

Cumberland Fire District

Headquarters @ Station Four

3502 Mendon Road Cumberland, RI 02864 401.658.0544

www.cumberlandfire.org

Established
November 10, 2014

Bruce A. Lemois
Chairman

Phillip Koutsogiane
Vice-Chair

Christopher Parent
Commissioner

Cynthia Ouellette
Commissioner

Ronald Champagne
Finance Chair

Jim Scullin
Commissioner

Frank Matta
Personnel Chair

Kenneth Finlay
Chief of the Department

Station One
555 High Street
401.722.5992

Station Two
1530 Mendon Road
401.333.1421

Station Five
50 Arnold Mills Road
401.333.2244

Kelley Morris
General Counsel

Diane Karolyshyn
Finance Director

Debra Auclair
Committee Clerk

TO: Fire Committee
DT: April 26, 2016
RE: Chairman's Report to the Town Council

At the April 6, 2016 meeting of the Cumberland Town Council there was a resolution, R-16-14, that would request a nonbinding referendum about a Town Fire Department on the November ballot. (Copy attached) Mr. Scullin authored this resolution.

This resolution was introduced on February 17, 2016 when resolution R-16-10, introduced January 20, 2016 was withdrawn. R-16-10, also authored by Mr. Scullin, was a resolution to petition the General Assembly to allow the Town to outright take over the CFD. This withdrawal shows lack of support and likely failure of this request.

The main reasons for resolution R-16-14, as specified on the record by Mr. Scullin, are:

1. The original legislation (S-0958 passed spring 2013) that formed the CFD had holes in it that are detrimental to the taxpayers. "The biggest detriment was taking away the annual meeting." As quoted by Mr. Scullin.
2. This resolution would allow the voters to fix what was wrong with the Senate bill S-0958.
3. If the Town taxpayers wanted to challenge the CFD budget it needs to be in the form of a referendum that the Town would need to pay.
4. If there is an open seat the Town Council would need to appoint a replacement, make them open, if anything goes wrong, to a law suit.

Within the written report provided to the Town there are corrections for the many inaccurate comments made during the various council meetings regarding the two resolutions. As these four comments were made at the April 6, 2016 meeting here are the corrections for these.

1. Going back to an annual meeting is taking the CFD backwards. Would make as much sense as the Town going back to the annual meeting format.
2. Merely voting on a resolution will not in any way change S-0958. The only way to "fix" a piece of legislation is through the Legislature process.
3. If the Town takes over, the CFD budget would be buried into the Town Budget. How does a citizen challenge the Town budget? Through a referendum. A town department doesn't change this, because it is the right way to challenge budgets.
4. A Town department doesn't "fix" this, as it would still be open to law suits. That's IF the Town would be liable for the CFD now. Which is not proven.

A 60 page report was presented to the Town Council. This report was written by Chief Finlay, Finance Director Karolyshyn, Fire Prevention Administrator Keri Smith and Chairman Lemois.

Mission Statement

The mission of the Cumberland Fire District is to provide exceptional public safety services in a safe, compassionate, cost effective and professional manner.

Presented April 26, 2016

The report covered much of what CFD is doing and where we are currently. It also covered many inaccurate statements about the CFD at the January meeting. The following two issues being specifically addressed:

1. That the incorrect representation of what the referendum, voted on in 2010, actually stated. Though Mr. Lambi reported that the town voted on a municipal fire delivery service, in fact, the referendum merely gave the council authorization to commission a town wide review and develop a state of the art fire delivery service. In fact separate from the actual question, the referendum merely suggested that it could be any type of system, listing three.
2. The incorrect inference that there were problems in the CFD governance due to eleven 5-2 votes out of the 52 major votes taken in 2015. A report of the 2015 major votes showing the vote results was presented and is included within the report. Again it shows that only 11 of the 62 votes were 5-2.

Even at this meeting there were many inaccurate comments made. In my opinion, to try and sway public opinion without using actual facts. Basically because the facts don't support this idea at this point in time. One of the major factually incorrect statements was by Mr. Lambi. This is his quote from the record:

"If you spread that \$7.36 million dollars and, um, you add it to the \$62 million dollars as a percentage that is 11.86%. And 1.86% of \$17.08 per thousand comes out to about \$2.03 thousand, which is actually less than what the fire tax rate is. Because it is spread out on tangible and cars and stuff like that, so it actually spreads that tax out to everybody in town instead of just the property owners. So, um, the fiscal note actually provides for a slight decrease for the regular homeowner down to \$2.03."

It is clear that there is a misunderstanding how a municipal tax rate is reached

One cannot simply take the Town's tax rate and recalculate new rate using the cost of the \$7.36 million CFD budget cost as a percentage of the current town tax rate/budget.

It is also erroneously stated that the CFD budget can be spread out *"on tangible and cars and stuff like that."* We can't explain the *"stuff like that"* portion, but the tangible tax rate is a rate of its own. The Town takes all owned tangible and uses the tangible tax rate to charge a levy on the value of said tangibles. This is calculated separate from the real estate value levy. Same with the car tax. The car tax simply charges on the value of cars to reach a levy amount.

Attached is the 2015-16 Cumberland Town Levy / Tax Rate resolution showing the calculations. The correct way to find the cost of the CFD budget if it were merged with the Towns is clear.

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What Else needs to be clear:

1. You can't change the car or tangible tax rate separate from the real estate; they all have to increase or decrease by the same percentage. A town could not charge more for the tangible or car value just because it takes on a fire department budget.
2. You can't take the real estate tax rate and determine a percentage to get the effect of merging the CFD budget with the towns. The tax rate is the result of an mathematical equation. The accountants have to add the cost of the CFD at the correct place within the mathematical equation to determine the accurate effect. It's simple math.

The next page shows the details. In summary:

RE VALUE @ \$1.00	\$ 3,111,283.00
TOTAL TAXES	\$ 63,132,350.00
LESS TANGIBLE	\$ (4,310,238.00)
LESS MOTOR VECHICLE	\$ (5,675,960.00)
LESS RETAIL INVENTORY	\$ -
TOTAL TAXES FROM RE	\$ 53,146,152.00
PROPOSED TAX RATE	\$ 17.08
ADD FIRE DEPARTMENT	\$ 7,360,000.00
TOT TAX FROM RE W/ FD	\$ 60,506,152.00
RESULTING TAX RATE	\$ 19.45
COST PER 1,000 FOR CFD	\$ 2.37

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Presented April 26, 2016

Effect on tax rate when CFD budget is merged with the Town Budget.

FROM TOWN LEVY SHEET		RE VALUE @ \$1.00	
Levy Calculation			
Net Amount of Taxes Needed (as listed above)	\$ 83,132,350	TOTAL TAXES	\$ 63,132,350.00
Less Tangible Personal Property	\$ (4,310,238)	LESS TANGIBLE	\$ (4,310,238.00)
Less Motor Vehicle Taxes	\$ (5,675,960)	LESS MOTOR VEHICLE	\$ (5,675,960.00)
Less Retail Inventory Taxes	\$ -	LESS RETAIL INVENTORY	\$ -
Total Taxes Provided from Real Estate	\$ 53,146,152	TOTAL TAXES FROM RE	\$ 53,146,152.00
Total Gross Taxes Needed from Real	\$ 53,146,152	PROPOSED TAX RATE	\$ 17.08
Proposed Tax Rate	\$ 17.08	ADD FIRE DEPARTMENT	\$ 7,360,000.00
		TOT TAX FROM RE W/ FD	\$ 60,506,152.00
		RESULTING TAX RATE	\$ 19.45
		COST PER 1,000 FOR CFD	\$ 2.37
		ADD FIRE DEPARTMENT W/ 60% LESS ADMIN THAN CURRENT BUDGET	\$ (232,000.00)
		NEW TOT TAX FROM RE	\$ 60,274,152.00
		RESULTING TAX RATE	\$ 19.37
		COST PER 1,000 ON TOWN TAX RATE FOR CFD	\$ 2.29

FROM TOWN LEVY SHEET	
Assessment Data	
Real Property Tax Base	\$ 3,111,283,205
Total	\$ 3,111,283,205
Total Base	\$ 3,111,283,205
Value of \$1.00 on Tax Rate	\$ 3,111,283

Lastly, the reason for the increase per thousand that is not understood, is the fact that CFD doesn't provide the same exemptions as the Town. As soon as you add the CFD budget you have to apply the exemptions, increasing the cost per thousand.

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RECEIVED

FEB 11 2016

SOLICITOR'S OFFICE

TOWN OF CUMBERLAND

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**RESOLUTION: REQUESTING THAT THE RHODE ISLAND
SECRETARY OF STATE PLACE A CERTAIN
QUESTION ON THE NOVEMBER 8, 2016
ELECTION BALLOT WHICH WOULD AMEND
THE CUMBERLAND HOME RULE CHARTER BY
CREATING A TOWN FIRE DEPARTMENT**

**BE IT RESOLVED BY THE TOWN COUNCIL OF CUMBERLAND AS
FOLLOWS:-**

WHEREAS: The electors of the Town of Cumberland (the Town) by referendum adopted the Cumberland Home Rule Charter on November 7, 1978 to take effect as of December, 1980; and

WHEREAS: Sec. 101 of the Charter enables the Town by and through its inhabitants to continue to be a municipal body and continue to have and enjoy all rights, immunities, powers and privileges so enumerated and shall also have the right to exercise all powers set forth in said charter so far as they not be altered; and

WHEREAS: Whereas Sec. 407 (G) gives the right to create, change and abolish offices, departments and agencies not established by the charter or by the constitution and state laws; and

WHEREAS: The Cumberland Town Council is desirous of creating a municipal fire department, the head of which shall be the Chief of the Fire Department to be appointed by the Mayor with the approval of the Town Council, subject however, to the approval by a majority of the Town's voters who vote in the next general election on November 8, 2016.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF CUMBERLAND RHODE ISLAND AS FOLLOWS:-**

SECTION 1: That the Town Council of the Town of Cumberland does hereby petition the Secretary of State of the State of Rhode Island to cause to be placed upon a November 8, 2016 Election Ballot the attached referendum question which would result in a change to the Cumberland Home Rule Charter.

SECTION 2: That the Town Clerk shall cause to be published the text of said proposed Home Rule Charter Amendment in one or more newspapers of general circulation within the Town at least ten (10) days prior to the general election to be held November 8, 2016.

1
2 **SECTION 3:** The Town Clerk will take all necessary action to arrange for the inclusion
3 of said question on the ballot and cause to be delivered to the Cumberland Board of
4 Canvassers and Registration, to the Rhode Island Board of Elections and the Secretary of
5 State of the State of Rhode Island an attested copy of this Resolution.
6

7 **SECTION 4:** The amendment to the Town of Cumberland Home Rule Charter approved
8 by the electors thereof shall become effective upon certification of the election results by
9 the Cumberland Board of Canvassers and Registration.
10

11 **SECTION 5:** If any provision within the question is held invalid, such invalidity shall
12 not effect other provisions which can give effect without the other provisions, and to this
13 end the provisions of any amendment to repealer are declared to be severable.
14

15 **SECTION 6:** THAT THIS RESOLUTION SHALL BECOME EFFECTIVE
16 IMMEDIATELY UPON ITS PASSAGE BY THE CUMBERLAND TOWN COUNCIL.
17
18
19
20

21 _____
22 SANDRA GIOVANELLI, TOWN CLERK

23 02/11/2016

24 solicitor:th:

resolutions: 16-fire dept --charter amendment

QUESTION NO. 1

Shall the Town of Cumberland create its own municipal Fire Department, the head of which shall be the Chief of the Fire Department to be appointed by the Mayor with the approval of the Town Council.



E Craig Dwyer, District 2
Council President

Joshua Call-Fregeau, District 1
Council Member

James E. Scullin, District 3
Council Member

Peter J. Bradley, At Large
Council President, Pro-Tem

Scott R. Schmitt, District 4
Council Member

Robert G. Shaw, Jr., District 5
Council Member

Arthur Lambi, Jr., At-Large
Council Member

**MINUTES OF THE REGULAR MEETING OF THE CUMBERLAND TOWN COUNCIL
WEDNESDAY, APRIL 6, 2016 AT 7:30 P.M.
CUMBERLAND TOWN HALL, EVERETT "MOE" BONNER, JR. COUNCIL CHAMBERS
45 BROAD STREET, CUMBERLAND
OPEN SESSION**

The regular meeting was called to order at 7:32 p.m. by President Dwyer.

MEMBERS PRESENT:

President Dwyer, Councilors Bradley, Call-Fregeau, Lambi, Schmitt, Scullin, and Shaw

Also present—Mayor William Murray, Town Solicitor Thomas Hefner, and Town Clerk Sandra Giovanelli

GENERAL ANNOUNCEMENTS

Councilor Lambi wished all residents a Happy Easter.

Mayor Murray pointed out the successful financial seminar run by Councilor Lambi for the benefit of our veterans.

UNANIMOUS CONSENT ITEMS

CONSENT AGENDA

- A. Acceptance of Minutes of the Regular Town Council Meeting of March 16, 2016, Special Meeting of March 23, 2016, and Special Joint Meeting with the School Department of March 23, 2016

MOTION BY COUNCILOR SHAW, SECONDED BY COUNCILOR LAMBI AND IT IS UNANIMOUSLY VOTED TO APPROVE. VOTE 7/0.

FINANCE REPORTS

1. General Fund report as of February, 2016

Finance Director Brian Silvia informed that for the period ending February 29, 2016, Revenues collected totalled \$45,884,651, or 50.70% of the budgeted amount; Property Taxes collected totalled \$31,746,351, or 51.27% of the budgeted amount; Current Year Taxes collected totalled \$31,104,808, and Prior Year Property Taxes collected totalled \$641,471. The Town has expended \$54,237,719; budgeted funds available for the balance of the year total \$35,511,073. For February, the Town expended \$6,172,588, of which \$5,077,343 was related to education. The balance of the funds

expended were predominately related to salary and wages, fringe benefits, street lighting, and rubbish collection and disposal, as well as debt service payments.

LICENSES

EXTENDED HOURS LICENSE:

1. An application for Extended Hours from IQBAL & Sons, Inc. d/b/a Cumberland Sunoco located at 2093 Diamond Hill Road to open at 5:00 a.m.

Public hearing was opened at 7:57 p.m.

Fahd Iqbal, owner of the applicant business, stated that he wanted to open at 5:00 a.m. every morning.

There was no one wishing to speak either in favor of or against this license.

Public hearing was closed at 7:58 p.m.

MOTION BY COUNCILOR SCULLIN, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO APPROVE SUBJECT TO PAYMENT OF OUTSTANDING TAXES. VOTE 7/0.

JUNK AND SECONDHAND GOODS DEALER LICENSE:

1. An application for a Secondhand Goods Dealer License from Bryn Lacey of The Original Yard Sale (T.O.Y.S) located at 511 Broad Street

Public hearing was opened at 8:00 p.m.

The Town Clerk informed that they are awaiting Police Department approval, therefore, requested that the matter be tabled to the next meeting.

MOTION BY COUNCILOR LAMBI, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO TABLE TO APRIL 20, 2016. VOTE 7/0.

HOLIDAY LICENSE:

1. An application for a Holiday License from Bryn Lacey of The Original Yard Sale (T.O.Y.S) located at 511 Broad Street

MOTION BY COUNCILOR LAMBI, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO TABLE TO APRIL 20, 2016. VOTE 7/0.

OLD BUSINESS

A. ORDINANCES FOR PUBLIC HEARING:

1. **#16-06** – An ordinance amending the operating budget for the Town of Cumberland’s General Fund for Fiscal Year 2015-2016 (**Second Hearing & Vote**)

Public hearing was opened at 8:02 p.m.

Alex Prignano, Business Manager for the School Department, who was present to support the transfer of \$445,000 to the School Department. He provided various documents to support this transfer. He noted that the School Committee is

counting on these funds to help close the gap between expenses and revenues. He gave a quick overview of the documents he provided.

Councilor Lambi provided clarification regarding this issue of the surplus of \$3.2 million; the current auditor's report for this year states that the School Department did not spend \$1,030,000; with the \$1 million from 2014, there is \$.8 million of taxpayer money that is being held in a savings account. Taxes were levied but the money was not spent on education. The School Department has not spent the money they were given in the past two years, and now they are asking for additional funds. He wanted to know why the Town is being asked to give more money when it has been clearly illustrated that the School Department has not spent the money they have been given the past two years and they now have a \$4.8 million surplus. The Town is required to fund the schools at the same level each year because of maintenance of effort regardless of the Town's finances, so the schools do not need this surplus. He did not think it advisable to give any department almost a half million dollars more when they have not spent the money given them in the past two years. He will be voting against this amendment tonight for that reason.

Mr. Prignano responded it is important for the School Department to maintain a fund balance because in the past Cumberland has not been able to fund it at the requested levels. There is growth in the budget every year, and the School Department has no way of making it up, such as by taxes. They need a fund balance to fall back on. \$900,000 of the \$1 million from last year was rolled into this year's budget to balance it.

Councilor Shaw stated that the \$1 million was not money that was not used, it was uncontrollable, unforeseen things that happened during the year. He stated that he would be voting affirmatively on this simply because it was promised to them and they are relying on it.

Mr. Silvia noted that the \$550,000 was for a plan engineered by former Superintendent Thornton and Mayor Murray to put programs back into the budget, such as middle school sports, Grade 5 band, a high school sport, an assistant principal at Community, a high school math teacher, a high school reading teacher, a reading/math special for B.F. Norton, and one reading/math specialist for McCourt. These total \$556,000. A \$105,000 savings was realized from the dental program, which leaves the \$445,000 before the Council tonight.

Councilor Scullin voiced his frustration with the surplus account of the School Department; this \$445,000 is going to go towards maintenance of effort; the Town does not even have that type of surplus. He could not support this transfer.

Mayor Murray noted that an agreement was made with the Superintendent. It was not the fault of the schools, but rather the unions, that the HSA was not accepted. He urged the Council to back its word.

Councilor Lambi noted that these funds were put into a contingency account because it was tentative; when he votes not against this, it is because he is doing what he has to do as a leader. There is a surplus, and it changes the ball game. It is using current financial data to make prudent, accurate decisions.

Councilor Shaw stated that the Council ensured the School Department of this money, and they agreed to fund this money if the savings was not realized through the HSA. The surplus should have no bearing on these funds. The funds were set aside just in case; if savings were realized, this transfer would not be necessary.

Raymond Salvatore, School Committee Vice Chair, agreed that this was a commitment from the Town; the funds were built into the budget.

Lisa Beaulieu, School Committee Chair, thanked the Council for not having them cut programs as a result of this promise.

Councilor Schmitt felt the surplus did not fit into this discussion; a commitment was made to provide these funds if the savings were not realized. The School Department did everything possible to try to achieve those savings.

Public hearing was closed at 8:31 p.m.

Councilor Shaw noted that in addition to this \$445,000, there are other moves being approved.

President Dwyer voiced his support of the move as it was promised by the Town. He also informed that the Finance Subcommittee voted 2-1 in favor of approval of this Ordinance by the full Council.

Mr. Silvia read the line items into the record.

MOTION BY COUNCILOR CALL-FREGEAU, SECONDED BY COUNCILOR SHAW AND IT IS VOTED TO APPROVE. VOTE 5/2.

Nay Councilor Lambi and Councilor Scullin.

B. RESOLUTIONS:

- 1. R-16-14** – A resolution requesting that the Rhode Island Secretary of State place a certain question on the November 8, 2016 election ballot which would amend the Cumberland Home Rule Charter by creating a Town Fire Department

Councilor Bradley recused himself.

Councilor Scullin spoke of the history of the Town's district-wide fire department, and the process involved in merging them. **The merger was passed in 2013, and the bill had a lot of holes detrimental to the taxpayers; it took away the annual meetings, so the taxpayers are being shortchanged.** He hoped that in 2014 the problems with this bill would have been corrected. He thought the bill opened the Town to a lot of liabilities. He believed the voters deserve an opportunity to fix the problems.

Public hearing was opened at 8:49 p.m.

Bruce Lemois, Chairman of the Cumberland Fire District, presented a report giving an overview of where the District currently stands; there is a section in the back of it that reply to comments made during a meeting in January when a Resolution was made to take over the Fire District. The Fire District Committee will hold a special meeting to review this report. He also responded to some comments made that were not quoted in full. He read the actual referendum question put to the voters—the purpose was to give the Council the authority to develop a state of the art fire service delivery system, not whether it should be a Town department. The Council chose to do that through an independent fire district. He felt it is too early to switch to a Town department; the merged district has barely completed its first year. He spoke about the votes of the board that were 5-2, as there had been some criticism of how the Board was run; he also noted that 67% of the votes were unanimous votes. He also informed that the District is in the process of going to quarterly billings, and that the fire district taxes can also be paid through the mortgage companies. They are lowering costs, projecting a budget surplus, projecting an overall surplus, and they may also be reducing the tax rate. He asked the Council to vote against this Resolution.

Councilor Schmitt asked whether Mr. Lemois envisioned the transitioning from an independent fire district to a municipal fire district in the future.

Mr. Lemois felt it should be a collaborative effort done with accurate information; it should be done once all the bugs are worked out, and done in the correct manner.

Councilor Lambi asked if Mr. Lemois would support a municipal department if it was done correctly.

Mr. Lemois responded that he would if it was done at the proper time under the proper circumstances. The three branches of Cumberland Public Safety work together as a team, and Cumberland is a very safe town.

Mayor Murray informed that the Town works closely with fire and rescue, and he is very proud of the services provided.

Mr. Lemois explained that the Town has increased the positive rates by 50 percent that are used by insurance companies when determining the cost of home insurance for residents.

Representative James McLaughlin informed that the bill he submitted to the General Assembly suggested a ballot vote in November, rather than a special election that was mentioned in the original bill; this saved the Town \$30,000; he felt that the bill that was approved fulfilled the obligations of the voters, who wanted a town-wide system. He felt it was too early to look at becoming a municipal fire department.

Philip Koutsigane, Vice Chair of the Cumberland Fire District, stated that when this bill was presented to the General Assembly, North Cumberland supported the idea of a merger, but had a great deal of problems with the language in the bill. Several attempts were made to point out those problem areas, but at no time was North Cumberland approached by members of the General Assembly for its input. He was one of the board members voting against the budget and the DBA for the firefighters; he felt there was a vast difference between what the four districts had and what the merged district has. He offered to sit down with any member of the Town Council and with Mr. Lemois to review the figures. He felt that the current expenditures of the District will exceed the budget that was approved.

Mr. Lemois took Mr. Kusignane up on his offer to meet to review their figures. He stated on the record that there will be a surplus this year.

Mr. Kusignane responded that he wanted to meet with both Mr. Lemois and members of the Town Council at the same time. He has had to make repeated requests for documents, and it can anywhere from 5 days to months to get what he requested.

There was no one else wishing to speak either in favor of or against this Resolution.

Public hearing was closed at 9:21 p.m.

Councilor Lambi noted that the fiscal note stated that the budget for the Fire District was \$7.3 million, which was the combined spending of the four districts before consolidation. He felt the taxpayers were expecting some type of savings, and to realize no savings makes it understandable as to why this conversation is taking place. This would represent 11.86% of the Town's budget, and would be about \$2.03 of the current tax rate, which would be less than what the current fire tax rate is. No one is suggesting that Cumberland does not have a very professional public service entity; taking it into the Town's municipal departments will not adversely affect that.

Mr. Scullin responded that the entire merger process had nothing to do with improving services. This Resolution is basically to improve the administration of the department. The Resolution give the Council the authority to make it a municipal department, but does it not have a date, so the next Council can take its time to get it done right.

President Dwyer stated that he would feel more comfortable if the merged district had been operating for a little more time. He did not see the need to go forward with this at this moment. He wanted to see year-end reports, etc.

Solicitor Hefner asked the Council to keep in mind that the General Assembly only works part of the year' of this is going to be an affirmative vote, it needs to be sent to the Statehouse by the end of this month.

As the District is less than one year old, Councilor Schmitt thought it best for the November elections to occur, and have a future Council look at this issue; it would be delayed by two years, and the Resolution should have a date certain rather than leaving it open. He agrees in principal with a municipal fire department but felt the timing of this is premature.

MOTION BY COUNCILOR LAMBI, SECONDED BY COUNCILOR SCULLIN AND MOTION FAILS BY A ROLL CALL VOTE. VOTE 2/4.

**Nay Councilor Schmitt, Councilor Call-Fregeau, Councilor Schmitt, and President Dwyer.
Councilor Bradley recused.**

NEW BUSINESS

A. CLAIMS:

1. Sean & Alison Gagnon

Referred to Solicitor's Office.

B. COMMUNICATIONS:

1. An update on the Comprehensive Plan by the Planning Director

Jonathan Stevens, Planning Director, informed that the current plan was done 2003; per state law, all municipalities must update their plan by June 30th of this year. He has been reviewing the draft Plan to update it and review it with the department heads. They are moving aggressively to make the deadline; it is reviewed and updated frequently. They will finalize it internally and then post it around May 1st; it will go to the Planning Board for hearing May 25th; and the Council's hearing to adopt will be June 15th. He offered to make himself available to review the Plan with the Councilors.

C. RESOLUTIONS:

1. **R-16-18** – A resolution proclaiming April 24, 2015 as “Armenian Genocide Remembrance Day” to commemorate the Armenian Genocide of 1915 to 1923 and in honor of Armenian-Americans

MOTION BY COUNCILOR SHAW, SECONDED BY COUNCILOR BRADLEY AND IT IS UNANIMOUSLY VOTED TO APPROVE. VOTE 7/0.

2. **R-16-19** – A resolution relating to the Tax Assessment Levy Fiscal Year 2015-2016

Finance Director Silvia informed that this is the levy for the 2016 tax roll. He reviewed the backup provided with the Resolution. The range of the levy is \$62,500,000 and \$64,100,000; this is derived from the levy worksheet attached. He reviewed the important items on the worksheet. He explained that there are three revenue items budgeted for but the Town does not receive; it totals about \$20 million; that is why the worksheet shows Revenue of \$70 million, but the budget in fact lists \$90 million in revenues. Staying at the current rates for taxes, the actual levy will be \$63,132,350, which is an overall levy increase of 1.5 percent over the prior levy.

Public hearing was opened at 10:16 p.m.

Jeff Mutter questioned why expected revenues were less.

Mr. Silvia responded that at this time the Town has booked the State Aid for Education; it will be wiped clean once it is moved to the School Department.

Mr. Mutter asked why the assessed value of the real estate decreased.

Mr. Silvia responded that the number in the audit is pre-exemption; it is not the net amount.

There was a discussion regarding the differences in tangible and motor vehicle assessed values from last year.

Mr. Mutter asked if Mr. Silvia had any concerns with a 0 percent tax increase; Mr. Silvia responded that he did not as there was a 1.75 percent increase in the levy.

Public hearing was closed at 10:24 p.m.

Councilor Shaw informed that the recommendation of the Finance Subcommittee was 3-0 in favor of this levy.

Councilor Lambi noted that there would be no increase in taxes due to the increase in the levy. There will be an additional \$1 million in tax revenue because of the increase in the tax base, not an increase in the tax rate.

MOTION BY COUNCILOR LAMBI, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO APPROVE. VOTE 7/0.

3. **R-16-20** – A resolution supporting and enabling legislation establishing the Northern Rhode Island Regional Emergency Communication District (RECD) for the purpose of regionalizing Emergency Telecommunication and requesting the Town of Cumberland be named a participant in the proposed legislation

Mayor Murray informed that he has been asked to work on supporting this legislation. This will allow Cumberland's name to be put on this study; currently, Smithfield, North Providence, Central Falls, Johnston, Lincoln, and Pawtucket are participating.

Councilor Lambi asked the cost to the Town; Mayor Murray informed that signing on would not cost anything.

Councilor Bradley was wary of committing without knowing the final cost—he noted that they would need the same equipment, etc.

Mayor Murray wanted this kept in mind so that when planning the new police station, a dispatching area is not included if it is going regional.

Public hearing was opened at 10:36 p.m.

There was no one wishing to speak either in favor of or against this Resolution.

Public hearing was closed at 10:37 p.m.

MOTION BY COUNCILOR CALL-FREGEAU, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO APPROVE. VOTE 7/0.

C. ORDINANCES FOR PUBLIC HEARING:

- 1. #16-04** – An ordinance relating to the Town of Cumberland Pension System (Presented by the Council President on behalf of the Administration)

This matter was taken out of order.

Attorney Joseph Rodio, Jr., explained that this is an update to the Pension Plan document. The impact of this document have been updated by the actuaries and the Finance Director as the result of the negotiation of a new collective bargaining agreement. This document as undertaken to ensure that all changes in the collective bargaining agreement are consistent in the pension plan document; the last amendment was in 2004. He provided an overview of the nature of the changes. Some deal with the collective bargaining agreement, some brought the document into compliance with any local ordinance or State law, such as the Town's disability ordinance, and to bring it into compliance with the current practice of the Town with regard to the interaction of the Pension Board and the Town Council. Additionally, there were changes made to the language to ensure that it was consistent and appropriate for this document. The Pension Board has unanimously recommended passage.

Public hearing was opened at 7:50 p.m.

There was no one wishing to speak either in favor of or against this Ordinance.

Public hearing was closed at 7:50 p.m.

Councilor Shaw informed that the Finance Subcommittee voted unanimously to support passage of this Ordinance by the full Council.

Councilor Scullin asked if the union supported this document after review.

Mr. Rodio responded that the union was provided a copy and there was some discussion from the union at the subcommittee meeting.

Councilor Shaw noted that the President of the union was given an opportunity to speak at the subcommittee meeting, but the President informed that they had not had a response from their attorney, though it had been almost four months since the document had been forwarded for review. There was an agreement made that if there were any items that need to be re-addressed, the Council would take a look at it again.

Councilor Lambi added that he was assured by Mr. Silvia, Mr. Casey, and Attorney Rodio that the changes are just technical and do not modify any part of the agreement and that if the attorney for the union does come back with some technical changes, the agreement can again be modified.

MOTION BY COUNCILOR CALL-FREGEAU, SECONDED BY COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO APPROVE. VOTE 7/0.

- 2. #16-07** – An ordinance in amendment to the Town of Cumberland Zoning Map on Assessor's Plat 052, Lot 343

This matter was taken out of order.

Public hearing was opened at 9:33 p.m.

Nicholas Pacheco, the applicant, of 1985 Mendon Road, Cumberland, informed that the property is located are 48 West Wrentham Road. This zone change was approved by the Planning Committee, and it is in line with the Town's Comprehensive Plan. Specifically, the zone change is based on the idea that the building, which is commercial in nature, was incorrectly zoned as R-1, but it should be zoned differently. The proposal is to change it to C-1, mixed use, with the intent that the physical footprint and layout of the property will remain the same, it will get landscaping, etc.; and it will become professional office space, consisting of about 13 different offices. There will also be a conference room open for public use.

Councilor Shaw asked if the offices would be separate businesses, or one business that has 12 different offices; he was concerned about the traffic.

Mr. Pacheco responded that he will occupy three of the offices; he has one business interested in the other half of the first floor, and another company interested in the entire second floor. While there are 123 offices, he did not envision 13 different businesses in there. There would be no retail functions, or liquor or food sold. He did plan to expand the parking area; there is parking for 60 cars.

Councilor Schmitt stated that a zoning change cannot be made just because a building is an eyesore. This is zoned R-1 and he felt changing it was not consistent with the neighborhood. It has always been a restaurant, and they must also hear from the neighbors.

Michael Plasse, 44 Houtman Avenue, one of the abutters to the property, was concerned about the septic system and no Town water on the property; when it was a restaurant, there was the smell of sewage quite often; the pond behind it feeds into Sneece Pond. The property has many restrictions on it because it was grandfathered in. He felt a lot of questions had not been answered.

Councilor Lambi asked the Solicitor what would happen if the property was sold by Mr. Pacheco—can a zone change be approved with restrictions.

Mr. Hefner responded that there is a building there that has been used for commercial business; it would be wise to change that to an R-1. He was not up to speed on the issues relating to the water and sewer, nor was he sure how close or how difficult it would be to hook the property up. The Council can vote to change it to a C-1 subject to restrictions and also restrict it to certain types of allowed uses within a C-1 zone. If the Council is leaning towards doing that, he suggested that this be continued for two weeks in order to get some feedback from Planning and the applicant to address these water and sewer issues.

Mr. Pacheco informed that he plans to hold onto the property for 25-30 years; he would be in favor of restricting the use. There is a well on the property, but he did not believe it was capable of being connected to Town water. The water tests should be available this weekend. There is a cesspool, and he thought some of the odor might have come from that because one of the lids is broken. He also stated that his purchase of this property is contingent upon his getting a zone change.

Mr. Plasse asked if the building would now need to meet current-day septic standards; Mr. Hefner responded that it would, and again suggested that this matter be continued so all the facts could be obtained.

Councilor Bradley added that he believed that if you do did 50 percent renovation, then you must redo the septic system.

Ken Swiech, of 37 West Wrentham Road, thought this was a good plan, but was concerned about future expansion—that another commercial property could be brought onto the property in the future.

President Dwyer responded that the Council could put restrictions on that.

Il Sok Koh, whose property is across the street, felt it was a good plan as long as zoning regulations are followed and that it be restricted to offices and not retail space. He was also concerned about the increase in traffic.

Planning Director Jonathan Stevens informed that the Planning Director recommended favorable action on this zone change; it was with the intent that the owner was looking to remove a current use that had high impact on the neighborhood and his intent is consistent with what he represented tonight, which would be a major improvement and a downsizing, which would result in a decrease in traffic. He thought the Planning Board would feel comfortable with the Council placing a restriction consistent with what the applicant is offering.

Councilor Lambi agreed it would be prudent to table this matter for two weeks in order to obtain more information as long it did not affect the purchase for Mr. Pacheco.

Mr. Pacheco wanted to ask for the change now rather than continuing it for two weeks. He was willing to accept restrictions on the property.

Councilor Shaw felt the Council should continue so that a thorough job can be done, and it can be done correctly.

MOTION BY COUNCILOR BRADLEY, SECONDED BY COUNCILOR LAMBI AND COUNCILOR SHAW AND IT IS UNANIMOUSLY VOTED TO TABLE THE MATTER TO THE APRIL 20TH MEETING. VOTE 7/0.

PUBLIC COMMENTS

Representative McLaughlin explained his House bill 8005 that was heard in HEW regarding pupil safety. He was confident that this will pass and will be cost-efficient to the Town, possibly saving thousands of dollars for it; it may eliminate 2-4 buses, each at a cost of \$50,000.

ADJOURNMENT

MOTION BY COUNCILOR SHAW, SECONDED BY COUNCILOR CALL-FREGEAU AND IT IS UNANIMOUSLY VOTED TO ADJOURN AT 10:40 P.M. VOTE 7/0.

Sandra M. Giovanelli, Town Clerk

FOR A FULL ACCOUNT OF THIS MEETING PLEASE REFER TO THE AUDIO RECORDING ACCESSIBLE ON THE TOWN'S WEBSITE, www.cumberlandri.org.

ADDITIONALLY, THE DVD OF THE ENTIRE MEETING IS AVAILABLE AT THE EDWARD J. HAYDEN LIBRARY.