

A regular meeting of the Town Council held for the Town of Scituate on Thursday, October 12, 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, 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	

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approve the September 14, 2006 Town Council minutes. Councilmen Winfield and Marchant abstained from this vote.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve the August 10, 2006 closed session minutes.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve the minutes of the September 28, 2006 closed session.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approve the minutes of the September 28, 2006 work session. Councilman Farrar and Marchant abstained from this vote.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to approve the Tax Assessors abatements of \$3,007.49 and addition of \$3,086.92.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve the Tax Collectors abatements of \$4,066.09.

During departmental reports, Town Clerk Long informed the Council that the Art Festival ran very smoothly. She said this is the first time in 6 years that there have not been at least a few problems with the licenses. She wanted to thank Lt. David Randall for escorting her while she checked all of the licenses.

Council Vice-President Budway asked her in the future to acknowledge the receipt of a piece a mail by the Council. He explained that Mr. Finnegan wanted to know why he did not receive a reply to his letter to the Council.

Town Clerk Long said that Mr. Finnegan knew that she had put a copy of the letter in each Councilman's box last month.

Councilman Marcello said that he feels what Mr. Finnegan was requesting was an official response from the Council not an acknowledgment from the Town Clerk that the letter was received in Town Hall.

Council Vice-President Budway and Councilman Winfield said that they each spoke with Mr. Finnegan in regards to his concerns at Gorham Field.

Mr. Iverson said that he also spoke with Mr. Finnegan and told him that the games would not normally start that early. It was because Scituate was hosting the State

Finals. He said that he spoke to the officials from the Little League and they assured him that this will not happen again. He also said that it is in the agreement that only afternoon games can be announced. Mr. Iverson said that he is going to put a no parking sign in front of Mr. Finnegan's house to prevent anyone parking there so he will be able to get mail delivery.

Mr. Finnegan of 792-794 Hartford Pike said that it happens all season. He also said that when he moved to Scituate and asked to have a small business in his house, that the Town put a lot of restrictions in regards to parking, noise and signage, and it doesn't seem like the Little League has the same restrictions. (copy of letter herewithin)

Mr. Iverson said that he will give him his pager number, and if it happens again, to page him and he will take care of it. He also said that he guarantees that he will stay on top of this problem.

Councilman Marcello asked Mr. Iverson if the floor at the Chopmist Hill Center has been repaired.

Mr. Iverson said that he has Ruggieri Floor Covering coming to fix the problem. He believes the problem is that the floorboards were not nailed down.

Councilman Marcello asked if we are paying them to fix it.

Mr. Iverson said that he is concerned at the moment to fix the problem and that Ruggieri's was not the company that installed the floorboards.

Judy Loven, Director of Senior Services, said that she continues to be very busy and stated that she does not know what she would do without her volunteers. She also mentioned that she will be having a flu clinic next week.

Brenda Frederickson, Director of Public Welfare, said that she is getting ready for the holiday season and the cold weather. She said the Village IGA is still donating cans to the food pantry, which is a big help.

Mr. Provonsil said that he is still working on the problem at 45 Harrington Avenue. He said that the building permit has been issued and the demolition has been completed. He said that a tarp is covering the opening until he can close it in. He said that if the tarp gets unsightly, he will require that he board it up. He said that the lawn has been cut but that Mr. Feeney is storing his household goods on his front lawn. He has informed Mr. Feeney that they have to be moved by Monday, or he will be sited.

Council Vice-President Budway asked Mr. Provonsil if he has been in contact with Mr. Feeney's neighbor, Mrs. Herbert of 41 Harrington Ave., Hope, RI.

Mr. Provonsil said that he has not spoken to her.

Councilman Salisbury asked if Mr. Provonsil knows about the validity of the rumor that Mr. Feeney's loan has been denied.

Mr. Provonsil was asked about the length of time a building permit is valid for.

He responded that per the State Code, there just has to be some sort of work done and it will remain valid in the case of no work being done for a six-month period, then the permit becomes invalid.

Councilman Marcello asked if there are any minimum housing violations.

Mr. Provonsil said that there are not any minimum housing violations on the exterior of the house, and he can not enter the house to inspect it.

Councilman Salisbury suggested that we direct our legal counsel to assist us with getting this situation rectified.

Councilman Farrar stated that in the letter from Mrs. Herbert that the Council recently received, she stated that the Town is in violation of State Law. He asked the Town Solicitor if he could research it.

Councilman Salisbury suggested that the Brenda Frederickson, Director of Public Welfare, investigates the problem and sees if there is any assistance that she can render.

Council President Richard suggested that we look into help from the Western RI Home Repair Program.

Mr. Provonsil said that he will approach Mr. Feeney with these suggestions.

General discussion followed with the suggestion being made for Judy Loven, Board of Directors, Western RI Home Repair Program, look in the possibility of assisting Mr. Feeney with a grant from that program. Other points discussed were the possibility of trying to get Mr. Feeney some help with the construction through the Veterans Administration.

Councilman Winfield asked Mr. Provonsil if the Dunkin Donuts will have a public bathroom in it.

Mr. Provonsil said that it will.

Lt. David Randall informed the Council that the Art Festival went very well. He said that there were two larceny complaints, two falls on the grounds and 5 accidents outside the festival grounds.

Lt. Randall informed the Council that he has been in contact with the Town of Foster in regards to their payment for the Animal Shelter. He said that they told him that the check was cut but we have not received it at this time.

Councilman Marcello asked Director of Emergency Services Richard Tucker if the fire companies are losing a lot of volunteers.

Mr. Tucker said all of the fire companies are down in enrollment except for Potterville. He said this can be attributed to people getting full time employment. He also said that it is not a huge concern at this time and that the number of EMT's has stayed fairly even.

Council President Richard asked Mr. Tucker if he is still working on the plan to have one fire marshal in the Town instead one for each department.

Mr. Tucker said that he still working with the Fire Engineering Board on a draft proposal to submit to the Council for discussion and approval. He said this should be finished by the next Council meeting. He feels this plan will make it much easier for the residents.

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

Motion made by Councilman Salisbury, seconded by Councilman Marcello to approve the Hawkers and Peddlers license for Giovanni Conti, d/b/a Conti foods, 106 Brown Ave., Johnston.

General discussion followed with the hours of operation questioned since nothing was filled in on the application.

Lt. David Randall said that he did the BCI check on the applicant, and there was nothing to report.

Councilman Winfield asked when did the Council start performing BCI checks on applicants for Hawkers and Peddlers licenses?

Town Clerk Long said that the Council gave her permission to do it at the last Town Council meeting.

Council President Richard asked if Mr. Conti was in the audience to answer the question of the hours of operation for said license.

Mr. Conti said that he would conform to the hours that the Council usually puts on this type of license.

General discussion followed.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to grant the Hawkers and Peddlers license to Giovanni Conti, d/b/a Conti Foods, 106 Brown Ave. Johnston with the hours of operation being 11:30 AM to 9 PM.

Next on the agenda was the application for a joint pole location for National Grid.

Councilman Winfield asked Mr. Iverson if there will be Cox Cable lines on that pole.

Mr. Iverson said that there will probably be Cox Cable lines on this pole.

Councilmen Winfield and Salisbury suggested not issuing this license until Cox Cable installs the free internet service to the Chopmist Hill Center.

Motion made by Councilman Budway, seconded by Council Vice-President Budway and voted by consent agreement to approve the new anchor and guy location on Old Plainfield Pike, with Richard Iverson's recommendation, and that it not be an unreasonable delay for the resident.

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

Councilman Marcello-aye

Councilman Farrar-aye

Councilman Winfield-aye

Councilman Salisbury-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Council President Richard-aye

Motion passes and the Public Hearing is open.

Motion made by Councilman Winfield, seconded by Councilman Marcello and voted by consent agreement to dispense with the first reading of the ordinance to accept the provisions of chapter 29-38 of Title 28 of the RI General Laws, The Workers Compensation Act.

General discussion followed with Councilman Marcello asking why the School Teachers (which is the largest group of town employees) are excluded from this ordinance and questioning if the Town Council already accepted this ordinance.

It was explained that the Workers Compensation Act was approved at a Financial Town Meeting with the condition that the Town ratifies this through the drafting and passage of an ordinance.

Richard Iverson said that he would check with the Interlocal Trust to determine why the teachers were excluded.

Motion made by Councilman Marcello, seconded by Councilman Salisbury to approve the first reading of the ordinance and to have the above concerns addressed with the second reading.

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

Councilman Marcello-aye

Councilman Winfield-aye

Councilman Salisbury-aye

Councilman Farrar-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Council President Richard-aye

Motion passes the Public Hearing is closed.

During discussion and or approval, revisions to the Dog Nuisance Ordinance were discussed.

Town Solicitor D'Agostino passed out information with three possible versions listed. He briefly explained each version. He also said that he recommends the passage of the third version.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to table this agenda item until the Council can review the different versions.

Next under discussion and or approval is the request from Paul Lescault, Superintendent of School's for a letter to be sent to the School Committee in regards to the bond issue for the proposed new middle school renovations.

Council President Richard said that his opinion was that we should wait until January so the new Council and School Committee can be involved in the decision. He said that he thought that the School Committee was going to do a series of public hearings to let the people know the different scenarios and to explain the financial ramifications. He also thought it would be a good idea to educate the public about the new mandates on the cap for public school spending.

Councilman Farrar agreed with Council President Richard that the work session should wait until January 2007.

Councilman Marcello said that he feels that the Middle School Exploration Committee should be meeting and looking for other sites and determining if we can use the Essex Hopkins site.

Council President Richard said that he is still trying to get a letter from PWSB in support of the Esek Hopkins site so the Town can submit it to the State Properties Committee. They are requiring the letter before they entertain the possibility of the Town using this piece of land.

Councilman Marcello said that there is a lot of misinformation circulating in regards to this land issue, and that the Town should try to get a decision one way or another.

Council Vice-President Budway said that the land is not the only issue and that since the Committee made its original recommendation, the projected school enrollment was declined. He said the decline in enrollment should be addressed. He also said that he feels the immediate problems should be addressed (i.e. ventilation and some extra rooms, etc.) but the Town has to live within its means and keep the door open for future expansion.

Councilman Salisbury said that funding the operating costs of a new school are going to be very difficult with the new mandate that school budgets can only increase 4% within the next few years. He said that Scituate's taxes are on the low side and that 4% of that will not generate nearly as much as the larger communities with the larger tax base.

Councilman Marcello said that the size of the school shouldn't solely be based on the number of students, but also on the amount of programs being offered.

Tim McCormick thought that the idea of a work session with the School Committee and Town Council was good.

Council President Richard said that there are a lot of potential problems with the Esek Hopkins site, and it might be a good idea to look at other pieces of land and other options.

Next on the agenda is a letter from Mr. Richard Kells in regards to obtaining a letter of support from the Town to DOT for the construction of Veteran's Monument on Route 6 in the Chopmist Hill area of Town.

Council President Richard said that he feels that this is a good idea, but there is already a monument near the Community House and Congregational Church for all wars up to the Gulf War. He feels that the best place for another monument honoring the men and women in the recent wars would be in the same area so that when we have our Veteran's Day celebrations they would be all together. He also said that he feels that this would be a better spot because of the lack of parking at the proposed site. He also suggested that the American Legion might be willing to help fund the project.

Councilman Farrar said that he will contact Mr. Kells and bring him to the Legion meeting so he can explain it to them and enlist their support.

During Council remarks, Councilman Marcello stated that he is glad to see Lt. Gubernatorial candidate Reggie Centracchio exercising his First Amendment right with his recent billboard in the Town and wishes him well.

Councilman Farrar informed the Council that he is working with Richard Iverson, David Provonsil and Ted Richards to fix up the area around the gazebo. He said that Mr. Iverson's employees will be digging up some of the asphalt and then the Boy Scout's with a donation from the Art festival Committee, will be planting grass and leveling off the area. He said that Mr. Iverson would also be installing buram at a later day.

Councilman Farrar wanted to thank Mr. Iverson and Mr. Provonsil for their help with this project.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the early Council expenses in the amount of

\$55,768.02, regular Council expenses in the amount of \$205,019.20 and supplemental Council expenses of \$85,686.00 for a total of \$346,473.22.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by roll call vote to adjourn to closed session at 9 PM pursuant to R.I.G.L. 42-46-5 (A) 2-Litigation, update on the Providence Water Supply Board negotiations and update on Police contract negotiations.

Councilman Marcello-aye

Councilman Farrar-aye

Councilman Winfield-aye

Councilman Salisbury-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Council President Richard-aye

Motion passes and the Council is adjourned to closed session.

Open session reconvened at 9:10 PM.

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