

A special meeting of the Town Council held for the Town of Scituate on Thursday, August 25, 2005 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:30 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 to open the public hearing:

Roll call vote as follows:

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

Councilman Marcello recused himself from agenda item IV – Public Hearing – Liquor License transfer - Class BV Retailer – from Michael Marcello (DJ Realty), D/B/A Countryside Restaurant, to Thomas Marcello & Edward Simone, D/B/A, Corner Bistro, LLC, 1115 Hartford Pike, No. Scituate.

Council President Richard asked if there was anyone in the audience who wanted to comment on the transfer of the liquor license. There was no one who wanted to comment.

Motion made by Councilman Farrar, seconded by Councilman Salisbury and voted by consent agreement to transfer the Class BV Retailer Liquor License from Michael Marcello (DJ Realty), D/B/A Countryside Restaurant, to Thomas Marcello & Edward Simone, D/B/A, Corner Bistro, LLC, 1115 Hartford Pike, No. Scituate. Councilman Salisbury asked Tom Marcello if he was planning to have entertainment at this establishment. Mr. Marcello stated that he is not planning on it at the moment; however, he would like to leave the door open for it. Mr. Salisbury stated that he looked into the Zoning Ordinance regarding entertainment. Our Zoning Ordinance states if you have a restaurant and serve liquor, you are allowed to have a Class BV License. However, if you have entertainment, you need to obtain a Special Use Permit from the Zoning Board. Council President Richard stated that if Mr. Marcello wishes to have entertainment at that establishment in the future, he will comply with the Town Ordinance and apply to the Zoning Board of Review for a Special Use Permit, if required.

Next item on the agenda was the public hearing – purchase of development rights on 85 acres of Knight Farm, Scituate Avenue. Christopher Modisette, Chairman of the Conservation Commission. Mr. Modisette introduced Paul Dolan, Chairman of the Land Trust Commission, and Ken Ayers, Chief of the RI Division of Agriculture. Mr. Modisette gave a brief background of the Knight Farm, located north of Scituate Avenue. It has been actively farmed for about 50 years. It is currently owned by the Knight's. Most of the land is cleared and actively managed for agriculture purposes. Mr. Modisette explained that a few years ago the Knight's approached the Town to seek options to conserve the farm and prevent it from being developed. At that time, a number of people

met with the Knight's, including Mr. Ayers, and representatives of the DEM and the Nature Conservancy, several Town representatives and members of the Town Council. Shortly after that, the Knight's applied to the RI Agricultural Land Preservation Commission for an application to sell an easement over approximately 85 acres of the farm for the purpose of conserving the farm and maintaining its agricultural uses. Through a process, with a number of partners, (the Nature Conservancy, the Champlin Foundation, RIDEM, Town of Scituate and the Federal Government) they were able to conduct an appraisal and raise the money through various sources. The Town of Scituate is being asked to contribute \$250,000 for its share.

Councilman Winfield joined the meeting at 7:55 pm.

Mr. Modisette stated this is something we have been trying to do, and this is a minimal cost to the taxpayers. The Knight's are selling an easement to the State of RI, basically extinguishing their right to subdivide and develop the property in perpetuity, with the exception of a 6-acre parcel where they currently have two homes, and within that compound will be allowed to have two homes anywhere within that 6-acre compound. That six-acre compound will be forever tied to the agricultural portion of the property, and if it's ever sold, that 6-acre compound goes with the farm. The Knight's have asked that the other six-acre compound along Seven Mile Road be weeded out of the easement in the event that they want to get out of farming. There are no easements over either of these two six-acre parcels.

A farm management plan is being developed with the U.S. Dept. of Agriculture to protect the soils and to assure the farm will be properly managed down the road. The easement will be owned and enforced by the State. The Knight's still own the parcel, but will be giving up their rights to develop it. They are still responsible for maintaining the parcel and paying property taxes on it. The farm will be available for agriculture in perpetuity as part of the agreement.

A member of the audience asked if the property can be sold while it is under this easement. Mr. Modisette replied yes, they would have to sell the whole parcel and the easement transfers to the buyer. This cannot be subdivided. A member of the audience asked what type of agricultural uses will be allowed. Can a pig farm be created? Council President Richard stated that pig farms are not allowed by the Zoning Ordinance.

Councilman Marcello asked if the actual easement has been written yet? Mr. Modisette replied yes, it is included in the Purchase & Sales Agreement.

Councilman Marcello asked if there was only one appraisal done? Mr. Ayers stated they typically only do one appraisal. There is an error in the figures on the current paperwork, and Mr. Ayers will have this corrected.

Mr. Ayers stated we are obligated to close by the end of September to maintain the federal grant guidelines. Councilman Marcello asked if by chance the voters don't approve this, will this whole deal fall apart? Mr. Ayers stated we can't let this fall apart, they will have to seek the funds elsewhere. It will create a funding gap, and if they don't close by the end of September, they will lose a portion of federal funds.

Council President Richard asked that everyone come out on September 13, 2005 at the Financial Town Meeting to support this. Mr. Richard stated that he feels the Town

of Scituate is the smallest contributor and the largest beneficiary. Councilman Marcello stated this is endorsed by the entire Town Council.

John Tessitore, Chairman of the Democratic Town Committee, stated that there is strong bipartisan support for this. This is an excellent opportunity. Right now there is a one-acre lot for sale in the area of this property for \$350,000. Here we have the opportunity to set aside 85 acres for a mere \$250,000. This is a tremendous opportunity.

Council President Richard asked Deputy Town Clerk to call the roll to close the public hearing:

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

Under audience participation, President Richard asked if there was anyone wishing to comment. There was no one.

Under licenses, Councilmen Winfield and Marcello recused themselves.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to approve the victualling license for Thomas F. Marcello & Edward Simone, D/B/A Corner Bistro, LLC, 1115 Hartford Pike, No. Scituate.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to approve the Hawkers & Peddlers License to Donald W. Klemanchuck, D/B/A Don's Frozen Lemonade & Ice Cream.

Under Council remarks, Council Vice President Budway reported that the combined Finance & Growth Management Committees met this week and discussed conservation development and limiting the number of building permits and impact fees. The consensus of the group asked to be put on the September agenda to discuss the Town authorizing a report to analyze the impact and what needs to be done to pursue these items. Mr. Budway distributed copies of a study that was done in the Town of Smithfield to all the Council members.

Councilman Farrar thanked Chris Modisette for his presentation this evening and all his hard work on behalf of this acquisition.

Councilman Winfield stated the meeting he attended regarding compound development and growth management was a productive one, and he looks forward to working with the Town Council to implement some of these ideas. He would also like it on the record that he is in favor of the purchase of the development rights of Knight Farm.

Mr. Winfield advised the Council that a matter was brought to his attention today that is of grave concern that he sent a memo to the Council regarding. He asked the Council to read the information provided them. After review, Council President Richard stated the matter will be addressed.

Council President Richard thanked Chris Modisette and Paul Dolan for their hard work and professional presentation on behalf of the Scituate Conservation Commission

and Land Trust. Mr. Richard informed the Council he will not be in attendance at the next Council meeting.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by a roll call to adjourn to closed session, pursuant to R.I.G.L. 42-46-5(A) – Litigation - Update on Providence Water Supply Board at 8:00 pm.

Meeting reconvened to open session at 8:45 pm.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the expenditure of money for the appraisal and engineering fees not to exceed \$50,000.

Motion made by Councilman Marchant, seconded by Councilman Winfield and voted by consent agreement to adjourn the meeting at 8:50 pm and to keep the minutes of the meeting previously closed to the public, closed pursuant to R.I.G.L 42-46-4 and 42-46-5, and allow the Town Clerk 14 days to prepare the minutes of the meeting.

Respectfully,

Gail Chatfield, Deputy Town Clerk