

A regular meeting of the Town Council held for the Town of Scituate on Thursday, July 13, 2006 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, Council President Richard asked the Town Clerk to call 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	

The first agenda item is the swearing in of Probational Patrol Officer, Francisca Cochran. Chief Mack told the audience that Ms. Cochran is a graduate of North Providence High School and the R.I. Municipal Police Academy. She served in the R.I. National Guard as a Military Police Officer and she attained the rank of Specialist. She was awarded the Army Achievement medal, Army Reserve Components Achievement medal, Army Service ribbon, Army Reserve Overseas Training ribbon and the R.I. Governor's Citation for Excellence. Ms. Cochran resides in Providence with her husband Keith and her daughter Skyla.

Council President Richard explained to the audience about the agenda item that is listed as "Hunting and Shooting in the Town of Scituate". He said that he noticed that there are a lot of people in the audience regarding this agenda item. He said that the intent of the Council is not to ban hunting in the Town. He said that the Council wants to discuss where firearms can be discharged in the Town. Since DEM has specific regulations regarding hunting, the Town feels that there should also be regulations regarding the discharge of firearms. He said that this needs to be discussed because of complaints from residents in regards to people shooting too close to their homes. He assures the audience that this has nothing to do with hunting in the Town.

Mr. Richard A. Patenaude, Lobbyist and Director of the RI Federated Sportsman Club, Inc., asked if he could have a copy of these minutes once they have been approved. He said that he needs them because he heard a lot of questions regarding this agenda item and wants to be sure that it doesn't have anything to do with hunting in the Town.

Next on the agenda is a presentation from the developers of the Hope Mill Village Project. In attendance are Vincent Coccoli, real estate developer, John Robinson of Robinson Design Inc., and Kevin Morin PE from DiPrete Engineering.

David Provonsil, Building Official, gave the Council a brief outline of the project. He said that there are a lot of approvals that they will have to get from the Town before any building permit can be issued. He said that this project contains about 200 condo units in the first phase of the project. He said that the developers will have to get a special use permit from the Zoning Board, site plan review from the Planning Board and will have to get the Town Council's permission to allow them to tie into the Town's

reserve in the West Warwick Sewer Authority. Mr. Provoncil said that a project this size needs a sewer connection and that the Town has been paying for years for a reserve capacity in the West Warwick Sewer Authority.

Michael Moan, Plainfield Pike, asked how much this project will cost and who will be paying for the sewer connection.

Council President Richard said that the developer will be able to answer those questions.

Mr. John Robinson, PE AIA President of Robinson Design Inc. gave the Council an overview of the project. He said that the current project is going to be of historic preservation. He said that the current mill complex will be renovated to contain 132 residential units, 8 commercial units and a museum on hydro electric power. He also said that there is 10-15 acres where they would like to build a stand alone condo development. He said the big thing with that with a project of this size they have to tie into a sewer system. His design is to run a gravity fed sewer line right along the old railroad beds through Coventry then tie in to the West Warwick sewer line for a total of a mile and a half. Mr. Robinson said that they would like to work with the Hope Associates and build a pedestrian bridge over the Pawtuxet River and run the sewer line through the bridge.

This would allow them to connect their land on both sides of the river to allow for a walking path. Mr. Robinson said that the developers of this project want to work closely with the Town and nonprofit organizations so that everyone will benefit from this project. He said that they are planning on granting land to other organizations such as Hope Associates to allow them to have frontage on the river.

Kevin Morin, P. E. who has been designing the system told the Council that he has calculated that the Mill Project will need approximately 64,000 gallons per day and if the Hope Sanitary Associations, Hope School and Police and Fire Companies join in, that will be an additional 12,700 gallons per day. He explained that currently the Town has a reserve capacity of 78,000 gallon per day. He said that means that the Town has enough capacity to service this project. He also said that the developers of this project will pay for all of the sewer lines and then just assess a fee for costs only. He said that they will not have the people pay for installation, only the usage and maintenance fees.

Council President Richard asked if they have contacted Kent County Water about the water lines.

Mr. Robinson said that the water expert is not in attendance this evening, but he believes that they are going to try and use the water from the river and not Kent County Water.

Council President Richard said he feels that this will not be possible because that river is a "Class B" River and not fit for human consumption. He asked Mr. Robinson if he knows how many times the river has been closed because of water contamination up near Ring Rock Acres.

Councilman Marcello suggested that they figure out if they have enough water before they ask for the sewer line.

Councilman Salisbury asked how many of these units will be classified as “Affordable Housing”?

Mr. Robinson said none in this phase of the project. But that they will commit to affordable units in the next phase.

Councilman Winfield said that if there are no affordable units in this phase he can not agree to the project.

Councilman Salisbury agreed with Councilman Winfield.

Mr. Robinson said that if they pledge so many units in phase three this might be sufficient for the State in regards to meeting the Town’s quota for affordable housing units.

Mr. Vincent Coccoli, Real Estate Developer said he will pledge 275 units in phase three of this project.

Councilman Salisbury said that phase three is still on the drawing board and he is not sure if that development will ever come to be completed. He suggested that they should make a good faith offer and dedicate some units in the Mill project to affordable housing.

Mr. Robinson asked if the Town could suggest that a study be conducted to see the feasibility of using the sewer reserve at the developer expense. He said that the West Warwick Sewer Authority will not let them do the study without the Town’s approval.

Mr. Vincent Coccoli, Real Estate Developer said that he will dedicate 10 % of the Mill project for affordable housing.

Councilman Marcello suggested that an agreement is draw up and that they move forward with the project.

Councilman Farrar suggested that they try to settle the water issues.

Councilman Salisbury said that the Council was first led to believe that these were going to condos not apartments.

Council Vice-President Budway said that there is inconsistency in the amount of water usage, if the apartments are going to have 2 bedrooms or 3 bedrooms and this will make a difference in the amount of sewage the project will generate.

John Chevalier, Mill Street, asked if the people that tie unto this system from Mill Street will have to pay for the lines or just a usage fee.

Mr. Robinson said that they will not have to pay for the lines but will have to pay a usage and maintenance fee.

A resident of 91 Jackson Flat Road asked this sewer line will affect the landscape along the walking path.

Mr. Robinson said that the only disturbance in the landscape would be a manhole cover every 300 feet.

Mr. Swanson, 24 Essex Hopkins Road asked if this project is being funded with State and Federal tax credits. Mr. Robinson said it was.

Motion made by Councilman Farrar, seconded by Councilman Winfield and voted by consent agreement to reappoint George Smith, Electrical Inspector for a term expiring July 2007.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to re-appoint Jeffrey Laurie and Michelle Esposito to the Juvenile Hearing Board for a term expiring July 2008.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to appoint Jewell Augustine as the alternate member of the Board of Canvassers for a term expiring March 2007.

Motion made by Councilman Salisbury, seconded by Council Vice – President Budway to table the appointment of a District #3 Moderator.

Motion made by Council Vice – President Budway, seconded by Councilman Salisbury and voted by roll call to appoint Lisa Domenica Sargent as District #3 Clerk for a term expiring January 2007.

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

Motion passes with 5 affirmative votes and 1 negative vote.

Motion made by Council Vice President Budway, seconded by Councilman Salisbury and voted by roll call to appoint Joseph Adam Steiner III as District #4 Clerk for a term expiring January 2007.

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

Motion passed with 5 affirmative votes and one negative vote.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to accept with regret the resignation of Alfred Smith from Pawtuxet River Authority.

Council President Richard asked that Town Clerk Long send Mr. Smith a letter of appreciation from the Council for his many years of dedicated service and also to post the vacancy.

During discussion the subject of discharging guns in the Town of Scituate was discussed. Chief Mack gave the council several ordinances from different communities on how they regulate shooting in their Town's. He explained to the Council when the Police receive a complaint, they can usually resolve the situation.

Councilman Marchant asked if there is a definite safety issue can the police intervene?

Chief Mack said that shooting is not allowed in compact areas.

Diane Miele, 78 Ashland Road told the council about the excessive ATV's in her neighborhood. She said they ride on the road and disturb the environment.

She said that they use the piece of land across the street from her and they have jumps made from rocks. She is afraid someone will get hurt and that they might hurt a young child. She said they are very noisy and disruptive.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the regular Council minutes of June 8, 2006 with the stated corrections.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the minutes of the closed session of June 8, 2006.

Councilman Winfield recused himself from the approval of the minutes of this closed session of June 8, 2006 dealing with Bentley's Tavern. Councilman Marcello did not vote because he did not attend the meeting.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to approve the minutes of the closed session of June 8, 2006.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the approval of the closed minutes of June 22, 2006.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve the minutes of the work session of June 22, 2006.

Motion made by Councilman Marcello, and seconded by Councilman Farrar to open the Public Hearing. Roll call:

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

Motion made by Councilman Marcello, seconded by Councilman Farrar and voted by consent agreement to approve the second reading of the ordinance allowing the Town Council President or his/her designee to declare a state of emergency. (copy here-with in)

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the first reading of the ordinance adding Brandy Brook Road to the list of roads with no thru-trucking at the recommendation of the Traffic Safety Committee.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by roll call vote to close the Public Hearing.

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

During Departmental Reports, Chief Mack said that in response to the petition in the Council's packet, he has spoken to the residents of Mary Greene Road concerning the unauthorized parking and people (mostly teenagers) sneaking onto the Brightman property. He told residents if they see anyone, to call the Police. He also assured the Council that he is having more police cars patrol that area. He also told the Council that residents said there haven't been as many problems lately.

Councilman Winfield told the Chief that he has been noticing a lot of beer cans at the basketball court.

Chief Mack said that he will look into it.

Councilman Marcello asked Mr. Iverson about the placement of the historic lighting in the North Scituate Village. He said that they seem a little too spread out and suggested that we put them closer together.

Mr. Iverson said to cover the area that was originally decided upon and without over spending our budget this is how they would have to be placed. He said that if the Council wishes, he could not cover so much area and have the lights closer together. He said that we have enough time to decide because the grant money will not be available until the fall. He said to put the lights closer together he would need 6 or 7 additional lights.

Judy Loven, Senior Services Coordinator said that Kathy Blaine donated a wedding cake to the center for its wedding anniversary party. She said that everyone had a wonderful time and that the center is getting busier. She asked the Council if she ran a bazaar in December could she use the money to increase the number of activities at the Senior Center.

Council President Richard assured her that they would release the money she raised to use to help the Center.

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

Under audience participation, Council President Richard asked if anyone in the audience would like to address an agenda item first. After that, if there is anyone that has anything other than an agenda item, we will then consider that.

Council President Richard asked if anyone else had any comments.

Hilda Hebert, 41 Harrington Ave. asked if there was anything that could be done about the multiple zoning violations by her neighbor. She explained that it is making it very difficult for her to sell her house because the mess next door.

Mr. Provonsil, Building Inspector said that he looked at that piece of property in June and did not find any violations.

Councilman Salisbury asked Mr. Provonsil if he could recheck the property.

Tim McCormick, Trimtown Road asked what is happening with the land for the proposed Middle School.

Council President Richard said that we have not gotten a letter from the PWSB telling the State that they would be in favor of the Town buying the piece of land up off Essex Hopkins Road, which was one of the conditions the State Properties Committee put on the sale of the land. He said that he will contact the PWSB.

Council Vice-President Budway said that he is concerned about the adequacy of the water supply at the Essex Hopkins site.

Motion made by Councilman Farrar, seconded by Councilman Winfield and voted by consent agreement to reappoint George Smith, Electrical Inspector for a term expiring July 2007.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to re-appoint Jeffrey Laurie and Michelle Esposito to the Juvenile Hearing Board for a term expiring July 2008.

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Councilman Winfield-aye	Councilman Marcello-nay
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Councilman Marchant asked if there is a definite safety issue can the police intervene.

Chief Mack said that shooting is not allowed in compact areas.

Diane Meile, 78 Ashland Road told the council about the excessive use of ATV's in her neighborhood. She said that they ride on the road and disturb the environment. She said that they use the piece of land across the street from her and they have jumps made from rocks. She is afraid that someone will get hurt and that they might hurt a young child because of their reckless driving on the road. She also said that they are very noisy and disruptive.

Richard Iverson, Public Works Director said that he will see if the owner of the property will allow the Town to do something about it.

Diane Meile also said that it is not just people from Scituate but from other communities.

Linda Carlow, 274 Westcott Road said that the ATV's are being ridden right down the middle of the road, she said that it is very dangerous and disruptive.

Chief Mack urged the residents to call the Police when they notice this disturbance and he will dispatch a Police Officer.

Julian Caduto, Byron Randall Road said that he feels that the nuisance dog ordinance should be amended to allow a complaint from just one neighbor. He explained that his neighbor's dog barks all night until at least 12 midnight and that it is very disruptive to him and his family. He said that no other neighbors are close enough to be disturbed. He feels that the Animal Control Officer should have the authority to cite a person for a nuisance dog if they witness the disturbances.

Council President Richard explained that a few years ago we tried to allow something very similar to his suggestion but then very neighbor with a grudge against each other were lodging complaints and it got to be a nightmare.

Councilman Marcello suggested that the legal counsel reviews the other Town's ordinances and come back to the Council with a suggestion.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to award the bid for the police cars to the only bidder MHQ for the bid price of \$41,990 for two Crowne Victorias.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the discussion of a ordinance banning the expenditure of municipal funds to advocate for local or state issues.

Next on the agenda is the discussion about the renovations at the High/Middle School.

Council President Richard explained that since the bond issue failed at the Special Financial Town Meeting, the Town Council and School Committee need to figure out a plan to do the needed renovations.

School Committee member June Gugliemi told the Council that the School Committee had a long discussion at their last meeting and decided that they need to go ahead with the 5 million-dollar project. They were wondering when the Council could get the referendum on the ballot.

Council President Richard suggested that we wait until January 2007 when the new Council and School Committee are elected. He feels that one of the reasons that the bond issue failed is because it was done too quickly without providing enough information to the public. He feels that we should take our time.

Council Vice-President Budway agreed with Council President Richard he said there was misinformation about the 5 million-dollar bond. He had heard that if the bond issue went through that they would never be a new school. He also said that the uncertainty with the PWSB was also an issue.

Tim McCormick, Trimtown Road said that he feels that we need to have a vision, we need to look ahead to the future mandates from the State and devise a plan that will work. He strongly recommends that there be two options on the referendum, one for the

renovation and one for a new school. He feels that the people need to have a choice. He also suggested that a group be formed to aggressively look for another piece of land that a new school could be built.

Council Vice-President Budway suggested that we take our time with a new school and that we might build the wrong thing at the wrong time, but that we need to address the renovations and ventilation system now. He feels that the parties should come together for a common goal.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to wait until January and then schedule a Special Financial Town Meeting.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve July 2005 abatements in the amount of \$591.82 and additions in the amount of \$12,805.23.

Motion made by Councilman Winfield, seconded Councilman Marchant and voted by consent agreement to pay early expenses of \$109,056.19 regular Council expenses of \$222,771.44 and supplemental Council expenses of \$61,100.26 and additional supplemental Council expenses of \$49,579.36 for a total of \$442,507.25.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the closed session scheduled for this evening.

During Council remarks, Council Vice-President Budway asked if we could schedule a worksession to start to review next years budget.

Councilman Farrar said that Olde Home Days went very well and that Donna Rourke was named Citizen of the Year. He explained that Donna is very involved in the community and the Chopmist Hill Fire Company and that her 9-year-old grandson who thinks she is just wonderful submitted the nomination.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to adjourn at 10:42 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.

Please refer to electronic tape for complete discussion.

Attest:

Margaret M. Long, Town Clerk