

A regular meeting of the Town Council held for the Town of Scituate on Thursday, June 9, 2005 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:31 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Council President Richard welcomed everyone and stated that before he officially starts the meeting he would like to make a statement. Mr. Richard stated there was a previous Town Council agenda that had a public hearing on it for Bentley's Tavern Class C Liquor License. At the request of the Lang's and their attorney, it was taken off the agenda. Mr. Richard stated that there is really nothing on the agenda tonight that deals with Bentley's Tavern, although he thinks we can update some people that may be here that are concerned about is going on. We can give them an update during the audience participation section. Mr. Richard stated that we have a full agenda in front of us, and the fact that this is not on the agenda, he will use the discretion of the Chair to limit discussion so we can move on and take care of the agenda items and the people that are here for the particular agenda items. Mr. Richard stated he can assure everyone that in the future, this hearing will be rescheduled, and the issue of the Class C to a Class B License will also be addressed at a future time, and that will be the time for people to come at a public hearing to voice their opinion. At this time, President Richard asked the Town Clerk to call the roll:

Town Clerk Long called the roll. Roll call vote as follows:

Councilman Salisbury --present	Councilman Farrar -- present
Councilman Marchant -- present	Councilman Winfield--present
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard – present	

Council President Richard introduced Mrs. Margaret Stone who is donating a painting to the Chopmist Hill Senior Center.

Mrs. Stone explained that she painted this and would like it donated in memory of her father Warren J. Howard a lifetime resident of Scituate, and to her brother-in-law Donald C. Shemick. She said "That both of these men were dedicated Scituate Citizens and it is with great pride and everlasting love, that I donate this painting in their honor."

Council President Richard thanked her for generosity and said the painting will grace the walls of the Senior Center.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the Financial Town Meeting minutes of April 5, 2005.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the Closed session of March 10, 2005.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the approval of the Council minutes of April 14, 2005, May 12, 2005 and Closed session May 12, 2005.

During departmental reports, Town Clerk Long informed the Council that the Scituate Business Association is sponsoring a Village yard sale for August 6, 2005. Clerk Long would like to have the Council's permission to wave the \$5.00 yard sale permit fee.

Councilman Salisbury thought would be a good idea and suggested that we vote on this at the July Council meeting and include the whole town in waiving the fees for that weekend.

Richard Iverson, Director of Public Works, told the Council that Resource Recovery is sponsoring a computer drop off at the Public Works department this Saturday from 9 AM-noon.

Councilman Marcello asked Mr. Iverson if he has done anything with the request from the North Scituate Business Association in regards to better signage for the municipal parking lot?

Mr. Iverson said he will speak with them and try to help them.

Councilman Marcello said that he was disappointed that the Rockland Road cleanup is taking so long. He said there still is a bus and oil truck in the driveway. He said that they have June 30, 2005 deadline to rectify the zoning violation.

David Provonsil, Building and Zoning Inspector, said that they broke their promise to move the oil truck.

Chief Mack said that with the help of Richard Tucker, the Police has secured a functional truck that can pull the radar unit.

Councilman Marcello asked Chief Mack what the status is with the kennel license for the Tasca property.

Chief Mack said that Pat Howarth, Animal Control Officer, has not been able to schedule a meeting with the State Veterinarian. He said he will have a report on the progress at the July meeting.

Councilman Marchant said that he received an email about a resident shooting an automatic weapon on his property on Carpenter Road. He asked Chief Mack what has been done with that complaint.

Chief Mack said that he knows nothing of the email because he didn't receive a copy. He said that he has heard of the complaints and told the Council that it is not an automatic weapon it is a semi automatic and that it is not illegal to discharge this type of weapon on your property.

Councilman Salisbury asked if this would violate our noise ordinance?

Chief Mack said that he is not sure because it is during the day.

Council President Richard asked the Chief to look into it and report back at the next Council meeting.

Councilman Salisbury said that the chief might also want to make suggestions to change our noise ordinance.

Emergency Management Director Richard Tucker said that he received a check for \$85,981 from the Homeland Security Grant. He was presented this check by Governor Carrceri at a meeting this afternoon. He also mentioned that the new rescue has not been delivered yet but the company is working on it.

Councilman Marcello asked if there was a delivery date in the contract for the new rescue.

Richard Tucker said that there was not a delivery date but he and Richard Iverson will speak to the company about getting the truck as soon as possible.

Council President Richard said that the company wanted to use the truck in a show they were putting on for the Chiefs of the New England Fire Departments. He told them no that the town needed it.

Senior Services Director, Judith Loven told the Council that she has scheduled several different screening programs for the senior at the Chopmist Hill Senior Center. She mentioned that she is not allowing sales people come and speak with the seniors. Mr. Lewis, the Agriculture teacher at the High School, brought up geraniums that were left over from the flower sale for the seniors.

Councilman Marcello asked Mrs. Loven about the new van.

Mrs. Loven stated that she and Richard Tucker are currently refining the bid and it should be done shortly.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to place and file all departmental reports.

Under audience participation, Council President Richard asked if anyone in the audience would like to address an agenda item first. After that, if there is anyone that has anything other than an agenda item, we will then consider that. At this point, Councilman Winfield recused himself.

Richard Lang addressed the Council President, other Council members and thanked the people here for showing up. Mr. Lang stated that last Thursday Bentley's Tavern was closed because of a violation that has since then been resolved. Mr. Lang stated he has worked with the DEM. There was a glitch since 1986 in his original building permit when he made the ice cream place. There was a system suitability paper that was just not there. Mr. Lang stated he has worked with the state engineer, and a guy from DBR and a few others, and in four days he has gotten everything just about resolved at about 3:45 tonight. Mr. Lang stated he will be meeting with the state engineer again tomorrow, along with his engineer, and hopefully tomorrow he can bring a paper to the Health Department and have all this resolved and possibly be open again. Everything should be 100% the way it was. Mr. Lang stated that in 1986 either he or Bob Birrell or the contractor skipped over this one piece of paper. Mr. Lang apologized for the big inconvenience this has caused everyone.

Council President Richard asked if anyone else had any comments. There were no other comments. Mr. Richard wished Mr. Lang good luck and said he hopes he can get everything done.

Councilman Marcello asked what is the role of the Town? He knows that David Provonsil has been involved, and obviously there has been an issue with the type of food that is being served there, that is way beyond the scope of the license. Council President Richard stated that he has spoken to Mr. Greer previous to this. There was another part to this and that was about the conforming to the Class C License. We talked with Mr. Greer from the Liquor Control Board, and he has agreed that Rick can go forward with

opening up, but he must conform to the limitations the Town Council has put on the Class C License. Mr. Greer was informed that there was a hearing that will not take place tonight, but he would like an update on what is being done, and he wants to be reassured that the regulations the Council puts on the Class C License are conformed with. Building Official David Provonsil stated he will send Mr. Greer a letter tomorrow.

Council President Richard explained to Councilman Marcello that the Council was under direct order from the State to take the action that they did. This was nothing the Council decided to do. David Provonsil did it. Mr. Richard stated that if there is a violation that the menu does not meet the Class C License, we cannot take his license away from him. We have to have a hearing, and we have to have some sort of proof and sit as a board of judgment and give him a warning, we can close him for a day, or take some sort of action to get him back in conformance to the Class C License. It is a due process. It's like if you have a car license and get caught for speeding. The police don't take the license, you go to court. We are going to sit as the court. Mr. Richard stated he has every right to open up immediately, and then the Council will schedule a meeting to address the issues of any violations that happen. Councilman Marcello asked where is the license now? Town Clerk Long stated she has the license. Mrs. Long advised the Council she will be at a seminar tomorrow and will not be back until 1:30 pm, but she is reachable. Council President Richard stated that Mrs. Long can leave the license with Mr. Provonsil. Councilman Marcello asked if we are waiting for information from the Health Dept. stating that whatever permits were needed are going to be complied with, and then we can turn back that license? Council President Richard said that is correct. Mr. Lang stated that the actual issue is with the DEM, not the Health Dept. Mr. Lang stated he wasn't exactly clear on pre-preparing the food. He stated he prepared it all at Famous and shuttled it all over and warmed it. He thought that is what the license said. Mr. Lang stated he is not a lawyer, he is a cooker.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to reappoint Mary Santilli, Tax Collector for a term expiring June 2006.

Motion made by Councilman Marcello, seconded by Councilman Farrar and voted by consent agreement to re-appoint Ralph Groves to the Western RI Home Repair for a term expiring June 2007.

Council Vice-President Budway stated that since budget constraints are so tight we will be looking for more grant money from Western RI Home Repair.

Councilman Marcello suggested that the Committee look into different items to ask for funding for. He said that we should have a new application every year and not to just roll over the same application from year to year.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to re-appoint Robert Nero to the Pawtuxet River Authority for a term expiring June 2008.

Council President Richard asked Town Clerk Long to post the vacancy in the Pawtuxet River Authority.

Town Clerk Long said she has already posted the vacancy and the deadline for applications is July 1, 2005.

Motion made by Councilman Marcello, seconded by Councilman Marchant to grant a Hawkers and Peddlers license to Jorge Rodriguez, d/b/a Palagis Ice Cream for term expiring December 2005.

Councilman Winfield rescued himself from the next agenda item.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to grant a Hawkers and Peddlers License to John Lang d/b/a John Lang's Hot Dog cart for term expiring December 2005.

Councilman Winfield returned to the meeting.

During discussion, Town Clerk Long brought up the idea a having a one-day entertainment license, similar to the one-day liquor licenses that the Town Council grants for non-profit organizations. She explained that the Farmer's Market group is having a BBQ and music to raise money. Chief Mack had questioned her if they had or needed an entertainment license for this since they are charging admission?

Town Clerk Long was under the impression that the fee was to pay for the food, but thought it would be a good idea to consult the Council.

Town Council President Richard asked Town Solicitor Gorham if the Town has the authority to do this.

Town Solicitor Gorham stated that there is enabling legislation that allows the Town to govern such events even if they are not being held on Town property.

Town Council President Richard asked him to draft an ordinance for the next Town Council meeting.

Chief Mack wanted to inform the Council that one of his Officers is possibly leaving to go to another department. He said if this happens, they will be down to 16 Officers and last year he had 18. He feels since it takes such a long time for a recruit to complete the academy and then get trained by the department, he would like the Council to allow him to send a recruit in August instead of December, which was decided upon to help with the budget. Chief Mack said he thought it would be prudent to get someone in the academy and he has reserved a spot in the August academy.

Councilman Salisbury asked how many Police Officers are currently employed by the Town. He asked this because he is concerned if the General Assembly does not pass the legislation allowing the ton to exceed the 5.5% cap, we will have to find an additional \$300,000 in budget cuts.

Council President Richard stated that sometimes overtime costs more than hiring another person.

Councilman Marcello asked when does the decision have to be made by?

Chief Mack said it should be made tonight. He feels that if that officer leaves then in December we will have to put two recruits through the academy, which will be a real strain on the department.

Motion made by Councilman Farrar, seconded by Councilman Marcello and voted by consent agreement to authorize Chief Mack to enroll one police recruit in the August academy.

Motion made by Councilman Marchant, seconded Councilman Marcello, and voted by consent agreement to pay early expenses of \$24,683.80, regular Council expenses of \$19,603.13 and supplemental Council expenses of \$51,603.93, for a total of \$95,890.86.

Council President Richard explained that he spoke with Representative Mumford about the bill she introduced to exceed that 5.5 % cap for taxes. She told Council President Richard that it passed the House and will be sent to the Senate for approval.

Council President Richard said that he has a meeting planned with Senator Blais, Ted Przybyla, Ernie Almonte, Auditor General, and Senate Majority Leader Montalbano to discuss the possibilities of the bill passing the Senate floor.

Councilman Marcello asked if there has been any further correspondence with the Governor's Office.

Council President Richard said no, but he explained about the letter that the Council received from the Governor's Office stating that the Governor will not sign any bill that allows the Town to exceed the 5.5% cap.

Council Vice-President Budway informed the Council that the Middle School Exploration Committee has split into two groups with one investigating the possibility of adding on to the High School, and the other looking into a smaller Middle School. The two groups are trying to decrease the amount this project will cost. Council Vice-President Budway feels that it will have a better chance of passing if the total cost is less. He has scheduled another meeting and will report back to the Council at the next meeting. He also informed the Council that he has scheduled a joint meeting with the Finance and Growth Management Committees for next week.

Councilman Marcello told the Council that the School Space Needs Committee recently met and reviewed the amount of space for growth is at each school. He explained that the Hope and North Scituate Elementary Schools have room for growth, but Clayville School is maxed out. He also said the space is very tight at the Middle/High School Complex. He said that the question has been raised about getting some portable classrooms to alleviate the over crowding for the time being. He asked what is happening with the State Properties Committee in regards to the purchase of the property at Esek Hopkins Field for the new Middle School complex?

Building Official Provonsil explained that the State Properties Committee wants an opinion or comment from the Providence Water Supply Board about the use of that land.

Councilman Marchant wants to know how the Council feels about the Town instituting impact fees on new construction?

President Richard said that he would like a report from the Growth Management Committee on their opinion on this and how it will affect the Town.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to adjourn to closed session pursuant to RIGL 42-46-5(A)2-Litigation-update on Providence Water Supply Board mediation.

Reconvened at 9:25 PM to open session.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to adjourn at 9:26 PM and to keep the minutes of the meeting previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and allow the Town Clerk 14 days to prepare the minutes of the meeting.

Attest:

Margaret M. Long, Town Clerk