

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JUNE 15, 2015

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

Mr. Raymond Leclaire of Birch Hill Avenue was unhappy with spiraling expenses of the school department and the salary increases of the union teachers and offered recommendations to reduce costs such as 1.) Outsource non-teaching jobs such as janitors and food service to local companies, 2.) Support tax credits or vouchers to give relief for the taxpayers and our school system, and 3.) Verify that those attending North Smithfield schools are indeed residents.

REGULAR MEETING

The meeting began at 7:02 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. Town Administrator Hamilton and Town Solicitor Igliazzi were also in attendance.

HOLIDAY SALES LICENSE - AMERICAN PROMOTIONAL EVENTS D/B/A TNT FIREWORKS

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve a holiday sales license for American Promotional Events d/b/a TNT Fireworks at the location of 7 Dowling Village Blvd. The BCI check for Taylor C. Bettencourt showed no criminal record.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to sign off on a holiday sales license for TNT Fireworks at the 781 Victory Highway location provided that a valid BCI check is presented to the Clerk in a reasonable amount of time.

VICTUALING AND JUKEBOX LICENSES - TEXAS ROADHOUSE HOLDINGS LLC D/B/A TEXAS ROADHOUSE

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve a victualing license for Texas Roadhouse located at 39 Dowling Village Blvd.

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MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve a jukebox license for Texas Roadhouse.

APPOINTMENTS TO SCHOOL BUILDING COMMISSION

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to move this item up next on the agenda.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to recommend the following be appointed by the School Committee to the School Building Commission: John

Flaherty, Jeffrey Harris, Joseph Cardello, Jason Parmelee, Roseanne Nadeau, Merredythe Nadeau, Douglas Allam, Michael Clifford, Michael Rapko and David Punchak.

RETAINING ARCHITECTURAL SERVICES FOR STAGE II APPLICATION

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to move this item up next on the agenda.

Mrs. Nadeau would like to hire an architectural firm to resubmit a workable Stage II application to the Department of Education.

MOTION by Mr. Boucher and seconded by Mrs. Nadeau that Studio Meja be retained for the Stage II application.

Ms. Alves questioned if any written quotes had been provided and was told there was nothing written.

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

RESOLUTION RE: INDIVIDUAL APPROPRIATIONS FOR THE BUDGET

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 3 to 1 on a roll call vote (Ms. Alves voted no) to approve the following resolution: “WHEREAS, Appropriation refers to the department appropriation, not each line. NOW, THEREFORE, BE IT RESOLVED:

That in the event there is no opposition to any individual appropriation in the proposed budget, said appropriation shall be considered as adopted by this meeting of the Town Council of North Smithfield, RI.”

PUBLIC HEARING ON FY 2016 BUDGET

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to continue the public hearing to 8:00 p.m. to allow people in the audience time to review the budget document.

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to remove the payment of bills and the Town Council minutes of May 4, 2015.

Payment of Bills

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve payment of the following bills based upon the recommendations of the Town Administrator and the Finance Director: General Fund - \$379,980.28; Sewer - \$10,534.37; Water - \$1,285.55; School Department - \$1,553,518.58; and Fire Department - \$195,147.00 for a total of \$2,140,465.78. This removes payments to Robert Benoit of \$480.00 and Philip Correia of \$1,188.00 until further information is received.

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Mr. Zwolenski asked that it be clarified that the email regarding the ordinance making Mowry Road a one-way street came from Ms. Hamilton.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve the minutes of May 4, 2015 as amended.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to accept or approve the rest of the consent agenda: 1.) Town Council minutes of May 11 and 18 & June 1, 2015; Budget Committee minutes for April 28 and May 5, 2015; 3.) Conservation Commission minutes for May 12, 2015; 4.) Sewer Commission minutes for April 15, 2015; 5.) Animal Control monthly report for May 2015; 6.) NSF&RS Inc. monthly report for May 2015; 7.) NSPD monthly report for

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May 2015; 8.) NS Municipal Court monthly report for May 2015; 9.) Resolution Re: School Calendar from the Town of East Greenwich; 10.) Resolution Supporting State Guide Plan and Statewide Planning Program from the Town of Foster; 11.) Resolutions Re: Gun Free Schools from the Smithfield and Exeter/West Greenwich School Committees; and 12.) Letter Re: H6100A Non-Agricultural Uses from the Town of East Greenwich.

GRANT OF EASEMENT RE: BIKE PATH/WOONSOCKET LOCAL

PROTECTION PROJECT

Mr. Igliozzi provided the final form of the Grant of Easement to the United States of America that includes three assurances from the Town of North Smithfield: 1.) It will furnish free of cost to the United States, all land, easements, and rights-of-way necessary for the construction of the project in North Smithfield; 2.) It will hold and save the United States free from damages due to the construction work within the municipal limits of North Smithfield, Rhode Island; and 3.) It agrees to maintain and operate all the works within the said town's limits and jurisdiction after completion, in accordance with regulations prescribed by the Secretary of the Army.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve the Grant of Easement identified as Tract No. 2102E to the United States of America through the Secretary of the Army at no charge and further identified as a parcel of land situated in the Town of North Smithfield being Assessor's Plat 3, Lot 183.

EASEMENTS AND ACQUISITIONS FOR THE SLATERSVILLE STONE ARCH BRIDGE PROJECT

Town Planner Robert Ericson submitted two drawings from the Department of Transportation, one for the repositioning of a utility pole on Main Street and the other is a diagram of the moving of a stone wall. However, it has since been agreed to move the utility pole directly back approximately 2.5 feet.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve a grant of easement and acquisition for the Slatersville Bridge Project to the Rhode Island Department of Transportation for Parcels 8A and 9A Partial Acquisition of 940 square feet, Parcels 8B & 9B Temporary easement 3-year period of 12,795 square feet, Parcel 9C Permanent Aerial Easement of 2,251 square feet and Parcel 11G Permanent guy easement of 97 square feet.

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

2ND READING ORDINANCE RE: LOITERING

MOTION by Mrs. Nadeau, seconded by Mr. Boucher and Mr. Zwolenski, and voted 4 to 0 on a roll call vote to adopt the following ordinance as a second reading: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Code of Ordinances, Chapter 12 is hereby amended to add the following new Section 12-15: Sec. 12-15. LOITERING Sec. 12-15.1 DEFINITIONS The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Loitering Remaining idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to

delay, to stand around, and shall also include the colloquial expression "hanging around." **Public Place** Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks. **Sec. 12-15.2 PROHIBITED ACTS.** It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to: (a) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. (b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building

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any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto. **Sec. 12-15.3 ENFORCEMENT; VIOLATIONS AND PENALTIES** When any person causes or commits any of the conditions enumerated in Sec. 12-15.2 herein, a police officer or any law enforcement officer shall

order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be subject to a fine not in excess of five hundred dollars (\$500.00). This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith, are repealed.”

2nd READING ORDINANCE RE: SEX OFFENDER RESIDENCY RESTRICTIONS

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to adopt the ordinance as presented as a second reading.

AUTHORIZATION FROM SCHOOL COMMITTEE FOR USE OF KENDALL-DEAN AS TOWN/SCHOOL ADMINISTRATION BUILDING

Ms. Hamilton said this item is scheduled to be heard at the School Committee meeting tomorrow evening.

MS-4 CONTRACT

Mr. Ericson explained that the federal government issues an MS-4 permit to the State of Rhode Island which in turn issues subsidiary ones to municipalities and major agencies like RIDOT. MS-4 stands for Separate Storm Sewer System. Reducing unwanted effluents to water bodies is an important part of the plan this year and it is a technical engineering component. There needs to be a strategy for getting all the catch basins done and for testing all the runoff coming

from outflows in dry months and wet months.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve a contract with Joe Casali Engineering for the MS-4 project in an amount not to exceed \$18,000.

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

Funds are to come from the \$84,000 set aside for the Branch Village Redevelopment project.

PUBLIC HEARING ON FISCAL YEAR 2016 BUDGET

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to reopen the public hearing on the budget.

There were no comments or questions from anyone in attendance.

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

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to take a five-minute recess at 8:07 P.M.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to

0 on a roll call vote to resume the regular meeting at 8:18 P.M.

TAX PENALTY ABATEMENT

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to move this up next on the agenda.

Mr. Mark Perry of 63 Old Greenville Road appeared to request the abatement of a tax penalty. He felt there had been some confusion as to what was owed and he paid his real estate property tax bill in full on May 28, 2015 but did not feel that he should be held liable for the penalty or interest.

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to waive the penalty in the amount of \$302.16.

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RESOLUTION OPPOSING LEGISLATION AFFECTING COLLECTIVE BARGAINING RE: MUNICIPAL DEPARTMENTS STRUCTURE OR SHIFT SCHEDULING

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to adopt the following resolution and forward to the General Assembly: "Whereas, Current state law does not prevent municipal governments from organizing their fire departments and other departments in the best interests of the citizens of the community, and Whereas, The Town Charter of North Smithfield, like most municipal charters in Rhode Island, assigns to the government

of the Town the duty and responsibility to organize municipal departments as deemed best for the community by its Town Council, Administrator and department heads, and Whereas, The Constitution of the State of Rhode Island grants to North Smithfield, as it does other municipalities, the authority and responsibility to govern itself and with respect to its financial affairs be subject only to certain statewide legislation enacted by the General Assembly, and Whereas, Pursuant to current law, North Smithfield and/or other municipalities would not be required to submit to an unelected arbitrator that is not accountable to the community or its taxpayers the question of how the Town's municipal departments, including its fire department, will be organized and structured, and Whereas, Submitting such essential local decisions to an arbitrator amounts to ceding the Town's constitutional duties, powers and authorities, including self rule, to an unelected arbiter, thus changing the form of the Town's government so as to give a veto power over decisions of the Town Council and other duly elected and appointed officials to others not contemplated by the Constitution or the Town Charter, and Whereas, the Town of North Smithfield considers any such erosion of management rights, including ceding decisions to unelected arbiters, to be detrimental to the Town's fiscal well being. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD, RHODE ISLAND AS FOLLOWS: SECTION 1. That the North Smithfield Town Council respectfully requests that the Rhode Island General Assembly oppose and reject 2015 House Bill 5473, along with any and all legislation that would subject the structure

and/or shift scheduling of any municipal department to collective bargaining and thus to arbitration. SECTION 2. That the North Smithfield Town Council respectfully requests that the Town of North Smithfield's local delegation to the Rhode Island General Assembly oppose, reject and advocate against 2015 House Bill 5473, along with any and all legislation that would subject the structure and/or shift scheduling of any municipal department to collective bargaining and thus to arbitration. SECTION 3. That, upon passage, a copy of this resolution be immediately forwarded to every State Senator and State Representative, the Governor, the Rhode Island League of Cities and Towns, and every Rhode Island Municipality."

ORDINANCE SEC. 6.13 PARKING AND STORAGE OF CERTAIN VEHICLES

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to continue the public hearing to August 20, 2015 until after the ad hoc Ordinance Review Committee has an opportunity to review the ordinance.

ORDINANCE SEC. 6.14 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to continue the public hearing to August 20, 2015 until after the ad hoc Ordinance Review Committee has an opportunity to review the ordinance.

ORDINANCE SEC. 7.9 USE OF DUMPSTERS

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to continue the public hearing to August 20, 2015 until after the ad hoc Ordinance Review Committee has an opportunity to review the ordinance.

APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

STAGE II RIDE APPLICATION

Mr. Iglizzi was contacted by Robinson Green Beretta legal counsel and they would like to meet with the Council. The Council opted to meet on July 20, 2015.

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AGREEMENT WITH RHODE ISLAND EMERGENCY MANAGEMENT AGENCY (FIRE TOWER)

This agreement provides for the Town of North Smithfield to grant to the State the right and license to establish, construct and maintain a RI Statewide Communications Network Antenna Site on the premises at the Woonsocket Hill Road Fire Tower.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve the Memorandum of Agreement between the State of Rhode Island, through the Rhode Island Emergency

Management Agency, and the Town of North Smithfield and to authorize the Town Administrator to sign the agreement.

OUTDOOR SOUND SYSTEM PERMIT - Ms. Alves

Ms. Alves is requesting an outdoor sound system for family movie night at Pacheco Park.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote (Ms. Alves abstained) to approve the request for an outside sound system at Pacheco Park on June 27, 2015 from 7:00 P.M. to 10:30 P.M.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 8:54 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk