

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JUNE 6, 2016**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

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. Town Solicitor Iglizozzi was also in attendance. Town Administrator Hamilton did not attend.

**EXECUTIVE SESSION**

**MOTION** by Mr. Soly, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to enter into executive session at 7:02 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Town of North Smithfield vs William Roche d/b/a First Student, Inc. Case No. 15-4-435.

**MOTION** by Mr. Soly, seconded by Ms. Alves, and voted unanimously on a roll call vote to come out of executive session at 7:17 P.M. and to seal the minutes. No motions were made and no votes were taken.

**FIRST STUDENT, INC.**

**MOTION** by Mr. Soly, seconded by Mr. Boucher and Mr. Zwolenski, and voted unanimously on a roll call vote that upon receipt of correspondence from the attorney of First Student, Inc. in Case No. 15-4-435 indicating that the property will be maintained consistent with all zoning regulations, property regulations and environmental

protection, this complaint will be dismissed.

## **PUBLIC BUILDING IMPROVEMENT COMMISSION**

### **Road Resurfacing**

**MOTION by Mrs. Nadeau to enter into a contract with D'Ambra Construction for the townwide roadway reclamation and resurfacing project in the amount of \$2,018,351.20 and to authorize the Town Administrator to sign the contract. This motion was withdrawn.**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to enter into a contract with D'Ambra Construction for roadway reclamation and resurfacing in the amount of \$1,856,899.40, the base bid, and to authorize the Town Administrator to sign the document.**

**Mr. Boucher recused from the next vote as he is a resident of Woonsocket Hill Road.**

**MOTION by Mr. Nadeau, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to add Alternate A - Woonsocket Hill Road for \$161,451.80; Alternate B - Morse Avenue for \$86,904.00; Alternate C - Old Greenville Road for \$107,156.00; Alternate D - Jefferson Road for \$65,515.00; Alternate E - Overlea Road for \$134,933.00 and Alternate F - Glen Avenue for \$36,487.00, bringing the total cost to \$2,449,346.20. With the exception of Woonsocket Hill Road, the list is subject to change.**

## **Final Design**

**Architect Eric Army reviewed the construction plans and informed the Council members that the design phase for the municipal buildings is 98 percent complete.**

## **Road Bond Financials**

**Finance Director Jason Parmelee stated that currently non-awarded money available for construction is \$2,334,627.00. Coupled with the reserves on hand, there is more than enough to cover the cost of the add alternates.**

## **Municipal Buildings Bond Financials**

**There is approximately \$4.9 million of unearmarked funds and currently there is \$250,000 being built in to the soft cost of the Operations Project Manager which leaves about \$40,000 soft costs after that. Other than that everything is on target for that bond.**

## **BUDGET COMMITTEE'S RECOMMENDATIONS FOR FY 2016/2017 BUDGET**

**Chairwoman of the Budget Committee, Beth Faricy, provided the recommendations of the committee.**

**The proposed FY17 budget = \$42,548,933. This is an increase of \$2,187,169 over the FY16 budget (\$40,361,764).**

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**Highlights are: projected \$1.3M additional tax levy for personal property (tangible property); proposed use of NGRID tax revenue for one-time capital projects; FY17 proposal capital project/purchases = \$805,141; municipal department budgets increase of 2.16% (excluding adjustments for capital); level funded FY17 school budget (town appropriation), state funding increase in FY17; town financial support of school capital improvement revolving fund in the amount of \$100,000; FY17 contingency fund contribution of \$236,155 to cover uncertainties in this year's budget; and \$2.5M road bond and \$5.2M town building 1st year payments included (\$874,442).**

#### **OUTDOOR SOUND SYSTEM PERMIT - GAZAILLE**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve the request of Linda Gazaille for a sound system permit on July 3, 2016 from 12:00 P.M. to 9:00 P.M. at her property located at 108 Mendon Road subject to police and fire notification.**

#### **OUTDOOR SOUND SYSTEM PERMIT - MACDONALD**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to approve the request of Jessie MacDonald and Jody Keene-Lamoureux for a sound system permit on August 27, 2016 from 3:00 P.M. to 10:00 P.M. at the properties located at 1020 and 1024 Woonsocket Hill Road subject to police and fire notification.**

## **AGREEMENT WITH US DEPARTMENT OF INTERIOR NATIONAL PARKS SERVICE**

**This document would establish a cooperative agreement between the United States Department of Interior National Park Service and North Smithfield, Rhode Island with the intent of preserving, protecting, and interpreting historical and cultural resources; developing and enhancing visitor services; and furthering community and educational outreach and programming for the mill village of Slatersville.**

**Mr. Igliazzi felt the town would want to know what the liability cost would be to the town and also that the location needed to be identified.**

**Jennifer Smith, Management Assistant for the National Park Service, noted that their attorney is vetting the agreement for them and she will be happy to return at a later date to bring the agreement back for review by the Town Solicitor.**

## **THREE TWENTY TWO REALTY ZONE CHANGE**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to schedule July 18, 2016 as the public hearing date for the proposed zone change.**

## **ABATEMENTS**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the abatement of \$648.61 for Super Sonic Pets.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau and Mr. Boucher, and voted unanimously on a roll call vote to approve the abatement of \$133.69 for Pytko Enterprises.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to approve the abatement of \$717.57 for Robert and Linda Hill.**

#### **RESOLUTION RE: SUPERMAN BUIDING**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau and Mr. Zwolenski, and voted unanimously on a roll call vote to table this matter to another time.**

#### **CONTRACT INCREASE FOR ENGINEERING SERVICES FOR MS4 STORMWATER MANAGEMENT**

**Mr. Ericson explained that during the recession years, the town did not have the money to get this project done but now it has to be completed.**

**It was initially thought there were 40 outfalls in town but that number turned out to be 92 which means a higher cost.**

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**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve additional funding of \$13,670.00 for Joe Casali Engineering, Inc. to complete the task and to authorize the Town Administrator to sign the contract.**

#### **COMMUNITY DEVELOPMENT BLOCK GRANTS**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote to move this item up next on the agenda.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve the filing of an application with the Office of Housing and Community Development for a \$24,000.00 grant.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mrs. Nadeau, and voted unanimously on a roll call vote to approve the filing of an application with the Office of Housing and Community Development for a \$5,000.00 grant.**

#### **APPOINTMENT TO AD HOC ORDINANCE REVIEW COMMITTEE**

**MOTION by Mr. Boucher to nominate Philip Godfrin to the Ad Hoc Ordinance Review Committee. The motion died for lack of a second.**

**There was no appointment.**

## **APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, Mr. Boucher and Mr. Soly and voted 4 to 1 on a roll call vote (Ms. Alves voted no) to appoint Dr. Lucien Benoit to this board. Dr. Benoit will be completing the five-year term of Roberto Barrera that expires December 1, 2016.**

## **SEVEN HILLS RHODE ISLAND TAX EXEMPT STATUS**

**Mr. Soly recused from this discussion and vote.**

**Michael Matthews, Chief Financial Officer of Seven Hills Rhode Island, submitted a letter disputing the recent change in policy by North Smithfield with regards to property tax exempt status. The letter states that this agency, as a 501(C)3 not-for-profit human service agency that has historically been property tax exempt, is requesting that their tax exempt status be reinstated.**

**Mr. Bill Stock was present and clarified that Seven Hills was looking for tax exempt status for properties located at 61 Harkness Road, 12 Sharon Parkway and 11 Gilfillan Road because there have been significant reductions in funding levels. Although Seven Hills Rhode Island is affiliated with the Seven Hills Foundation, it functions as a separate non-profit organization.**

**Mr. Iglizzi stated that 501(C)3 status is a non-profit status for purposes of state and federal income. It has no relationship to**

property tax exemption. You have to be listed under RIGL 44-3 in order to be a property exempt institution/facility. The General Assembly is the only authority able to grant an exemption.

**MOTION** by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote at 9:50 P.M. to extend the meeting to 10:30 P.M.

### **GENERAL OBLIGATION REFUNDING BONDS**

**MOTION** by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve the following resolution: “WHEREAS, the Town of North Smithfield (the “Town”) has previously issued its \$2,100,000 General Obligation Bonds dated July 1, 2007 (the “2007 Bonds”, and collectively with the 2007 Bonds, the “Prior Bonds”); and WHEREAS, the Town desires to issue general obligation refunding bonds (the “Refunding Bonds”) to refund all or any part of the Prior Bonds in order to take advantage of the lower interest rates which currently are prevailing; and NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of North Smithfield, Rhode Island that: SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-5.2 the Town is authorized to issue Refunding Bonds of the Town in an amount necessary to refund all or a portion of the Prior Bonds and to provide

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for any principal of, redemption premium, and interest on the Prior

**Bonds coming due on or prior to the date on which the Prior Bonds are to be redeemed, and costs of issuance of the Refunding Bonds.**

**SECTION 2. The issuance of the Refunding Bonds will result in a financial benefit to the Town. SECTION 3. The manner of sale,**

**amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Refunding Bonds authorized herein may be fixed by the officers authorized to sign the Refunding Bonds.**

**SECTION 4. The Town Council hereby authorizes the Director of Finance and the President of the Town Council acting on behalf of the Town, to issue the Refunding Bonds for the purposes set forth in this Resolution and to take all actions as they deem necessary to effect the issuance of the Refunding Bonds. The Refunding Bonds shall be**

**issued by the Town under its corporate name and seal or facsimile of such seal. The Refunding Bonds shall be signed by the manual or facsimile signature of the Director of Finance and the President of the Town Council. SECTION 5. The Director of Finance and the President**

**of the Town Council are hereby authorized to issue the Refunding Bonds on a taxable or tax exempt basis and deliver them to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the Refunding Bonds will be excludable from gross**

**income from federal income tax purposes and to refrain from all actions which would cause interest on the Refunding Bonds to become subject to federal income taxes. SECTION 6. The Director of**

**Finance and the President of the Town Council are authorized to take**

**all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) and to execute and deliver a Continuing Disclosure Certificate in connection with the Refunding Bonds in the form as shall be deemed advisable by the Director of Finance and the President of the Town Council in order to comply with the Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Refunding Bonds, failure of the Town to comply with the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Refunding Bonds, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate. SECTION 7. The Director of Finance and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds**

and any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Resolution in order to effectuate said borrowing and the intent hereof. SECTION 8. This Resolution shall take effect upon its passage.”

#### **TRANSFER OF BUDGET LINE ITEM FOR NS POLICE DEPARTMENT**

Mr. Parmelee explained that Police Chief Reynolds was asking for a transfer of \$22,579.00 of unexpended funds from Comp Time Payout to the Overtime line item of the Police Department.

**MOTION** by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 1 on a roll call vote (Ms. Alves voted no) to approve the budget transfer.

#### **COMPREHENSIVE PLAN**

Mr. Ericson stated that North Smithfield is still utilizing the 2006 Comprehensive Plan and, in general, is in good shape. There are 31 municipalities that are in the Expired or Denied category because they

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did not meet the 2011 Comprehensive Planning Act. New legislation expected to pass the House and Senate will change the submission

requirement to June 1, 2017.

**ORDINANCE RE: MORATORIUM FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

Mr. Ericson explained that there is a solar ordinance on the books that begins with 250kw installations. There is no upward cap on them at this point. You don't want to take farmland and make it all solar.

Following further discussion, MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to withdraw the ordinance for a moratorium on ground-mounted solar photovoltaic installations.

MOTION by Mr. Soly, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 10:21 P.M.

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**