

A regular meeting of the Town Council held for the Town of Scituate on Thursday, November 8, 2007 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:31 PM. Council President Budway presiding.

After pledging allegiance to the flag of our country, Deputy Town Clerk Chatfield called the roll. Roll call as follows:

Councilman Salisbury -- absent	Councilman Collins -- present
Councilman D'Agostino -- present	Councilwoman Knowlton--absent
Councilman Winfield -- present	Council Vice-President Farrar --present
Council President Budway -- present	

Council President Budway stated that anyone in the audience would like to speak on any item that is on the agenda, they will be heard first under Audience Participation. If there are no comments regarding the agenda, it will be opened up to other comments, which will be relatively limited. Anyone wishing to discuss Lawton Farm is invited to attend the special meeting of November 13, 2007 at 7:00 pm at the Scituate High School auditorium.

First item on the agenda is the Auditor's Report from Bacon & Company for the Fiscal Year ending March 31, 2007. Cheryl Langevin from the Company commented on the report and explained what was on various pages and gave a brief overview. Council President Budway noted that the Town's indebtedness has reduced steadily over the past few years, so we are going in the right direction.

Mrs. Langevin noted there is a comment noted on the fixed assets that they've had for a number of years. The Town does not keep up with a list of fixed assets on a regular basis. She recommends that there should be a more definite process. There is a new comment under property taxes. During the fiscal year, the subsidiary receivable ledger and the general ledger in the Treasurer's Office were not reconciled, so the auditors spent a significant amount of time getting it reconciled. Cash collections were fine and posted, it is just the balance sheet portion should be done on a monthly basis.

Town Treasurer Przybyla commented the debt levels have gone down, and this was a good year.

Motion made by Council Vice President Farrar, seconded by Councilman D'Agostino and voted by roll call to open the public hearing. Deputy Town Clerk Chatfield called the roll as follows:

Councilman Collins -- aye	Councilman D'Agostino -- aye
Councilman Winfield -- aye	Council Vice President Farrar -- aye
Council President Budway -- aye	

Motion passed, public hearing open.

First item is the liquor license transfer for Scituate Liquor Shoppe, Class A Liquor License to James & Marilyn Lannan. Town Solicitor D'Agostino stated that he received two letters, one from Attorney Pisano and one from Diane Pinelli of McLaughlin & Moran, both objecting to the transfer of this license pertaining to R.I.G.L 3-5-19 due to

indebtedness on behalf of the current owner. Mr. D'Agostino stated that aside from the objections to the transfer, the Scituate Liquor Shoppe has two issues: the transfer and the renewal. Mr. D'Agostino initially advised to handle the transfer first, and if it was approved by the Council, then the renewal would not be necessary. However, given the information from Attorney Pisano and Ms. Pinelli, the transfer cannot go forward at this time.

Attorney Tammy Bottello introduced herself to the Council and explained she is representing Scituate Liquor Shoppe. Ms. Bottello stated that the two objections are pro-forma objections based on R.I.G.L. 3-15-19. They have the right to set forth monies owed in the ordinary course of business. The transfer is subject to them being paid. It isn't that there are huge amounts of outstanding debts or the suppliers haven't been paid for a long period of time. In the ordinary course of business, liquor stores stock up for the holidays. When the liquor suppliers are put on notice of a transfer, they automatically quoted the statute, submitting a letter stating what they are owed as of this date. Any transfer would be subject to them being paid. Ms. Bottello requested that this transfer be granted, subject to the suppliers being paid, according to the law, which her client is fully prepared to do.

Council President Budway asked if the creditors had anyone representing them this evening? There was no one. Mr. Budway asked if there is Counsel representing the Lannans? Attorney Ralph Yannitelli introduced himself and stated he represents the Lannans. He stated they are going forward with the closing, and that the suppliers would be paid at the closing when the business is sold to the Lannans. Council President asked if the taxes to the Town of Scituate are current. Ms. Bottello stated they are current, and they are in good standing with the R.I. Division of Taxation.

Town Solicitor David D'Agostino stated that it is within the Town Council's discretion to allow this to go forward subject to these debts being paid. Councilman D'Agostino stated that if all liens are paid and all taxes are paid, he sees no reason why the Council should not grant this. Councilman Winfield stated that the attorneys should provide the Council with the appropriate lien releases, and he does not see any problem with this. Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by consent agreement to approve the transfer of this liquor license subject to all creditors being paid and all taxes are current. Council President Budway asked for clarification of the hours on the application. Anthony Abbruzzi, current owner, stated his hours now are Monday thru Saturday 9 am to 10 pm, and Sunday noon to 5 pm. Mr. Lannan stated he will continue with those hours.

Next on the agenda was the liquor license renewals (list here within). Councilman Winfield recused himself on the Famous Pizza and Bentley's Tavern licenses.

Motion made by Councilman Collins, seconded by Council Vice President Farrar, and voted by consent agreement to grant the renewal of the Class A Retailer license to JTD Corporation for premises known as "Country Liquor Store," to include any previous constraints on operation or previous conditions on the license be carried forward.

Motion made by Council Vice President Farrar, seconded by Councilman Collins and voted by consent agreement to grant the renewal of a Class BVL to Scituate Famous, Inc, to include any previous constraints on operation or previous conditions on the license be carried forward.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by consent agreement to approve the renewal of the Class BV license to ALES, Inc. for the premises known as Gentleman Farmer Restaurant, to include any previous constraints on operation or previous conditions on the license be carried forward.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by consent agreement to approve the renewal of the Class BV license to Bentley's Tavern, to include any previous constraints on operation or previous conditions on the license be carried forward.

Motion made by Councilman D'Agostino, seconded by Councilman Collins and voted by consent agreement to approve the renewal of the Class BV license to Thomas Marcello and Edward Simone for the premises known as Corner Bistro, to include any previous constraints on operation or previous conditions on the license be carried forward.

Attorney Tammy Bottello requested that the Council approve the renewal of the Class A Retailer license to Scituate Liquor Shoppe in the event that the sale does not go through. Town Solicitor D'Agostino stated there is only one license. He stated that Mr. Yannitelli indicated that the conditions required for the transfer would be taken care of at the closing. The concern for the current license holder is if these things cannot be completed by December 1<sup>st</sup>, we will need to renew the license, because it expires December 1, 2007. The renewal would not be for one year, it will only be until a transfer is consummated. Mr. D'Agostino stated if the Council votes to renew the license, one of the conditions of the renewal would obviously have to be the satisfactory payment of the indebtedness of the Town. Mrs. Lannan stated that she and her husband paid Mr. Abbruzzi the \$500 for the license already.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by consent agreement that the license renewal be approved subject to the transfer going through. In the event the transfer does not go through, the license would be renewed for the usual term. In addition, the renewal would be subject to the outstanding taxes be paid to the Town of Scituate by December 1, 2007.

Motion by Council Vice President Farrar, seconded by Councilman Collins and voted by roll call to close the public hearing. Roll call as follows:

Councilman Collins – aye      Councilman D'Agostino – aye

Councilman Winfield – aye      Council Vice President Farrar – aye

Council President Budway – aye

Motion passed, public hearing closed.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by consent agreement to approve the minutes of October 11, 2007 regular Council meeting.

Motion made by Councilman D'Agostino, seconded by Councilman Collins and voted by consent agreement to approve the minutes of September 13, 2007. Councilman Winfield abstained.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by consent agreement to approve the minutes of the October 11, 2007 closed session.

Motion made by Council Vice President Farrar, seconded by Councilman Collins and voted by roll call to re-open the public hearing. Roll call as follows:

Councilman Collins – aye    Councilman D'Agostino – aye  
Councilman Winfield – aye    Council Vice President Farrar – aye  
Council President Budway – aye

Motion passed, public hearing re-opened.

Under the Second reading of the Ordinance to update the Town's drug and alcohol policy, Mr. Rocco Pototo, 809 Plainfield Pike, asked what this is all about and how tough is this law? Council Vice President Farrar stated this was read at the last Council meeting. This is the Town adopting a federal law. Town Solicitor D'Agostino stated there is a requirement in our existing ordinance that specifically relates to commercial drivers that work for the Town and have DOT licenses. The policy is very lengthy, and our commercial drivers have to comply with the federal laws regarding drug and alcohol screening, and is limited to the commercial drivers. Mr. Pototo stated there are a lot of kids and people that are drunk drivers that do not drive commercial vehicles. His niece was hit 16 years ago by a drunk driver and is still in a wheelchair. He would like to know what the Town can do to amend this. Discussion followed. Council President Budway told Mr. Pototo that he would be willing to sit down with him and the Town Solicitor to listen to his concerns and see what they can do legally to address these concerns.

Tim McCormick, 428 Trimtown Road, stated that he agrees this is a law enforcement issue, but suggested this should be addressed with the police department. Mr. McCormick also suggested that Mr. Pototo contact the High School regarding their SADD Group (Students Against Destructive Decisions). They are probably the most active group in the school.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and unanimously approved to dispense with the 2<sup>nd</sup> reading and approve the ordinance to update the Town's Drug and Alcohol Policy.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and unanimously approved to approve the victualling license renewals (list here within), subject to Town taxes being paid.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by roll call to close the public hearing. Roll call as follows:

Councilman Collins – aye    Councilman D'Agostino – aye  
Councilman Winfield – aye    Council Vice President Farrar – aye  
Council President Budway – aye

Motion passed, public hearing closed.

Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to approve abatements in the amount of \$3,954.38.

Motion made by Councilman Winfield, seconded by Council Vice President Farrar and voted by consent agreement to approve additions in the amount of \$1,126.00.

Under Departmental Reports, Deputy Town Clerk Chatfield stated that the Special Election went fairly smoothly with the exception of the lighting and handicap signage issues at the North Scituate Community House. Mrs. Chatfield wished to thank the North Scituate Fire Department on behalf of the Board of Canvassers for their assistance with lights on the side of the building for voters entering and exiting the building.

Councilman Winfield asked Gail Chatfield if she could include the Boards and Commission's minutes when she emails the School Committee minutes to the Town Council? Mrs. Chatfield stated that the Boards and Commissions don't email their minutes to the Town Clerk's Office, they put them in the Minutes Books in the vault, but she can ask them to email them to her in the future so she can forward them to the Council.

Senior Services Director, Judy Loven, stated everything is doing fine at the Senior Center. Mrs. Loven stated she would like to hang the pictures from Liz Dexter in the meeting room. The pictures are of the old Chopmist Hill Inn.

Motion made by Councilman Collins, seconded by Councilman Winfield and voted by consent agreement to accept all departmental reports and place on file.

Under audience participation, Council President Budway asked if anyone wished to comment on any agenda item? Thomas Galligan, 171 Pine Hill Road, asked how many people are on the Board of Insurance Review and why aren't the residents of the Town involved in these Boards? Council President Budway stated that Mr. Galligan is welcome to attend any meeting of the Board of Insurance Review when they hold a meeting. Mr. Galligan asked why there are no Town residents on this Board? Mr. Budway stated that there are postings on the Town's Web Site on a regular basis, and many times no one applies.

Town Treasurer Przybyla stated that a Town resident, William Austin was originally on this Board. Ted Richard stated that Mr. Austin conducted a very extensive review and did a tremendous amount of work. He save the Town thousands of dollars. Discussion followed.

Mr. Budway suggested to Mr. Galligan that if he is interested in serving on a Board, he should make his interest known to the Town Clerk's Office, and the Town Clerk will notify him in advance when something is coming up, and that we appreciate any involvement by residents of the Town.

Barbara Vennerbeck of Ide Road asked if it would be possible to increase the number of people on that Board to allow other people to serve? Mr. Budway stated this is something to think about.

Kirk Rerick, 264 Main Street, stated it is nice to hear in the times when the state is over \$300 million in debt that the Town has brought down their debt by \$2 million. He asked when the auditor's report will be available to the public? Mr. Przybyla stated it is

available this evening, and he should leave his address and will send a copy. Mr. Rerick asked how many people are needed for a quorum? The answer is 4.

Tim McCormick, 429 Trimtown Road, asked the Town Treasurer if we are in a state where we are recognizing post retirement medical liabilities? Mr. Przybyla stated that our exposure is not that great. We have not accrued for it, so there will be an unfunded liability. Mr. McCormick stated you will start hearing about this within the next year or two.

Tim McCormick asked if Town residents can have various committee meeting minutes emailed to him? Mr. Przybyla stated we are upgrading our server and he is looking to work with the Town Clerk's Office to upgrade the Town's web site to be able to post all the committee minutes.

Tim McCormick asked the Council if they would reinstate the School Space Needs Committee? This committee has not met since April 2006.

Council Vice President Farrar stated this committee is not a defunct committee by any means, and they will have a lot to discuss. Councilman Winfield stated this committee was never de-activated; there was just no need for a meeting up to this point.

Kirk Rerick, 264 Main Street, asked Mr. Budway why the meeting scheduled for the Lawton Farm issue is not posted on the Town's meeting calendar? Deputy Clerk Chatfield stated she has not gotten an agenda for this meeting yet. Once she gets the agenda, the meeting will be posted on the Calendar.

Mr. Rerick also asked why this meeting was scheduled the same time as the Land Trust Meeting? Council President Budway stated the meetings were set independently of one another. The meeting at the high school has been publicized, and if the Land Trust members feel they should be there, they can modify their meeting.

Mr. Pototo asked if there was any new information on the Providence Water Supply Board issue? Council President Budway stated that he cannot discuss specifics, but we have had two meetings recently with the representatives of the Water Supply Board. We are in the process of scheduling another meeting. Both sides agree that there would be no public discussion of the specifics discussed at the meeting. There are additional meetings scheduled. There is a closed session meeting scheduled tonight after the regular Council meeting.

Motion made by Council Vice President Farrar, seconded by Councilman Winfield and unanimously approved to reappoint Theodore Przybyla, Richard Iverson and Robert Budway to the Insurance Board of Review, term expiring November 2008.

Motion made by Councilman Winfield, seconded by Council Vice President Farrar and unanimously approved to table the Crestview Drive joint pole location at the request of Public Works Director Richard Iverson.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and unanimously approved to approve the Rocky Hill Road joint pole location.

Motion made by Councilman Winfield, seconded by Councilman Collins and unanimously approved to pay early bills in the amount of \$167,888.16.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and unanimously approved to pay regular bills in the amount of \$15, 511.05.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and unanimously approved to pay supplemental bills in the amount of \$83,740.16.

Under Council Remarks, Council Vice President Farrar wished everyone a Happy Veteran's Day, and reminded everyone that the parade is on Saturday.

Councilman Winfield wished everyone a Happy Veteran's Day and a Happy Thanksgiving.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by a roll call vote to adjourn to closed session at 9:15 pm, closed pursuant to R.I.G.L 42-46-5(A) 2- Litigation – Update on Providence Water Supply Board negotiations, and to allow Theodore Przybyla, Theodore Richard, Town Solicitor David D'Agostino, Deputy Town Clerk Gail Chatfield, Thomas Angell, Christopher Modisette and Paul Dolan to attend :

Councilman Collins – aye      Councilman D'Agostino – aye

Councilman Winfield – aye      Council Vice President Farrar – aye

Council President Budway – aye

Motion passed, adjourn to closed session.

Meeting reconvened at 10:15 pm.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by consent agreement to adjourn at 10:20 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 Deputy Town clerk 14 days to prepare the minutes of the meeting.

Please refer to electronic tape for complete discussion.

Attest:

Gail Chatfield, Deputy Town Clerk