

A regular meeting of the Town Council held for the Town of Scituate on Thursday, May 11, 2006 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:33 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 --absent	Councilman Farrar -- present
Councilman Marchant -- present	Councilman Winfield--present
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard -- present	

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by a roll call vote to open the Public Hearing.

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

Motion passes, Public Hearing is opened.

The first item on Public hearing is the approval of the CDBG grant.

Council President Richard explained that this was the second public hearing for the CDBG grant. He further explained that by State law there must be two public hearings for this grant.

At this time, Council President Richard asked if there were any questions from the Council or the audience regarding the grant.

Ralph Groves, 5 Howard Ave, Hope R.I. asked to speak. He explained that he is not speaking on the grant, but regarding last month's public hearing. He said that he knows that himself and several members of the Council received letters from the Western Home Repair Program Board of Directors. He explained that this letter said that the Board felt he did not follow proper procedures during the public hearing. He said that he thought he was answering questions from the Council and audience in his capacity as a Board member. He wanted to offer his apologies to the Council if he was or if he acted inappropriately and did not follow the proper procedures. Mr. Groves further explained that he thought he was making comments on the draft proposal that himself, Judy Loven and Councilmen Farrar and Budway put together. He said that at this time he would like to submit his resignation from the Board of the Western R.I. Home Repair program.

He stated that letter said he was undermining the process and may cost the grant points; therefore, costing the grant and ultimately the Town money. He said that he does not believe that to be true. He said that the grant proposal that was submitted by the committee consisting of himself, Judy Loven and Councilmen Farrar and Budway was a good one. He feels that the final proposal that was submitted could actually cost us more points because the revitalization was removed from the grant.

Council President Richard said that the CDBG grant is given to the Town through the Western RI Home Repair Program. He feels that at no time during last months public hearing was Mr. Groves out of line in any way, shape or form. He feels that Mr.

Groves was very informative and answered that Council questions well. He said that he knows that Mr. Groves and the Committee has worked very hard on the grant proposal. Council President Richard said that he takes offense to the mention that he allowed Mrs. Tetreault to be insulted. He also said that he could not act on the resignation this evening because it is not on the agenda, and asked Mr. Groves to please reconsider.

Council President Richard asked the other Council members if they feel that he or Mr. Groves was insulting to Ms. Tetreault in any way. Council President Richard said that he feels that the Western R.I. Home Repair Program owes Mr. Groves an apology not the other way around. Council President Richard said that he would not accept Mr. Groves's resignation.

Council Vice-President Budway said that he feels that Mr. Groves was well within his rights as he spoke of the grant last month and that he does not need to apologize to anyone. Council Vice-President Budway asked Mr. Groves to reconsider his resignation.

Mr. Groves said that the same application is submitted every year. He said that he was pleased when the Council appointed the ad-hoc committee to review the grant proposal and try to think of new programs. He said the Committee only had 3 months, and he feels that the committee did a good job identifying new projects for the Town to submit on the grant application.

Councilman Marcello said that when he first was elected to the Council, he was disappointed that the same grant was applied for year after year and never was any other projects considered. He feels that Mr. Groves and the Committee did a good job identifying new projects, and he would like him to reconsider his resignation.

Mr. Groves mentioned that he has spoken with the people that give out the grants, and they said that the roof for the Hope Jackson Fire Station is an acceptable project. They also mentioned that the Town could apply for funds to pay for ambulance services for people without health insurance and funds to make all Town building handicapped accessible.

Councilman Winfield wanted to voice his support for Mr. Groves and asked that the resignation be tabled.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve of the grant and request that it be submitted to the State. (copy herewithin)

Councilmen Marcello and Winfield recused themselves from the next two public hearings.

Motion made by Council Vice-President Budway, seconded by Councilman Marchant to approve the second reading of the ordinance to abolish the Class C liquor license in the Town of Scituate.

The final public hearing is to deal with the issuance of a Class BV license to Richard Lang d/b/a Bentley's Tavern.

Council President Richard explained that since the Town has abolished the Class C license that he had held at that establishment, the Council now must grant him a BV license pursuant to him meeting all of the qualifications.

General and lengthy discussion followed. For complete testimony, please refer to the tape and transcript.

Council President Richard read the application that Mr. Lang submitted for a Class BV license for a restaurant with patio and entertainment. He said that Mr. Lang was asking that the hours of operation be from 10 am to 1 am seven days a week. He said that since the Corner Bistro had a 1am closing time, he can't see why Mr. Lang shouldn't have the same time.

Council President Richard asked Mr. Lang about the patio area.

Mr. Richard Lang, Rocky Hill Road said that they are not planning on using the patio now, but want to enclose it in the future. He wanted to get the approval now so that he would not have to come back in front of the Town Council in the future.

During audience participation, Mr. John Winfield of West Greenville Road asked if the expansion was listed in the public notice? He also said that since Mr. Lang already asked for a Class BV license and was denied, that it could not be issued now because of administrative finality.

Donald Hayden, Tourtellot Hill Road, suggested that the Council might want to have Mr. Lang get all of his approvals before they grant him the license.

Council President Richard said that all ten things have to be completed before the license will actually be issued, and that the Class C license will not be abolished until the Class BV is issued.

The Council decided that they couldn't grant a license for a future expansion.

Town Clerk Long stated that the liquor license has to be for a specific blueprint, not for something that might happen in the future.

Council President Richard said that as far as entertainment goes, unless they charge admission, the Town does not have to grant a license for entertainment.

Motion made by Council Vice-President Budway, seconded by Councilman Farrar and voted by a roll call vote to grant a BV license to Richard Lang d/b/a Bentley's Tavern for a restaurant for the specific plans that are in front of the Council at this time, and that the hours of operation be from 10 am to 1 am.

Councilman Farrar-aye

Councilman Marchant-aye

Council President Richard-aye

Council Vice-President Budway-aye

Motion carries with four affirmative votes.

At this time, Councilman Marcello rejoined the meeting.

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

Councilman Marcello--aye

Council Vice-President Budway--

aye

Councilman Marchant—aye

Council

President Richard—aye

Councilman Farrar--aye

Motion carries with five affirmative votes.

At this time, Councilman Winfield rejoined the meeting.

Motion made by Council Vice-President Budway, seconded by Councilman Marchant and voted by consent agreement to table the approval of the Council minutes of April 13, 2006.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the closed meeting of April 13, 2006.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approved the minutes of the April 4, 2006 Financial Town Meeting.

Council Vice-President mentioned that he thought that the statement included in the minutes of the Financial Town meeting about refer to electronic tape for complete discussion and testimonies given should be included on all minutes.

After a brief discussion, the Council agreed.

During departmental reports, Councilman Marcello told Richard Iverson, Director of Public Works, that he has received phone calls complaining about Hope Park. Councilman Marcello mentioned that there was discussion about a buffer zone when the park was built to reduce the noise in the neighborhood. He also said that the complaint mentioned garbage in the park.

Richard Iverson said that the person that complained should contact him, and he mentioned that the Town doesn't currently lock the gates at night, but maybe we should in the future.

David Provonsil said that the Town Solicitor D'Agostino has executed a purchase and sales agreement for the land on Hope Furnace Road.

Councilman Marcello asked Mr. Provonsil about the house lots behind the old Sunoco station on Route 6 across from the IGA Plaza.

David Provonsil said that the subdivision is going along smoothly, and that there will be 7 house lots created.

Councilman Marchant asked Mr. Provonsil about the status of the strip mall plaza at the intersection of route 6 and 102, where the Dunkin Donuts was to be built.

Mr. Provonsil said that they have all of the approvals for that project and all they have to do now is get a building permit.

Richard Tucker, Emergency Management Director, told the Council that most elected officials will have to be NIMS certified by September 1, 2006 for the Town to receive any federal money. The officials that need certification are Council President Richard, Vice-President Budway, Town Treasurer Przybyla and Town Clerk Long, but he urges all Town Councilman to become certified. He explained that he will get the information for the people and that there is a tutorial on the web. After completing the tutorial, you can even take the test on line. He did mention that if anyone needs any assistance to please contact him.

Richard Tucker also mentioned that the Town should have an ordinance to allow the Town Council President or their designee to declare a state of emergency and forced evacuation.

Councilman Marchant thought that the Town Council could just grant that power without an ordinance.

Peggy Long, Town Clerk stated that she spoke with the State, and they want it in the form of a chapter in our charter (the Town of Scituate doesn't have a charter) or an ordinance.

Town Council President Richard asked Town Clerk Long to put it on the agenda for June 2006 Town Council meeting.

Senior Services Director Judy Loven told the Council that it has been very busy at the meal site. She said that they will be starting a new program about healthy eating.

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

Motion made by Councilman Marchant, seconded by Councilman Marcello and voted by consent agreement to approve the Tax Assessor's abatements in the amount of \$115.85.

Motion made by Councilman Farrar, seconded by Council Vice-President Budway and voted by consent agreement to allow Director of Public Works, Richard Iverson, the authority to approve the joint pole location at the intersection of Ridgewood and Crestview.

Town Council President Richard said that the next agenda item is going to be a very hard item. He said that it is the resignation of one of the Town's hardest working volunteers, Mr. Christopher Modisette. Council President Richard said that Mr. Modisette has been invaluable member of both the Land Trust and the Conservation Commission, and his hard work and dedication will be sorely missed. He said that Chris Modisette has submitted his letter of resignation from both the Conservation Commission and the Land Trust. Council President Richard read Mr. Modisette's letter which states that with his new job it would impossible for him to carry on. He said that a lot of the grants that the Town applies for are given out by the USDA, which is the organization that Mr. Modisette is employed by. They asked for an advisory opinion, and he was told that he could carry on in an advisory role, but not as a voting member.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to accept with regret the resignation of Chris Modisette from the Conservation Commission and the Land Trust.

Council President Richard instructed Town Clerk Long to sent Mr. Modiestte a letter thanking him for his many years of dedicated service to the Town. He also mentioned that it will be hard for the next member to fill his shoes.

Council Vice-President Budway said that he thought it would be a nice idea to have ceremony recognizing the outstanding volunteers we have in this Town.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to adopt the resolution for Peace Officers Day 2006. (copy herewithin)

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to adopt the resolution urging passage of the Housing Works RI Legislative Platform. (copy herewithin)

Motion made by Councilman Budway, seconded by Councilman Farrar and voted by Roll call to adopt the resolution authorizing a Special Financial Town Meeting. (copy herewithin)

Councilman Marchant-aye

Councilman Farrar-aye

Councilman Winfield-aye

Council Vice-President Budway-aye

Councilman Marcello-nay

Motion passes with 4 affirmative votes and one negative vote.

Councilman Marcello said that he doesn't approve with this type of vote. He feels having just the Town Hall open for voting from 9:00 AM to 5:30 PM is not sufficient, he feels that there should be more polling places open and be a full day referendum. He said that we have never voted on a school bond in this manner before.

Council Vice-President Budway said that the hours that people are able to cast their ballots at the High School should be more specific.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to table the approval of the resolution introduced by Councilman Marcello regarding amending the RI Farm, Forest and Open Space Act.

Council President Richard told Councilman Marcello that he appreciates his hard work in drafting this resolution and suggested that when the Council speaks with John McFayden next month, that we review it with him.

Councilman Marcello said that he didn't expect for this to be passed tonight, but he feels that this is something we can do to protect the Town in the future.

Council President Richard said that the new appraisal has come back and that when Mr. McFayden comes to next months meeting, we will have hard numbers and be able to plot our strategy.

Councilman Marcello said that if resolution does pass the PWSB would only be able to declare a 1000 acres farm, forest and open space instead of over 9000 acres. But he said to do that we would need an act of legislation.

Council President Richard said that Representative Carol Mumford introduced legislation to prohibit PWSB from being able to apply for Farm/Forest and Open Space designation but the bill never got out of committee.

Councilman Marcello said that he would welcome counsel review of the proposed resolution.

Town Solicitor David D'Agostino said that he feels that Mr. McFayden should review the resolution.

Council Vice-President Budway said that he feels that the courts should look at the intent of the law. He said that in the preamble to the law it explains what the intent of the law is. He feels that the law should be changed to reflect the true intent of the law.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to authorize Council President Richard to sign the Resource Recovery contract.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway to approve the Tax Collector's salary of \$37,983.36 as of 10-13-06.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve the request for a third dog to William Pimental of 895 Tourtellot Hill Road.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to ratify the Public Works contract.

Council President Richard explained the next agenda item. He explained that at the Financial Town Meeting of 2000, the residents of the Town gave the Town Council the authority to accept the Worker's Compensation Act. What this Act does is set limits on Towns liability in workers compensation cases. Council President Richard said that even though the Council was authorized to accept the Act, they never did. Tonight he would like to have the Council accept the Act as of April 2000.

Councilman Marcello said that he spoke with one of the lawyers at his firm that specializes in Workers Compensation Law. He said that it is not as easy as just accepting the Act, there are a lot of the things the Town has to do once the Act is accepted. He said that there is a notification process, the Town has to post a bond with the Department of Labor among other things. Councilman Marcello agrees with the Town accepting the Act because it does limit the Town's liability but suggested that the Town Solicitor advise the Council at the next meeting the steps that have to completed before this Act becomes effective.

Motion made by Councilman Farrar, seconded by Councilman Marchant to accept the Workers Compensation Act effective April 2000.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to advertise and post up to seven opening for the Affordable Housing Overview Commission.

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to reappoint the Hope Sewer Committee members for a term expiring May 2007 (list herewith).

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to disband Beautification Committee.

Council Vice-President Budway explained that the committee has not met in a long time and he feels it would be best to disband the committee.

Motion made by Councilman Winfield, seconded Council Marchant and voted by consent agreement to pay early expenses of \$42,782.80, early expenses old budget of \$24,166.30 regular Council expenses of \$12,078.01, regular council expenses old budget of \$36,988.60 and supplemental Council expenses of \$ 49,509.07 and supplemental expenses old budget of \$10,754.61 for a total of \$176,279.39.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to cancel the closed session.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to adjourn at 9:55 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

For complete testimony please refer to the audiotape.