

A regular meeting of the Town Council held for the Town of Scituate on Thursday, October 13, 2005 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:35 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll. 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 Winfield arrived at 8:15PM.	

First on the agenda was a presentation by Bacon & Edge of the auditors report. Representing Bacon and Edge this evening are Cheryl Langevin and Pat Boucher. Ms. Boucher explained about the report and gave a brief overview of their findings. She mentioned that the Town might want to increase the threshold for reporting fixed assets. At this time we record anything over \$500.00, she explained that we could increase that amount to \$5,000-\$10,000. This would make tracking the fixed assets easier. She also said that the Town has a fund balance of \$1,507,484 with \$861,794 of that unrestricted. The school has a fund balance of \$1,090,671 with \$108,671 of that unrestricted.

Councilman Marcello asked if we should collapse some of the restricted accounts.

Ms. Boucher said that would be a good idea, but we will have to make sure that they can be and that they are not restricted by the State.

Councilman Marcello asked about the unfunded Police pension liability.

Town Treasurer Przybyla said he plans on doing an actuarial study next year to study the feasibility of the Police going into the State system.

Council Vice-President Budway stated that the way he read the report is that the Town's net assets are improving and that the debt per capita is consistent.

Ms. Boucher said that was correct and both of those factors do indicate stability.

Town Treasurer Przybyla asked Ms. Boucher what she thought a safe fund balance is.

Ms. Boucher said the 5% fund balance is okay but 10% was good. She also said that the Town needs to prepare written policies.

Council President Richard stated that the auditors work for the Town Council and it is the Council's responsibility to review the audit report and management letter.

Council Vice-President Budway stated that the organizational chart that is included in the report has the fire companies listed. He feels that since they are not a Town run department, that they shouldn't be there.

Council President Richard stated that they are there to show the flow of funds to the various departments, but understands his concerns.

Councilman Marcello suggested that the Town Council review the organizational chart, and that the Budget Committee reviews the management letter.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the regular council meeting of July 14, 2005.

Motion made by Council Vice-President Budway, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the special council meeting of August 25, 2005.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the minutes of the regular council meeting of September 8, 2005.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the special financial town meeting of September 13, 2005.

Motion made by Council Vice-President, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the special town council meeting of September 22, 2005.

Motion made by Councilman Marchant, seconded by Councilman Salisbury and voted by consent agreement to approve the Tax Assessors abatements in the amount of \$482.45 and additions in the amount of \$7,131.15.

Under departmental reports, Town Clerk Long informed the Council about the wonderful job that Peggy Pinkey did on restoring the old post cards that were given to us by Marie Barrett. Peggy used her own time and money to restore the post cards and frame and they are now hanging in the front hall. Ms. Pinkey also had a plaque made with the name of the person that donated it to the Town, Marie Barrett. Town Clerk Long wanted to publicly thank her. She also mentioned that we are receiving numerous voter registrations through the DMV.

Councilman Marcello asked Public Works Director Iverson about the \$219,000 in a restricted account within his department.

Mr. Iverson explained that is a fund for the repair and building of bridges.

Councilman Salisbury asked him if he has ordered his new trucks yet.

Mr. Iverson said yes, and that they should be delivered by the end of November.

Councilman Marcello asked Mr. Iverson how the fuel budget is holding up with the drastic increase in fuel prices.

Mr. Iverson stated that currently he is at 74% of budget and expects to exceed his budget by \$20,000. He explained to the Council that he is implementing cost saving measures such as installing computerized thermostats to automatically shut off at a specific time. He is also planning on trying to cut back on vehicle use to save gas.

Councilman Marcelo asked how the furnaces are in the town buildings.

Mr. Iverson said they are in good shape.

Council President Richard thanked Building Official Provonsil for all of the hard work in organizing the repair of Seven Mile Road and Main Street in Hope.

Mr. Provonsil said that he investigated the alleged zoning violation on Seven Mile Road. He found that the business is grandfathered in and that the Fire Department and

Gas Company have stated that there are no violations. He also said that all the concerns brought up about alleged violations on Franklin Road have already been addressed.

Councilman Marcello asked Town Solicitor Nicholas Gorham if he has responded to the complaint from the women on Burnt Hill Road.

Solicitor Gorham said that he would look into it.

Police Chief William Mack informed the Council that he recently went out to bid for the new police cars. He explained that he didn't specify a manufacturer in hopes that he might be able to get a better price if we expand the number of companies that can bid.

Chief Mack said that he is down three officers at the present time. He explained that he has one in the academy and that another officer might come from another department so he will not have to go to the academy.

Town Treasurer Ted Przybyla informed the Council that he will need \$5,000 to complete the study of the police going into the Municipal Retirement System.

Councilman Marcello asked when this will be completed.

Town Treasurer Przybyla said that it should be completed by April 2006 but that everything is in the State's hands.

Councilman Marchant asked Director of Emergency Services Tucker what he has heard of the plans for the possible outbreak of Avian Flu.

Mr. Tucker said that he has been in contact with the State and has been told that the State and Federal Government are stock piling doses of the vaccine. He said that currently most of the plans are still at the Federal level.

Council Vice-President Budway asked Mr. Tucker for an update on the recent letter from the Ferucci family.

Mr. Tucker responded that he has been in contact with the family, but they have not returned his calls since they brought the story to the Providence Journal. He also said that the internal investigation is still in going and he feels that there are two sides to this story. He said that he has taken steps in ensure that all fire and rescue personnel have identification badges.

Senior Services Coordinator Judy Loven told the Council that she had 150 people for the recent flu clinic. She also wanted to inform the Council that the 1st anniversary for the Senoir Center will be next week and invited everyone for cake.

Councilman Marchant asked how is the availability of the flu shot?

Mrs. Loven stated that she has had no problem with availability.

Councilman Marcello asked Mrs. Loven if she has scheduled a workshop for the senior's on the new Medicare programs.

Council Vice-President Budway suggested that he might be able help set up a workshop for the seniors.

During audience participation, Donald Hayden of Battey Meeting House Road wanted to commend Mr. Provonsil on his handling of various zoning problems especially with Bentley's Tavern. He said that he is doing a great job.

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

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to grant the firearms license for 34 Hartford Pike, Karen DelMonico, d/b/a Armory North.

Motion made by Councilman Marcello, seconded by Council Vice-President Buway and voted by consent agreement to approve the firearms licenses for Ernest DelMonico, 84 William Henry Road, pending the Zoning Board granting a Special Use permit for that location and that the license have the restrictions of no off street parking, no sales, and no test firing.

Ernest Delmonico, 84 William Henry Road explained that they need the Town's approval before they can be granted approval from the ATF. He further explained that they will only be doing repairs with no signage or sales at that location.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to accept with regret the resignation of Jamie Read from the Juvenile Hearing Board.

Council President Richard asked Town Clerk Long to send a letter of appreciation to Ms. Read for her service on the Board.

Motion made by Councilman Marcello, seconded by Councilman Marchant to dispense with the first reading of the "Elderly Tax Freeze Ordinance" and post it for public inspection discussion followed.

Karen Beattie was asked what the changes are in the ordinance.

She stated that the change is to insert language that will make it mandatory that before a person could be eligible for the tax freeze they will have to live in the Town for 10 years.

Councilman Salisbury said that the current ordinance does not allow for others that are on the deed to reside at the property unless it is a spouse or some else who is over 65 years of age. He said that he has a concern about this stipulation because many elderly need someone living with them to remain in their house.

Motion made by Council Vice-President Budway to amend the first motion and to add the language that allows others to live on the property if they need to care for the elderly person and to have this effective upon passage, seconded by Councilman Marcello and voted by consent agreement.

Council President Richard asked Town Clerk Long to make the necessary changes and have the second reading on the agenda for the November reading.

Motion made by Council Vice-President Budway, seconded by Councilman Salisbury and voted by a roll call vote to open the Public Hearing and to have the Council sit as the Licensing Board.

Councilman Salisbury-aye

Councilman Marchant-aye

Councilman Farrar-aye

Council Vice-President Budway-aye

Council President Richard-aye

Councilmen Winfield and Marcello recued themselves from the Public Hearing.

Motion carries the Public Hearing is now open.

On the agenda for this public hearing is the matter of changing the closing time for Bentley's Tavern from 11PM to 12 midnight.

Kevin McHugh, Esq, lawyer for the Lang's (owners of Bentley's Tavern) asked to address the Council. He told the Town Council that State Law allows Class C liquor licenses to be open until 12midnight.

Council President Richard stated that even though State allows Class C liquor licenses to be open until 12 midnight, it is the authority of this Council to set the closing time just as long as it doesn't exceed 12 midnight. He stated that it is at the Council's discretion to decide what time the establishments close at.

Richard Lang of Rocky Hill Road, Scituate, owner of Bentley's Tavern, said that he would like the extension of his closing time to allow his clientele to watch sporting events.

Council Vice-President Budway stated that he has toured the establishment and he wants to make sure the neighborhood is not disturbed with the extension of their operating hours.

Mr. Lang stated that there are 63,000 cars per day passing the area and he will assure that his establishment is not a deterrent to the neighborhood.. He said that the traffic is is much more of a concern then the tavern is.

Council Vice-President Budway wanted to be assured that there would be no outside service or entertainment.

Councilman Farrar stated that if they wanted to modify the business they would have to go through Planning again.

Council Vice-President Budway stated that if they wanted to serve outside that they would have to go through the Council again.

Mr. Lang assured the Council that he would do that.

Council Vice-President Budway advised Mr. Lang that he would like assurances that if there were any discrepancies they would be resolved.

Donald Hayden, said that Mr. Lang had a clear understanding of the Class C license that was issued to him and that he pushed the limit by serving food when he knew that it was not allowed. Mr. Hayden would like to voice his objection to increasing Mr. Lang.'s hours of operation.

Council Vice-President Budway agrees with Mr. Hayden's comments, but said that situations happened that might have been out of Mr. Lang's control. Mr. Lang might have pushed the envelope and made mistakes but that he regrets doing it.

Council President Richard said that the Council has total control over the closing time.

Councilman Salisbury said that he would be inclined to vote for the increase in the closing time, but would like it to be 11:30 just as long as the Lang's would not come before the Council again until the Class B license is on the table.

Mr. Lang advised the Council,that he would rather have the 12 midnight closing but would be happy with the 11:30 closing.

Motion made by Councilman Salisbury, seconded by Council Farrar and voted by consent agreement to increase the closing time of Bentley's Tavern from 11PM to 11:30 PM.

Councilman Farrar said that he thought this was a good compromise since Famous Pizza also closes at 11:30PM.

Motion made by Councilman Salisbury, seconded by Councilman Farrar and vote by roll call vote to close the Public Hearing.

Councilman Farrar-aye

Councilman Marchant-aye

Councilman Salisbury-aye

Council Vice-President Budway-aye Council President Richard-aye

Motion passes with 5 affirmative votes and two recusals.

Motion made by Councilman Salisbury, seconded by Councilman Farrar to accept the Auditor's report.

During Council remarks Councilman Marchant mentioned the Scituate Health Care Alliance Bike Rally and family fun ride that is to be held on October 22, 2005.

Councilman Marcello mentioned the School Space needs Committee upcoming meeting that will include a tour of the Middle/High School complex.

Councilmen Farrar and Marcello volunteered to negotiate Chief Mack's contract.

Council President Richard stated that there would be no closed session this evening and that he would update the Council on the current negotiations with the PWSB. He explained that he will meet with Bose Spinelli to try to come to an agreement. He also said that he has not heard from the Union that is representing the Public Works Department.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to adjourn at 10:15 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 to allow the Town Clerk 14 days to prepare the minutes of the meeting.

Attest:

Margaret Long, Town Clerk