

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

JANUARY 19, 2016

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

Ironstone Street

Mr. Daniel Lepore, the lone resident of Ironstone Street, complained that he is still getting traffic coming down his street the wrong way. He asked for a speed bump or hump to slow down traffic.

Mrs. Nadeau feels the problem is the way that Quaker Highway curves into Ironstone Street. She felt that filling in that triangle would make it an actual right turn.

Adopt-a-Spot

Mr. Lepore is also willing to volunteer to clean the Adopt-a-Spot at the corner of Buxton Street and Quaker Highway and was told that he couldn't.

Monitoring of School Buses

Mr. Daniel Halloran commented that unknown to the school department, the bus company and the police department, a member of the School Committee has been monitoring some of the bus stops causing panic and anxiety. He recommended that a hearing be held with Mr. Clifford, and if he has violated protocol, he should be asked to resign from the School Committee.

Parking on Sidewalks

Mrs. Claire O'Hara of Summit Avenue was concerned with cars parking close to curbs and on the curbs. She has seen people walking in the street because there was no room on the walkway. This is dangerous.

Ms. Hamilton said she would contact the Department of Transportation.

Out-of-State License Plates

Once again Mrs. O'Hara voiced her concerns about the number of out-of-state license plates. State law is the car must be registered where it is stored, not where it is bought.

REGULAR MEETING

The meeting began at 7:01 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. Town Administrator Hamilton and Town Solicitor Igliazzi were also in attendance.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to enter into executive session at 7:04 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1.) Dominic Pratt v. Town of North

Smithfield C.A. No.: PC 13-4527; 2.) Mark Morris v. Town of North Smithfield C.A. No.: PC 13-4528; 3.) Jason Richer v. Town of North Smithfield C.A. No. 15-162; and 4.) Potential Litigation.

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MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to come out of executive session at 7:45 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to note that there will be no discussion on Items V, VI, VII or VIII listed on the agenda. (All pertain to executive session)

PUBLIC HEARING RE: C T GAS

This public hearing pertains to a request to increase hours of operation for C T Gas to twenty-four hours, seven days a week.

Mr. Toni Germanos, Manager, noted that there is a lack of 24-hour gas stations in the area at the moment, but there will be a Cumberland Farms store/gas station opening in the near future across the street that will also be open twenty-four hours and this will affect his business. He also noted that he has been open for some extended hours and there have been no problems.

Mrs. Claire O'Hara stated this will provide a service for people working late shifts. The property is always well maintained and the employees are customer oriented.

Although Mr. Zwolenski was originally against this proposal, now that Cumberland Farms will be operating across the street, he agrees that it would hurt Mr. Germanos' business and he would now vote in favor.

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

MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mrs. Nadeau, and voted unanimously on a roll call vote to support the increase hours of operation for C T Gas to twenty-four hours.

PUBLIC ACCUSATIONS MADE

MOTION by Ms. Alves, seconded by Mr. Soly, Mrs. Nadeau and Mr. Zwolenski, and voted unanimously on an aye vote to move this item up on the agenda.

Ms. Alves asked Mrs. Nadeau to explain comments she made in the Valley Breeze questioning the integrity of Ms. Alves' votes on DPW matters.

Mrs. Nadeau referred to the website for the Rhode Island Ethics Commission and felt that by Ms. Alves voting on the DPW matters gave an appearance of impropriety.

Ms. Alves responded that she had received a verbal opinion from the Ethics Commission.

Mrs. Nadeau asked if Ms. Alves would then provide a written opinion and she also thought Ms. Alves should remove herself from the Council table whenever she recused from a discussion.

Mr. Zwolenski felt there has never been any impropriety by Ms. Alves.

On the second item, “taking bribes from Woonsocket”, Ms. Alves said making that statement puts a cloud over all the Council members.

Mrs. Nadeau explained that the correct word should have been “unethical” and she feels the whole thing has been blown out of proportion. The Ethics Commission states that a Council member can only take a gift up to \$25.00. She does not believe anyone intended to be unethical.

Since Mrs. Nadeau stated she had heard the word “bribe” from residents, Mr. Soly asked if Mrs. Nadeau didn’t feel she should have the responsibility of having an investigation done. Mr. Soly then called for an investigation into the matter by the Chief of Police.

Mr. Zwolenski has never heard the word “bribe” bantered about before. Mrs. Nadeau should not have made her comments in the Valley Breeze.

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It places all Council members under suspicion. Comments such as those made by Mrs. Nadeau hurt each Council member, their families and the town. Mr. Zwolenski believes it was a calculated statement, not innocuous. Trust has been broken. All elected officials have a responsibility to report any suspected illegal activity and Mrs. Nadeau should have sought advice from the Ethics Commission. Councilor Nadeau has cast aspersions on all North Smithfield Council members and has brought media attention from the entire state. Mr. Zwolenski asked Mrs. Nadeau to consider stepping down from her position.

Mr. Boucher explained that several Woonsocket residents came before the Council who were having some issues with the Dowling Village development. One particular resident was grateful for the resolution of the problem and subsequently offered chocolate covered fruit to the Town Council. This has been blown out of proportion and gives a black eye to the community.

MOTION by Mr. Zwolenski and seconded by Ms. Alves to ask Mrs. Nadeau to step down.

Mr. Boucher commented that sometimes people say things they don't mean.

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

MOTION by Mr. Soly, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on a roll call vote to have the North Smithfield Police Department investigate accusations of bribery by the North Smithfield Town Council.

MOTION by Mrs. Nadeau, seconded by Mr. Soly, and voted unanimously on a roll call vote to wrap this up by discussing the "pick your side" item on the agenda.

Mrs. Nadeau has been told by more than one person that Mr. Zwolenski, and perhaps Mr. Soly, enters Town Hall and has told a town employee to pick a side because some event would occur that would come down on Ms. Hamilton. Another time an employee was told he/she was next on the chopping block.

Town Planner Robert Ericson and Mr. Zwolenski had words regarding the Rockcliff Farm Development.

Mr. Soly, who has accompanied Mr. Zwolenski to Town Hall, the Municipal Annex and DPW on occasion, stated he has never heard

the term “pick a side” used. He did not feel at any time that Mr. Zwolenski was trying to be authoritative or dictate what employees of the town were doing.

MOTION by Ms. Alves, seconded by Mr. Soly, Mr. Zwolenski and Mr. Boucher, to open up the items on the agenda referencing public accusations made to the public.

Mrs. Claire O’Hara stated she was taught whenever you think something may be wrong, you address the person. You do not go to the newspaper.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to take a five-minute recess at 9:13 P.M.

(Mrs. Nadeau left at 9:16 P.M.)

The meeting resumed at 9:24 P.M.

SOLAR POWER PURCHASE AGREEMENT - ENERGY DEVELOPMENT PARTNERS

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

Mr. Frank Epps, Authorized Representative of North Smithfield Solar

Power 1, was present requesting approval of the agreement.

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MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to approve the agreement and to authorize the Town Administrator to sign it.

REMOVAL OF NON-PROFIT CHARITABLE DONATION BINS FROM PRIVATE PROPERTY

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

In November of 2015, Mr. Soly received a phone call from Mr. Molley, the owner of the property at 15 Railroad Street, who said someone had removed the Salvation Army bins from his property. The owner had not had any discussions with anyone about the bins being removed. An Access to Public Records Request had been filed in search of any complaints that had been made. The response that was given claimed there were no complaints. It was determined that there was no violation of the zoning ordinances so Mr. Soly did not believe the Town should become involved in this matter.

Ms. Hamilton did consider this to be illegal dumping but not on the

part of the owner.

Following conversations with a representative of the Salvation Army, the bins were eventually removed.

When asked by Mr. Soly if he would like to have the bins back on his property, Mr. Molley responded that yes he would. Mr. Soly advised Mr. Molley to contact the Salvation Army to get them back.

MEMORANDUM OF UNDERSTANDING RE: EMERGENCY SUPPLY CONTAINER

MOTION by Mr. Boucher, seconded by Mr. Soly and Mr. Zwolenski, and voted 4 to 0 on a roll call vote to move this item up next.

This Memorandum of Understanding is between the Town of North Smithfield and the Rhode Island Emergency Management Agency (RIEMA). The Agreement states that the Town agrees to allow RIEMA to place and maintain the container on the premises in a secure and controlled location. The inventory includes shelter supplies as well as supplies for the physically challenged and the elderly for North Smithfield and surrounding towns.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher and Mr. Soly, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to sign the agreement to locate a Shelter Conex Box at the Municipal Annex.

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.

MOTION by Mr. Boucher, seconded by Mr. Soly and Mr. Zwolenski, to accept and place on file the following: 1.) Town Council minutes of November 16, 2015; 2.) Budget Committee minutes of November 23, 2015; 3.) Planning Board minutes of November 19 and December 17, 2015; 4.) Animal Control monthly report for December 2015; 5.) NS Municipal Court monthly report for December 2015; 6.) NSPD monthly report for December 2015; 7.) NSF&RS Inc. monthly reports for October, November and December; and 8.) NSF&RS Inc. Annual Run Report for 2015.

Payment of Bills

Following responses to questions asked by Mr. Zwolenski, Mr. Soly, and Mr. Boucher, MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to approve payment of the following based upon the recommendations of the Finance Director and the Town Administrator: General Fund - \$1,013,778.87; Sewer - \$24,881.14; Water - \$62,828.45; Library - \$34,094.42; School Department - \$1,553,518.58; and Fire Department - \$214,090.00 for a total of \$2,903,191.46.

MOTION by Mr. Boucher, 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.

PBIC COMMUNICATIONS FOR BONDS

There was no discussion and was continued to the February 4, 2015 meeting.

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INTERJURISDICTIONAL WASTEWATER AGREEMENT

Ms. Hamilton wanted to go on record that she thinks the Town should sign the agreement and then if the Council wants to dispute the host fee, there could be some potential litigation later.

APPOINTMENT TO REDEVELOPMENT AGENCY

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Patrick Dowling, Jr. He will be completing a five-year term that expires on December 1, 2017.

AWARD OF BID FOR HIGH SCHOOL STUDENT DESKS

Finance Director Jason Parmelee was told this purchase would not be considered part of the Maintenance of Effort because it is a fixed asset.

Based upon the comments of Mr. Parmelee, the recommendation from Superintendent Lindberg and the fact that this will not be part of the Maintenance of Effort, MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to approve the purchase

of 146 desks (73 with “Twillite Blue” seat and back/charcoal top and 73 with “Marble Green” seat and back/charcoal top) from W B Mason for a total cost of \$14,308.

FINANCE DEPARTMENT REVIEW OF AUDIT

Mr. Parmelee reviewed and explained some portions of the audit prior to the auditors coming before the Council in February. He noted that he has implemented several new procedures.

REVIEW OF POTENTIAL FINANCE PROCEDURES

There was no discussion on this.

TOLLING GANTRIES IN NORTH SMITHFIELD

There was no discussion on this.

USE OF TOWN VEHICLES

There was no discussion on this.

WOONSOCKET BUILDING DEPARTMENT CO-OP

There was no discussion on this.

ROLE/DUTIES/ACTIONS OF PUBLIC SAFETY COMMISSION

There was no discussion on this.

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 10:35 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk