

A regular meeting of the Town Council held for the Town of Scituate on Thursday, August 11, 2005 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:33 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Council President Richard asked Deputy Town Clerk Chatfield to call 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	

Motion made by Councilman Marcello, seconded by Councilman Salisbury, and voted by consent agreement to allow Town Clerk Long an additional 45 days to complete the minutes of the June 23, 2005 closed session meeting and the July 10, 2005 regular meeting. Councilman Winfield recused himself from the approval of the minutes of the July 28, 2005 Special Town Council meeting. Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the minutes of the July 28, 2005 Special Town Council meeting.

During Departmental Reports, Council Vice President Budway asked Deputy Town Clerk Chatfield if she had any idea how much longer Peg Long would be out? Deputy Town Clerk stated the last time they spoke, Peggy indicated she was planning to come back the first week in September, pending the doctor's approval.

Public Works Director, Richard Iverson stated he was contacted by the school's Athletic Director who indicated that the newly formed football team (the Titans) was trying to raise funds to put some lights on Cahill Field (behind the high school), and asked his opinion. Mr. Iverson told her he would bring it to the Town Council's attention, and he felt that whatever they did along those lines would be fine as long as it wasn't infringing upon the neighborhood. Mr. Iverson stated the football lights on Manning Field are low-intensity lights and are good for football only. The Athletic Director has written a letter to the School Department indicating that she is trying to put some funding together and it would be more appropriate to try to light Manning Field because they not only have baseball fields, but soccer and football if they have lights. This has not gone to the School Committee as of yet. Councilman Marcello asked if the electric bill will be paid by the School Department for these lights? Mr. Iverson stated that is correct, and that is what the School Department has indicated.

Mr. Iverson stated the concert series is under way at the North Scituate Gazebo. We will be having another round of concert series at the Hope Gazebo on Sunday afternoons in October, and we will post a notice in Hope regarding this.

Councilman Marcello stated he received a certified letter from Mrs. Davidowicz of Burnt Hill Road, and asked Mr. Iverson to explain what the issue is. Mr. Iverson stated this goes back quite a while ago when the road (Tasca Lane) was being put in

beside her property. Mr. Iverson stated that he and David Provonsil, Council President Richard, and Council Vice President Budway were involved in trying to help her with the situation, and we feel we have done everything we possibly could to help with the situation. The Building Official's Office had the contractor go in and do her driveway over for her. Mr. Iverson stated that the Town did not do any of this, the new road (private road) was put in by the developer beside the property. Building Official David Provonsil stated the road is private because the Town has not accepted the road. It is a plat road that the Plan Commission has approved, and all the work is under the jurisdiction of the Plan Commission and the Town Engineer. Councilman Winfield asked if the CO (Certificate of Occupancy) was issued? Mr. Provonsil stated that this is a subdivision road that is 1900 feet long, and there is only one house on one lot. The house was issued a building permit before the road was even built, and the Certificate of Occupancy has been issued. The house construction is separate and apart from the plat construction. Mr. Provonsil stated the bond money has not been released, and there has been no final approval, and it has not been brought before the Town Council for acceptance of the Town road. Councilman Marcello asked Mr. Provonsil if he feels the problem with the flooding is due to road construction, faulty drainage, or shift in the ground water? Mr. Provonsil stated that there was at one time, approximately a year and a half ago. He does not have any knowledge of the most recent event stated in the letter. The site inspections do not indicate that is the case. They certainly did at the beginning when the road started to be constructed, and attempts were immediately made to repair this. The developer is the Tasca family, and when Mrs. Davidowicz first made us aware that there was some sediment and flooding going across her property, Mr. Provonsil called Mr. Tasca, and he provided the cell phone number of the contractor, and gave permission to have the contractor do whatever was necessary to resolve the problem. The contractor has been very responsive since the problem started. Since the final improvements were made, adjustments were made to make sure that this problem never recurs. It has been inspected during rainstorms, and it appeared to be stable and satisfactory.

Mr. Marcello asked if Mrs. Davidowicz has received a response to this letter from the Town? Mr. Provonsil stated he has not responded. Council President Richard stated that for a number of reasons, he has chosen not to read or respond to this letter. Mrs. Davidowicz has insulted him in numerous ways, and he feels this is a civil matter between her and the contractor. The Town has done everything they possibly can do, and she should contact Mr. Tasca and his attorney. Mr. Richard has consulted with Town Solicitor Nick Gorham, and has instructed everyone in the Town not to go on her property or to do anything further. Mr. Marcello stated he feels, as a courtesy, we should send Mrs. Davidowicz a letter advising her of the position the Town has taken.

Council Vice President Budway stated he saw Mrs. Davidowicz in a local store the day after this event occurred, and Mr. Budway went to look at the property the next day. Mr. Budway stated he did not see anything even close to what is described in the letter. Council President Richard stated that he went to the previous owners of her property and has documentation that the property has always been wet, and this has been

happening for 65 years. Mrs. Davidowicz went as far as to ask the Town to remove a boulder in her driveway that has been there for centuries. Mr. Richard stated he would have the Town Solicitor send a letter to Mrs. Davidowicz stating the Town's position regarding this matter.

Councilman Salisbury asked Mr. Iverson where we stand on the bids for the trucks. Mr. Iverson stated the bids have all been prepared, and he will be on vacation next week, so they will be opened when he gets back.

Council Vice President Budway asked Mr. Iverson regarding the street sweeper, was this bought brand new, and what is the expected useful life of this vehicle? Mr. Iverson stated it was bought new under a previous director, and should last approximately 10 to 12 years. Mr. Budway asked if outsourcing would be more expensive? Mr. Iverson stated although it may not be more expensive, it would be less productive. We have outsourced in the past, and we can consider that option before we buy another sweeper.

Chief William Mack advised that the Police Department would be going out to bid within the next few weeks for 10 bulletproof vests. Councilman Winfield stated that in regards to a letter the Town Council received from Mr. Denton, he noticed a police officer in the area on Sunday afternoon, which was nice to see. Chief Mack stated he turned the matter over to Deputy Chief Collins, and an officer has been there Friday evening, Saturday and Sunday afternoon, and has been quite effective during the hours the officer is there.

Councilman Marcello mentioned that at the last Special Council meeting, there was some discussion regarding the fire departments having difficulty making the corner at Rtes. 6 and 116 on Sundays while St. Joseph's Church was in session at 8:00 am, 9:30 am, and 11:00 am. There is a no parking sign, but people still park there. Chief Mack stated he is reluctant to ticket people who are in church. He stated that in the past, he has asked the Pastor to announce this problem during mass; however, the problem still exists. Councilman Salisbury stated this is a safety issue, and he is unsure of the best way to approach this. Councilman Marcello suggested that Chief Mack send a letter to Father Houle, asking for his assistance. Chief Mack will send a letter with a copy to the Council.

Councilman Winfield mentioned that a few months ago, we talked about a policy for equipment buying at Bear Arms. Chief Mack stated there is not a bidding procedure for what the officers purchased. The items are well under \$5000.00, and it is part of their clothing allowance. It is a fixed amount, and no matter where they purchase this, the Town's limit is still under \$350.00. Councilman Winfield stated he is not happy with that situation. Chief Mack stated he thought that situation was resolved. The last time he received a communication from Tom McAndrews stating that the Town objected to their motion due to failure to file in a timely manner. He was under the impression that the case was dismissed.

Councilman Marcello questioned if we have received any communications from the Police Union regarding contract negotiations, and how we intend to handle the Chief's contract. Mr. Marcello stated he would like a subcommittee formed for this.

Councilman Marcello asked Town Treasurer Przybyla how much money we had in our open space designated accounts? Mr. Przybyla stated there is approximately \$30,000. Discussion followed regarding reserving these funds for expenses in conjunction with purchasing open space such as surveys, etc. Councilman Marcello asked if there are any other sources of revenue to come up with the \$250,000.00 for the development rights of Knight Farm? Treasurer Przybyla stated no.

Emergency Services Director, Richard Tucker stated the one piece of equipment the fire departments were waiting for to complete their new repeater system is in. It involves putting a 24-inch disk on the cellular tower at the police department and at another site, which will eliminate all the telephone lines. This was purchased with homeland security grant money. This system has the capability of putting the police department on it. These are very small disks.

Councilman Winfield asked about the concerns the fire departments had with the school department. Mr. Tucker stated this is already under way. The police department has been at the high school several times, along with the North Scituate District Fire Marshall to monitor the situation. The emergency call list has been taken care of as well. The two head custodians have Nextel's.

Councilman Marcello questioned the situation with the trailer at the Ambulance Corps? Mr. Tucker stated he was at the State EMA, and they are evaluating the Ambulance Corps' ability to maintain that trailer and keep it. They are leaning towards giving it to another agency. Mr. Marcello asked if they are running yet, and Mr. Tucker stated no.

Senior Services Director Judy Loven stated the Yoga classes are going very well. They are looking into increasing to 2 classes per week. The Eagle Scouts are looking to do projects, and she sent them to Mr. Iverson. Councilman Marcello asked Mrs. Loven if she anticipates having CCAP (Cranston Community Action Program) or Tri-Town come to sign people up for heating assistance? Mrs. Loven stated yes. Mrs. Loven stated she has a lot of plans in the works for the Senior Center.

Motion made by Councilman Salisbury, seconded by Council Vice President Budway and voted by consent agreement to accept the departmental reports as submitted.

Under audience participation, Council President Richard asked if there was anyone in the audience who would like to comment on any agenda items? Judith Green asked where the \$250,000 was that the Town received a State grant for in 2003 when they were considering the Nipmuc land? Council President Richard stated that was a State grant that was specific to that piece of property.

Motion made by Councilman Winfield, seconded by Councilman Salisbury and voted by consent agreement to approve the abatements in the amount of \$3,259.79, and additions in the amount of \$11,070.89.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to appoint George Ostrander of 35 Langlais Drive as Plumbing Inspector, term expiring August 2006.

Under discussion and/or approval, Building Official David Provonsil stated that he has provided the Town Council with a letter from the Plan Commission in support of

signing the conservation development agreement with RIDEM for draft ordinance preparation. In addition, the Conservation Commission has also submitted a letter supporting this. The Town's commitment would be \$2,500 of the \$7,500 fee to review the Comprehensive Plan, Zoning and Planning Regulations and prepare draft amendments to them. This does not automatically amend anything; it is agreeing to have draft amendments prepared by a consultant for review by the Town boards and commissions.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to authorize this agreement.

Purchasing Director, Richard Tucker, stated his recommendation for the bid award for the senior van is Quality Van Sales due to the immediate availability and the fact that their bid most closely resembles the vehicle they are requesting. They have a service facility within 38 miles. The others' delivery times are 90 to 120 days, and the closest service facility is in Tolland, CT. After further discussion, a motion was made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to award the bid to Quality Van Sales for the price of \$48,368.

Mr. Tucker stated that the bid for the Dodge Caravan came in over our specifications. Motion made by Councilman Marcello, seconded by Councilman Farrar and voted by consent agreement to reject the only bid from Bald Hill Dodge and to re-bid this vehicle with more specifics.

Motion made by Councilman Marcello, seconded by Councilman Salisbury, and voted by consent agreement to approve a 3rd dog to Holly Ann Stone and Michael Salerno of 749 East Road.

Town Treasurer Ted Przybyla stated that several months ago during the budget process, the elderly tax freeze was discussed. Mr. Przybyla stated he feels it is appropriate for the Town of Scituate to put in a minimum residency requirement before anyone can apply for a senior tax freeze. Some communities have a 5 year or 10 year minimum. Councilman Marcello stated that he feels 10 years is reasonable, and it is consistent with other Towns. Councilman Farrar asked what happens if someone is enjoying this benefit and moves within Town. Does this mean they have to start all over again and wait ten more years, or would this benefit continue in their new residence? Tax Assessor Beattie stated this ordinance would have to address that issue. Councilman Salisbury stated that if someone does move, their new house will be much greater in value, so even with a tax freeze, it will be an increase in tax due to the current assessment. Further discussion followed regarding modifying this freeze and the process to change the ordinance. If possible, we will schedule the first public hearing for the first reading on September 8, 2005 and the second public hearing for the second reading on October 13, 2005.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to pay early expenses in the amount of \$73,440.64.

Motion made by Councilman Marchant, seconded by Councilman Salisbury and voted by consent agreement to pay regular expenses in the amount of \$18,469.94.

Motion made by Councilman Salisbury, seconded by Councilman Farrar and voted by consent agreement to pay supplemental expenses in the amount of \$53,967.35.

Under Council remarks, Council Vice President Budway gave a report on the last meeting of the WB Community Health. A change has been made in the way that we are paying Blue Cross. We currently pay them an administrative fee that was a percentage of the health care claims filed by covered employees. That is going to change from a percentage of claims to a fixed rate per contract. This is to our advantage, because of the amount of money spent on claims increases on an annual basis. For example, the calendar year ending 2005, the expenses on the Town side increased by 22% over the previous year. On the school side, increased by 16.5%. This does not reflect the increase in our premiums. The cost of claims for the year were \$420,634.00 on the Town side. The fee would be 22% of that number. The contract with Blue Cross will be extended for an additional 3 years. Mr. Budway explained that we still have the right to change from Blue Cross; however, we would have to modify our teacher's and police contracts because right now it states specifically that it is Blue Cross and nothing else. This is something we should pursue in future negotiations. Councilman Marcello asked when the current contract expires. Mr. Budway stated we have one more year left. Councilman Winfield asked what the estimated amount of savings is? Council Vice President Budway stated he is unsure of the amount; however, there will be savings involved. Mr. Budway stated that the Town should pay particular attention to any changes that occur in the number of contracts. If there are any removals, they should be done in a timely basis.

Council Vice President Budway stated the consultant on the Conservation project is Tony Lackowitz. He has volunteered to come to the August 23rd meeting of the Finance/Growth Management Joint Committee meeting to do a presentation on impact fees and limiting the number of building permits. There is a packet of information available to the committee members, with a copy for Town Hall for review.

Councilman Marchant stated the Health Care Committee applied for a grant from the RI Foundation which would give them some funding to lease some space in Town and to hire a nurse to do home visits. He should be hearing from them in October. There will be something in the newspaper regarding a Dental Health Access Program for low-income people who meet the federal guidelines for dental services.

Councilman Marcello asked if we have a target date for the appraisal for the Providence Water Supply Board? Council President Richard stated he will address that issue in his comments shortly. Mr. Marcello asked about the Esek Hopkins property, and Council President Richard stated he will address that as well in his comments.

Council President Richard stated that in regards to the school, he and David Provonsil did contact Mr. Sutton of DEM, and Lisa Primiano prepared a letter with the State Property Committee's concerns, and sent it to the Providence Water Supply Board. David Provonsil stated that letter was received by Richard Blodgett a while ago. Mr. Blodgett intends to respond. Councilman Marcello asked if we could obtain a copy of the letter from Lisa Primiano, and Mr. Provonsil stated he would ask for it.

Council President Richard stated that Mr. Kilduff has retired as the head of the Providence Water Supply Board. Boyce Spinelli is now the Acting Director. Mr.

Richard has had several conversations with Mr. Spinelli, and he is willing to sit down and to start negotiations. Mr. Spinelli indicated he was surprised after the last meeting in Hope that we did not come back with a counter-offer. Mr. Richard explained that we felt there was no room for compromise. The Council was adamant that we were not going to give in on the Farm, Forest & Open Space Act. Mr. Richard stated the Farm, Forest & Open Space act will no longer be an issue between the two parties, it will be decided by the courts, and we will live by whatever the courts decide. Mr. Boyce agreed and wanted to discuss the issues at hand. A date will be set next week for the two of them to sit down and talk.

Mr. Richard requested that Tax Assessor Beattie and Attorney Ken Borden expedite the appraisal. Mr. Richard stated that Mr. Boyce and he agreed that they do not want to go to court, and would like to work towards a cordial settlement.

Mr. Richard stated he would just talk about the offers that were on the table before. Mr. Richard stated he would call Mr. Boyce tomorrow and request that he have Rich Blodgett look at the letter, and move that along.

Councilman Marcello stated as long as the Farm, Forest & Open Space is pending in court, and there is no decision, he feels it is very dangerous to take it off the table. This is a bargaining chip. Mr. Marcello stated he feels all unresolved issues should be negotiated. Mr. Marcello asked if the Council has taken a vote on the issue of taking the Farm, Forest & Open Space off the table? Further discussion followed regarding this matter. Council President Richard stated that Mr. Spinelli has the highest regard for Mr. Przybyla, and he may ask the Council to allow Mr. Przybyla for his assistance with the negotiations.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to adjourn the meeting at 8:55 pm.

Respectfully submitted,

Gail Chatfield, Deputy Town Clerk