

A regular meeting of the Town Council held for the Town of Scituate on Thursday, February 10, 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, Town Clerk Long called the roll. Roll call vote as follows:

Councilman Salisbury --present	Councilman Farrar -- absent
Councilman Marchant -- absent	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 a roll call vote to open the Public Hearing.

Councilman Marcello--aye	Councilman Salisbury--aye
Councilman Winfield--aye	Council Vice-President Budway--

aye

Council President Richard--aye

Motion passes, Public Hearing for zoning change on Assessors Plat 27, Lot 66 located on the corner of Danielson Pike and Tucker Hollow Road from Business Limited (BL) to Rural Residential (RR120) is open.

At this time Mr. Short addressed the Council and explained to them that this piece of property is in both Scituate and Foster. He said he wants to change the zoning on it because no business would want to locate there because the traffic is so bad. He said that there have been many accidents there, and last year there was a fatality. He also explained that the portion of land that is in Foster is zoned RR 120; therefore, if the Town of Scituate changes the zoning, it would be consistent with Foster's.

David Provonsil told the Council that they have a letter from the Planning Board explaining that they do not think this zone change should be granted. They feel that since Route 6 is the business corridor in the Town, it is not consistent with the Comprehensive Plan to change this zoning. He explained that most of the land around this parcel are also zoned Business Limited.

Councilman Marchant arrived at 7:35 PM.

Councilman Salisbury stated that there have been several deaths in the vicinity and he feels that it might be a good idea to change the zoning.

Councilman Marcello asked Mr. Short if the zone change is because commercial property is now taxed at a higher rate than residential property.

Mr. Short said that is part of the reason, but said that the danger of locating a business at this property is the main reason he is asking for the zone change.

Council Vice-President Budway said that if the reason is because he wants to reduce his taxes, that is not a sufficient reason for allowing a zone change, and wonders what will happen if other property owners do the same.

Motion made by Councilman Marcello, seconded by Councilman Salisbury to change the zoning from BL to RR120.

Councilman Marcello said that since the Town instituted the two-tiered tax system to generate more money from the PWSB last year because with the statistical evaluation, commercial property did not increase by the same rate as residential property.

Councilman Salisbury said that most communities have a two-tiered tax system.

Mr. Short said that he really wants to keep his property, but if taxes keep going up so much, he might be forced to sell.

Russell Gallant, 1167 Danielson Pike said that he is a neighbor of Mr. Shorts and has no problem with the zone change. He feels that that stretch of Danielson Pike is so dangerous that he feels that it would be a good idea.

Councilman Salisbury amended the motion to add that the property will have to have the entrance on Tucker Hollow Road.

Councilman Marcello called the question.

Roll call vote as follows:

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

Motion carries with 5 affirmative and one negative vote.

Motion made by Councilman Winfield, seconded by Councilman Marcello and voted by consent agreement to close the Public Hearing.

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to approve the January 13, 2005 Town Council minutes.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to approve the January 13, 2005 Closed Session minutes.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approve the minutes of the Closed Session of November 10, 2004.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to approve the abatements of \$2,248.24 and addition of \$6571.88.

During departmental reports, Town Clerk Long informed the Council about the birth of Gloria and Jason Loyd's twin daughters Jenna and Julia. She also told the Council about the death of a long time Scituate resident and unofficial Mayor of Clayville, Mr. Gilbreth Brown, and asked if a page could be reserved for him in the Town Council Minutes Book.

Richard Iverson, Director of Public Works asked the Council if they would entertain the possibility of adding two bills to the supplemental list. The first is \$5986.78 to reimburse the North Scituate Fire Company for some of the refurbishing of the rescue and the other is in the amount of \$44,041.00 for the Town's share of a grant that was received from the Department of Homeland Security for the purchase of two portable defibrillators and two life packs.

Council President Richard said that the Council will act on those two new bills when they pay bills.

Councilman Marcello asked Mr. Iverson if he has received back all the evaluations from the summer recreation program, and also when the last time that the Recreation Committee met.

Mr. Iverson said that he has not received all of the evaluations back and that it has been two months since the last Recreation Committee Meeting.

Chief Mack told the Council that he recently applied for a grant from Senator Chaffee's Office for help with the construction of a new Police Station. He also said that in his annual report he outlined some capital projects that have to be done if he is not getting a new station.

Council Vice-President Budway complimented Chief Mack on his annual report. He mentioned that it was very thorough.

Councilman Winfield asked the Chief the status with the telemarketers.

Chief Mack said that he has had a conversation with the Union representatives about the telemarketers misleading statements, and they said they would take care of it right away.

Town Treasurer Przybyla informed the Town Council that Sandra Young is filling in for Jean Simpson since she retired, and said that he will be conducting interviews for Mrs. Simpson's position soon.

Councilman Marcello asked Mr. Przybyla how many people applied for the Deputy Treasurer's position.

Mr. Przybyla said that he thought between 10 and 12.

Councilman Marcello asked if he could have copies of the resumes.

Judy Loven, Director of Senior Services, told the Council that she will be having a Valentine's Day party for the seniors, at the Chopmist Hill Inn tomorrow.

Councilman Marcello asked Mrs. Loven if they are cooking or just reheating food in the kitchen of the Chopmist Hill Inn.

Mrs. Loven said that the food comes all prepared, and all they have to do is reheat it.

Mr. Tucker, Director of Emergency Services responded to the letters written by Mr. D'Agostino and Mrs. Ouellette in regards to the Scituate Ambulance being placed back on the run card, and Ms. Ouellette's question about the response time by the other rescues for a call at her son's home.

Mr. Tucker said that he reviewed the logs and has no problem with the amount of time it took the rescue to reach her son's home.

Mr. Tucker feels that the Council or a representative of the Council should sit down with him and all the fire chiefs and discuss if the Scituate Ambulance Corps should be placed back on the run card. He also said that the Scituate Ambulance Corp is not being dispatched at this time.

Council President Richard suggested that Mr. D'Agostino, Mr. Tucker and himself meet and try to work this situation out.

Councilman Marchant asked if the entire Town owned rescues are equipped to transport patients to the hospital.

Mr. Tucker said that they can all transport ALS (advanced live support). He also said that the dedication of the new fire trucks will be held on Sunday, February 20th, 2005.

Council Vice-President Budway asked Mr. Tucker if he received a letter from Mr. Peter Leary concerning the transporting criteria.

Council President Richard stated that the revenue generated from rescue billing is not as much as expected or budgeted for.

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

During audience participation Mr. & Mrs. Thomas Cancelliere of 67 Dexter Road asked to be updated on their concerns with the Northwest Power Equipment located at 55 Dexter Road.

Building Official Provonsil explained to the Cancelliere's that he has worked with the owner of the property to clear up some of their concerns. He explained that the cutting and sale of the wood is a grand fathered use and they may continue to do it.

Mr. Cancelliere said that has not been done on that property for years and that it is very disruptive to his family. He stated that this is being done on Sundays and the noise is very annoying.

Councilman Marcello said that the ordinance should be updated to allow for expiration on a grand fathered use after so many years (i.e. abandonment).

Mr. Cancelliere asked Mr. Provonsil about the out door storage that is still being done on that property.

Mr. Provonsil said that he would cite them for a zoning violation.

Mr. Richard Finnegan of 47 Ridge Road asked about the recent newspaper article stating that the Town has settled out of court in the appeal against the Police Department for racial profiling.

Council President Richard said that the Town's insurance carrier, The Trust, settled that claim because they thought it would be more cost effective. He explained that this does not mean that the Town is guilty of any wrongdoing.

Mr. Finnegan asked if the Town was notified prior to the newspaper article.

Nicholas Gorham, Town Solicitor, said that the Trust has the right to settle without letting the Town know, because it is the Trust that would be paying the court costs. He said that he was aware of the settlement and thought that the Council was notified.

Mr. Finnegan asked if the Town paid for the refurbishing of the North Scituate's new rescue.

Mr. Iverson, Director of Public Works said that the Town did pay for the refurbishing of the new rescue.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to accept with regret the resignation of Ann Huntoon from the Scituate Land Trust Commission.

Council President Richard asked Town Clerk Long to send a letter to Ms. Huntoon thanking her for dedicated service to the Town.

Motion made by Councilman Winfield, seconded by Councilman Marcello to appoint Leslie Davis and Elaine Birrell to the Advisory Board for the Scituate Animal Shelter for a term expiring December 2005.

Council Vice-President Budway suggested to the Town Council since this new committee is a temporary committee; maybe it should be called an ad-hoc committee.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to appoint Merritt Crowley as third alternate member of the Zoning Board of Review for a term expiring January 2006.

Motion made by Councilman Salisbury, seconded by Councilman Winfield to reappoint the members of the Scituate Health Care Plan Committee for a term up to one year. (list herewith)

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to re-appoint the Human Resources Committee for a term expiring February 2006. (list herewith).

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to re-appoint School Space Needs Committee for a term expiring February 2006. (list herewith)

Council President Richard asked Town Clerk long to post the vacancy in both the Land Trust and School Space Needs Committees.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to re-appoint the Finance Committee for a term expiring February 2007.(list herewith)

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to re-appoint the Police Pension Study Committee for a term expiring February 2006. (list herewith)

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the Sunday Sales licenses for 981 Danielson Pike, d/b/a You Snooze You Lose and 177B Danielson Pike d/b/a R.A. Yarns.

During discussion and /or approval, no action was taken on the discussion of discounts on the pre payment of taxes.

During discussion on requiring the Town Council to approve all grants before they are submitted, it was discussed that this would be a good idea because many times when the Town receives a grant, there is a stipulation that the Town has to provide matching funds. This is causing the Town to become indebted without the Council's approval, that the Town Council is suppose to approve all expenditures of money. It was decided that before any grant is submitted, that they get verbal approval from the Town Council. It was also suggested that we need a policy for applying for grants.

Council Vice-President Budway suggested that Richard Tucker draft a policy and bring it back to the Council for approval.

Motion made by Councilman Marcello, seconded by Councilman Marchant to approve Resolution 05-02 in support of universal or regional health care. Discussion followed.

Council Vice-President Budway and Councilman Winfield said that they could not support this resolution because they don't know what the financial implications would be. They feel that without more information it would not be good to vote for it.

Motion called.

Councilman Marcello-aye

Councilman Winfield-nay

Councilman Salisbury-aye

Councilman Marchant-aye

Council Vice-President Budway-nay

Motion carries with 3 affirmative and 2 negative votes.

Council Vice-President Budway said that he feels that since the Town of Foster uses our Animal Shelter, they should pay for a portion of the expenses and not just pay a boarding fee.

Pat Howarth, Animal Control Officer, wants to make sure that all of the animals are taken care of.

Council Vice-President Budway suggested that the Town Council negotiate with the Foster Town Council and suggest that they start to pay for some of the overhead. Since approximately 1/3 of the animals come from Foster, they should pay 1/3 of the overhead.

Council Vice- President Budway asked for the Treasurer's Office to determine the cost of the animal shelter and come back to the Council with that figure, and then we can discuss it with Foster.

Councilman Marcello suggested that we send a letter to the Foster Town Council to inform them that we will be making a financial request of them so they can at least budget for it.

Chris Modisette explained to the Council that Senator Chaffee has sent the Town a letter suggesting that the Town submit for Chaffee grants through the Federal Government. He stated that Senator Chaffee could put in for grants for his constituents.

Mr. Modisette said that he has the grant application and he would be happy to give it to anyone interested. He suggested that some financial help with some major projects be requested. He suggested a new Police station, Teen Center, land for open space, a new fire station for North Scituate and a plan for storm water drainage.

Council President Richard suggested that Mr. Modisette collect the grant proposals and submit them to Senator Chaffee's Office.

Council President Richard suggested that the life insurance benefit for Town Employee's be raised from \$25,000 to \$60,000. He said that most of the Union contract allow for \$60,000 and feels that the non-union employees should get the same benefit. He also said that it will not cost that much additional money and asked if Town Treasurer Przybyla determine that cost and report back to the Town Council.

During Council remarks, Council Vice-President Budway informed the Council that the request for a radar sign on Route 116 in Hope will go before the State Traffic Safety Commission next week.

Councilman Salisbury said that if they approve it, the State will most likely not pay for it or supply the electricity for it.

Councilman Marchant asked if a page in the Council minute book be reserved for the “ Mayor of Clayville”, Gil Brown.

Councilman Marcello asked Town Clerk Long to have the various board and commissions e- mail their minutes to the Council to save on paper. He also mentioned that as of March 1, 2005 all public buildings have to be smoke free, and asked Mr. Iverson if he has put up the signs yet.

Mr. Iverson said he has taken care of it and would like the Council to think about an ordinance that will state the penalties to the employee caught smoking in a non-smoking area. He explained that per State law, only the Employer gets fined, not the person who actually broke the law.

Council President Richard said what a great guy that Gil brown was and said he will be sorely missed in Clayville and throughout Scituate,

Town Solicitor Gorham said that the request to DEM for the surplus land for the new Middle Schools moving along smoothly.

Motion made by Councilman Marchant, seconded Council Vice-President Budway and voted by consent agreement to pay early expenses of \$69,488.73 regular Council expenses of \$55,113.51 and supplemental Council expenses of 98,425.93, for a total of \$223,028.17.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to adjourn at 9:50 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