

A regular meeting of the Town Council held for the Town of Scituate on Thursday, March 24, 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, Deputy Town Clerk Chatfield called 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 --absent
Council President Richard – present	

First on the agenda was recognition of Scituate Spartans hockey and basketball teams. Because no one from either team could attend this evening's meeting, the matter was tabled to a later date.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and unanimously voted to approve the minutes of the regular council meeting of February 10, 2005.

Under departmental reports, Councilman Marcello asked Building Official David Provonsil about the Collins property and if he has had a response since he sent the notice out? Mr. Provonsil stated there were two issues; one with respect to the trucks. He received a report that there were 4 trucks, and they readily agreed they were grandfathered for 3. There was a reason for that, it was a rare occurrence, and it won't happen again. Mr. Collins has 2 prospective locations in town for buses.

Councilman Marcello stated that Mr. Provonsil's letter was unclear regarding how many buses would be allowed on that property. Mr. Provonsil stated that was because Mr. Collins mis-spoke during his testimony. He said in 1962 he had 5 buses, but actually meant 1952. The exact number has yet to be determined. The number 5 is incorrect. They expanded greatly between 1952 and 1962, and their testimony was clear of how the business grew over the decades. Mr. Marcello asked if he expects to be able to comply by June 30th? Mr. Provonsil stated that he didn't say that he couldn't.

Police Chief William Mack added to his report that Sgt. Lang is back from Virginia. He also added that MHQ delivered the last cruiser. The Chief also mentioned that they are still involved in Operation Blue Riptide as well as the Occupant Safety Grant. They received two plaques for their participation & efforts. Councilman Salisbury asked about the overtime issue. The Chief stated that it is \$20,898 more than anticipated. The past two months they've had very small surpluses. It will not offset the \$20,000. They are complying with the treasury and their practice of any funding coming in from grants goes into the revenue side.

Councilman Winfield stated he noticed we are purchasing guns from Foster Bear Arms and reimbursing the officers. He asked the Chief if we currently have a situation with the manager? The Chief said he does not know who the manager is; however one of the owners is a retired police officer. Mr. Winfield asked the Chief if the matter has been settled? The Chief stated that he has not heard anything more about it since he received a letter stating the attorney for the IBPO was asking for an extension on the appeal.

Councilman Winfield stated that he was concerned about town funds being used there if we still have ongoing litigations. Councilman Marcello asked what we are buying? The Chief stated we buy patrol rifles that are optional. Councilman Marcello asked if we go out to bid for these purchases, and how many do we purchase? The Chief stated that we purchased approximately 8 in the past three years. Councilman Marcello stated he shared the same concerns as Councilman Winfield. Councilman Salisbury stated it would be a good idea to get RFQ's for these types of purchases. Council President Richard stated that we have a Purchasing Agent who is a former police officer who understands the process entirely, and perhaps he can work with the police department regarding this matter.

Councilman Marcello asked if the Chief has heard of any other hearings scheduled regarding the Providence Pistol Range? The Chief stated he has not been contacted. Town Solicitor Nick Gorham stated that the City of Providence started their case. The date has been set, but he is unsure of the date at this time. He will find out and let the Council know what the date is.

Council President Richard stated that as mentioned in the Chief's monthly report, Sgt. Stephen Lang graduated the FBI Academy in Quantico, Virginia, and Chief Mack went to the graduation. Mr. Richard showed the audience a picture of Sgt. Lang with President Bush in the gym in Quantico. Mr. Richard congratulated Sgt. Lang for his graduation and hard work at the academy.

Town Treasurer Ted Przybyla stated that the advertisement for the tax rate will be in the newspaper tomorrow for the financial town meeting. Councilman Marcello asked if the Council could get a print out of the budget before they get to the actual approval of it this evening.

Council President Richard asked Emergency Services Director Richard Tucker for an update on the new rescue. Mr. Tucker stated he spoke to Mr. Hooper today and was told it could be up to another 3 weeks before we get it. There are still some things that need to be done to the rescue before we get it. Currently, we have 3 rescues running right now, and the Ambulance Corps has given the Town use of their ambulance. That should be in service tomorrow at Chopmist Hill Fire Dept.

Councilman Winfield asked what was the status of the rescue involved in the accident? Mr. Tucker stated there was substantial damage to the front of the rescue. That was our loaner rescue. VFIS let us send it back to them, and he awaiting an estimate on the damage. Councilman Winfield asked what is our financial obligation? Mr. Tucker stated we are insured, and because it was a loaner to us, it would be our obligation to fix it.

Senior Services Coordinator Judy Loven stated that we need a sign at the Senior Center, preferably under the windows in the sun parlor. Council President Richard said that brings up a very interesting point. Building Official David Provonsil brought to his attention that there is still a sign up on the corner of Routes 6 and 102 for the old Chopmist Hill Inn. Mr. Richard stated we should give some thought within the next 30 to 60 days what we want to call the center. Judy Loven suggested we call it the "Chopmist Hill Center" because we will be housing the Senior Center, Emergency

Services, Human Services and the Teen Center. President Richard stated that he felt that because Richard Tucker, Judy Loven, Brenda Frederickson, Richard Iverson and David Provonsil are all involved with the center, they should back to the Council with recommendations for a name. Public Works Director Richard Iverson stated he felt that the sign should match all other Town signs. Mrs. Loven stated the big screen tv was donated by someone, and the cable is coming tomorrow. St. Patrick's Day went very well with 58 people, and she had 4 new people join today.

Public Works Director Iverson stated the application for federal reimbursement for the storm in January has been submitted, and our total application was for \$36,000. Assuming they accepted it as presented, we should be getting reimbursed for approximately 75%, which should be approximately \$25,000. Mr. Iverson mentioned that in 1995, which was the worst winter we ever had, we had a total of 122 inches of snow, and this year we are over 90" after last night's storm. Council President Richard stated that he is concerned about the ball fields being muddy with all the snow and rain we have had. He hates to see the fields being used and ruined because they are muddy. Mr. Iverson stated that he has the best working relationship with the little league that he's had in a long time, and this will not be a problem.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and unanimously voted to approve the departmental reports as submitted.

Under audience participation, Tim McCormick wanted to say thank you for posting the budget brochure on the Town's web site, it was very helpful. He said it would be nice if the school department would put theirs on the web site also.

Chief Mack stated that it might be a good idea to put the old Chopmist Hill Inn signs in that building for safekeeping. Discussion followed regarding the condition of the signs and getting them taken down.

Next on the agenda were reappointments. Motion made by Councilman Marcello, seconded by Councilman Salisbury and unanimously voted to reappoint Joyce Costakos and Susan Luther Austin as alternate members to the Board of Canvassers, terms expiring March 2006.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and unanimously voted to reappoint John Winfield and Robert Budway to the Incentive Committee, term expiring March 2006.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and unanimously voted to appoint Leo Thompson to the Land Trust Commission.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and unanimously voted to appoint Neal Drobnis to the School Space Needs Committee.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and unanimously voted to accept the resignation of Paul Durfee from the Building Board of Review.

Next on the agenda was approval of the 2005/2006 Budget. Motion made by Councilman Salisbury, seconded by Councilman Marchant to approve the Budget of \$27,973,205.

Councilman Marcello – nay

Councilman Salisbury – aye

Councilman Marchant – aye

Councilman Farrar –aye

Councilman Winfield – aye

Council President Richard - aye

Motion carries with 5 affirmative votes and 1 negative.

Councilman Marcello stated that he voted not to support this budget and read into the record his reasons (see copy attached).

Next on the agenda were resolutions. Council President Richard read the Tax Anticipation Notes Resolution. Motion made by Councilman Salisbury, seconded by Councilman Marchant and unanimously voted to approve the Tax Anticipation Notes Resolution. Motion made by Councilman Marcello, seconded by Councilman Winfield and unanimously voted to approve the Public Safety Resolution and dispense of the reading of it.

Next on the agenda for discussion and/or approval was the Deputy Town Treasurer's compensation. Town Treasurer Przybyla proposed that the position be compensated at a weekly rate of \$885.62 or \$46,052 per year, which is the midpoint of the comparison conducted in similar positions in communities statewide. He stated that is the rate of the base compensation for the position which was held by the previous Deputy Town Treasurer less the longevity increases. Councilman Marcello asked if that was because she was not eligible for longevity? Mr. Przybyla stated that was correct, and also he felt that the base salary was the midpoint of what was established a couple of years ago. Councilman Marcello asked if he was saying that the previous Deputy's position wasn't based upon her experience in that office? Mr. Przybyla said he was not suggesting that at all. He stated that the analysis that we conducted two or three years ago was an analysis by compensation in similar communities in experience. Councilman Marchant questioned if Mr. Przybyla's budget listed a higher number? Mr. Przybyla stated this is less than the budget, and this falls within the budget cuts. Councilman Marcello asked if he is advertising for the other vacant position and what is the starting salary? Mr. Przybyla said there is an advertisement and is posted, and the salary would be in the low to mid 30's, Senior Accountant. Motion made by Councilman Salisbury to approve the annual compensation for the Deputy Town Treasurer of \$46,052, seconded by Councilman Winfield, and unanimously approved.

Next on the agenda was discussion of the Taxpayer's Relief Act of 2005. Attorney Nick Gorham, who is also a co-sponsor of this, explained to the Council that the biggest feature of this act is pension reform. The difference between the Governor's pension reform and this pension reform is this one does not draw the lines at vested pensions. The savings are very similar. They don't give you the automatic right to retire after 28 years. You have to reach 58 years of age. It also increases the number of years to 30. The sponsor, Jim Davey, is a former federal employee and he wanted it modeled after the federal system. It gives Town Councils the right to approve School Committee budgets and contracts. It tries to remove many of the mandates, such as school bus monitors. The state adopts mandates that are more restrictive than federal mandates. This act proposed to repeal those and roll them back to what the federal requirements are only. Discussion followed regarding the 5.5 tax increase cap and the education budget. Councilman Salisbury stated that with regards to the aid to education that we receive, if

the state level-funded the aid to education that we receive, rather than make cuts to it, we probably wouldn't be in the budget situation we are in today. Council President Richard stated that the reality is that unless you take action and curb spending, the only way the state can get money is cut spending or raise taxes. The money has to come from somewhere. Attorney Gorham stated that any decent pension reform bill would have immediate savings to any city or town that participates. Motion made by Councilman Salisbury, seconded by Councilman Winfield and unanimously voted to support this Resolution. A letter of support will be sent to the sponsors of the Bill, Governor Carcieri, Rep. Carol Mumford, Senator Leo Blais, Speaker of the House, and to Mayor Laffey.

The next agenda item, discussion of the request to the Plan Commission to modify zoning ordinances to promote businesses in town was tabled at the request of Council Vice President Budway due to the fact that he could not attend this evening's meeting.

Next on the agenda was a letter from the Hope Jackson Fire Dept. regarding their fireworks. Public Works Director Richard Iverson gave a history of the fireworks at the Hope Jackson Fire Dept. Mr. Iverson explained that at their 75th anniversary, the Hope Jackson Fire Dept. had fireworks that they paid for themselves. They asked the Town Council for assistance, and the Council assisted the following year, and then the year after the Town Council paid for the whole thing. After that point the Recreation Dept. assumed the responsibility of paying for them. Last year, the Town Council decided to have the fireworks at the open house at Chopmist. Mr. Iverson met with the people who put on the firework display and went to a number of places in town, and they agreed Chopmist was the best place for the fireworks display. There was some discussion that we would consider rotating the fireworks from Hope to Chopmist each year. Councilman Salisbury asked what safety considerations were made with both locations? Mr. Iverson explained that the fire safety regulations have changed with respect to how they are set off and released. That is controlled by the size of the canister that is used. Both areas are tight areas. Further discussion followed regarding considering having fireworks in both locations and what the cost would be. There is not enough money in the budget to have fireworks in both locations. Council President Richard remarked at how successful the event was at Chopmist Hill last year, but it was suggested that Hope Jackson have the fireworks display at their annual steak fry event. Councilman Farrar stated that this would make more sense because there are no other events going on in town on the night of the steak fry and there would be no competition. Richard Iverson will look into this and will meet with the fireworks display people to make sure nothing has drastically changed, and will speak to Hope Jackson Fire Dept. and will report back to the Council. David Provonsil will look into cutting of the woods around the area.

Per Council President Richard, items on the agenda, paying the bills and abatements and additions were done at the last council meeting.

Under Council remarks, Councilman Farrar wanted to recognize all the department heads and Treasurer's office for their hard work with the budget.

Councilman Winfield also thanked everyone for their hard work on the budget. It was a tough budget year for everyone involved. He was disappointed in the school

department's reduction in the amount of special education teachers they budgeted for. That is disturbing, considering some of the problems they are having in the high school regarding special education.

Councilman Marcello wished everyone a Happy Easter.

Councilman Marchant asked what the feeling was regarding the Esek Hopkins property from the residents? Council President Richard stated that many of the people in the area had concerns about water, well pollution, traffic, cutting trees, noise, and very reluctant to adding more fields for the children to play in. Mr. Richard feels that these are genuine concerns, and no matter what location is chosen, people will have those concerns. Once we meet with the State Properties Committee, we will set a date for another public meeting. Councilman Marchant asked if the purchase of the property is contingent upon the taxpayers approving the middle school? President Richard stated there are some issues regarding that matter. We are working hard to bring the Providence tax issue to a quick resolution. He doesn't feel you can ask the people of Scituate to approve a \$19 million referendum without knowing where we stand with the Providence Water Supply Board. The property has to be appraised, and then a price has to be negotiated.

Councilman Salisbury stated that the Tax Assessor did some preliminary numbers. The cost of the school would raise the tax rate by \$3.70 (debt service) for the first full year. On top of that, there is another \$1 ½ million to \$2 million to operate, which is another \$3.50. There is a \$7 or \$8 tax increase before tackle increases that you are currently looking at. A 7.5% tax increase was \$1.66. In order to raise \$7.50, the tax rate would be a 20% increase or more all at once. Serious consideration needs to be taken. President Richard stated that Mr. Robert Walsh of the Providence Water Supply Board is no longer there, and they have not reappointed anyone to take his place. Their lawyer is handling it.

Councilman Marchant stated the Scituate Health Alliance has the 501C3 paperwork done. The Health Care Committee was reappointed. They are having a bicycle rally as a fundraiser, and he requested to use town property to do this. The Public Works Director will instruct the Council as to whether or not this is feasible.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and unanimously voted to adjourn at 8:50 pm.

Attest:

Gail Chatfield, Deputy Town Clerk