

A regular meeting of the Town Council held for the Town of Scituate on Thursday, April 14, 2005 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:31PM. 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--present
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard -- present	

Councilman Winfield recused himself from voting on the approval of the March 10, 2005 Town Council meeting minutes.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted on by consent agreement to approve the regular Council minutes of March 10, 2005.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the regular Council minutes of March 24, 2005.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the minutes of the Special Council minutes of March 1, 2005 with the corrections stated.

During Department Reports, Public Works Director, Richard Iverson, informed the Council that new building at Gorham Field will be completed by opening day for baseball.

Councilman Salisbury said that he had heard that there are fire code violations in the building.

Mr. Iverson said that all cooking is supposed to be done outside the building.

Councilman Marchant asked Mr. Iverson if both tennis courts at Gorham field would have nets on them this year.

Mr. Iverson said that the first court will be used for, but he is leaving the net down on the other court to allow skateboarders to use that court.

Building Official Provonsil said that the Falvey Linen property has been sold and he is planning on meeting the new owner and do a site review. Mr. Provonsil admitted that the property has even gotten worse, and the zoning and building violations are even more numerous. He said that he has full faith in the new owner, and is sure that he will rectify the problems. The good thing is that this owner will not be an absentee landlord.

Councilman Marcello asked Mr. Provonsil about the status of the Zoning complaint dealing with Atlas Insulation.

Mr. Provonsil said that the neighbors are okay with the decrease in wattage on the lights, and the shields that have been installed. He also said that Atlas Insulation has applied for an amended site plan, which will allow them more lights than in the original plan.

Chief Mack told the Council that Richard Tucker needs to be made a constable; he explained that Richard Tucker was the first on the scene of the recent bank robbery.

The Chief wants to make sure that Mr. Tucker is protected legally when he helps out. The Chief doesn't know if the Council should amend the agenda to do this.

Council President Richard decided that he will make sure that it is included in the next agenda, because he doesn't feel that this matter qualifies as an emergency situation.

Chief Mack informed the Council that he has a potential police hiring list, and that out of 5 candidates, 3 of them are Town residents. He also wanted congratulate Sergeant Steve Lang for the solving and apprehending the suspect that robbed the Dexter Credit Union.

Pat Howarth, Animal Control Officer said she would like to address the Council on the issue of using the gas chamber to euthanize animals. She said that the State Senate recently passed a bill that would make the gas chambers illegal. She feels that the gas chamber is a humane alternative, and that it is very useful when you have an extremely combative animal. She would like to have the bill modified to allow the use of the gas chamber when it is a feral cat, uncooperative animals, or animals with rabies.

Councilman Salisbury suggested that she get her proposed amendments to the House before they act on the bill.

Councilman Marcello complimented Pat Howarth and said that she is a great Animals Control Officer. She doesn't put many animals down, and she will keep looking for good homes for the animals.

Councilman Marcello asked Chief Mack where he got the names of Carol Mumford and Leo Thompson (he assumes are public members) for the review board that conducted the interviews for the new police recruits. Chief Mack stated he spoke with Councilmen Richard and Budway. Mr. Richard suggested Carol Mumford, who was the second woman the Chief asked because the first wasn't available. Mr. Budway recruited Leo Thompson. Mr. Marcello stated that when he saw this, he was a little concerned because he wrote the policy on this recruitment, and the policy clearly states that the two public members are to be appointed by the Town Council. Mr. Marcello stated he was not aware that this was ever brought before the Council for a vote or for discussion. Mr. Marcello stated he doesn't think that Mrs. Mumford fits the definition of a member of the public because she is an elected official. The whole purpose of this policy was to insulate the recruitment process from politics, and that is why it is made up of one member of the Town Council and 2 members of the public as chosen by the Town Council, and one member from another department. Mr. Marcello stated that he knows Mr. Thompson personally, and that he is a member of the Republican Town Committee and a very highly paid consultant by the Republican Town Committee. According to campaign finance reports, he was paid \$8,000 from the Republican Town Committee, so we basically have the Chairman of the Republican Town Committee, a Representative, and a member of the Republican Town Committee as 3 members conducting the interview processes of the police recruits. The policy clearly states the public members will be chosen by the Town Council. Mr. Marcello stated he asked the Town Clerk if there was a meeting he was not aware of, and there was

not. These names were never brought before the Town Council, and Mr. Marcello questions the validity of the list because the members, who did the interviews, did not have the authority to do so. Mr. Marcello stated he would like to know how this problem is going to be addressed.

Council Vice President Budway stated he was not aware of the process that Mr. Marcello spoke of, and had he been aware of it, it would have been done in accordance with that. Mr. Budway stated this was not an interview that was based upon the politics of those individuals that presented themselves before the board. There was nothing political about this at all. Mr. Budway stated that if what Mr. Marcello indicated was the correct procedure, then it was not conducted in accordance with that procedure. However, the fact that it was not adhered to does not mean that what transpired was in any way influenced by anything that was political.

Mr. Marcello stated that anytime you have 5 members, and 3 members are members of one party (the chairman, an elected representative and a well-paid consultant of that very same party), the perception is pretty bad. The whole policy was to try to insulate this. This has nothing to do with the applicants. The whole process used is poor. The policy is in effect, and the policy is clear, and Mr. Marcello would like to know what the Council intends to do about it, because he feels the list is not valid.

Chief Mack stated this policy was not adopted as an ordinance and was a suggested guideline. Councilman Marcello disagreed with that, and stated that it was approved by a unanimous vote of the Town Council and it specifically repeals any other policies and ordinances inconsistent with this policy. Chief Mack stated there is no question in his mind that it was not an ordinance. Mr. Marcello asked does this mean that we don't follow a policy when we don't want to. Chief Mack asked Mr. Marcello that if he knew this when he was going to do this, then why didn't he say something? Mr. Marcello stated the he did not know this board was appointed until he read the Chief's report, and he did not know the interviews were occurring until he received a call from the Town Clerk indicating that Mr. Thompson was wondering where the police interview board was meeting. Mr. Marcello stated he knew nothing about this, and he is not happy at all because the policy is very clear, and he is disappointed that it was not followed.

Council President Richard asked where is this policy kept. Mr. Marcello stated it is kept in the Town records. Mr. Richard stated you can't approve something in 1998 and leave it in the minutes and not put it somewhere. This should become an ordinance; it should be a policy manual. Mr. Richard stated he did not know about this, or he did not remember this. Mr. Marcello stated the procedures that we use are outlined in this very ordinance, the scoring process, the test, the initial qualifications. It's not like we are just doing this blind.

Mr. Budway stated the fact that the policy was not followed, you should not take the next step that this was done with some political influence. Mr. Budway states he had no idea who the finals were. Each person on that committee rated the

individuals independently. In addition to that, the interview process was one element. There was the physical test and the written test. Clearly there was an error that was made. No one intentionally meant to violate any policy or procedure. Mr. Budway stated to Mr. Marcello that if that is the issue he is making, he is wrong. Mr. Budway stated he acknowledged that was not done properly. Chief Mack asked if there would have been any difference if those names were presented to the Town Council. Mr. Marcello stated maybe not, but he would have put his objections on the record before. He stated we don't do things after the fact and say it wouldn't have made a difference anyway. That is not how we run a town. Mr. Marcello stated he is very disappointed that names were submitted that weren't vetted before the Council. He asked where these names came from? Mr. Budway stated he recommended Leo Thompson. Mr. Marcello asked, based on what? Based upon his membership of the Republican Town Committee? Mr. Budway said no, it was not based upon his membership. Mr. Marcello asked if was based upon the fact that the Republican Town Committee paid him \$8,000 in consulting fees last year? Council President Richard stated that he thinks Councilman Marcello has gone over the line and he takes offense to that. Mr. Marcello states he takes offense to a policy that was duly adopted by this Council to insulate a review process from the old system. Mr. Marcello asked the Chief if he would like to go back to the old system. Mr. Marcello stated he is not faulting Chief Mack for this. Chief Mack stated that Mr. Marcello is absolutely wrong if he thinks this goes back to the old way. Mr. Marcello stated that Chief Mack has no control over the public members, and the Council has the control over it, but unfortunately, that control was vented to someone else.

Council President Richard stated that in the future we follow the policy. It stands the way it stands right now. There was no political intent involved. Mr. Marcello stated he feels we should re-interview these people with a new board. Council President Richard asked Councilman Marcello if he honestly believes that Councilmen Richard, Budway and Chief Mack were willfully denying that policy. Mr. Marcello stated that based upon representations of the people that were appointed, yes, he feels they willfully did it. Councilmen Budway and Richard both stated that was outrageous.

Councilman Farrar asked if there is any other place, other than the minutes, where this policy is kept. Councilman Marcello stated the Chief has a copy of this policy because it was followed with the testing procedure. Mr. Marcello asked the Chief if he has a copy and the Chief said yes. Mr. Marcello told the Chief that his problem is not with him. Chief Mack stated maybe it should be, because he did not read the entire policy. He read the portion regarding the female member, and that was the toughest person to get. Mr. Marcello stated that perhaps if it was brought before the Council, they could have found other female members. Mr. Marcello stated in his opinion, the list is invalid. The policy was not followed, and the interview process should be voided.

Council President Richard asked what the wishes of the Council are. Council President Budway stated that the real disgrace and travesty is not that the policy was not followed. That was an innocent error, but what Councilman Marcello has done is cast a fall of the credibility of the candidates that came before the board that either some or all of these individuals somehow have an inside track. When you disparage the credibility of the candidates that came before the board, that is a mistake. This is not the City of Providence. We did not give anyone answers, there was no favoritism, it was done completely objective. We made a mistake, and we acknowledged it. Obviously, Mr. Marcello wants to make an issue out of it.

Mr. Marcello stated the disparaging part has nothing to do with the candidates. The disparaging part is the process that was used and not followed. The whole process of not following policy is disparaged. The applicants are innocent parties in all this.

Councilman Salisbury asked Town Solicitor Nicholas Gorham if this in some way can cause the candidates to have a situation where they contest who was appointed. Mr. Salisbury feels this is the primary concern. He stated he does not believe the policy was willfully abridged, but he does not want to see these candidates' status put in jeopardy.

Council President Richard asked Chief Mack if he recalls the last time we had an interview process if the Council voted on these people. Chief Mack stated he did not honestly recall. Mr. Richard stated that he does recall one time when there was prominent democrat on and no one said a word about it. Chief Mack stated the minutes should reflect this.

Town Solicitor Gorham asked if he can have some time to research this. Council President Richard stated we will leave this with our Legal Counsel, and will get a report from him to give us direction to get it resolved to make sure there are no challenges or no legal problems with any candidates in the future.

Councilman Salisbury asked Chief Mack if the School Resource Officer's statistics are included in the town wide statistics.

Chief Mack said they are, but the crime rate in Scituate is so low that it doesn't impact the statistics significantly.

Council President Richard asked Director of Emergency Services, Richard Tucker, when the new ambulance will be delivered? He also asked what was going to be done with the old rescue.

Mr. Tucker said that he would like to sell the rescue, but he needs assurance that it will never be used as a rescue.

Town Solicitor, Nick Gorham, said that he will draw up the bill of sale to insure that the Town is covered legally.

Richard Tucker said that the Chopmist Hill Fire station is using the ambulance from the Ambulance Corps since the accident. He also said that they are having a

meeting with the fire chiefs and ambulance corps, and hopefully be able to clear up any confusion between the two groups.

Councilman Marchant asked while we are using the Ambulance Corps rescue is it insured under the Town's policy.

Mr. Tucker said that it is insured.

Senior Services Director, Judy Loven, said that she has been very busy at the Chopmist Hill Inn, and she explained some the new programs she is starting including yoga, and has an attorney coming in to explain living wills and other legal issues. Mrs. Loven already has a flu clinic scheduled for the fall, and she will be getting her new senior van soon. She said that she still doesn't have internet service.

Councilman Winfield asked why is it taking so long to get internet access at the Chopmist Hill Inn.

Mr. Provonsil said that the building was not wired correctly for a cable router and hub. He explained that we have not paid the contractor the final payment yet, and he will not get paid until everything is done correctly.

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

During audience participation, Lyle Monroe, Trimtown Road asked what the progress is with the Providence Police firing range on Plainfield Pike.

Council President explained to Mr. Monroe that Chief Mack and Councilman Salisbury were suppose to meet with representatives from the Providence Police Department, but they cancelled the meeting and it still has not been rescheduled.

Councilman Salisbury explained that there has been three court dates for the injunction, and he feels that the judge seemed concerned for the neighbor's safety. The judge also urged both sides to try to come to an agreement.

Mr. Monroe asked if the Town has ever inspected the firing range.

Council President Richard said that the next court date is April 28, 2005, but we would like to settle this out of court.

Arthur Whitford, Trimtown Road said that the shooting went on from 8:00 am to 7:45 pm last Saturday, April 2, 2005. He also stated that it was so noisy that it could be heard with all of the doors and windows closed. He said that the residents are sick of the whole situation.

Councilman Marcello asked if the Providence Police notified the Chief in advance of them using the range.

Chief Mack said that he has the schedule, and it will be used 5 days per week until October 2005.

Councilman Marcello feels that the neighbors should go and testify in court.

Town Solicitor, Nick Gorham, said that our side has already rested its case.

Arthur Whitford, Trimtown Road, feels that only solution is to enclose the range. He said that the residents might withhold their taxes until this matter is settled.

Council President Richard said that the court system is very slow, but it is the right way to resolve a dispute.

Arthur Whitford says that there are times that the ground actually shakes from the explosions.

Mr. Lyle Monroe, Trimtown Road, stated that the City of Providence does not show the Town of Scituate any respect.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve the resolution without reading it to amend the Town's Flexible Benefit Plan to make it compatible with State and Federal Law.

Motion made by Councilman Marcello, seconded by Councilman Marchant, and voted by consent agreement to support the resolution for Arbor Day 2005.

Council President informed the audience that the Town of Scituate will host the State Arbor Day celebration at Hope Park. He stated that this is a great honor for the Town, and he is very pleased to be chosen this year.

Motion made by Councilman Winfield, seconded by Councilman Marcello and voted by consent agreement to reappoint Robert Napier as the Narragansett Street Light Coordinator for a term expiring April 2006.

Motion made by Councilman Salisbury, seconded by Councilman Marcello to reappoint Michael Marcello, John Marchant and John Winfield, Jr. to the Growth Management Study Committee for a term expiring April 2006. Discussion followed. At this time, Councilman Marcello stated that since this Committee has never met he would like to be removed from the Committee.

Council Vice-President Budway stated that the Finance Committee is working on compiling a list of items that need to be addressed to try to address the tax situation. He said that many of the ideas actually would fall under the heading of growth management and he would not like to see that Committee dissolved.

Council President Richard stated that he would like to see Councilman Marcello continue on that Committee.

Motion called to reappoint the Committee and voted by consent agreement.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to reappoint David Provovil, Richard Iverson, Wayne Salisbury and Chris Modisette to the Storm Water Committee for a term expiring March 2006.

Building Official Provovil explained that this Committee is needed to meet the State requirements.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to accept additions of \$255.34.

Motion made by councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to award the bid the for the new roof on the North Scituate Fire Company to the low bidder, C & D Construction, for a bid price of \$43,973.00. Both Richard Iverson and Richard Tucker recommended this bid award.

Council President Richard addressed the next agenda item, which is to have the Town Council request the Plan Commission to research the modification of the Zoning ordinances to promote business and agriculture in the Town. Council Richard explained that this would be a long-range plan to help the Town secure alternative ways to increase

the tax base. Some ideas would be to promote low impact businesses; flexible zoning and over 55 condominiums, which all increase our tax base without using a lot of services (especially schools).

Town Council Vice-President Budway said that with this plan it might be necessary to change our Zoning Ordinances. He would like to see a plan that balances and maintains the character of the Town while also increasing its tax base.

Councilman Marcello suggested that the Town needs water and sewers to entice more businesses to the area.

Town Council President Richard suggested that it is time the Town gets creative and do long range planning.

Town Solicitor, Nick Gorham, suggested that if any of our villages are in the Historic Register, there is a lot of grant money available

Building Official Provonsil said the Town's goal should be to diversify our tax base and said that the Comprehensive plan does address some of these issues.

Councilman Farrar asked Mr. Provonsil if he had any suggestions on how the Town can do this.

Mr. Provonsil suggested that the Town and the Plan Commission might want to hire a consultant to assist us with this.

During Council comments, Councilman Marcello suggested that the Town settle the tax issue with the Providence Water Supply Board before bringing the Middle School proposal to a vote. He feels this is the only way that the Council can give an accurate picture of the town's finances prior to voting on a bond issue.

Council President Richard suggested that a time line for the referendum be established, and feels that other options be investigated so the Town has a back up plan if the bond does not pass.

Councilman Salisbury asked Mr. Iverson about the tonnage cap on the recyclables.

Mr. Iverson stated that the people in Town need to do more recycling especially paper and newspapers, which are very heavy. He said that there is a very good possibility that the Town will exceed the cap this year. Which means the cost per ton goes up dramatically.

Councilman Salisbury asked Mr. Iverson if apartment houses are suppose to have their own garbage pick ups?

Mr. Iverson said that this is true and maybe we should start enforcing this.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to pay early expenses-old budget of \$97,007.44, early expenses new-budget of \$41,240.29, regular Council expenses old-budget of \$101,506.51, regular Council expenses new budget of \$0.00, supplemental Council expenses old budget of \$90,969.34, supplemental Council expenses new-budget \$46,589.13 for a total of \$377,312.71.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to adjourn at 10.07 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