

A regular meeting of the Town Council held for the Town of Scituate on Thursday, August 10, 2006 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:06 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 --present	Councilman Farrar -- present
Councilman Marchant – present	Councilman Winfield--present
Councilman Marcello -- absent	Council Vice-President Budway --present
Council President Richard – present	

The first item on the agenda is two promotions in the Police Department. Chief William Mack introduced Sergeant Stephen Lang. Sergeant Lang began his law enforcement career with the Scituate Police Department as a full time dispatcher in August of 1987. He entered the RI Municipal Police Training Academy in December 1998. After graduating from the Police Academy, Sergeant Lang worked as a uniformed Patrol Officer until March of 1991 when he was assigned the position of detective and held that position until July 1997. Sergeant Lang was promoted to the rank of Sergeant in July 1998. Sergeant Lang graduated from the U.R.I. Criminalistics B.C.I. School in 1991. He graduated from the Roger Williams University with a B.S. in Criminal Justice in 1999. He also graduated from the F.B.I National Academy 220th session in 2005. Sergeant Lang resides in North Scituate with his wife of 17 years and his two children, Douglas and Jennifer. At this time, Lieutenant Lang's son Douglas pinned him with his Lt. Bars.

Patrolman Craig Hawkins began his law enforcement career with the Scituate Police Department as a full time Police and Fire Dispatcher in March of 1990. He entered the R.I. Municipal Police Training Academy in December 1990. After graduating from the police academy, Patrolman Hawkins worked as a Police Officer until January 2004 when he was promoted to Patrolman First Class. He has attended numerous schools including the U.R.I. Criminalistics B.C.I. School in 2003. During his time as a Patrolman with the Scituate Police Department, he has been awarded nine commendations for Outstanding Police Achievement. Sergeant Hawkins lives in Coventry with his wife of twenty-two years, Jennifer and their three children, Steven, Amanda and Patricia.

At this time, the Council recessed to have cake and coffee in honor of these promotions.

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

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

Motion passes; Public Hearing for the second reading of “No Thru Trucking” Ordinance is now open.

Motion made by Councilman Salisbury, seconded by Councilman Marchant, to dispense with the reading and voted by consent agreement to approve the second reading of said ordinance. (copy attached)

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by a role call vote to close the Public Hearing.

Councilman Salisbury-aye

Councilman Farrar-aye

Councilman Winfield-aye

Council Vice-President Budway-aye

Council President Richard-aye

Councilman Marchant-aye

Motion passes the Public Hearing is closed.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to approve the July 13, 2006 Town Council minutes with the stated corrections.

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to approve the minutes of the Closed Session of June 22, 2006 with the stated corrections.

During Department reports, Councilman Salisbury mentioned that he has been noticing that a lot of the sandwich board signs throughout the village are not being brought in at the close of business like the ordinance requires. He asked Town Clerk Long about the sign she has out informing residents about the deadline to register to vote. He said that he feels that the Town should abide by the same sign ordinance as the rest of the residents have to. He said that he feels that the sign should be brought in every evening to conform to the sign ordinance.

Town Clerk Long said that if she has to take the sign in every evening it would defeat the purpose of the sign. She explained since we are a “bedroom community” resident’s leave before the Town Hall opens in the morning and return to Scituate after the Town Hall is closed. If the sign is not out during the early morning and late evening, it will not inform the residents of the upcoming election deadlines.

Councilman Salisbury said that he understands but feels that it is very important that the Town conforms to its own ordinances, even though we are not required to conform. He said that there have been numerous sandwich boards signs throughout the Town, and he feels that everyone should conform.

Council Vice-President Budway said that he understands the rationale behind Town Clerk’s Long reason for leaving the sign out, but feels that a better solution might be to limit the duration of signs that are designed to alert the public of community activities. He said how do you distinguish between a sign alerting residents about the upcoming elections, blood drives or the Scituate Farmers Market.

Town Clerk Long said that she will take the signs down to conform to the sign ordinance.

Building Inspector Provonsil updated the Council on the status of the Hope Mill project. He said that after the last meeting he contacted the West Warwick Sewer Authority and was told that a sewer line cannot be owed by a private company. It has to

be owned by a municipality. Therefore, the Town would have to own the lines that are in Scituate, and then coordinate the process with the Town of Coventry because the sewer line will also run through that community.

Council President Richard said that each community will have to take ownership of the portion of the line that is running thru their Town. He also said that the plans and engineering would be done by the Town to our specifications.

Councilman Marchant asked Mr. Provonsil about the new Dunkin Donuts being constructed on Route 102. He asked which way the building is going to face and where the driveways will be located.

Mr. Provonsil said that the building will face Route 102, and the driveways will be coming off of that road. He also said that there are no approved plans submitted, no building permits have been issued as of this date, but they are eligible to get their foundation permit. He said that there will be the Dunkin Donuts and also two other store fronts.

Councilman Winfield asked if the Dunkin Donuts will have a public bathroom.

Mr. Provonsil said that he does not know at this time because no plans have been submitted.

Councilman Winfield asked Mr. Provonsil to make sure that they have a public bathroom.

Judy Loven, Director of Senior Services, told the Council that everything is going well at the Senior Center. She said that they played bingo for the first time today. She said that they are having a couple of dry runs before they actually hold a official bingo. She also asked if the Council could give a proclamation to Mr. and Mrs. Fisher who have volunteered for 14 years since the beginning of the meal site.

Council Vice-President Budway asked Chief Mack if the Town of Foster has responded to the letter regarding the animal shelter.

Chief Mack said they have not.

Council Vice-President Budway suggested that he send them another letter stating that we expect to have them start paying or negotiate another proposal. If we have not heard back from them by September 30th we should discontinue the service to Foster.

Richard Tucker informed the Council that he is trying to have the Fire Engineering Board consolidate the position of Fire Marshall for the Town. He feels that it would be better for the residents to have one instead of one from each fire department. He feels that he should be able to get every department to agree on one person, and at that point, he will bring the recommendation back to the Council.

Council Vice-President Budway asked him how the rescue billing income is compared to the predictions.

Richard Trucker said that the revenue is lower than expected; he said that he feels that we are not getting the amount that we should be when you compare it to other communities. He said he feels that this might be because of the billing company we are using. He said he will further investigate it.

Councilman Winfield asked Chief Mack if he has ever considered billing for Police services used at an accident scene. He said that he has read several articles pertaining to this and knows that the city of Toledo is currently doing it.

Chief Mack said he will investigate it and bring back information to the Council.

Richard Tucker also reminded the Council that certain members need to have the NIMS training for the Town to be eligible for FEMA grants. He said that he is willing to have a training session for any interested elected official.

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

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to approve the one-day liquor license for Hope Jackson Fire Department for their annual streak fry to be held on August 26, 2006.

Town Council President Richard asked Town Solicitor D'Agostino if the Town can legally restrict where the people holding Hawkers/Peddler's licenses can set up.

Mr. D'Agostino said that he will research the matter.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to approve the Hawkers and Peddlers license for Donald W. Klemanchuck d/b/a Don's Frozen Lemonade and Ice Cream.

Motion made by Councilman Salisbury, seconded by Council Vice-President and voted by consent agreement to table the Hawker's and Peddler's license for Nicholas Furtado d/b/a Curly's Sandwiches because of the issue with the hours of operation.

Motion made by Councilman Farrar, seconded by Councilman Marchant and voted by consent agreement to approve the Private Detective's license for Peter J. Costello of 5 Brett Drive Scituate, RI.

Councilman Winfield rescued himself from the next agenda item.

Motion made by Councilman Salisbury, seconded by Councilman Farrar and voted by consent agreement to approve the Victualling License for Richard Lang d/b/a Bentley's Tavern.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to re-appoint George Ostrander, 35 Langlais Drive Plumbing Inspector for a term expiring August 2007.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway to appoint Tammy Botella of Chopmist Hill Road to the Conservation Commission for a term expiring December 2007 on the recommendation of the Conservation Commission.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to appoint Walter Powell of Knight Hill Road to the Land Trust for a term expiring December 2009 on the recommendation of the Land Trust.

Motion made by Council Vice-President Budway, seconded by Councilman Winfield to accept the resignation of the resignation of Joseph Adam Steiner III from the Juvenile Hearing Board.

Discussion followed with Councilman Salisbury stating that he doesn't feel that he should have to resign because he isn't an elected official. He has been appointed to fill an unexpired term of an elected official.

Council President Richard asked Town Solicitor D'Agostino what his opinion is of this matter.

Mr. D'Agostino stated that he feels that Mr. Steiner should not be considered an elected official until he actually wins the election. Therefore, he feels that he can still serve on the Juvenile Hearing Board.

Motion made by Council Vice-President Budway, and seconded by Councilman Salisbury to defer the acceptance of this resignation until January 2007 to see who wins the election.

During discussion and /or approval, Town Solicitor D'Agostino outlined for the Council the changes that he has made to the nuisance dog ordinance. He said that the current ordinance requires that three people with separate residence must make a complaint to the Animal Control Officer for her to investigate it. He said that the trouble with this is that in many areas in the Town there aren't three neighbors within close proximity. He said that the proposed change allows for one person to make a complaint with it being verified by the Animal Control Officer or a Police Officer. He said that he has to be very specific to what constitutes a nuisance. He also said that he feels that the Animal Control Officer and Police Chief should review these changes before the Council entertains changing the ordinance.

Council President Richard explained that a few years ago the Council did change the ordinance to reduce the number of people needed to make a complaint. He said that quite a few people started complaining about neighbor's dogs without just cause, and that they were doing it to retaliate against their neighbors. He said that he does not want this to happen again.

Council Vice-President Budway said that he would like to have on the agenda for the September work session a review of the Town's budget. He feels that the Council should look at past revenue sources, expenditures, department repair schedules and capital projects. He feels this will give the Council a better understanding of what is happening throughout the Town and will allow for a better plan for capital expenditures. He feels that the Budget Committee should meet more frequently and prioritize the expenditures.

General discussion followed on this with the Council saying that they thought this was a good idea and Council President Richard told Town Clerk Long to put this on the agenda for September.

Council President Richard asked Zoning Official Provonsil to explain about the problem on Harrington Avenue in Hope.

Mr. Provonsil passed out pictures of the condition of the house, he explained that he did inspect the outside of the house for minimum housing and zoning violations. He said that he found that the roof needed work, the house needs to be painted and that the grass needs to be cut. Mr. Provonsil said that he asked him to cut the grass because the Town has no ordinances requiring that residents cut their grass. Mr. Feeney told Mr.

Provonsil that the reason the backhoe is there is because he was planning on digging a foundation for a new garage. He realized that because of the size of the garage he would need permission from the Zoning Board. Since then, he has scaled down the plans so he no longer needs approval from the Zoning Board.

Mr. Provonsil said that he would allow the backhoe to stay as long as the work is completed within a reasonable amount of time. He said that other than the car that is in violation of the zoning ordinance, there are no other Zoning or minimum housing violations.

Councilman Farrar asked Mr. Provonsil if the structure is stable and safe.

Mr. Provonsil said that it is.

Mr. Provonsil told the Council that a building permit never really expires, but that the work has to start within 6 months and that the project can not remain dormant for an extended amount of time.

Council Vice-President Budway asked if Mr. Feeney needs help getting things done around the house and yard. He said that he knows that the Town can not help him, but there are a lot of community service organizations that might be willing to help.

Council Vice-President Budway said that the backhoe and car will have to be removed if not being used, but the Town can not require that a resident paint their house or cut their grass.

Councilman Winfield asked Mr. Provonsil if he could ask Mr. Feeney to hurry up with the repairs.

Hilda Herbert of 45 Harrinton Avenue said that the condition of the house has gotten worse over the past 6 years. She said that she is trying to sell her property but Mr. Feeney's property is in such a state of disrepair that it is preventing anyone from buying her house. She said that the Town should require that he fix up his property. She said that the Town keeps over looking the problem and that she is very angry with that. She said that there has to be violations inside the house.

Council Vice-President Budway asked Mr. Provonsil if he has the authority to go inside the house to check for violations.

Mr. Provonsil said that he does not have that authority unless a Public Health Official requests it.

Council President Richard said that he sympathizes with Ms. Herbert, but if there are not any violations there is not much the Town can do. He said it is not a violation to have a messy house or yard. Legally, we can not do anything; we have to abide by the law.

Chief Mack suggested that maybe a civic organization would help clean up the place.

Council Vice-President Budway asked Judy Loven if she knows if Mr. Feeney ever applied for a CDBG grant.

She said she does not know but she will give a application to Mr. Provonsil to give to Mr. Feeney

Council Vice-President Budway said that he likes the Chiefs suggestion. He also asked the Chief about towing the car that is in violation.

Councilman Farrar suggested that Mr. Provonsil befriends Mr. Feeney and see if he will take any help.

Council Vice-President Budway asked Mr. Provonsil to email him the results of the conversation with Mr. Feeney and he will work on a civic organization to give him help.

Motion made by Councilman Winfield, seconded Councilman Marchant and voted by consent agreement to pay early expenses of \$295,425.66 regular Council expenses of \$21,729.27 and supplemental Council expenses of \$69,887.58, for a total of \$387,042.51.

There are no Council comments this evening.

Motion made by Councilman, seconded by Councilman and voted by consent agreement to cancel the Closed Session for the PWSB.

Motion made by Councilman, seconded by Councilman and voted by a roll call vote to adjourn to closed session pursuant to R.I.G.L. 42-46-5(A) 2 Negotiations- Police Contract and to allow Town Clerk Long, Chief of Police Mack and Town Treasurer Przybyla to attend.

Councilman Salisbury-aye

Councilman Farrar-aye

Council President Richard-aye

Councilman Winfield-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Motion passes adjourned to closed session at 9:05 pm

Reconvened at 9:35 pm.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to adjourn at 9:36 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 discussions.

Attest:

Margaret M. Long, Town Clerk