

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 19, 2016

NS MIDDLE SCHOOL

6:45 P.M.

OPEN FORUM

Building Official

Mr. Kerry Anderson introduced himself as the new Building Official for the town.

Wind Turbines

Ms. Judy Dunne of 745 Old Smithfield Road noted that it benefits the developer to have a high wind turbine; however, height can have other impacts such as a visual impact. She asked that visual impacts be required and submitted for review. Ms. Dunne had concerns about signage, flickering, FAA standards being met and ability of the fire department to handle a fire.

Ms. Sharon Mayewski of 796 Old Smithfield Road had attended a recent Planning Board meeting and heard the Town Planner state that turbines do not collapse. She produced articles depicting collapsed turbines and if it should happen, it could fall on her property. Ms. Mayewski has asked the developer for a site map with the house lots indicated and a flicker map, neither of which were provided. She stated the developer did not ask for a variance for one and one-half times the height of this wind turbine. Another concern was degradation of the well water.

REGULAR MEETING

The meeting began at 7:02 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Soly, Mr. Zwolenski and Mr. Boucher. Both Ms. Alves and Mrs. Nadeau had family medical issues. Also in attendance was Town Solicitor Iglioizzi. Town Administrator Hamilton was not present.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 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 or work sessions pertaining to collective bargaining or litigation to discuss 1.) Tammy Boss v. Town of North Smithfield PC-2015-3772, 2.) Cheryl E. Branchaud in her capacity as Trustee of The Cheryl E. Branchaud Living Trust v. Town of North Smithfield Town Council, et al, PC-2015-1363 and 3.) Town of North Smithfield v. City of Woonsocket, PC 16-3469.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to come out of executive session at 8:01 P.M. and to seal the minutes.

TAMMY BOSS V. TOWN OF NORTH SMITHFIELD

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to note that one vote was taken in the matter of

Tammy Boss v. Town of North Smithfield PC-2015-3772 which will be divulged at a later date.

**BRANCHAUD V. TOWN OF NORTH SMITHFIELD TOWN COUNCIL
MOTION by Mr. Boucher, seconded by Mr. Zwolenski and Mr. Soly,
and voted 3 to 0 on a roll call vote to note that one vote was taken in
the matter of Cheryl E. Branchaud in her capacity as Trustee of The
Cheryl E. Branchaud Living Trust v. Town of North Smithfield Town
Council, et al, PC-2015-1363 which will be divulged at a later date.**

**TOWN OF NORTH SMITHFIELD V. CITY OF WOONSOCKET
(INTERJURISDICTIONAL AGREEMENT**

**MOTION by Mr. Zwolensk, seconded by Mr. Boucher and Mr. Soly,
and voted 3 to 0 on a roll call vote to have Judge Licht conduct
non-binding mediation between the Town of North Smithfield and the
City of Woonsocket and if that is unsuccessful, then Judge Licht shall
remain as Judge on the case.**

**Mr. Zwolenski also informed everyone that the Judge ordered a stay
and sewers in the town will not be shut off.**

HILLVIEW AVENUE SEWER LINE

**At the June 8, 2016 Sewer Commission meeting, it was voted to
recommend to the Town Council to extend the current sewer line to**

September 19, 2016

include two homes on Great Road and five homes on Hillview Avenue. A cost/repayment chart with four options was provided. Two options involved hiring a construction company to work with the Department of Public Works employees and the other two options involved using the Department of Public Works employees alone if they are available to do so. All the options were for either a fifteen- or twenty-year term.

Ms. Paulette Butler of 5 Hillview Avenue, who represented the neighbors in attendance, stated they were in favor of extending the sewer line.

Mr. Zwolenski was in favor of moving forward as long as the residents understood that they would be paying for the project.

Finance Director Jason Parmelee stated initially funding would come from the Town's reserve fund which would then be repaid by the users. Repayment terms for all of the residents would be either fifteen or twenty years. All of the costs provided are estimates and Mr. Parmelee noted the next steps would be to prepare bid documents and then go out to bid for the construction.

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to see if the Department of Public Works employees will be available to do this project and if they are not, then to advertise for a Request for Proposals/Request for Qualifications.

ZONING ORDINANCE AMENDMENT SECTION 5.4.9 SERVICE INDUSTRIES (WIND ENERGY GENERATION)

Mr. Paul Soares of the Ad Hoc Ordinance Review Committee commented that the committee was not in favor of allowing wind turbines in any zoning district and there are thirteen of 39 communities who have ordinances that do not allow them.

Town Planner Robert Ericson informed the Council that at its last meeting the Planning Board found this ordinance to be inconsistent with the Comprehensive Plan because of the wording. The problem the board had was that “wind energy generation” means you are generating wind energy, i.e. every fan in town and every cooling fan in an automobile or HVAC system. The wording is incorrect and should be “electricity generation from the wind.”

Ms. Sharon Mayewski did not understand how a wind turbine would preserve open space or farmland, which was indicated at the September 1st Planning Board meeting.

Mr. Ericson stated Section G.4.1.3 of the Comprehensive Plan refers to preserving farmland and options available to do that for income that are consistent with farming. If you expand income opportunities, you are less likely to sell the land and lose large land holdings.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0

on a roll call vote to consider this the first reading of the ordinance and to continue the public hearing and second reading to October 3, 2016.

ZONING ORDINANCE AMENDMENT SECTION 6.22 WIND TURBINES

Mr. Soares explained that the ordinance that had been provided was a draft only and was incomplete.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to continue the public hearing and the first reading to November 21, 2016.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on an aye vote at 8:36 P.M. to take a five minute recess.

The meeting resumed at 8:42 P.M.

ZONING ORDINANCE AMENDMENT SECTION 6.21 ILLICIT DISCHARGE STORM WATER

According to Mr. Ericson, this ordinance is mandated by the Department of Environmental Management for the MS4 program. The Environmental Protection Agency gives the MS4 permits to the state and the state then sublicenses them to the town. The Town Solicitor will have to

September 19, 2016

review the ordinance and write an affidavit that it complies with all requirements.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to consider this the first reading and to continue the public hearing and the second reading to October 3, 2016.

ROCKCLIFF FARM DEVELOPMENT HEARING DATE FOR SEWER ABATEMENT CREDIT INCREASE

Mr. Iglizzi explained this emanates from 2003 when Rockcliff Development was approved at which time a sewer credit abatement was granted by the Town Council based upon infrastructure that was to be constructed at the cost of the developer. The amount of the credit was \$245,000. Because it was a cost estimate, the developer was allowed to come back at a later date for an additional request which is what they are now doing.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to schedule the request for a sewer abatement credit increase for October 17, 2016 subject to the availability of Mr. Russell Chateuneuf.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to schedule the sewer assessment appeal, if necessary, to November 21, 2016.

POLICE DEPARTMENT EQUIPMENT PURCHASE

A few months ago Mr. Boucher, and Mr. Soly on a separate occasion, had started a conversation with Chief Reynolds about national accreditation and equipment the department members need to do their jobs. He is concerned with the safety of the officers as well as with the safety of the public. When asked to do so, Chief Reynolds provided Mr. Boucher with a prioritized list of equipment for potential purchase.

MOTION by Mr. Boucher, seconded by Mr. Soly and Mr. Zwolenski, and voted 3 to 0 on a roll call vote to approve funding of \$79,987.04 for the purchase of police department equipment.

Mr. Parmelee noted that the funding could come from the savings generated by the streetlights.

POLICE DEPARTMENT NATIONAL ACCREDITATION

Mr. Boucher also talked to Chief Reynolds about this issue. The department once had this accreditation but because of budget constraints, it was not kept up. Mr. Boucher feels that is a source of pride for the department and it is a selling point for individuals and businesses to move into the town. Civilian dispatchers will be hired which will allow for more officers on the street. Two officers will be attending the police academy in January; one will be hired to fill a vacancy and the other will allow the police department to have a full-time officer as the national accreditation (CALEA) officer.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski and Mr. Soly, and voted 3 to 0 on a roll call vote to move forward with national accreditation and the hiring of the additional officers.

CONSENT AGENDA

Mr. Zwolenski asked that the payment of bills be removed.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to approve 1.) Town Council minutes of June 27, July 18, August 1 and 15 & September 6, 2016; 2.) Conservation Commission 2015 Annual Report; 3.) Conservation Commission minutes of August 9, 2016; 4.) NS Municipal Court monthly report for August 2016; 5.) NSPD monthly report for August 2016; 6.) NSF&RS Inc. monthly report for August 2016; 7.) Animal Control monthly report for August 2016; and 8.) RIDEM - Application of Vrania Coelho to alter freshwater wetlands at Bearskin Farm Rd./Mattity Rd.

Payment of Bills

Following explanations for several questions, MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 3 to 0 on a roll call

September 19, 2016

vote to approve payment of the following based upon the recommendation of the Finance Director: General Fund 2015/2016 -

\$86,103.57; General Fund 2016/2017 - \$952,321.96; Library - \$36,370.25; School Department - \$1,553,518.62; and Fire Department - \$227,664.62 for a total of \$2,855,979.02.

SCHOOL ZONE SIGNS ON PROVIDENCE PIKE AND GREENVILLE ROAD

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to move this item up next on the agenda.

Mr. Dennis Falardeau of Providence Pike complained that proper signage has not been installed by the Department of Transportation, several signs are missing, sixteen new signs were not installed, fifteen signs had to be removed and/or relocated, signs that were installed were not advance school warning signs, and posted hours on the signs are incorrect. No one was present to make sure the signs were being installed correctly.

Mr. Boucher agreed to contact Mr. John Shevlin to get copies of plans that Mr. Falardeau had requested.

MUNICIPAL BUILDINGS AND ROAD BONDS

MOTION by Mr. Soly, seconded by Mr. Boucher, and voted 3 to 0 on an eye vote to move this item up next on the agenda.

Public Buildings Improvement Commission member Joseph Cardello stated the road project has gone very well but Pare Corporation will

be out of money on Thursday. They need an additional \$18,800 to provide the onsite inspections and progress reports.

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote to release \$18,800 to keep the road bond process going and to authorize the Town Administrator or Finance Director to sign the contract.

UPGRADE TO SCADA SYSTEM

Water and Sewer Superintendent Russ Carpenter explained that the current SCADA water and sewer systems used by the town are outdated and report false problems. The upgrade would cost approximately \$200,000.

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:00 P.M. to extend the meeting for five minutes.

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted 2 to 1 on a roll call vote (Mr. Zwolenski voted no) to approve the purchase of the SCADA system for an amount not to exceed \$200,000 with funding to come from reserves.

AWARD OF BID NSES FIRE ALARM SYSTEM

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to award the bid to AFA Protective for the amount of

\$164,000 based upon information received from Mr. Parmelee. Funding will come from the newly created RIDE revolving fund.

2ND READING SALARY AND WAGE ORDINANCE

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and vote unanimously on a roll call vote to accept the salary and wage ordinance as amended and presented:

“It is ordained by the Town Council of North Smithfield, RI as follows: Chapter 13 of the Town Ordinance is amended to read: The following Table of Salaries and Wages to Pay grades are approved for the fiscal year July 1, 2016 to June 30, 2017. This list includes elected, appointed, classified (non-contractual), classified (contractual) and non-classified.

DEPARTMENT	FY 16/17	FY 15/16
1. General Government		
Town Administrator	75,000	75,000
Grant Writer	5,000	2,000
Audio Videographer	3,750	4,500
September 19, 2016		
Town Council (each)	2,000	2,000
Probate Court Judge	4,200	3,914
Board of Canvassers, Chairman	500	500

Board of Canvassers (each 2)	400	400	
Town Clerk	62,562	59,021	
Deputy Town Clerk	34,345	33,345	
Finance Director	80,000	73,406	
Asst. Finance Director	49,442	47,741	
IT	29,640	0	
Personnel/Administrative Service Director		0	0
Solicitor	62,000	58,789	
Assistant Solicitor	30,300	30,300	
Town Planner	65,076	63,181	
Tax Assessor	58,232	55,459	
Admin Asst to Administrator		17.40/hr	16.90/hr
Asst Tax Collector		23.97/hr	23.16/hr
Fiscal Clerk II (5% NOT 3.5%)		18.54/hr	17.65/hr
Planning Board Secretary		1,800	1,800
Finance Clerk I		20.25/hr	19.56/hr
Recording Clerk (5% NOT 3.5%)		18.54/hr	17.65/hr
Inspection Division Clerk		17.82/hr	17.21/hr
Tax Assessor's Clerk(5% NOT 3.5% OR 37,000)		18.54/hr	17.65/hr
Asst Planner/GIS Analyst		24,47/hr	23.64/hr
Municipal Court Clerk	15,751	12,601	
Municipal Court Judge	6,600	6,300	
Municipal Administrator	4,896	4,429	

2. Public Safety

A. Building Inspector/Zoning Official	54,368	52,784
Electrical Inspector (Pt)	7,000	7,000
Plumbing Inspector (Pt)	3,500	3,500
Mechanical Inspector (Pt)	3,500	3,500
Building/Zoning Inspector (Pt)	15,000	10,000
Assistant Electrical Inspector	2,600	2,600
Sealer of Weights and Measures	1	1
Police Chief	81,545	79,170
Administrative Asst to Police Chief	25,683	24,460
September 19, 2016		

EMA Director	7,000	6,000
EMA Deputy Director	2,500	0
Zoning Secretary	3,680	3,680
Juvenile Hearing Coordinator	2,966	2,000

3. Police Department (PRIOR TO NEW CONTRACT SETTLEMENT)

Captain	1,183.63/wk	1,183.63/wk
Lieutenant	1,154.98/wk	1,154.98/wk
Sergeant	1,126.32/wk	1,126.32/wk
Detective	1,097.71/wk	1,097.71/wk
Patrolman (over 1 year)**	1,054.70/wk	1,054.70/wk
Probationary (6 mos/1 yr)	905.27/946.75/wk	905.27/946.75/wk

4. North Smithfield Local 937 Contract

(2) Foreman - Highway	24.79/hr	23.95/hr	
Animal Control Officer (pt)	17.00/hr	0	
Animal Control Foreman (SUPERVISOR)	24.79/hr		0
Police Dispatcher (1st shift)	19.97/hr	19.29/hr	
Police Dispatcher (2nd shift)**	20.40/hr	19.71/hr	
Police Dispatcher (3rd shift)**	20.58/hr	19.88/hr	
Police Clerk/Dispatcher (parttime)	18.04/hr	17.43/hr	
Mechanic	22.86/hr	22.09/hr	
Mechanic/Driver	21.62/hr	20.89/hr	
Equipment Operator	21.10/hr	20.39/hr	
Truck Driver	20.22/hr	19.54/hr	
Laborer P & R	18.21/hr	17.59/hr	
Laborer Foreman (SUPERVISOR)	21.62/hr		0
Clerk (Highway)	18.27/hr	16.07/hr	

September 19, 2016

5. Public Works

DPW Director	70,122	66,783	
Water/Sewer Superintendent	58,619	56,913	
Water/Sewer Asst. Superintendent	43,078	41,822	
Water & Sewer Coordinator	38,523	37,398	

Sewer Commission Secretary	3,050	3,050
Custodian (pt)	14,674	14,247
Custodian (pt) (EQUAL POSITION RAISE)	7,722	7,498
Recycling Coordinator (pt)	27.35/hr	26.55/hr
Seasonal Personnel	12.00/hr	10.00/hr
Tree Warden	1,730	1,730
Gate Keeper	15,000	15,000

Longevity Municipal Personnel

Completion of Five (5) years	3.50%	3.50%
Completion of Ten (10) years	5.50%	5.50%
Completion of Fifteen (15) years	6.00%	6.00%
Completion of Twenty (20) years	6.50%	6.50%

Longevity Police Personnel

Completion of Five (5) to Ten (10) years	5.00%	5.00%
Completion of Ten (10) to Fifteen (15) years	7.00%	7.00%
Completion of Fifteen (15) years	9.00%	9.00%
Chief of Police	12.00%	12.00%

****All officers working second shift will receive 1% differential of their hourly rate. All officers working third shift will receive 2% differential of their hourly rate.**

The designation of a yearly salary is a designation of rate of pay only,

and shall not be construed to create an employment relationship other than at will.

Benefits, for non-contractual personnel, including but not limited to vacation, personal leave and sick time, shall be governed by Chapter 13 of the Code of Ordinances and any other charter provisions, resolution of May 1, 2006 (relating to retirees) or ordinances relating thereto.

All non-contractual personnel who have elected health insurance coverage benefits shall contribute the greater of \$55 per pay period (\$1,430 per year) toward the premium for a family plan and \$20 per pay period (\$520 per year) for individual plan or the Local 937 current contract amount.

Amendments to Chapter 13 Salaries and Wages - Fiscal Year 2016/2017. This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith, are repealed.”

**RHODE ISLAND HOUSING TAX SALE FOR 142 OLD GREAT ROAD
MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 3 to 0 on a roll call vote to add this item to the agenda for discussion.**

Mr. Parmelee explained that people were not properly notified about a tax sale back in 2007. A challenge was received about that and

Rhode Island Housing is requesting a refund of the monies they paid to us to purchase this particular property at tax sale. The town will rebate them that money and then the money will be recouped at the tax sale that is scheduled for this coming Thursday.

Mr. Igliazzi further explained it is not a request. State law says that if a town conducts a tax sale and it is held invalid by a court, the town must reimburse the person at the tax sale the money they paid. That is what is being done. The statute goes on to say that the money the town is paying back goes back onto the delinquent assessed property owner.

ENVIRONMENTAL LAND USE RESTRICTIONS ON STAMINA MILL PROPERTY

Mr. Igliazzi explained there are federal and state statutes that there is no town liability. The town did not contaminate the site and the town obtained ownership of the property by virtue of a tax sale.

September 19, 2016

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 3 to 0 on a roll call vote to approve the Declaration of Covenants and Environmental Land Use Restriction after hearing the explanation from Mr. Igliazzi that the town obtained ownership of the property due to a tax sale and that there is no liability to the town and to authorize the Town Administrator to execute the agreement.

ABATEMENTS

MOTION by Mr. Zwolenski, seconded by Mr. Soly and Mr. Boucher, and voted 3 to 0 on a roll call vote to accept the abatements dated September 19, 2016 for credits amounting to \$5,971.43 and debits amounting to \$7,089.35.

APPROPRIATION OF FUNDS FOR RENOVATIONS AND SIGN AT DEPARTMENT OF BLIC WORKS BUILDING

There was no discussion.

APPOINTMENT TO AD HOC ORDINANCE REVIEW COMMISSION

There was no appointment.

APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION

There was no appointment.

APPOINTMENT TO PARKS & RECREATION COMMISSION

There was no appointment.

APPOINTMENT TO REDEVELOPMENT AGENCY

There was no appointment.

APPOINTMENT TO CHARTER REVIEW COMMISSION

There was no appointment.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted

unanimously on an aye vote to adjourn at 10:16 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk