

At a Financial Town Meeting holden within and for the Town of Scituate, on April 5, 2005 in the High School Auditorium in said Scituate, pursuant to the Warrant issued and to law, being for the purpose of hearing official reports, making appropriations, ordering a tax and transacting any other business that may lawfully come before said meeting.

After pledging allegiance to the flag of our country, the meeting was called to order at 8:10 P.M. by David D'Agostino, Town Moderator. Mr. D'Agostino introduced the Town Council, School Committee, Superintendent of Schools, Town Clerk, Town Treasurer and Town Solicitor who were all sitting on the stage. He noted the budget totals \$27,973,205, an increase of \$1,523,149 over last year, which the administration deems necessary to continue existing services. This budget includes increased spending for education, public safety, highway improvements, libraries, recreational programs, social services, town properties and cultural services. He noted that if all appropriations and resolutions are adopted without change, the tax rate will not exceed \$23.73 per thousand for residential real estate, \$29.83 per thousand for commercial, industrial, mixed use real estate, and \$35.53 per thousand for tangible personal property. This represents a rate increase of \$1.66 per thousand for residential tax payers.

The warrant, the posted notice and return of service was read by Town Clerk, Margaret M. Long.

Town Moderator, David D'Agostino, advised the audience of the rules and regulations of the meeting. He mentioned that visitors are all seated in the front rows to his right and explained the procedures, which would be followed for voting by registered voters. He advised that his role as Town Moderator is to preside and regulate these proceedings, to decide questions of order and to declare votes. This meeting will be conducted according to the following rules: The Statutes of the State of Rhode Island pertaining to Financial Town Meetings will apply and will prevail.

Mr. D'Agostino ruled that all motions from the floor must be in writing, signed, and presented to him immediately after making the

motion public. Once the motion has been made and seconded, he will then open the floor for discussion on that motion. He kindly asked that anyone making remarks, observations and comments keep them brief and to the point of the motion at hand. By law, every elector does have the right to speak once on each motion. Mr. D'Agostino noted that anyone wishing to speak should utilize the microphones at the front of the auditorium and please state their name and address. The comments or questions will be then addressed by the most appropriate person available. Each line item shown on the appropriations budget will be read individually and then voted upon. The decision of the majority of electors present qualified to vote will be accepted as the decision of this assembly. Voting is accomplished by a voice vote. A vote in the affirmative is "aye," and a vote in the negative is "no." If the voice vote is close, I may call for a standing vote; indicate your support for the motion or for the point before the assembly by standing, those opposed remain seated. In the event that a paper ballot is called for or requested, then it will require at least 20 percent or one-fifth (1/5) of those qualified to vote to second that motion. If the motion is seconded by 20 percent of those qualified to vote and then passed, the Board of Canvassers will conduct the paper ballot. Discussions tonight will be concerned with and limited to items listed on and pertaining to the call of this meeting; specifically, the appropriation of monies, expenditure of monies and the imposition of taxes. If anyone's comments or motions are outside the scope of this meeting, Mr. D'Agostino will let them know that and try to bring themselves back to the point at hand.

Moderator D'Agostino advised that the Board of Canvassers has indicated the total number of electors present is 190. There are also 5 guests in attendance.

Town Treasurer, Theodore Przybyla, read a summary of receipts of \$24,609,000 and disbursements of \$24,240,000 for the year ending March 31, 2004, leaving an ending cash balance of \$912,000.

Motion made by Councilman Marchant, seconded by Councilman Marcello and others and voted without discussion to accept the

Treasurer's Report as read.

Item 110 was moved by Town Clerk Long, seconded by Councilman Marchant and others and voted without discussion. Town Moderator declared the motion carried.

Item 210 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by George Kuzmowycz, 37 Esek Hopkins Road. Mr. Kuzmowycz commented that in the Scituate School newsletter that was dated March 2005 and was distributed last week, it states in the first paragraph that "the budget has been approved by the Scituate School Committee." Mr. Kuzmowycz questioned which meeting of the School Committee was that budget approved? Superintendent of Schools, Paul Lescault stated that it was approved this evening. Mr. Lescault explained the School Committee met on March 1, 2005. At that point, they had not received any communication from the Town Council in terms of the number of cuts that were required in their budget. Mr. Lescault asked the School Committee on March 1<sup>st</sup> to vest in him the authority to make cuts that would be approved by the Budget Subcommittee Liason, Bob Watson. Assuming that he approved those cuts, the School Committee indicated at that meeting that they would approve the entire budget at the annual School Committee meeting. Given the timeline, there was no opportunity to have a second meeting. They needed to get the cuts back to the Town Council. Mr. Lescault stated the newsletter should have said "endorsed" rather than "approved." The actual approval occurred at their meeting prior to this meeting a short while ago.

Mr. Kuzmowycz further stated that there is funding for a School Resource Officer, and he does not feel we need a person with a gun in our schools on a daily basis. Mr. Kuzmowycz made an amendment to the motion on the floor, for support to public education in the amount of \$19,056, 295, to include no funding for a School Resource Officer.

At this time, Moderator D'Agostino commented regarding the motion on the floor. An appropriation of monies for education is in an amount that is a total amount. How that money is distributed

within the educational budget is not something that is before this assembly. What is appropriate at this time is to vote on the amendment to the motion. Councilman Marcello seconded the motion for purposes of discussion, although he does not agree with it. David Durfee, 52 Deerfield Drive, questioned if there is any obligation for the federal grant we received a few years ago for this? Is there a penalty if we stop this program? School Committee Chairperson Patricia Archambault stated that the grant was a 3 year program. After 3 years of assessing the inclusion of the School Resource Officer, the feedback from the school department, parents, administrators, and the students, it is a very worthwhile program and the school department feels very strongly that they want to include this in their school system. It is part of the education process to have a safe environment for the students. The grant requirement after 3 years is we would have to take over the cost for the School Resource Officer for 1 year. Councilman Marcello stated there is a penalty for not continuing the program for 1 year. The money that we received from the federal government for the last 3 years, approximately \$300,000, would have to be paid back by the Town. Mrs. Archambault further added that the School Resource Officer is a valuable asset, and the school department is very committed to the program. The Resource Officer's duties include investigating district issues, truancy, participates in conflict, drug abuse incidents, and is trained in medical assistance, and has a visible presence in grades K through 12. This gives students an opportunity to forge their relationships with the Police Department.

Cindy Gould of 21 Walker Way stated she is a 4<sup>th</sup> grade teacher in Clayville Elementary School. Mrs. Gould stated the School Resource Officer visited her school and talked to the students about bullying, and practiced a lock-down with the students. She feels that this has a very positive influence on these children, at such a young age, and it helps them build a level of respect for police officers. She is in support of the presence of a School Resource Officer.

Council Vice President Budway stated he originally voted against having the School Resource Officer. Mr. Budway stated that he feels this issue is very important, and if we are going to make a decision regarding this, this evening is not the time or place to do it. He encouraged that the budget gets passed as proposed by the School Committee, but that this subject be pursued at a later date to discuss these concerns and assess what has taken place over the last 3 years.

Ernest Marcure, Chairperson of SAFE, stated that SAFE supported this program for the past 3 to 4 years. This officer is a police officer that has the legal expertise and a legal license to do things that the administration cannot legally do. We are very fortunate to have the caliber of police officer that we have in the schools. He is a K through 12 officer who builds a bridge between police and children. He teaches in the health classes in the middle and high schools, he is a member of the crisis team at the high school, he is a member of the bullying and respect team at the middle and high schools, among many other facets of education that the School Resource Officer takes part in. Mr. Marcure stated he is in support of this position and that \$42,000 is well worth the money.

Francis Lubrano, 160 Suddard Lane, stated that the issue is whether or not this person is armed. Council President Richard stated that this motion, if passed, will reduce the budget by \$42,000. No one can vote to eliminate the School Resource Officer. The School Committee has the right to make the \$42,000 cut something else. The only thing anyone can do by the laws of this assembly is to reduce the budget by the amount of his salary, but that does not guarantee that will eliminate his position.

Tim McCormick, 428 Trimtown Road, stated that by keeping the School Resource Officer, the town is basically saving \$260,000. By voting this item out of the budget, it will cost the Town \$300,000 in the long run.

Mr. D'Agostino stated that an amendment has been made and seconded to line item #210 for the support of public education in

the sum of \$19,056,295, and called for a vote. With no further discussion, Moderator D'Agostino declared the amendment failed.

Moderator D'Agostino stated that an amendment has been made and seconded to line item #210 for the support of public education in the sum of \$19,086,207. Carl DeLuca of 2 French Lane stated he feels there are significant problems with this budget. He stated the expenses consistently exceed income. Of the 1.5% increase, 1.3% is in education, including pensions, salaries and health insurance. Mr. DeLuca asked what the Town intends to do to make sure that this doesn't happen again next year?

Superintendent Lescault stated that some of the expenses Mr. DeLuca just referenced are totally out of their control. While he cannot promise this won't happen again in the future, he stated that Scituate schools are high performed schools. They have the fourth lowest per-pupil cost in the state. Patricia Archambault wanted to assure everyone that she has been working with the RI Association of School Committees. Every community is exceeding their cap and they are trying to lobby at the state level.

Moderator D'Agostino stated that an amendment has been made by Mr. DeLuca to line item #210 to change the appropriation from the amount indicated to \$18,500,000, seconded by Ron Cellucci of 22 Ridgewood Drive, and discussion followed by Representative Carol Mumford. Mrs. Mumford stated that this is the year the General Assembly will do something about pension reform. There are 4 bills that do exist that are being introduced, and Mrs. Mumford feels that this is the year the General Assembly will address pension reform and health care issues.

Councilman Marcello stated that he does not support the motion, but he does support some of the concerns. The School Committee did work very hard at getting the budget in line and made significant cuts. Mr. Marcello stated that we need to align our fiscal year with the state's. You would be surprised to learn that the School Committee never met with the Town Council to determine how much the future contracts would cost the Town. We cannot control what has already been contracted through salary

negotiations.

Vice President Budway stated that at the last budget hearing, it was a session with the Town Council and School Committee, and there was an agreement that they would meet on a periodic basis to that throughout the course of the year, we could monitor what was happening on the school side but also on the Town side. If we are going to solve these problems with long term solutions, it has to be at the state level. Mr. Budway urged everyone to pass the budget as submitted, as the budget cuts will not come from salaries, and the children are the ones who will feel the severe changes in programs and services.

Councilman Salisbury stated that every member of the Council and School Committee shares some of Mr. DeLuca's concerns regarding costs and what the future looks like. Quite frankly, it is an injustice to the School Department and our children to adopt this amendment. We have the fourth lowest per pupil cost in the State of Rhode Island, and still providing a quality education. Mr. Salisbury stated that measures to modify State aid to education were approved, and had those commitments been kept by the State, we would not be standing here tonight talking about this problem. Mr. Salisbury asked that everyone reject this amendment and move forward with the budget that we have. If passed by the General Assembly, pension reform will result in immediate savings to the Town of Scituate.

Neal Drobnis, 102 Pole Bridge Road, stated he rejects this amendment. He feels to decrease what is already an extremely low budget would be a mistake. We should seriously consider that being the fourth lowest per pupil cost in the State is not something to be proud of, and in the future we will not continue to be a high performance school. We need to do more for our children, and we need to think about the future.

Roger Cichy of 40 Carue Drive stated he is not in support of this amendment. He and his wife moved here from Chicago approximately 5 years ago strictly because of the quality of schools. Mr. Cichy stated that procedurally he does not see how

the citizens of Scituate have a say in the school budget. The school budget is not a wish list, it is what is deemed necessary to run the schools at the current level of operation.

Lucille Benoit of 212 Old Plainfield Pike stated that there have been nothing but tax increases in this Town since she moved here four years ago. Ms. Benoit stated she feels it is the responsibility of the elected officials to anticipate tax increases before they occur. She is in support of lowering this to the cap, and feels it is the job of the people who are elected to re-allocate these funds.

Superintendent Lescault stated the School Committee already cut the budget by \$500,000, and to cut deeper will fundamentally change the type of school system we have. We have the best school system in the state. He asked everyone to think carefully about the type of school system we want.

Cindy Gould stated she has been a taxpayer and school teacher in Scituate for 10 years. The quality of education in the Scituate School system is extraordinary. There are 5 high performance schools in Scituate. Mrs. Gould stated the federal government allows \$250 in deductions to teachers, and her out of pocket expenses well exceed that. The teachers in Scituate work very hard to keep the cost per pupil at an extraordinary low rate. The homes in Scituate are valued very high because people want to live in Scituate. She never honestly thought we would be penny-pinching or moving back rather than forward with education.

John Napolitano of 15 Huntinghouse Lane stated it is almost miraculous what the school system has been able to achieve with such high performance schools. The reason we have the type of community we have is because we invest in our children. If the state had come through with commitments that were made in the General Assembly, we would not be talking about this.

Elizabeth Kiley of 24 Moswansicut Lake Drive stated that she is active on the North Scituate Elementary PTO. They have to raise approximately \$20,000 per year to keep things going for transportation for field trips, a weekly reader, etc. These

matters should be discussed in a better place such as a School Committee meeting.

Moderator D'Agostino stated there is a motion that has been seconded to amend line item #210 to reduce the amount appropriated in the budget to \$18,500,000 and called for a vote. With no further discussion, Moderator D'Agostino declared the amendment failed.

Moderator D'Agostino stated he would like to go back to line item #210 at hand for the amounts indicated. This has been moved and seconded some time ago, and he entertained discussion relative to line item #210.

Karen Sprague of 904 Tourtellot Hill Road made a motion to amend the budget to have a full time nurse at Clayville Elementary School for \$30,000. Mrs. Sprague then read a letter on behalf of 118 parents at Clayville Elementary School in support of full time nurse coverage at Clayville Elementary School. Hope and North Scituate Elementary Schools have full time nurses, and Mrs. Sprague is here to ask support for one in Clayville. Motion seconded by Micheline Lombardi of 117 Central Pike.

Paul Lescault stated that the School Committee has looked considered this on several occasions. Given the size of Clayville school, the numbers don't warrant a full time nurse.

Moderator D'Agostino stated a motion has been made and seconded to increase line item #210 by \$30,000. With no further discussion, Moderator D'Agostino called for a vote and declared the amendment failed.

Judy Green of 2 James Potter Road questioned why we are spending millions of dollars in a school budget and send our children to other facilities? Ms. Green also asked several other questions regarding what is special education, resource and self-contained students? Superintendent Lescault stated by state law children are allowed to attend vocational schools, and the school is required to pay the tuition for it. He explained that we try to minimize the number of students we send out of the district, but some of the students are so specialized that it would not be cost

effective for us to develop a program.

Sharon Johnson of 635 Danielson Pike stated that having field trip money cut is unacceptable. She would like to see the field trip money restored in the budget. This is an important part of our children's education.

Salvatore Lombardi of 117 Central Pike questioned if the School Committee meeting was in violation of the Open Meetings Law, will this all have to be done over? Town Clerk Long responded by stating that the School Committee Meeting that was held earlier this evening was an open meeting. It was posted per all the requirements of the Open Meetings Laws.

With no further discussion on line item #210 Support of Public Education, Moderator D'Agostino stated a motion was made and seconded in the budgeted amount of \$19,086,207, and called for a vote. Motion carried.

Item 210, School Committee, was moved by Town Clerk Long, seconded by Councilman Marchant and others and voted without discussion. Town Moderator declared the motion carried.

Items 310, 320, 330, 350, and 390 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted without discussion. Town Moderator declared the motions carried.

Items 410 and 420 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted without discussion. Town Moderator declared the motions carried.

Item 430 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by Judy Green. Town Clerk Long explained what the Emergency Management Agency is. George Kuzmowycz questioned why this increased by \$24,000, and the Homeland Security account has decreased by \$37,500. To what extent is one offsetting the other? Chief William Mack stated that the Homeland Security in the Police Dept. budget is the estimated amount that we received from the Homeland Security grants. It is not related to the Emergency Management Services.

Council President Richard stated that since September 11, 2001, the federal government has put in some very serious

regulations. We had to appoint an Emergency Management Director, and we appointed Richard Tucker and explained his duties. He splits his salary between the Emergency Management side and the fire and rescue side.

With no further discussion on line item 430, Moderator D'Agostino called for a vote. Motion passed.

Item 440 was moved by Town Clerk, seconded by Councilman Marchant and others and questioned by Salvatore Lombardi as to why this budget item was decreased. Chief Mack explained that it was due to the purchase in the last fiscal year of a new animal control truck. With no further discussion, Moderator D'Agostino called for a vote. Motion carried.

Item 450 was moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Motion carried.

Item 510 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by Judy Green. Recreation Director, Richard Iverson explained there are 5 different programs involved, including summer programs in North Scituate and Hope, trip programs and provides recreational services to children and seniors.

With no further discussion, Moderator D'Agostino called for a vote. Motion passed.

Items 520, 530, and 540 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator D'Agostino declared motion carried.

Items 610 and 620 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator declared motion carried.

Items 710, 720 and 730 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator declared motion carried.

Item 740 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by Micheline Lombardi, 117 Central Pike regarding why there was such an increase? Town Clerk Long explained that last year some Town Council members decided to

defer their payment. This is the same amount that has been in the budget for the past 10 years. Council Vice President Budway stated that by keeping this money in the budget, it allows each Council member the option to designate where they would like their portion of the salary to go, if they have the ability. Mr. Budway added that each Council member spends a tremendous amount of time and they incur tremendous expenses. With no further discussion, Moderator called for a vote and declared the motion carried.

Item 750 was moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator declared motion carried.

Item 760 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by Salvatore Lombardi. Mr. Lombardi questioned what does code enforcement do? Building Official David Provonsil explained there are 3 issues: State Building Code, Town Zoning Ordinances and Minimum Housing. Mr. Lombardi stated there has been an eye sore in the Scituate Village for years and asked what the Town intends to do regarding that property? Mr. Provonsil explained what the Town has already done, and that painting and aesthetics are not covered under Minimum Housing. Mr. Lombardi stated that the Scituate Preservation Society is willing to donate paint if they can find the volunteers to paint the building. With no further discussion, Moderator called for a vote, and declared motion carried.

Item 770 was moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator declared the motion carried.

Item 780 was moved by Town Clerk Long, seconded by Councilman Marchant and others and questioned by David Durfee, 52 Deerfield Drive. Mr. Durfee questioned what is the water study and what is the consultant doing?

Councilman Salisbury stated we did away with Water Study Committee. We kept some of the money for Water Study because of the issue in the Danielson Pike area. Representative Mumford got a bill passed a year or so ago to allow these people to establish a

separate district in their area. We kept some of the money in there to defray some of their organizational expenses. With no further discussion, Moderator D'Agostino called for a vote and declared the motion carried.

Items 810, 820 and 830 were moved by Town Clerk Long, seconded by Councilman Marchant and others and voted with no discussion. Moderator declared motions carried.

Motion made by Town Clerk Long to approve the total budget in the amount of \$27,973,205, seconded by Councilman Marchant and others and John Tessitore of 6 White Birch Circle questioned the revenue side, with regards to the Water Supply Board. Mr. Tessitore stated that it is no secret in this Town that the Water Board is unhappy with paying \$4.8 million, and we do not have a contractual agreement with them at this point. Mr. Tessitore asked if it was reasonable to assume that they will accept the increase to \$5.1 million or will they threaten to take this to litigation? Council President Richard stated that he has been in negotiations with the City of Providence for the last four years, and while we have nothing in writing, and they have been paying their taxes. However, he is sure they will challenge this tax increase. Mr. Richard stated this is a very serious situation, and the Council is going to get this resolved this year. We have been close to agreements on several occasions, only to become very disappointed. Mr. Richard stated that while he can't share much information publicly, he did say that is in litigation, and the amount of money in the settlement was somewhat in agreement, but the terms and the longevity are somewhat of an issue. Mr. Richard stated that until we settle with the City of Providence, he will not support a referendum for the middle school. Mr. Richard stated the City of Providence made a gentlemen's agreement that they won't be looking for a refund on back taxes, and he feels they will honor that agreement. With no further discussion, Moderator D'Agostino called for a vote, and declared the motion passed.

Motion made by Town Clerk Long, seconded by President Richard and others and voted with no discussion to close appropriations.

The following Resolution was presented by Town Clerk Long, seconded by Councilman Richard and others:

Town of Scituate  
Danielson Pike, North Scituate, RI 02857  
RESOLUTION  
OF THE  
TOWN COUNCIL  
RESOLUTION NO. 05-05  
Tax Anticipation Notes

*RESOLVED:* That the Town Treasurer be and he hereby is authorized during the 2005-2006 fiscal year of the Town to borrow from time to time with the consent and approval of the President of the Town Council, upon such terms as he may be able, such sum or sums of money as shall be necessary for the current expenses and maturing obligations of the Town, but not to exceed in the whole the sum of \$2,000,000.00 and to give the negotiable promissory note or notes of the Town therefore. Said Town Treasurer is hereby authorized to renew any negotiable promissory note or notes given in pursuance of the note, from time to time, but payable not later than one year from the date of the original note or notes se renewed. Such note or notes shall be issued in anticipation of taxes assessed as of the 31<sup>st</sup> day of December, A.D. 2004 and shall be conclusive evidence to all holders of said note or notes of the consent and approval of the Town Council to be the loan or loans evidenced thereby.

This Resolution is subject to the approval of such borrowing by the Financial Town Meeting scheduled for April 5, 2005 and any adjournment thereof, and shall take effect upon such approval. Resolution voted with no discussion, Moderator declared motion passed.

The following Resolution was presented by Town Clerk Long, seconded by Councilman Richard and others:

Town of Scituate  
Danielson Pike, North Scituate, RI 02857  
RESOLUTION  
OF THE  
TOWN COUNCIL  
RESOLUTION NO. 05-04

*RESOLVED,* that the Town Council of the Town of Scituate hereby authorizes and approves the borrowing of \$226,500 and the issuance

of \$226,500 in General Obligation Bonds or Note for the purpose of the purchase of public safety equipment and highway equipment for not to exceed \$226,500, in accordance with the provisions of Section 45-12-2 of the General Laws.

The Town Council further authorizes the sale of said bonds or notes by the Town Treasurer with the consent and approval of the President of the Town Council.

The bonds or notes will be dated at such date as determined by the Town Treasurer as approved by the President of the Town Council and shall be payable in such principal amount over a period not to exceed seven (7) years, and shall bear interest at such rates, and provide such redemption terms, as negotiated by the Town Treasurer with the approval of the President of the Town Council.

Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

The Town further authorizes the President of the Town Council and the Town Treasurer to arrange for the sale of the bonds or notes, to fix the interest rate and other terms of the bonds or notes and to execute the bonds or notes and other documents in connection with the loan. Such bonds or notes shall be issued by the town under its corporate name and seal.

The President of the Town Council and the Town Treasurer are hereby authorized to issue and deliver the bonds or notes and are authorized to take all actions and to execute the bonds or notes and any other documents as may be necessary and are instructed to take such actions as are necessary to insure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from any actions which will cause interest on the bonds or notes to become subject to federal income taxes.

This Resolution shall take effect upon approval of such borrowing by the Financial Town Meeting scheduled for April 5, 2005 and any adjournment thereof.

Resolution was voted with no discussion, Moderator D'Agostino declared motion passed.

At 10:15 P.M. a motion was made by Town Clerk, Margaret M. Long to adjourn, seconded by Councilman Salisbury and others and voted without discussion.

Refer to electronic tape for complete discussion and testimonies given.

Witness:

Margaret M. Long, Town Clerk