

A regular meeting of the Town Council held for the Town of Scituate on Thursday, November 9, 2006 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:30 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Council President Richard asked Town Clerk Long to call 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	

First on the agenda is the auditor's report. Present tonight were Pat Boucher and Cheryl Langevin from Bacon and Company to give a brief over view of the report and to answer any questions that the Council may have.

Council President Richard explained to the audience that this report cannot be changed by the Council, that Ms. Boucher and Ms. Langevin are here to give the Council a brief overview. The suggestions that are made are then acted upon by the Council and the Treasurer for the next year's audit.

Cheryl Langevin said that pages 1 and 2 explain that this report is a clean audit opinion. She further explained the Town's net assets along with the fund balances of both the School and Municipal Departments are listed in the report.

Town Treasurer Przybyla told the Council that there are certain requirements of the new accounting guidelines (GASB) that the Town has not been able to adhere to as of this time. He assured the Council that we will be in compliance next year.

Town Council President Richard asked if there is a certain software package that is needed for the Town to come into compliance.

Town Treasurer Przybyla said no, but there has to be a lot of research done. We need to identify the infrastructure including roads and capital asset lists. He said that we might need to hire a consultant or engineer to gather the information for us. He said that we need to identify how many miles of roads that have been added since 1980.

Council President Richard suggested that David Provonsil and Richard Iverson may be able to help.

Town Treasurer Przybyla also said that the Town has to start to report post employment benefits as a liability and have a specific account to pay for it. We need to recognize it as a liability and have a mechanism in place to pay for it. He said that we can budget for it yearly and put the money in a restricted account and just withdraw the money as we need it.

Council President Richard asked if there are any further questions and explained that the first budget hearing will be a review of the Auditor's report and management letter and implement any changes for the fiscal year 2007-2008.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by a roll call vote to open the Public Hearing for the renewal of Liquor and Victualling Licenses, the second reading of the ordinance to accept the provisions of Chapter 29-38 of Title 28, R.I.G.L.-The Workman's Compensation Act.

Councilman Marcello-aye

Councilman Winfield-aye

Councilman Farrar-aye

Council Vice-President Budway-aye

Council President Richard-aye

Councilman Marchant-aye

Motion passes the Public Hearing is now open.

Councilman Marcello recused himself from the vote on the liquor licenses.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to renew the Class A license for Anthony E. Abbruzzi, Jr., d/b/a Scituate Liquor Shoppe, pending the receipt of a letter of good standing from the Liquor Control Board, and that all state and local taxes are current and that the hours of operation be from 9AM to 10PM.

Motion made by Council Vice-President Budway, seconded by Councilman Farrar and voted by consent agreement to renew the Class A liquor license for Nicholas Izzzi, d/b/a General Country Store, pending the receipt of a letter of good standing from the Liquor Control Board and that all state and local taxes are current and that the hours of operation are same as last year.

Councilman Winfield recused himself from the next liquor licenses renewal.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to renew the Class BVL liquor license for Famous Pizza with the serving area to be the same as last year and providing that the Town receive a letter of good standing from the Liquor Control Board and that all state and local taxes are current and that the hours of operation be the same as last year.

Motion made by Council Vice-President Budway, seconded by Councilman Farrar and voted by consent agreement to renew the liquor license for Richard Lang, d/b/a/ Bentley's Tavern pursuant to the receipt of a letter of good standing from the Liquor Control Board and that all state and local taxes be paid and that they will be no outside seating and the hours of operation are the same as last year.

Councilman Winfield returned at this point.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway to renew the BV liquor license for Alves Inc. d/b/a Gentleman Farmer Restaurant.

General discussion followed.

Council Vice-President Budway asked if they can serve food and liquor on the second floor.

Councilman Farrar said that he believes that the septic system will not handle both floors being used, but suggested that we ask Building Official Provonsil.

Mr. Provonsil said that food and liquor couldn't be served upstairs because of DEM restrictions.

Motion made by Council Vice-President Budway, seconded by Councilman Farrar and voted by consent agreement to approve the BL liquor license for Alves Inc.

d/b/a/ Gentleman Farmer Restaurant, pursuant to the receipt of a letter of good standing, that all state and local taxes be paid and that the service area is for the first floor only and that the hours of operation be the same as last year.

Next on the agenda is the expansion of the BV liquor license for the Corner Bistro to include the existing outdoor patio and exterior premises outlined on their plan.

Council President Richard asked if everyone knows where the existing outdoor patio is located. Council President Richard asked Mr. Marcello to explain the areas that he wants to be able to serve alcohol.

Mr. Thomas Marcello of Old Plainfield Pike stated that he would like to serve on the existing outdoor patio and to be able to serve adjacent to the parking lot. He said the area adjacent to the parking lot would be used for out door functions, weddings, graduation parties, etc. He said that it would not be used all the time probably just on weekends. He said that the existing outdoor patio will be used all of the time, not just for special functions.

Council Vice-President Budway asked if there will be enough parking if this area is expanded.

Mr. Marcello stated that he has a 50-seat restaurant with a parking lot that can hold 100 cars.

Council Vice-President Budway asked if they plan on serving both food and alcohol outside.

Mr. Marcello and Mr. Simone said that they will be serving both.

Council Vice-President Budway asked Town Solicitor D'Agostino how this affects "rule 27" of the liquor control board.

Mr. D'Agostino said that just as long as the area that an applicant wants to serve alcohol is clearly marked on the plan submitted to the Town Council, then it is fine.

Councilman Farrar asked how many people do they feel that would be at a function outside.

Mr. Marcello said between 75-125.

Lt. David Randall informed the applicant that any function over 100 people you are required to hire a detail officer for traffic control.

Council President Richard asked if there is anyone in the audience that would like to ask any questions or voice any concerns.

Mr. Carpenter, 972 Chopmist Hill Road said that he lives next door to the restaurant and is concerned if their septic system can handle all of these people.

Mr. Marcello said that if they had an outdoor function they would rent port-a-johns. He also said that he plans on upgrading the septic system in the future.

Mr. Marcello and Mr. Simone said they are looking for an 80x400-foot area adjacent to the parking lot for outdoor functions.

Councilman Winfield said that he is concerned that the notice didn't say expansion of the liquor license. He feels that the out door entertainment would be bothersome for the neighbors.

Judy Loven, Director of Senior Services told the Council that the Senior Center continues to be busy and she will be having her first bingo shortly.

Motion made by Councilman Farrar, seconded by Council Vice-President Budway and voted by consent agreement to accept and file the departmental reports as submitted.

During audience participation Tim McCormick of Trimtown Road asked if the Town has to just report the post retirement benefits for its employees or does the Town have to fund them as a liability.

Town Treasurer said that at this point the Town just has to record it as a liability. Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to re-appoint Robert Budway, Theodore Przybyla and Richard Iverson to the Insurance Review Board for term expiring November 2007.

Motion made by Councilman Farrar, seconded by Councilman Winfield and voted by consent agreement to appoint Lt. David Randall to the Traffic Safety Committee for a term expiring December 2006 to fill former Deputy Chief Charles Collins position.

Chris Modisette representing the Land Trust, told the Council that the application for the DEM Open Space Grant needs to be approved by the Town Council. He explained they are applying for the grant for the purchase of a conservation easement on 116 acres. He said that they are applying for \$400,000 from DEM and that the grant requires a 50% match. The Land Trust is looking for partners for 50% match.

Council President Richard said that he strongly recommends that the Council approve the grant. He explained that if the grant is awarded we will still have to get voter approval at a Financial Town Meeting for any funds that the Town has to expend.

Motion made by Councilman Winfield, seconded by Councilman Farrar and voted by consent agreement to approve the Dem grant application.

Council President Richard said that the Council recently received a letter that Richard Blogett, Providence Water Supply Board, wrote to the State Properties Committee stating that the PWSB is not in favor of school being built at the Esek Hopkins site. Mr. Blogett said that the PWSB said that it would be harmful to the aquifer.

Council President Richard said that he feels that after reading the Town's lease with the State for that property, that the area could be used for passive recreation. He suggests it might be a good place to build recreation fields.

Councilman Marcello said that the State Properties Committee could still over rule the PWSB opinion.

Council President Richard said that that is a possibility but a very slim one.

Councilman Winfield said that the letter suggested that the Town look into other parcels of land instead of the Esek Hopkins site.

Council President Richard agreed with Councilman Winfield's interpretation of the letter.

Chris Modisette said that the Town would have to prove a tremendous hardship for the Committee to allow the land to be used for a school, they are really looking for conservation of the land.

Town Solicitor D'Agostino said that he recommends the passage of the first version of the dog nuisance ordinance. He explained that it addresses the central concern, which is the number of people from different households that have to complain for a complaint to be initiated. He further explained that a civil action could always be initiated to abate the situation without having an impound procedure spelled out in the ordinance.

Councilman Winfield said that he doesn't agree with only one person being needed to initiate a complaint.

Council President Richard said that it would have to be substantiated by the Animal Control Officer or a Police Officer. Then ultimately the Animal Control Officer would be the judge in each individual case.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to accept the first version of the dog nuisance ordinance and to have the first reading of the ordinance at the December 14, 2006 Town Council meeting.

Next under discussion and/or approval is the request from Peter Bancroft, Director of Northwest Health Community Care, asking for the Town's support of their Federal grant application to build a health center just over the line in Foster.

Councilman Marchant said that he is opposed to this request. He explained that the Scituate Health Alliance has been working for 6 years to establish a one of a kind community based primary health care facility, and if this other health center gets funded first, it will ruin any chances of the Health Alliance being granted any money from the federal government.

Peter Bancroft, said that both centers could put in for grants and that they will not work against each other. He said that he already runs a center in Burriville that services the medically underserved. He said that this center would serve people within the same criteria and that there are a lot of people that fit into that category in Foster and some in Scituate. He assured the Council that this would not hinder the Alliance from receiving some other federal grants.

John Marchant said that he disagrees, and that he has spoken with Dr. Fine who also disagrees.

Denise Saran, Davis Road, said that she is on the Health Alliance Committee and that the committee has been working on a community based health center for the last 6 years. She that they are very close to achieving their goal and another health center in the area would hurt their plan. She said she strongly apposes it.

Councilman Marcello said that he feels that since the two different groups are seeking funds from different sources, therefore the Council's support shouldn't effect the funding of the Scituate Health Alliance program.

Council Vice-President Budway said that he feels that the Health Alliance Committee has put in a lot of hard work to this project and he would not want anything to

jeopardize it; therefore, he is not in favor of giving a letter of support to Mr. Bancroft at this time.

Councilman Farrar asked Mr. Bancroft when he needs the letter of support.

Mr. Bancroft said that he has to have it by next week to submit it with the grant proposal.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to table the request until the Special meeting next week to allow Dr. Fine to address the Council on his thoughts on this subject.

Tax Assessor Karen Beattie told the Council that the GIS sharing agreement has been reviewed by Mr. Modisette and the Town Solicitor who feel that it is a good agreement.

Council President Richard said that he feels that sharing information makes sense.

Councilman Winfield asked if this included sharing of personal data.

Mrs. Beattie said that it is what is already on her system, which is all public information.

Motion made Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to approve the GIS data sharing agreement.

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to pay early expenses in the amount of \$202,746.69.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to pay regular expenses in the amount of \$70,229.92.

Motion made by Councilman Marchant, seconded by Councilman Farrar and voted by consent agreement to pay supplemental expenses in the amount of \$91,917.22.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to adjourn the meeting at 9:45 PM and to keep the minutes of the meetings previously closed to the public: closed pursuant to R.I.G.L. 42-46-4 and 42-46-5 and to allow the Town Clerk 14 days to prepare the minutes of the meeting.

Attest:

Margaret M. Long

Town Clerk