

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JULY 20, 2015

NORTH SMITHFIELD MIDDLE SCHOOL

6:45 P.M.

OPEN FORUM

Construction Vehicles Parked Behind Municipal Annex

Robert Melucci of 32 Merrimac St. claims the town has not been a good neighbor. There have been rusty hanging gates and grass has not been cut. He was very unhappy about construction vehicles and materials being stored on town land that abuts his home and it creates visual pollution.

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RISE Mayoral Academy

Daniel Halloran of Douglas Pike commented that several weeks ago Town Council members had voted to ask Administrator Hamilton to step down from the board of RISE. He felt her acceptance of the position was against the Town Charter and he questioned if the town would now be responsible for any legal costs on her behalf. There is a fiduciary duty to taxpayers and Mr. Halloran does not want to use taxpayer money for Ms. Hamilton's defense.

Playground Behind Municipal Annex

Thomas Guay of 15 Walsh Avenue stated the playground behind the Annex (where construction vehicles are being stored) has been neglected for years; the fence is in poor shape. He noted the Council represents the entire town and more attention needs to be paid to the playground.

Mr. Zwolenski responded that this matter will be investigated.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Also in attendance was Town Administrator Hamilton and Town Solicitor Iglizzi.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to move executive session to the end of the meeting.

CONSENT AGENDA

Mr. Zwolenski requested that the payment of bills and the Ad Hoc Ordinance Review Committee minutes be removed.

Mr. Soly requested that the Budget Committee minutes be removed.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mrs. Nadeau, and voted unanimously on a roll call vote to accept the following: 1.) Town Council minutes for June 8, 15 and 22, 2015; 2.) Sewer Commission minutes for May 20, 2015; 3.) Animal Control monthly report for June 2015; 4.) NSF&RS Inc. monthly report for June 2015; 5.) NSPD monthly report for June 2015; 6.) NS Municipal Court monthly report for June 2015; and 7.) Letter opposing legislation regarding police and firefighter overtime law from the Narragansett Town Manager.

Payment of Bills

Both Ms. Alves and Mr. Zwolenski wanted to hold payment of \$480.00 to former Building Official Robert Benoit until at least further discussion later this evening.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to pay the following: General Fund - \$366,022.24; Sewer - \$2,964.00; Water - \$2,042.30; School Department - \$1,553,518.62; and Fire Department - \$214,090.00 for a total of \$2,413,111.37.

Ad Hoc Ordinance Review Committee Minutes for June 25, 2015

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to hold off acceptance of these minutes until they have been approved by the committee.

Budget Committee Minutes for June 6, 2015

Mr. Soly thought these minutes appeared incomplete.

Budget Committee Chairman Michael Clifford explained that it was a fifteen minute meeting and the purpose was to address the last item on the agenda. He added three items in case a member wanted to adjust any of the numbers associated with those topics. Mr. Clifford stated he should have written no discussion, no action.

MOTION by Mr. Soly and seconded by Ms. Alves and Mr. Boucher to approve the Budget Committee minutes of June 6, 2015.

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Since Mrs. Nadeau felt the minutes should be updated before being accepted, Mr. Soly withdrew his motion and Ms. Alves and Mr. Boucher withdrew their seconds.

MOTION by Mr. Soly, seconded by Mrs. Nadeau, and voted not to accept the minutes as submitted until the Budget Committee meets and confirms that they have approved them.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the meeting under Old

Business.

SCHOOL CONSTRUCTION STAGE II APPLICATION

Mrs. Nadeau noted that there were no updates to be made at this time.

Mr. Michael Clifford is of the opinion that, because of changes made at the Rhode Island Department of Education, North Smithfield is starting from scratch and will need to submit a whole new plan and everything that was submitted has no approval whatsoever. The bond had to be completed and out to bid by April of next year, otherwise it would not be on the books of North Smithfield in time to use the revenue from National Grid in accordance with state law to offset the cost of the bond. There is language in the new regulations from RIDE that strongly suggest the town needs to look at excess capacity in all school buildings. There will be a slim chance for any district to get a project approved if there is any other alternative plan that is feasible.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to have Mr. Boucher submit the same APRA request to RIDE as Mr. Clifford did with the proviso that the Town Solicitor reviews the request and puts it in its proper form. The request is for all correspondence, including emails, regarding or containing any records for the Stage I/Stage II application submitted on behalf of the North Smithfield School Department received by Mr.

Joseph DaSilva between February 2014 to July 19, 2015 from any of the following individuals: North Smithfield School Superintendent Stephen Lindberg, Mr. David DeQuattro, Mr. David Abbott or any member of the North Smithfield School Building Capital Improvement Facilities group.

AUTHORIZATION TO SIGN CONTRACT WITH STUDIO MEJA

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to authorize the Town Administrator to sign any contracts for the hourly wage, as was outlined in the agreement when Studio Meja was hired, until the Council can determine a scope of work for Eric Army, principal of Studio Meja.

ESTABLISHING CHARTER REVIEW COMMISSION

Mr. Boucher explained the purpose of this commission is to go through the Charter and tighten it up. He feels a separate panel should review the Charter and make recommendations to the Council.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to establish, through an ordinance, a Charter Review Commission.

RECALL PROVISION

Because of the shortfall of the recall provision in the Charter and because Mr. Boucher is aware that other communities have a better recall provision, this item should be included in any discussions of a

Charter Review Commission. Discussion will not be limited to a recall provision, however. All facets of the Charter should be reviewed.

APPOINTMENT TO REDEVELOPMENT AGENCY

The Council had received an application from Mr. Charles Gaskin who would be open to serving on several board positions.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to have the Town Council president reach out to Mr. Gaskin to see if he would be interested in the Redevelopment Agency.

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APPOINTMENTS TO PUBLIC BUILDING IMPROVEMENT COMMISSION/108 COMMITTEE

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to appoint John Flaherty to the Public Building Improvement Committee to replace Julie Cameron.

MOTION by Mrs. Nadeau to appoint Anthony Soly to the Public Building Improvement Commission/108 Committee to replace Arthur Bassett.

Because Mr. Soly was just hearing about this proposal, he asked that it be continued to the next agenda.

OUTDOOR SOUND SYSTEM PERMIT - HOLY GHOST SOCIETY OF NORTH SMITHFIELD

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve the outdoor sound system permit and to have the Town Administrator contact Trina Lavoie, secretary of the Holy Ghost Society, to determine what hours they will be using the system.

BUFFALO WILD WINGS NOISE AND LIGHTS

Neighboring residents are complaining about the lights and the noise emanating from the Buffalo Wild Wings restaurant. Trash pickup starts early at 4:00 A.M.

Ms. Sarah Rivera had been told when Dowling Village was first proposed that there would be a fence to hide the buildings and a tree line. They have the fence that does not hide the buildings and there is no tree line.

Mr. Zwolenski asked Ms. Hamilton to have Town Planner Robert Ericson review the light plan that had been approved by the Planning Board. Dumpsters are to be serviced no earlier than 7:30 A.M. and no later than 6:00 P.M. Truck deliveries that are being made in the very early morning hours need to stop. Time of trash pick-up has to be

enforced. A letter should be sent to Mr. Bucci, the principal of Dowling Village, as well as to the businesses located there.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, Mrs. Nadeau, Ms. Alves, and Mr. Boucher, and voted unanimously on a roll call vote to direct the Town Administrator to ask the Town Planner to review the lighting plans, the plan to plant shrubbery and the plan for the fence that is supposed to be in place.

NORTH SMITHFIELD FIRE & RESCUE SERVICE STATION, INC. CONTRACT

Included in the Council packets were the original contract and the fifth amendment. The only exceptions are the funding sources and the number of individuals that they have agreed to provide, 23 as opposed to the 21 the department had.

MOTION by Ms. Alves, seconded by Mr. Boucher, and voted unanimously on a roll call vote to accept the fifth amendment agreement to the contract by and between North Smithfield Fire and Rescue Service, Inc. and Town of North Smithfield with a starting date of June 30, 2015 to June 30, 2018.

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

TOXIC WASTE ON LOG ROAD

A resident contacted Mrs. Nadeau with a concern that there may be toxic waste on Log Road where it meets the town of Burrillville near an old radio tower. The resident had been told by another resident that the radio station site was a dumping ground. Subsequently Mrs. Nadeau heard from another resident who also believes there is toxic waste on the site.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to have the Town Administrator work with the Environmental Protection Agency and the Department of Environmental Management to determine if there is in fact toxic waste at the site and to have the owners of the property be held responsible for having it mitigated.

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Ms. Hamilton commented that the Tax Assessor has researched this and has found that the property is still owned by Cumbre Corporation. They will be sent a letter to see if they are aware of anything.

SCHEDULING PUBLIC HEARING DATE FOR ZONING ORDINANCE AMENDMENT SECTION 6.18 SPECIAL FLOOD HAZARD AREAS AND FLOOD FRINGE LANDS

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

unanimously on a roll call vote to schedule the public hearing date for August 17, 2015.

**PROPOSAL AND CONTRACT FOR PHASE 1 SEWER ASSESSMENT
ORDINANCE AMENDMENT**

On behalf of the Sewer Commission, Water and Sewer Coordinator Maura Beck submitted a proposal from Horsley Witten Group. In December 2014 the Council approved a similar proposal from Horsley Witten to draft their recommendations regarding three specific tasks; recommendations that would eventually be added to the Sewer Ordinance as an amendment. That draft has been completed and they are now submitting this proposal to write and implement four of the recommendations into amendment form. The recommendations, numbered as they appear in the report, include: #1 Reinstate Credit for Private Sewers; #2 Financial Forecasting; #3 Revisit and Update OD Assessments; and #7 Discontinue OWTS Reference for Design Flows.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve payment not to exceed \$20,725 to the Horsley Witten Group for the proposal of writing the four recommendations and to authorize the Town Administrator to execute the document. Funding will come from the Sewer Contingency.

COMMUNITY DEVELOPMENT BLOCK GRANT PROFESSIONAL

SERVICES AGREEMENT

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the Professional Services Agreement with the City of Woonsocket to assist in administering Community Development Block Grants and to authorize the Town Administrator to sign the agreement.

RESOLUTION TO REMAIN WITH 21-YEAR AMORTIZATION PERIOD FOR STATE PENSION PLAN

Mr. Parmelee explained that when the state pension settlement happened, some communities were interested in reamortization which meant the town would go from a 21-year schedule to a 25-year schedule. If the Town of North Smithfield does this, it would cost over \$814,000.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to remain at the 21-year amortization, saving the town \$814,068.00, and to have the Town Solicitor draw up a resolution.

AWARD OF QUOTE FOR COPIER MACHINES FOR TAX ASSESSOR'S OFFICE/FINANCE DEPARTMENT

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve the purchase of two copiers, one Konica Bizhub C4543 for the Finance Department at a cost of \$9,672.72 and one Konica Bizhub 454e for the Assessor's

Office at a cost of \$6,132.84, for a total cost of \$15,805.56. Funding will come from the approved capital funds.

REVIEW OF VARIOUS TAX EXEMPTIONS AND FISCAL RAMIFICATIONS

Noting that deceased Town Council member Ernest Alter was a strong supporter of senior residents, Mr. Zwolenski would like to have the Budget Committee look at the impact of updated senior and veterans exemptions.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to have the Budget Committee, Finance Director and the Tax Assessor work on a project to determine the fiscal impact of any tax implementations.

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ORDINANCE RE: REGULATIONS FOR THOSE SERVING ON TOWN BOARDS/COMMISSIONS

Mrs. Nadeau would like to have an ordinance written that would prohibit anyone who works for, who has worked for, or anyone related to such an individual from serving on a town board or

commission.

Mr. Boucher had placed another item on the agenda that Mrs. Nadeau thought might be basically the same idea but Mr. Boucher explained his thought was to have an ordinance establishing guidelines for bidding on town contracts.

Mrs. Nadeau eventually withdrew her agenda item.

ORDINANCE RE: PROHIBITING TOWN EMPLOYEES OR BOARD/COMMISSION MEMBERS FROM DOING BUSINESS WITH THE TOWN

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to move this item up on the agenda.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to have the Town Solicitor assist in crafting language for an ordinance prohibiting any town employee or board/commission member from doing business with the town.

ENTERING INTO CONTRACTS WITHOUT TOWN COUNCIL APPROVAL

Building Official

Ms. Alves placed this on the agenda because of two payments due to the former Building Official for signing permits after his retirement.

She has voted to withhold those payments because the Town

Administrator entered into this contract without bringing it to the Council for approval and that is contrary to the Town Charter.

Ms. Hamilton noted that she had to comply with either getting a certified zoning officer or the state would supply one for whom the town would have to pay substantially more. The State suggested that she retain the former Building Official, because he was willing to do that, so they would know that the town was following regulations. Ms. Hamilton thought it would be for two to three weeks but it turned into five to six weeks. She apologized for signing a contract.

Ms. Alves felt it came down to hiring the right person at the right time and if the State had been contacted to find out what certifications were required, we would have known to keep the former Building Official on or hire someone else who had the right certifications.

MOTION by Ms. Alves and seconded by Mr. Zwolenski to disallow payment to the former Building Official because a contract was entered into without the knowledge of the Council.

Roll call: Ms. Alves - yes; Mrs. Nadeau - no; Mr. Soly - yes; Mr. Zwolenski - yes; and Mr. Boucher - no. The motion passed 3 to 2.

Town-Owned Property

(Ms. Alves recused from this discussion)

Mr. Zwolenski had been contacted by Mr. Robert Melucci who lives

directly behind the Municipal Annex. Mr. Melucci was questioning what was going on at the playground area and he had been told that the town had signed an agreement with Lynch Construction Company allowing them to park equipment and vehicles there.

Mr. Zwolenski asked how that agreement came about.

Ms. Hamilton responded she had received a communication that Ms. Hamilton would be getting a call from Lynch Construction. Ms. Hamilton contacted the Department of Public Works Director Raymond Pendergast to make him aware a call would probably be forthcoming asking if they could put a piece of equipment in the area because they are doing work at Park Square.

Mr. Zwolenski asked what are the benefits of parking heavy equipment at the playground, that he does not consider to be abandoned.

Ms. Hamilton answered that Lynch Construction will reseed, regrade, put up a new fence and do plantings. Prior to doing any of that it

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was suggested that a meeting be held with the neighbors to see what they might want there.

Mr. Pendergast stated he was directed by the Town Administrator to

speak to a representative of the Lynch Corporation. As Director of Public Works he is in charge of all parks and buildings and he thought he had the authority to negotiate a verbal agreement with Lynch. Per the Department of Transportation contract, Lynch has to be off the road by October 7th.

Mr. Soly was concerned that there is no framework for what exactly the Lynch Corporation will do for the town.

Mr. Pendergast agreed and was willing to sit down with their representatives and work out a written scope of work.

MOTION by Mrs. Nadeau, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on an eye vote to adjourn at 10:00 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk