

A regular meeting of the Town Council held for the Town of Scituate on Thursday, March 10, 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:

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

First on the agenda are three Public Hearings.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by roll call to open the Public Hearing.

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

Judy Loven, Board member of the Western Rhode Island Home repair Program spoke about the CDBG Grant. She explained that last year the Town was awarded \$125,500 for various uses ranging from housing rehabilitation, Hope Park, monies for the Scituate Health Care Plan Committee, and other uses. She explained that this year they will request monies for housing rehabilitation, food bank, Hope Park and the Boy Scouts. She asked if there was anyone in the audience that wished to make a comment or a request to be included in this grant. She also explained that the final plan will be done in May and the Town Council will officially vote on it on May 12, 2005.

The next Public Hearing was on the issuance of Kennel Licenses. Town Clerk Long explained that these are all renewals, and all of the stipulations have remained the same as last year.

Council President Richard explained to the audience that he will read all the names of the applicants, and then if anyone in the audience would care to speak for or against any of the licenses, they may do so then. (list herewith)

Michael Perez of 234 George Waterman Road, Johnston asked to speak against the Tasca license. He said that he and his wife have had two animals from that kennel, and both have had congenital birth defects. He said that he was not pleased with the way that Mr. Tasca and his breeder treated him. Mr. Perez further explained about the medical condition of the dogs.

Council Vice-President Budway asked if the Town is regulating the kennels or just issuing the license.

Town Solicitor, Nick Gorham told the Council that the State has regulatory jurisdiction over the kennel, and all the Town does is issue the license.

Patricia Howarth, Animal Control Officer stated that she feels that the Town should accept the State Laws as part of our Code of Ordinances.

In Patricia Howarth's report, she stated that she sees no reason why the licenses should not be renewed.

General discussion followed with the limits on each license discussed. Town Clerk Long said that she could find no reference to why the ten dog maximum is stated on the license. She and Town Council President stated that they have spoken to Mr. Tasca, and he would like to have more than ten dogs. He feels he needs them because of his breeding schedule.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to renew the licenses with the same stipulations as last year, and subject to the Animal Control Officer's finding in regards to Mr. Tasca's kennel.

Councilmen Marcello and Winfield recused themselves from the Public Hearing on the issuance of the Class BV Liquor license.

Town Clerk Long explained to the Town Council now sitting as the licensing authority of the Town of Scituate, about the letter of good standing from the Division of Taxation. She said that she spoke with several people at that office, and they explained to her that both Mr. Lang and Mr. Martino have no outstanding debt with that office. She said that since DJ Realty has not had a business license in years that they would also have no problem. The State Division of Taxation said that they would not issue a letter of good standing until the Council decides who is going to receive the license. They suggested that the Council issue the license contingent upon the business receiving a letter of good standing from the State.

Council President Richard explained that there is one BV license available and that there are three applications for that license: Domenic Marcello d/b/a DJ Realty, Richard Lang d/b/a Bentley's Tavern, and Michael and Robert Martino d/b/a Countryside Restaurant.

At this time Council President Richard asked if there is anyone in the audience that would care to speak for or against the issuance of this license.

Kevin McHugh, Esquire, representing Mr. Richard Lang asked to be recognized. He explained that this is not a renewal because the Martino's failed to renew the license in December 2004. He explained that since this is a "new" license (the Town did not increase the number of licenses but he refers to it as new due to the fact that it is not a renewal), every applicant should be on equal footing, and since Mr. Lang submitted an application first, he should get it.

Mr. Richard Lang stated that he knows the Marcello's would run a good restaurant, so why not just give out two Class BV licenses.

Councilman Marchant asked if we could convert the Class C license that Mr. Lang has now to a BV license.

Nick Gorham said to convert of the Class C license you might need legislative approval.

Mr. Michael Martino d/b/a Countryside Restaurant explained that he and his brother had some difficulties with the Division of Taxation, and could not get a letter of good standing to renew the license. He further explained that he and his brother have since cleared up the tax problem and would like to get the license back. He further

explained that he has never had any problems with the Police at his establishment and the only reason he couldn't get the letter is because of unpaid sales tax.

Councilman Farrar asked when the taxation problem was cleared up.

Mr. Michael Martino said they cleared it up around 1 month ago.

Amy Parker, Esquire, representing DJ Realty and the Marcello family asked to speak. She told the Council that the license has been held at the address for at least fifteen years, and that while Mr. Marcello was running the business there were never any problems. She further explained that Mr. Marcello has a recorded security interest in the license. She urges that Council to let the license remain with the property either with the Martino's or the Marcello's.

Kevin McHugh, Esquire, stated that since the license had not been renewed, the security interest ended. He also said that he thought that Mr. Lang was the best choice since he has run successful restaurants in the Town for many years, that he has never had any problems at any of the restaurants that currently have liquor licenses, and that he has never been late on his Town or State taxes.

Karen Marcello of 874 Chopmist Hill Road stated that Mr. Lang already has one Class BVL and one Class C and that he shouldn't have a monopoly on the liquor licenses in Town.

Council Vice-President Budway stated that a liquor license is a central component in the restaurant business. He feels that Countryside Restaurant or DJ Realty should get the license. He also feels that maybe at some point in the future the Town should eliminate the Class C license and convert it to a Class BV. He asked Town Solicitor Nick Gorham to research this possibility.

John Winfield of 727 Hartford Pike asked to address the Council. He said that he is against Bentley's Tavern being issued the Class BV license he feels that the license should be issued to the Marcello's.

John Lang of 78 Dexter Road said that his employees at Famous Pizza have attended alcohol awareness classes and they have become certified in crowd control and fire safety and are very qualified.

Motion made by Council Vice-President Budway, seconded by Councilman Farrar to grant the BV license to DJ Realty. Roll call:

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| Councilman Farrar-aye | Councilman Salisbury-aye |
| Councilman Marchant-aye | Council Vice-President Budway-aye |

Motion carries 4 affirmative votes and two Councilmen recusing themselves.

Motion made by Councilman Salisbury, seconded by Councilman Marchant to close the Public hearing: Roll call:

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

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to appoint Sandra Young Deputy Town Treasurer.

Town Treasurer Przybyla stated that he interviewed three applicants and that Mrs. Young is definitely the most qualified. He also stated that she has done a wonderful job since the retirement of Jean Simpson, Deputy Town Treasurer.

Councilman Marcello asked how Mr. Przybyla conducted the interviews.

Mr. Przybyla said that he conducted telephone interviews.

Council President Richard informed the Council that he, Carol Mumford and Chris Modisette met with Mr. Vincent from DEM in regards to the purchase of the land at Essex Hopkins Park. He explained that Town currently has a lease on that property and that the Town is considering using it for the new Middle School. He explained that there is 90 acres and with the construction of the new school and it will not interfere with the ball field, play ground or the area for sledding and skating. Since this is surplus state land, it has to be offered to other State agencies before it can be sold. But since we have a lease on the land until 2021, this will prevent any other agency being able to use it until then. Council President Richard said that it will be difficult for DEM to justify us building on this land because they are always looking for more open space. Council President Richard explained to them that the Town will only use what is needed and reserve the rest for open space. Council President Richard said that one thing in our favor is that as a Town we are aware and participate greatly in conserving open space.

Council President Richard suggested having an open meeting with the surrounding landowners to apprise them of the possibility and explain the concept of the new school.

Denise Charland asked the Council if they would change the list of priorities for the Chaffee Grants that we just submitted. He said that he has heard that if we ask for a new Fire Station/Police Station that there is a good possibility that we might get it. He cautioned that this request should be on the top of the priority list. Therefore, he is asking for us to amend our request.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to amend the original request to add the request for a combination Fire/ Police Station and resubmit this to Senator Chaffee's Office.

Councilman Marchant suggested that we also ask for additional space for the health clinic.

Denise Charland thinks that might be a good idea because he feels these are the types of projects that will get priority this year.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway to approve the 2005-2006 budget as submitted with a 7.5% tax increase.

Councilman Marcello-nay

Councilman Salisbury-aye

Councilman Marchant-aye

Councilman Farrar-aye

Councilman Winfield-aye

Council Vice-President Budway-aye

Council President Richard-aye

Motion carries with 6 affirmative votes and 1 negative.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve the amount of \$17,424.93 for early Council

expenses, \$54,872.63 regular Council expenses, \$69,542.70 for supplemental Council expenses for a total of \$141,840.26.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by roll call to adjourn to closed session pursuant to R.I.G.L. 42-46-5 (A) 2 Litigation, Providence Water Supply Board Mediation and Collective Bargaining-Public Works Department at 9:00 PM and to allow Karen Beattie, Tax Assessor, Ted Przybyla Town treasurer and Lawrence McCarthy, Esquire attend the closed session.

Councilman Salisbury-aye

Councilman Marcello-aye

Councilman Farrar-aye

Councilman Winfield-aye

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

Motion carries.

Open session reconvened at 9:24 PM.

Motion made by Councilman Salisbury, seconded by Councilman Farrar and voted by consent agreement to re affirm the motion to hire Webster A, Collins, for a sum not to exceed \$57,500.00 that was made in Closed Session.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to adjourn at 9:25 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