

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 16, 2016

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

NORTH SMITHFIELD ANIMAL SHELTER

Cynthia Rondeau and Joyce Anez, volunteers at the shelter, informed the Council they have been issued a challenge. If they can raise \$25,000 within this year, the amount will be matched by an anonymous donor. They will be holding several fundraisers and would appreciate any help possible from the town.

REGULAR MEETING

The meeting began at 7:04 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 Solicitor Iglizzi. Town Administrator Hamilton was unable to attend due to illness.

LIQUOR LICENSE - LOTUS FINE THAI CUISINE

MOTION by Mr. Zwolenski, seconded by Ms. Alves, Mr. Soly and Mrs. Nadeau, and voted unanimously on a roll call vote to approve a BV Liquor License for AB Corporation a/k/a AABB Corporation d/b/a Lotus Fine Thai Cuisine located at 175 Eddie Dowling Highway.

ENTERTAINMENT LICENSE - WOONSOCKET ROTARY CLUB

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve an entertainment license for the Woonsocket Rotary Club who will be hosting the Touch-A-Truck Family Festival at 200 Industrial Drive on May 14 and 15 from 10:00 A.M. to 4:00 P.M. and to waive all fees.

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LICENSES - ROTARY CLUB OF WOONSOCKET

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski and Mr. Soly, and voted unanimously on a roll call vote to grant an F1 liquor license, entertainment license, victualing license and an outdoor sound system permit to the Rotary Club of Woonsocket for an event to be held on June 2 - 5 contingent upon traffic and parking plans being in place. Hours are Thursday and Friday evening 5:00 - 11:00 P.M., Saturday 11:00 A.M. - 11:00 P.M. and Sunday 11:00 A.M. - 6:00 P.M.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to waive all fees except for the liquor license.

PRESENTATION OF AUDIT

Cheryl Langevin and Pat Boucher were present from Bacon and Company to provide a brief overview of the audit.

ZONING ORDINANCE AMENDMENT SEC. 5.7 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearing to March 7, 2016.

ZONING ORDINANCE AMENDMENT SEC. 6.13 PARKING AND STORAGE OF CERTAIN VEHICLES

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearing to March 7, 2016.

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

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearing to March 7, 2016.

SENIOR EVENTS AT SCOUTERS' HALL

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

In the Town Administrator's update, she commented that she had been in contact with Mrs. Linda Thibault about the possibility of using Scouters' Hall for senior events. The town doesn't offer anything

locally. In the current budget the town does have a line item for Senior Services of Woonsocket. If the town did have its own senior center, it would cost hundreds of thousands of dollars so Mr. Soly would like to allocate funds in the upcoming budgets as well as an additional amount for this year to allow seniors to partake of events in their own town.

MOTION by Mr. Soly, seconded by Ms. Alves, Mrs. Nadeau, Mr. Zwolenski, and Mr. Boucher, and voted unanimously on a roll call vote to allow seniors to use Scouters' Hall, to fund senior services annually for \$10,000 through the Parks and Recreation budget and to increase this year's budgeted amount by \$2,400 to make it an even \$10,000. The \$2,400 would come from the contingency account.

RESOLUTION RE: BLACKSTONE VALLEY WASTEWATER TREATMENT AUTHORITY ACT

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

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to adopt the following resolution: "WHEREAS: The City of Woonsocket owns and operates a wastewater treatment facility; and WHEREAS: Town of North Smithfield entered into an interjurisdictional agreement with the City of Woonsocket for the provision of wastewater treatment services for the residents of the Town of North Smithfield dated December 7, 1977

(“Agreement”); and WHEREAS: The City of Woonsocket has notified the Town of North Smithfield that the Agreement will only be extended upon new terms, conditions, costs and fees that the Town of North Smithfield believes are arbitrary, excessive and unfair; and, WHEREAS: The Town of North Smithfield has been unwilling to accept the amended and restated Agreement with new terms, conditions, costs and fees that the Town of North Smithfield believes are arbitrary, excessive and unfair; and

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WHEREAS: There is no Federal or State governing body that provides oversight and control that will prevent the City of Woonsocket from imposing terms, conditions, costs and fees that are arbitrary, excessive and unfair; and WHEREAS: The City of Woonsocket has notified the Town of North Smithfield that wastewater treatment services will be terminated effective November 1, 2016 and WHEREAS: Wastewater treatment services are a matter critical to the public health of the residents of the Town of North Smithfield and should be subject to state oversight and control as a public utility. NOW, THEREFORE, BE IT RESOLVED: That the North Smithfield Town Council supports the attached proposed legislation entitled the “Blackstone Valley Wastewater Treatment Authority Act” which would establish state oversight and control over the Woonsocket Wastewater Treatment Facility.”

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to accept and place on file: 1.) Town Council minutes of December 7 and 21, 2015; 2.) 2nd Quarter Finance Report; 3.) Budget Committee minutes of December 14, 2015 and January 11, 2016; 4.) Conservation Commission minutes of December 8, 2015; 5.) Historic District Commission minutes of August 24, September 28, October 5, 19 and 26, November 30 & December 28, 2015; 6.) Juvenile Hearing Board 2015 Annual Report; 7.) Planning Board minutes of January 7, 2016; 8.) Zoning Board minutes of January 26, 2016; 9.) North Smithfield Municipal Court monthly report for January 2016; 10.) NSPD monthly report for January 2016; 11.) NSF&RS Inc. monthly report for January 2016; and 12.) Resolutions opposing truck toll gantries from the towns of Exeter, Gloucester, Hopkinton, Middletown, Narragansett and Richmond.

Payment of Bills

After receiving explanations on several bills, MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously 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 - \$925,657.90; Sewer - \$7,546.82; Water - \$1,856.67; Library - \$34,094.42; School Department - \$1,553,518.58; and Fire Department - \$214,090.00 for a total of \$2,736,764.39.

IRONSTONE STREET

Once again Daniel Lepore of Ironstone Street was present requesting

assistance in maintaining the road as a one-way street. The offenders have been fewer since the snow storm because of the snow piled there. He asked if barrels could be placed at the end to make the turn onto Ironstone Street more difficult and he would take responsibility for moving them during a snowstorm.

Public Works Director Raymond Pendergast commented that this issue had been put to rest when the Town Administrator said this would be a one-way road. After that, enforcement would take over. He is not putting barrels up because it creates a traffic hazard. He has tried it at other locations and it has not worked out. According to Mr. Pendergast, Chief Reynolds has posted officers at the location on numerous occasions and there doesn't appear to be a major problem.

Mrs. Nadeau questioned if a guardrail or curbing could be placed at the end of the road.

Mr. Soly suggested having the Public Safety Commission take a look at the issue.

Mr. Pendergast will research the owner of the property at the end of the street, who he believes is the State. If it is, he certainly cannot put boulders or anything else there.

Ms. Alves requested email trails from the Town Administrator

regarding this issue. Numerous times it is stated that this would be a one-way street with some enforcement. She suggested that Mr. Lepore contact Chief Reynolds with peak times when people are using it the wrong way.

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BONDS FOR ROADS, MUNICIPAL BUILDINGS AND SCHOOLS

Mrs. Nadeau explained the roads are coming along very well. The Public Buildings Improvement Committee (PBIC) is waiting for development design for the buildings so they will know exactly what the rooms will look like. Studio Meja will be going before the Historic District Commission soon because it is important to Mrs. Nadeau to maintain the historic character of our buildings. She expects the designs will be presented to the Town Council within a month. Regarding the schools, the PBIC is still in conversation with NESDEC.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on an aye vote to table the agreement with NESDEC for the School Facilities Master Plan Study to March 7, 2016.

AWARD OF BID FOR SURVEY SERVICES FOR MUNICIPAL ANNEX AND KENDALL-DEAN

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

unanimously on a roll call vote to award the bid to Marc N. Nyberg Associates, Inc. for an amount not to exceed \$4,350.00 based upon the recommendation of the Public Buildings Improvement Committee.

MEMORANDUM OF UNDERSTANDING WITH FIRST STUDENT, INC.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this to March 7, 2016.

RESOLUTION RE: E-1 GRINDER PUMPS

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to adopt the following resolution received on February 16, 2016: “Whereas, in 2009, the Town of North Smithfield installed a public sanitary sewer main that was assessable and available to the property owners located in Phase 1A and 1B. Whereas, in accordance with the 2009 Sewer Use Ordinance of the Town of North Smithfield, Section 8-27, connections were required within one year from the date of notice to do so, unless a written extension of time was obtained from the North Smithfield Sewer Commission. Whereas, the North Smithfield Sewer Division issued a letter in July 2010 that notified property owners located within Phase 1A and 1B who connected to the Town’s sanitary sewer system prior to October 19, 2010 that the Town would install a grinder pump as part of the project cost to each home or business and further stated that: “Each outdoor grinder pump comes with a two (2) year manufacturer’s warranty. The Town will purchase a three (3) year extension to this warranty for a total of five (5) years. After five years,

the town will provide five (5) additional years of standard maintenance.” Whereas, the Town Administrator issued a letter dated July 6, 2010 that stated: “According to the distributor, Environmental One Pumps require no periodic lubrication or maintenance; however, homeowners should follow all instructions for the proper operation of their Grinder Pump. Repair service must be provided by an authorized factory-trained professional through E-One Corp.” Whereas, the Environmental One Grinder Pump Homeowners Manual stated that: “Environmental One Pumps require no periodic lubrication or maintenance. Homeowners should follow all instructions for the proper operation of their Grinder Pump. Repair service must be provided by an authorized factory trained professional.” Whereas, several property owners located in Phase 1A and 1B who connected to the Town’s sanitary sewer system prior to October 19, 2010, have requested clarification of the Town’s policy regarding E-One Grinder Pump warranties and maintenance. Whereas, the Sewer Commission issued a Policy Statement for the residents and business owners located in Phase 1A and 1B that stated: “At the North Smithfield Sewer Commission meeting held on Wednesday, May 20, 2015, a motion was passed to NOT extend E-One grinder pump warranties for Phase 1A and 1B sewer connections past the original 5 year warranty period - the first 2 years provided by the manufacturer and the last 3 provided by the Town of North Smithfield. The commission came to this decision after reviewing a cost analysis of service calls performed over the 5 year warranty period and documentation provided by the manufacturer of the

pumps regarding maintenance. As stated in the grinder pump owner's manual, there is no maintenance required. Phase 1A and 1B residents who own grinder pumps will be notified of this decision the month prior to their warranty expiring. Included in this notification will be a list from E-One of frequently asked questions and answers, instructions for

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proper care, and a user-friendly list of items that should never be placed into the system. Following these helpful suggestions should extend the life of a pump with limited service needs. Also included with the notification is the contact information for FR Mahony who is the E-One grinder pump service provider in this area. While owners may call another company for service if they wish, FR Mahony is the preferred provider because they have the startup and initial warranty history for each grinder pump in North Smithfield.” Now, Therefore, Be It Resolved that the North Smithfield Town Council, supports the policy regarding warranties E-One grinder pumps installed in Phase 1A and 1B prior to October 19, 2010 as stated by the North Smithfield Sewer Commission: **WARRANTY:** The E-One grinder pump warranties for the Phase 1A and 1B sewer connections will not be extended past the original five (5) year warranty period (the first two (2) years provided by the manufacturer and the last three (3) years provided by the Town of North Smithfield). **MAINTENANCE:** As stated in the Environmental One Grinder Pump Homeowners Manual, there is no maintenance required for an E-One grinder pump.”

RESOLUTION RE: CHARTER REVIEW COMMISSION

MOTION by Mr. Soly and seconded by Ms. Alves to establish a Charter Review Commission.

Several suggested amendments were made to the resolution of the prior Charter Review Commission.

Because of the proposed changes and in order to review a clean copy of the resolution, Mr. Soly withdrew his motion and Ms. Alves withdrew her second.

The matter was continued to March 7, 2016.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to place an advertisement for members for this commission.

ORDINANCE AMENDING USE AND MARKING OF TOWN VEHICLES

Because the ordinance was not in proper form and because it had not been posted four business days prior to this evening's meeting, the ordinance was continued to March 7, 2016 for a first reading.

APPOINTMENT TO PARKS AND RECREATION COMMISSION

There was none.

APPOINTMENT OF 2ND ALTERNATE TO PLANNING BOARD

There was none.

APPOINTMENT TO REDEVELOPMENT AGENCY

There was none.

AWARD OF BID FOR POLICE VEHICLE

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to award the bid for a new 2016 Ford SUV Interceptor to MHQ for the amount of \$39,899.00 based upon the recommendations of Patrolman Eugene D. Cabral, Chief Steven E. Reynolds and Finance Director Jason Parmelee.

AGREEMENT WITH ROGER WILLIAMS UNIVERSITY FOR PROVISION OF EDUCATIONAL SERVICES

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote to continue this to March 7, 2016.

MOTION by Mr. Soly, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 9:47 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk