

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 20, 2015

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

Branch Village Redevelopment District

Mr. Scott Gibbs gave an update as to what has been happening with this. The Town is meeting with the Department of Transportation in the hopes of working together for the design of the road and infrastructure improvements from Church Street to Mendon Road. The town has secured funding of a \$3 million loan through the RI Clean Water Finance Agency to underwrite a portion of the sewer improvements. The balance of the \$3.6 million improvements would be paid for by a portion of the capital improvement funds within the sewer budget. Sewers are not covered by Department of Transportation improvements. Along with the sewer investment there has been an effort to rework the sewer assessment process. Significant progress has been made with the ATP site.

Taxation of Out-of-State Vehicles

Mrs. Claire O'Hara of Summit Avenue commented there are many out-of-state vehicles housed in town that, unfairly, are not being taxed.

Mowry Road One-Way Street Ordinance

Mrs. Sheila Williams of 70 Mowry Road, Harrisville complained that

the recently adopted North Smithfield ordinance has negatively impacted the Burrillville residents of the area. It concerned her that no one had been notified of the change.

Mr. Zwolenski noted that during the hearing process of this ordinance, Town Administrator Hamilton had been asked to contact the Burrillville Town Manager, which she did. A response was received stating that the Burrillville Town Council had no objection to the road becoming one-way.

According to Mrs. Williams, the Town of Burrillville still considers it a two-way road. She offered the idea that perhaps the road could be made wider.

Director of Public Works Raymond Pendergast suggested that a meeting be held with North Smithfield and Burrillville officials to further look into the situation.

REGULAR MEETING

The meeting began at 7:10 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. (Mr. Alter is deceased). Also in attendance were Town Administrator Hamilton and Town Solicitor Igliazzi.

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GRANT OF EASEMENT - CITY OF WOONSOCKET

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 3 to 1 on a roll call vote (Ms. Alves voted no) to move this item up next on the agenda.

This discussion had originally been scheduled for April 6, 2015; however, at the request of City of Woonsocket Legal Assistant Amy Devereaux the matter was postponed to a later date.

Ms. Devereaux was present this evening to explain that the City is seeking approval from the Town of North Smithfield for a grant of easement in connection with the Woonsocket Local Protection Project (WLPP). Certification of the WLPP is expected to reduce the FEMA insurance rates for nearby property owners. Once all easements are obtained, corrective deeds will be recorded. RIDOT is ready to put out to bid and begin construction on the bike path in Woonsocket and North Smithfield this year. However, the Army Corps of Engineers will not grant RIDOT the required 408 permits to do so unless the City has obtained certain easements relevant to the WLPP, of which Tract No. 2102E is one.

Stephen Dunbar, Project Manager for the Army Corps of Engineers, stated one benefit of the project is that flood insurance rates should go down and the other benefit is the bike path.

Mr. Zwolenski asked if the bike path construction would still happen if the easement is not granted and was told it would not by Mr. Dunbar.

Mr. Zwolenski also asked how removal of vegetation without changing slope would alleviate flooding downstream.

Mr. Dunbar responded that operation and maintenance is part of the whole project. If material caves into the river, it could be restricting flow within the channel and the removal of the vegetation would allow access to the river. Stress cracks would also be more visible.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to ask the Army Corps of Engineers, Ms. Devereaux and Ms. Hamilton to reach out to Town Planner Robert Ericson for a review by either Mr. Ericson or the Planning Board of this project.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call that once the project has been reviewed, it comes back before the Council for a final vote.

PUBLIC HEARING RISE MAYORAL ACADEMY CHARTER SCHOOL

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to open the public hearing.

Several people spoke against the RISE Mayoral Academy:

Kim Rawson; Nicole Denton; Dan Halloran; Julie Gladding; Natalie O'Brien; Michael Fournier; Steven Vowels; Fred Hoppe; William Connell; Glen Boisvert; Christine Bonas; Anthony Soly; Elaine Zagrodny; Lynn Goodwin; Marianne Lowe; Claire O'Hara; Carol Drainville; Suzanne Tessitore; and Jeffrey Partington.

Comments included: urging the Town Council to support public education and not the Charter School; North Smithfield already provides a rigorous college education curriculum; urging the Town Administrator to be removed from her position on the Charter School Board; the detrimental fiscal impact to the taxpayers; funding mechanism was supposed to be revenue neutral but is not; funding another school takes away from the North Smithfield system; people in the community were not given a choice; the Town Administrator is not allowed per the Town Charter to enter into a contract; the School Committee has sole custody of their budget; \$1.9 million goes out of Lincoln to pay for the Blackstone Valley Preparatory; if accelerated programs are cut from the NS High School does this prohibit students from getting into college studies they would like; towns would be better off spending

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money on the special needs of children rather than on charter schools; parents have moved to North Smithfield so that their children could attend schools here but not happy using their tax

dollars to support a charter school; five years into a mayoral academy, the towns of Lincoln and Cumberland are having financial difficulties; attendance based upon economic status; charter schools are untested at best; the proposed site, the Father Marot Center, is an inappropriate site.

Mrs. Nadeau commented that private schools are not always a choice if parents cannot afford them and most, if not all, are affiliated with the Roman Catholic Church.

Mr. Iglizzi stated that Rhode Island General Law allows Ms. Hamilton to be a sponsor of the RISE Academy.

After hearing all the comments, Mr. Zwolenski asked if there was anyone in the audience who supported the RISE Mayoral Academy. There was no one. Since he believed Ms. Hamilton's position on the board to be a voluntary one, Mr. Zwolenski asked her if she would voluntarily resign. Ms. Hamilton declined.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to close the public hearing at 8:59 P.M.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to move on to Item B under the RISE Mayoral Academy - Discussion by Council, Vote or Other Action.

MOTION by Mr. Zwolenski and seconded by Ms. Alves to direct Town Administrator Hamilton to remove herself from the board of the RISE Mayoral Academy and to notify RISE that she does not represent the wishes of the Town Council or North Smithfield residents.

Mrs. Nadeau stated that having Ms. Hamilton on the board for the charter school does not bind any student or monies to go there so she doesn't feel she could support that motion. But she may consider not supporting the RISE Mayoral Academy itself.

The motion and the second were withdrawn.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 3 to 1 on a roll call vote (Mrs. Nadeau voted no) that a resolution be drafted stating that the Town of North Smithfield does not support the RISE Mayoral Academy.

MOTION by Mr. Zwolenski and seconded by Ms. Alves to direct Administrator Hamilton to remove herself as a North Smithfield representative for the RISE Mayoral Academy Charter School.

Roll call: Ms. Alves - yes; Mrs. Nadeau - no; Mr. Zwolenski - yes; and Mr. Boucher - no. The motion failed 2 to 2.

MOTION by Ms. Alves, seconded by Mr. Zwolenski and Mr. Boucher, and voted 3 to 1 on a roll call vote (Mrs. Nadeau voted no) to request

Ms. Hamilton to remove her name off the application of RISE Academy in support for North Smithfield.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote to take a five-minute recess at 9:12 P.M.

The meeting reconvened at 9:20 P.M.

RESOLUTION RE: FAIR FUNDING FORMULA

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to accept the following resolution and send it to the General Assembly: “Negative Fiscal Impact “WHEREAS, The Rhode Island Fair Funding Formula is based on fair and equitable funding and, in part, on the principle that the funding should follow the student, and WHEREAS, It has been demonstrated that while the funding follows the student, certain costs remain at the district level, and WHEREAS, If state and charter students were to return to the North Smithfield Public Schools in FY2016, the costs incurred by virtue of the returned enrollment would be minimal, as compared to the tuitions and state aid

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that North Smithfield is obligated to pay in the amount of \$380,000, and WHEREAS, State and charter schools are approved by RIDE and not by the sending district taxpayers of School Committees or Town Councils, without consideration of the local fiscal impact of that

district. Inequitable Funding of Core Instructional Amount

WHEREAS, The Rhode Island Fair Funding Formula calculates state aid to education on the basis of a determined core instructional amount funded on a per pupil basis, and WHEREAS, Until FY2018, certain cities and towns, including the Town of North Smithfield, will receive less than one hundred (100%) percent of its state funding entitlement, as such state funding is limited by a seven year phasing period; the current fiscal year 2015 being the fourth of seven such years, and WHEREAS, The amount of state funding to state and charter schools is not limited by a phasing period; instead, state and charter schools receive one hundred (100%) percent of the state aid entitlement under the Rhode Island Fair Funding Formula, and WHEREAS, The foregoing demonstrates that the Rhode Island Fair Funding Formula is not fairly and equitably applied to all North Smithfield Public School students as a smaller amount of funding is allocated to students enrolled in the district schools, than students enrolled in a state or charter school.

Disparate Local Tuition Payment Obligations

WHEREAS, The formula for determining the mandated local tuition obligation of each sending district is based on the appropriation to education made by the sending district, and WHEREAS, The appropriation to education made by each sending district is unique, and WHEREAS, Due to the different amounts that each sending district appropriates, the formula for calculating the mandated state and charter tuition has resulted in disparate tuition obligations by and among the various sending districts.

Unpredictability of Local Tuition Obligation

WHEREAS, While the

Rhode Island Fair Funding Formula calculates state education funding on the basis of projected enrollment determined by the resident average daily membership of the sending district in the prior year, the calculation of the mandated tuition obligation to state and charter schools is based on actual fluctuating enrollments throughout the subject year, and WHEREAS, Basing the calculation of state and charter tuitions on actual fluctuating enrollments results in unpredictable tuition obligations, unpredictable funding to state and charter school and has potential negative impact upon district, state, and charter school students. NOW, THEREFORE, Let It Be Resolved That: 1. The North Smithfield Town Council requests that the General Assembly modify the Fair Funding Formula to: A. Eliminate the negative fiscal impact of charter school enrollment on the North Smithfield Public Schools, and B. Ensure that the core instructional amount is equally funded to and among all of the public school students residing in the Town of North Smithfield, and C. Eliminate the disparate amounts of local tuition payment obligations by and among the various sending districts, and D. Eliminate the unpredictability of the calculation of the mandated state and charter local tuition. 2. The North Smithfield Town Council requests that the General Assembly place a moratorium on expanding enrollment in charter schools while the General Assembly works to eliminate said adverse impact, holding harmless all students presently attending those schools.”

PUBLIC BUILDINGS IMPROVEMENT COMMISSION UPDATE

Commission Chairman Joseph Cardello explained that there are three separate bonds and they will most likely need to compile three separate construction contracts. There has been consideration and effort to combine the Town Buildings and School Construction project to save on administration costs but that is looking less likely to happen due to scheduling and RIDE approval of the schools.

Repave and Repair Thirty Town Roads - \$2.5 million

This past winter caused significant damage to several of the town roads. It was agreed the Casali Report was a report to be used as a guide; however, the town's department of public works should provide guidance as to which roads should be repaved or repaired based on the level of effort to maintain them. It is unlikely that thirty roads will be able to be done. There was a question as to whether Town Council approval would be needed since this deviates from the bond question. The Public Buildings Improvement Commission requested approval to work with the solicitor to prepare an RFP for a design consultant to prepare construction documents.

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Kendall-Dean, Municipal Annex and Town Hall Buildings - \$5.2 million
Staying within the \$5.2 million is something that will need to be watched. The summary of costs used to reach this amount only includes about \$45 thousand for Town Hall. Actual line items add up to over \$200 thousand. It was agreed to take the plans and estimate

for that work and have a validation of cost completed by an estimator.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to allow the Public Buildings Improvement Commission to work with the Town Administrator and the Town Solicitor to hire a cost estimator for a validation of costs for the town buildings for an amount not to exceed \$7,800.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to allow Mr. Cardello, acting as the agent of the Public Buildings Improvement Commission, to request five copies of all plans and supporting documents in both digital and hard copy format so that the information may be provided to the cost estimator, the ability to work directly with Robinson Green Beretta to obtain any supporting documentation that they may have. Payment for copies is to be made out of the contingency fund pending the outcome of the reading of the RGB contract.

Decommission Halliwell, Make Improvements to NSES, the Middle School and the High School - \$4.3 million

The cost summary report provided by the Public Facilities Advisory Task Force provides square foot costs with various percentages for soft costs. The PBIC has not received plans that could be used to compile an RFP for professional design services. At a meeting on April 10th with RIDE representative Joseph DaSilva, Mrs. Nadeau, Mr. Lindberg and Mr. Cardello, they were informed that the plan currently

before RIDE does not meet certain standards and will not be approved as submitted. Mr. Cardello feels the PBIC could move forward on those portions that RIDE does feel will work. He asked if the Town Solicitor could review since they may not be able to move forward with all aspects.

School Committee Chairman William Connell had spoken with Mr. DaSilva after that meeting and was told that it's not that the town cannot go forward but it is a process. RGB is providing more information to RIDE and another meeting will be scheduled with Mr. DaSilva, RGB, Superintendent Lindberg and possibly bond counsel to see what can be worked out.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 10:00 P.M. to extend the meeting to 10:30 P.M.

Mr. Lindberg indicated that NESDEC enrollment projections are pretty reliable and they show the numbers increasing. He agreed with Mr. Cardello that the project should be put on hold until the whole thing can be sorted out. Then it can be decided whether to move forward with some of it or none of it.

DAMAGED MAILBOXES AT MOUNTAIN ROAD

Ms. Dinna Finnegan explained there is a bank of three mailboxes for the three homes on Mountain Road and they are located quite a distance from the houses. They are locked mailboxes and have been

destroyed over the winter by the plows. Ms. Finnegan had originally bought the mailboxes at a cost of over \$300 each. Ms. Finnegan has found replacement mailboxes at a cost of approximately \$160.00 each and would like the town to reimburse her for those.

Ms. Alves did not think there should be further reimbursement because the town has an executive policy allowing \$30 for a mailbox damaged by a town plow. She felt if Ms. Finnegan is reimbursed for the additional amount, then other residents would be looking for more money as well.

MOTION by Mrs. Nadeau to pay \$130.00 to Dinna Finnegan, Maggie Girard and Paula Patton in light of the fact they have each already received \$30.00. There was no second.

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CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to remove the payment of bills and the Council minutes of March 2, 2015.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the following: 1.) Town Council minutes of December 15, 2014, February 17, March 2, 16 and 26 &

April 6, 2015; 2.) Budget Committee minutes for February 5 & March 9, 17, 23 and 31, 2015; 3.) Planning Board minutes for February 19 and March 12, 2015; 4.) Board of Assessment Review minutes for September 4, October 15 and November 19, 2014 & March 26, 2015; 5.) Conservation Commission minutes for February 10, 2015; 6.) Animal Control Monthly report for March 2015; 7.) NSF&RS Inc. monthly report for March 2015; 8.) NSPD monthly reports for February and March 2015; 9.) Municipal Court monthly reports for February & March 2015; 10.) Resolution Supporting Full Funding of Full-Day Kindergarten - Town of East Greenwich; 11.) Resolution Opposing House Bill Relating to Waters and Navigation Harbors and Harbor Lines - Towns of East Greenwich and Jamestown; 12.) Resolutions Opposing Legislation Relating to Taxation-Levy and Assessment of Local Taxes - Towns of Foster and Hopkinton; 13.) Resolution Opposing Legislation Relating to Assessment of Partially Completed Structures - Town of Jamestown; 14.) Resolution Requesting Return of Surplus Taxpayers Monies to the City's/Town's Reserve Fund - Town of Portsmouth; and 15.) Resolution Re: "Women's History Month" - Smithfield School Committee.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 10:44 P.M. to extend the meeting to 11:00 P.M.

PAYMENT OF BILLS

Because Ms. Alves had questions regarding payments being made to former Building Official Robert Benoit with no official contract having

been approved, MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to withhold payment to Mr. Benoit until the next meeting to allow time to gather further information.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the following payment of bills: General Fund \$526,381.29 (this is minus the \$200.00 to Mr. Benoit); Sewer - \$27,914.65; Water - \$64,717.81; School Department - \$1,553,518.58 and Fire Department - \$195,147.00 for a total of \$2,367,679.33.

MINUTES OF MARCH 2, 2015

In the minutes regarding the hiring of the external auditor, Mr. Zwolenski wanted to make it clear that he wanted to recoup the original \$12,500 that had been paid to Mr. Nicholson.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to amend the minutes as discussed.

APPOINTMENT TO PUBLIC BUILDINGS IMPROVEMENT COMMISSION

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Julie M. Cameron to this commission.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote at 10:59 P.M. to extend the meeting to 11:10 P.M.

RHODE ISLAND CLEAN WATER FINANCE AGENCY LOAN

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to support moving forward with the Clean Water Finance Agency loan and the Branch Village economic development project.

ORDINANCE RE: IRONSTONE STREET

Mr. Daniel Lepore, who lives on Ironstone Street, noted that since the road became a one-way on April 16th, he has counted over 200 cars going the wrong way. He asked if it would be possible to make the road a dead end.

Mrs. Nadeau had spoken to Captain Lamoureux who supported the dead end.

It was suggested that Chief Jillson should weigh in.

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MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to adjourn at 11:08 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk