

A regular meeting of the Town Council held for the Town of Scituate on Thursday, September 14, 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 – absent	Councilman Winfield--absent
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard – present	

Councilman Marchant arrived at 7:35 PM.

Councilman Winfield arrived at 8 PM.

First item on the agenda is recognition of Captain Steven Bremges retirement and the resignation from the Conservation Commission and Land Trust of Chris Modisette, which was post poned until later in the evening.

Motion made by Councilman Farrar, seconded by Council Vice-President Budway and voted by consent agreement to approve the August 10, 2006 Town Council minutes.

Councilman Marcello abstained from this vote because he did not attend the August Town Council meeting.

Motion made by Councilman Farrar, seconded by Councilman Salisbury and voted by consent agreement to table the approval the August 10, 2006 Closed Session minutes.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the minutes of the June 20, 2005 Special Financial Town Meeting.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to approve the Tax Assessors abatements of \$2,197.89 and addition of \$4,492.44.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to approve the Tax Collectors abatements of \$2,341.04.

During departmental reports, Town Clerk Long informed the Council that the voter turnout for Tuesday's primary was 21% which is very high for a primary in the Town of Scituate. She said that she wanted to thank Richard Iverson for all of the assistance that he gave her during the election. He allowed Norman Auger to help her; Gail Chatfield and Barbara Colvin set up the polling places. It was very nice to have a set of strong arms to carry in all of the equipment and supplies.

Judy Loven, Director of Senior Services said that she is expecting 80 people for lunch tomorrow. She said that she has ordered thirty more chairs for the senior Center. She also said that she is applying for a grant for a new set of software for Senior Centers. She said this software would be very helpful but it is quite expensive.

Council Vice-President Budway asked Chief Mack if he has received any correspondence from the Town of Foster regarding the Animal Shelter.

Chief Mack said that he sent a letter and a bill and has been told that it should move right through their Council agenda. He said that he would update the Council further next month.

Councilman Marcello asked Public Works Director Iverson about the unpaid bills from the Hope Jackson Fire Department.

Mr. Iverson said that there was a problem with incorrect invoices but they have been corrected and paid.

Council President Richard updated the Council about the status of the Hope Mill project. He said that he has instructed Mr. Provonsil and Town Clerk Long to draft a letter outlining the proper protocol for correspondence with the Town Council and other Town boards and commissions. He said that they have been giving different people half truths and mistruths, such as saying that they have an agreement with Hope Associates to use the rail road beds, when they do not. Hope Associates said that they will not enter into an agreement with them until the Town has made its decisions.

David Provonsil said the current status of the project is that they have applied to the Planning Board for a major site development. He said that the Planning Board told them that there are several issues that need to be addressed prior to any decision being made.

Mr. Provonsil explained to the Council about the letter they received from the West Warwick Sewer Authority. He said that the Towns will have to own the sewer Line in their respective towns. That there will have to be an intermunicipal agreement that all towns's will have to abide by.

Mr. Provonsil suggested that the Town might want to enact a sewer ordinance before this line is in place. Mr. Provonsil said that the people developing the Hope Mill project should put an offer in writing and then have the Council make a decision.

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

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approve the Private Investigators license for Nancy Leathers, 9T. Parker Road.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the Hawkers and Peddlers license for Curly's, 208 Main Street, Fiskeville with the hours of operation being changed to 12 PM to 10 PM and pursuant to approval from the Health Department.

Councilman Salisbury asked legal counsel if we can place restrictions on the number of hawkers and peddlers license that the Town issues and where these licenses can operate.

Town Solicitor D'Agostino said that he feels that the Town working in the capacity of the licensing board can place any restrictions on the licenses that they deem appropriate.

He said that he will have a formal response at the next Town Council meeting.

Town Clerk Long suggested that every person applying for the license should have a BCI check performed on them. She said that they are mostly around children and she feels this could be an important safe guard for our children.

The Town Council said that they thought that was a good idea.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the Art Festival licenses as submitted.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway and voted by consent agreement to approve the eight joint pole locations on Lady Slipper Lane, North Scituate with Richard Iverson's recommendation.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to approve the reappointment of the North Scituate Village Overlay District. (list herewithin)

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to accept with regret the resignation of Ralph Groves from the Board of Directors of the Western RI Home Repair Program.

Town Council President Richard asked Town Clerk Long to send Mr. Groves a letter of appreciation and to post the opening.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to authorize Town Clerk Long to approve late art festival licenses.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to allow the Art Festival Committee to use the Village Green on October 7, 8th and 9th, 2006 pursuant to having the correct insurance.

Public Works Director Iverson stated that the Committee has the proper insurance. Mr. Iverson said that he has authorized that the Art Festival Committee may use the Congregational Church until October 15, 2006 so they may store the raffle prizes.

Next under discussion and/or approval is setting a policy or agreement for a fee schedule for the sharing of GIS data.

Karen Beattie, Tax Assessor said that the Town now has digitized plat maps and she needs direction as far a fee schedule. She said that she has a draft agreement from DEM that has been looked over by Chris Modisette and forwarded to the Town Solicitor. She said this agreement will be specific and will protect the Town. She said that the Town has invested approximately \$9,500 in this system. She suggested sharing the information with other municipalities and State agencies, but to charge for profit organizations for the information.

Town Council President Richard said that he feels that it is very important for different municipal and state agencies share data. But he feels that nobody should profit from this at the taxpayer expense.

Mrs. Beattie said that there is a disclaimer in the agreement that states the data can not be sold.

Mr. Chris Modisette said that data sharing among different agencies is very common and beneficial to everyone.

Councilman Salisbury asked what the appropriate fee schedule should be. He said that he feels that DEM should pay like everyone else because they charge the Town for different services.

Councilman Marchant asked how much it will cost to share the data.

Mrs. Beattie said that the information is already downloaded on her computer so it would only be the cost of the CD to burn the information on.

Council President Richard said that he feels that it should be an equitable agreement and asked Mrs. Beattie to get back to the Council with a recommended fee schedule.

Town Solicitor D'Agostino explained the changes he has made to the proposed dog nuisance ordinance. He said that he spoke with the Animal Control Office, Pat Howarth about her suggestions for changes. He said that she suggested that a provision be in the ordinance to list the fines. She said that the existing fee schedule is fine.

Councilman Salisbury said that he feels that 5 minutes is too short of a period of time, he feels it should be 15 minutes.

Council Vice-President Budway said what if there is more than one dog, how do you distinguish between the two dogs? He also asked Town Solicitor D'Agostino if paragraph A & B stand-alone.

Mr. D'Agostino said that he took a lot of the verbiage from the State of Maine's ordinance. He said that paragraph one just defines what a unreasonable annoyance is and then paragraph two defines the punishment.

Councilman Marcello said that he feels that the ordinance needs more work.

Town Council President Richard said that he feels that the concerns just mentioned by the Council should be addressed by legal counsel and have it back on the agenda in October.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to increase the amount of time from 5 to 15 minutes and have those changes reflected in the next draft of the ordinance.

Council Vice-President Budway said that he would like to defer the worksession this month dealing with budget preparation to the October worksession.

Motion made by Councilman Farrar, seconded by Council Vice-President Budway to allow Wendy Knowlton to obtain a non-profit food license at the art festival this year.

General discussion followed:

Council President Richard explained why the Council limited the amount of food service licenses during the art festival was because the Town did not want to take money away from the non-profits that were operating in the festival grounds. He said that these non-profit organizations raise most of their money with this one fundraiser and to allow for profit vendors is not fair to them.

Town Clerk Long said that Mrs. Knowlton wants the license to sell dip-in-dots for the Tri-Town Titans football league, which is a non-profit. She further explained that she would like to be in the festival grounds but at this time there is no space. She said

that Mrs. Knowlton has secured a spot from the Chopmist Hill Fire station area and would like a food license to sell the Dip-N-Dots.

Town Council President Richard said that he doesn't see any problem because it is benefiting a non-profit organization.

Councilman Marcello said that he feels this is opening up a can of worms and cautioned the Council from agreeing to this. He also asked are we going to opening this up to all non-profits in the Town.

Councilman Farrar said that if the Art Festival Committee had any room on the festival grounds, they would probably allow her sell this because no one else is selling ice cream. He also said that this is benefiting the Town so he doesn't see a problem with it. He said that the Council will have to look over the requests on a yearly basis.

Motion called:

Councilman Salisbury-aye

Councilman Farrar-aye

Council Vice-President Budway-aye

Councilman Marchant-aye

Councilman Marcello-nay

Councilman Winfield-rescued

Motion carries with four affirmative votes, one negative vote and one recusal.

At this time the Town Council recognized Chris Modisette for his many years of service to the Town of Scituate.

Town Council President Richard said that Mr. Modisette was Chairman of the Conservation Commission for many years and a member of the Land Trust, and that he did an outstanding job with both committees. He said that he was instrumental along with Jim Doris in securing the Tasca Field and creating the Land Trust. During Mr. Modisette's tenure he secured for the Town the Knowlton Farm, Brightman Farm and many other pieces of property for conservation.

Council President Richard said that he will be sorely missed. Council President Richard presented Mr. Modisette with a Citation and a Town plate.

Mr. Modisette thanked the Council for their kind words and said that he is sorry that he had to resign, but with his new job there might be a conflict of interest. He said that he is willing to give advice at any time to the Town. He wanted to thank the Council, all Town Departments, Peggy Pinkey, Conservation Commission, Land Trust and everyone he has worked with. He said that it was a pleasure to work with all of them.

Chief Mack asked Captain Steve Bremges (retired) to step forward. Chief Mack said that Captain Bremges served the Scituate Police Department for 26 years. He said that he worked in all areas of the department and was the first School Resource Officer. Chief Mack said that it has been a pleasure to work with Steve and that he will be sorely missed.

At this time the Town Council took a 15 minute break to congratulate Chris Modisette and Captain Steve Bremges.

Motion made by Councilman Marchant, seconded Councilman Marcello and voted by consent agreement to pay early expenses of \$258,942.99, regular Council expenses of \$36,906.75 and supplemental Council expenses of 83,418.49, for a total of \$379,268.23.

Councilman Marchant informed the Council that the Scituate Health Care Committee received a \$10,000 grant from the CDBG grant to help pay for the primary health care program that the Committee administers. He is hoping that there might be money left over to pay a nurse to perform some basic health care screening (i.e. blood pressure, immunizations, etc)

Councilman Marcello asked Mr. Provonsil about the status of the Affordable Housing Committee.

Mr. Provonsil said that the consultant is still working on the fine points and he will get clarification for the October Town Council meeting.

Council President Richard informed the Council that Ken Borden told him that our appraisal should be finished shortly. He said that the PWSB and the Town will then exchange appraisals, and hopefully start a new bargaining session.

Councilman Marcello asked Town Treasurer Przybyla if the Town has expended any of the bonded money for legal fees to date.

Town Treasurer Przybyla said he has not used any of that money to date.

Motion made by Councilman Salisbury, seconded by Council Vice-President Budway and voted by consent agreement to adjourn at 8:40 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