 cents per kw hour and escalate two percent annually or the town could be given the option to buy the electricity through credits at 15.9 cents fixed also over a 25-year period. It's possible the town could save in excess of \$800,000 in that time period.

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Mr. Epps was asking for Town Council consideration to enter into a time period with Energy Development Partners to allow them to review the town's bills to ascertain the town's use of energy and the cost of energy. He would also like to be able to work with the finance department and the Town Solicitor to negotiate a power purchase agreement.

There will be 11,000 to 12,000 panels that will be fixed in the ground. There will be no gravel removal, only grading. Two access roads are already in. Cost to build the system will be about \$9 million and that includes all the soft costs, engineering design, etc.

SELECTION OF PRESIDENT PRO TEMPORE

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to nominate Mr. Zwolenski as the President Pro Tempore.

ABATEMENTS

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to table this discussion to April 20, 2015 as there were some questions on the abatements and Tax Assessor David Dolce was unable to attend this evening.

APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

SEWER COMMISSION

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to appoint Thomas J. Brown to the Sewer Commission. This is a five-year term that will expire on December 1, 2015.

APPOINTMENT TO PUBLIC BUILDING IMPROVEMENT COMMISSION

There was no appointment.

APPOINTMENT OF CLERK FOR PUBLIC BUILDING IMPROVEMENT COMMISSION

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to appoint Kris Fanning as the Clerk for the Public Building Improvement Commission. She will be paid \$1,000 from the bond.

RISE MAYORAL ACADEMY/CHARTER SCHOOL

Mr. Boucher cannot support a Charter School because of its fiscal impact on North Smithfield as well as other communities, especially the City of Woonsocket. He stated costs to Cumberland and Lincoln are in excess of \$7 million per year. The Woonsocket City Council and School Committee, the Burrillville Town Council and School Committee, and the North Smithfield School Committee have all stated they do not support Charter Schools.

None of the people who have contacted Mr. Zwolenski have supported the school. He is a firm believer of choice but there a lot of people in town he respects who are saying don't do it.

Ms. Hamilton noted the process is well under way. Six children have registered from North Smithfield. Many presentations have been held but there will be another one on April 28th in Woonsocket, affirming the mission of Charter Schools. The fiscal impact is approximately \$9,000 per student.

Mr. Boucher feels it is a parallel school system. He is in favor of choice as well but is apprehensive of future expansion.

Mrs. Nadeau supports the school. She has had a lot of contact with people who wish they could enroll their children in RISE. Even though North Smithfield schools are highly rated, it doesn't mean that some children wouldn't benefit from a different atmosphere.

Because Ms. Alves wanted to weigh in on this discussion, MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to continue this matter to April 20, 2015.

After further discussion the motion and the second were withdrawn.

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MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to hold a public hearing on April 20, 2015 so that North Smithfield residents can voice their opinions and the Town

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Council can take a vote or other action regarding the RISE Mayoral Academy.

RESOLUTION CREATING AN AD HOC ORDINANCE REVIEW COMMITTEE

Several changes were proposed.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to amend Section (b)(4) Membership to read, a member of the Town Council appointed by the Town Council.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to change the sunset clause from December 1, 2015 to December 1, 2016.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to approve the resolution as amended.

Town Planner Robert Ericson questioned if this committee could review all ordinances and not just zoning ordinances.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to strike the limitation of the word “zoning” throughout the document.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to adopt the resolution as amended.

APPOINTMENTS TO AD HOC ORDINANCE REVIEW COMMITTEE

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to appoint Mr. Zwolenski as the Town Council member of the committee.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to appoint Diane Wojcik as a member at large.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to appoint Robert Rossi as a member at large.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to appoint Michael Desrochers as a member at large.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to appoint Carl Johnson as a member at large.

**RECONSIDERATION OF VOTE REGARDING PENSION SETTLEMENT
TAKEN MARCH 26, 2015**

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to table this due to technical issues.

This motion and second were subsequently withdrawn.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to table this matter to April 20, 2015 in executive session.

ORDINANCE AMENDMENT SECTION 6-8 PRODUCTION OF RECORDS

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to accept as a second reading the following ordinance: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 6, Section 6-8, entitled, “Production of Records” be amended as follows: Sec. 6-8 Production of Records. The Department Head or Department Director of each town Department shall provide all records requested by the Budget Committee in an electronic spreadsheet format or other format specified by the Budget Committee. Failure to comply with the requirements of this section without good cause shall be grounds for suspension, demotion, discipline, or discharge for proper cause. This

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ordinance shall take effect on the date of passage and in accordance with the Town Charter.”

RESOLUTION REQUESTING MODIFICATION OF THE FAIR FUNDING FORMULA

MOTION by Mr. Zwolenski and seconded by Mr. Boucher to continue this matter to April 20, 2015 in order to discuss this in a public hearing.

The motion and second were withdrawn.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to continue this to April 20, 2015 for a public hearing and for the Council to take a vote or other action.

GRANT OF EASEMENT ASSESSOR'S PLAT 3, LOT 183 - CITY OF WOONSOCKET

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to table this matter to a date to be determined at the request of the Woonsocket Solicitor's office.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 0 on a roll call vote to adjourn at 9:52 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk