

A regular meeting of the Town Council held for the Town of Scituate on Thursday, April 12, 2007 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 5:30 pm. Council President Budway presiding.

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

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

First on the agenda was discussion and/or approval of the high school/middle school complex additions and renovations. Council President Budway explained that the appointment of an Ad-Hoc Committee this evening is to ensure that we are coordinating efforts regarding fields and to avoid duplication and unnecessary costs. This committee will be comprised of members of the Town Council, the School Committee, the School Department, and the Recreation Committee. This Committee will be responsible to bring an in-depth assessment report back to the Council of an inventory of what we have now and what we anticipate for the future. President Budway noted that the discussions this evening that pertain to the portion of the project that involve recommendations for additional recreational/athletic facilities would not be finalized until the Ad-Hoc Committee's report is received.

At this time, Mr. Budway asked Superintendent Lescault to introduce those in attendance. There were two members of the School Committee, Patricia Archambault and Ernie Marcure; Assistant Superintendent of Curriculum and Instruction, Kristen Stringfellow; High School & Middle School Principals David Light and Larry Fillepelli; Coach Kevin Ryan, who is representing Athletic Director Jean Angell, John Magner who can address the special education needs, and Steve Gormley, Director of Buildings and Grounds. Also in attendance were two engineers from Torrado Architects.

Council President Budway thanked everyone for attending this meeting. Mr. Budway referred to the Scituate Jr./Sr. High School Cost Estimate prepared by Torrado Architects (copy attached), and asked Superintendent Lescault for a brief summary of the reasons why it's necessary to make these additions and renovations.

Mr. Lescault stated the addition to the High School involves building additional classroom space on the end of the existing B & A corridors, with approximately 4 full size classrooms and some additional smaller classrooms. There is a similar situation with the Middle School. This involves an addition on the back of the existing Middle School with approximately 6 to 7 classrooms, some full size, some smaller. This also involves some renovations to the existing buildings. By building the additional space in the High School, it also addresses the existing problem in the cafeteria. Currently, some of the High School students have to eat lunch in the Middle School cafeteria due to lack of space. The Middle School renovations will involve increasing the corridor space to increase the flow of traffic to the back of the school. The site and storage building costs involve additional parking in the back as well as a storage building. The biggest cost

involved with the Middle School mechanical costs involve installation of a ventilation system. There is a very antiquated system, and the air quality is poor. Electrical service is needed to support the new systems. Mr. Lescault stated the relocation of Administration Area involves moving the Middle School Office to the back of the building. This will be the main entrance where parents will drop students off. The Athletic Building will provide an area for a weight training room and aerobics and a concession area. Bleachers would be added in at the new field. Total estimated cost of the project is \$9,400,000.

Mr. Lescault explained the additional cost sheets reflect either 186 parking spaces or 254 parking spaces. In both cases, this would remove the existing tennis courts and the building, and put in a new field with a regulation track around it, and would include lighting, fencing and everything that would go along with that.

School Committee Member Ernest Marcure explained that on last year's proposal of \$5 million, included in that figure which is not in this proposal, was the following:

Bleacher replacement	\$	56,000
Repaving the lower lot		70,000
Furniture for the additional rooms		90,000
Legal bond		<u>50,000</u>
Total	\$	336,000

Mr. Marcure stated that these items are not included in this proposal.

He also stated the increase of construction costs are \$462,000. The Architectural and Engineering fees have increased by approximately \$12,000. These increased costs are included in this proposal.

Council President Budway asked Mr. Marcure and Mr. Lescault to indicate which items are essential as opposed to those they could do without. For example, is 1,000 seats for the bleachers essential, or could that be pared down? Mr. Lescault stated that he feels that depends on who answers that question. Mr. Lescault stated that the \$5 million that was asked for last June was the absolute bare minimum. The project has to range somewhere between the original \$5 million up to the \$9,400,000; hopefully, somewhere in the middle. Mr. Lescault stated that in his opinion, the addition to the renovations to the existing facility, upgrading the cafeteria, taking care of ventilation issues in the Middle School, and some sort of additional athletic facility to take some of the pressure off the existing athletic facilities.

Ernie Marcure said he agrees with Paul Lescault. Patricia Archambault stated that the original request was the bare bones minimum. The flexibility all revolves around the athletic fields. Mr. Lescault stated that if he had to make a sacrifice, the first big thing would be the athletic building of \$1.2 million. Mr. Marcure stated in going over the cost sheet, that was the first thing he crossed off. He came up with \$7.6 million of essential things.

Council President Budway asked Mr. Marcure if the \$7.6 million includes the deletion of the bleachers and the press box? Mr. Marcure said yes.

Councilman Salisbury asked what was the cost of the athletic field, eliminating the building? Mr. Lescault stated it is \$2,366,000 or \$2,453,000 which, in both cases,

includes relocating the existing tennis courts in addition to the field, and fence and lighting.

Council Vice President Farrar asked if we were to come up with a regulation track, would we be able to hold track meets there and get funding from the league? Councilman Collins stated that School Committee Member June Guglielmi previously stated that Jean Angell stated if we built this with the bleachers, every state meet that was held there would generate approximately \$30,000. Lengthy discussion followed regarding the athletic fields. One of the Architects from Torrado Architects stated the plans show a multi-purpose facility with the track around it, with sufficient area.

Athletic Coach Kevin Ryan stated that the way he understood it was part of the proposal was to have a practice facility adjacent to the track. He believes there would be facilities behind the field area for some of the field events. Most of the throwing events would use the open field area. He doesn't feel there is a need to build a separate facility for field events. Superintendent Paul Lescault stated that he is very uncomfortable saying that if you build this, it will generate an additional \$30,000 in revenue per weekend. He does not feel this is a realistic estimate.

Councilwoman Wendy Knowlton stated that Ponagansett High School hosts a regional track & field event every Columbus Day Weekend, where they charge \$5 per car for parking. They do generate \$25,000 to \$30,000 on the weekend. This is a regional event that occurs once or twice a year. Mrs. Knowlton stated the Pop Warner Football is constantly looking for a regional spot to host their regional events on Thanksgiving weekend or the weekend after. They will pay \$75,000 to use a football field and stadium on the weekend. Besides graduation, there are options to discuss.

Council Vice President Farrar asked if the School Committee is planning on putting in a track team? Patricia Archambault stated the one thing she'd like to bring to the table, going back to the original project with the High School/Middle School renovation, that is a project that the School Committee/School Department is fairly well versed in. They haven't really put research into the track teams and fields because this enhancement to the fields was something that was recently brought to their attention. Things aren't being answered very accurately at this point because they haven't done enough research on this, and this is something for the Ad-Hoc Committee.

Council President Budway identified the following people who will be appointed to that Committee: Jean Angell, Ernie Marcure, June Guglielmi, Wayne Salisbury, Wendy Knowlton, Richard Iverson and Steve Gormley. This Committee will be charged with the responsibility to take a look at everything that we have, and what we would like to have and how we can best coordinate this and incorporate as part of this plan. We are not finalizing anything this evening, but would like to get all the issues on the table.

Council Vice President Farrar asked if the storage building is going to be a heated facility? Steve Gormley stated it will have limited heat. This is actually going to be storage for large paper products and pallots, as well as some maintenance equipment storage. It is a relatively small building.

Council President Budway asked if the estimated \$7.6 million is the figure they are looking at? Mr. Marcure stated tentatively.

Mr. Marcure stated that he walked the property and spoke with Mr. Gormley and Torrado Architects. He did mention that the field we are thinking of building, we would have to do the other items like hammerthrow and other things on the field. When he came in from Rockland Road, it was fairly flat there, and that is where the proposed parking lot is. That is about 150 feet. The next 200 feet, there are many, many big boulders. The last 400 feet is flat with very little vegetation and a few trees. Mr. Marcure drew into scale what a practice field would look like on that flat area. Mr. Marcure is concerned with the excavation of the boulders. Vice President Farrar stated the boulders on site could be a big plus because they can be broken up and crushed on site and used for drainage and all kinds of other things on site and can save money. Mr. Marcure stated there is room to put in a practice field and there isn't a lot of work to be done.

Council President Budway said he feels this is appropriate to bring this up, but the detailed discussion should be done at a later time.

Councilman Salisbury asked Mr. Marcure to review again the list of the list of items he deleted from the \$9.4 million to get to the \$7.6 million.

Mr. Marcure stated the athletic building, all the bleachers, the press box and 15% for the engineering and architectural fees associated with this. Mr. Salisbury stated he does not see how they can eliminate all the bleachers.

Mr. Ryan commented on the need for the new athletic fields. The athletic programs have been expanded over the years, but there has never been an expansion of the athletic facilities. We are beyond maxed out as far as facilities. The field at Manning is not always usable because of the shading that takes place. Both girl's softball teams, Middle and High School baseball, all trying to use Caito Field. Last year, because of the field situation with the weather, the Middle School Baseball team was playing 3 double headers per week. The Interscholastic League requires that the games be scheduled by a certain date. Steve Gormley added that all the wear causes no time frame or down time for the fields to grow and replenish the grass. There is no rest for these fields.

Council President Budway asked if it is the consensus of the representatives of the School Committee and the members of the School Department Administration and Staff, if the Town were to implement this proposal it's its draft form, that we are satisfactorily addressing all it's immediate concerns and concerns for the foreseeable future, based upon the population projections that will enable us to provide all of the desirable services for the student's education part of it and athletic part of it?

Mr. Marcure stated if it includes the practice field, he would have to say "yes."

High School Principal David Light stated that when the Ad Hoc Committee is put in place, they need to look at not only are we satisfying our needs as a school and our athletic programs, but are we satisfying the needs of the public at large and the types of activities they would like to see as a community? Other people need to be drawn into this. Athletics are a good thing. We've never seen an expansion of facilities that aligns itself with the growth that we've been seeing in both our school and community

organizations. Council President Budway stated this is exactly why we are forming this Committee. Mr. Budway stated he attended the Scituate Foster Little League on opening day, and was quite impressed with the scope of the organization and the number of youngsters that are involved in it. It's great to see that type of involvement.

Mr. Fillepelli stated the main mission here is academics. The additions they are talking about at either end of the building will provide all of that. This project will address all of those needs. Mr. David Light stated there are various demands being made of high schools across the state, and that includes significant changes that are going to be occurring shortly. There are increased graduation requirements of our students, for example, taking 3 years of Science, 3 years of Social Studies, taking an additional year of fine arts. This requires additional classrooms. Mr. Light stated he doesn't mean to be negative, but the New England Association is a reality. We recently filed a 5 year progress report with them. We are on warning, but we are accredited. They are watching this facility and this referendum very carefully. Mr. Light informed them we will probably have referendum in June. They are asking for a month by month progress report, and we need to keep them informed regarding a date for a referendum. Mr. Light stated that he feels this project is something that the NE Association will look upon favorably.

Vice President Farrar thanked everyone for their hard work in putting this together, and stated he feels bad we have to wait this long for this. He stated the support is there, and hopes this can get approved this time.

President Budway stated we need to make these changes. What we are doing right now is getting this project back on track. We need to go forward with a clear understanding that we have a project that we all agree upon, so that when we present this to the public, we are unified in our support of this project, that it's something that makes sense and meets the needs of the community. We'd like to work together to present this to the community in the most logical way we can.

Mr. Ernie Marcure stated if we bond for \$7.5 million with a 30% reimbursement, the Town will need \$5,250,000. We will get a reimbursement of \$2,250,000 on a 30% reimbursement. Patricia Archambault stated we do have 2 representatives from Torrado Architects. Does anyone have any questions for them? Councilman Collins asked as far as repairs that have to be done, what is the bottom line of what has to be done within the next year no matter what? Discussion followed. The answer \$2,000,000.+ no matter what we did.

Council President Budway stated the Council will request the Ad Hoc Committee get together as soon as possible and report back to the Council with their recommendations. Mr. Salisbury will take the initiative to schedule the first meeting. Discussion followed regarding the time frame of getting this to the General Assembly. Councilman Salisbury stated he is concerned when the General Assembly will recess.

Council President Budway stated we should split this into parts as determined by the Committee. Those portions that are relevant to this project, let's get them going as soon as possible. If we need to call a Special Council meeting to address this issue, then that is what we will do.

Motion made by Councilman Collins, seconded by Council Vice President Farrar, and voted by consent agreement to appoint the following members to the Ad Hoc Committee to assess current and future Town/School/Recreation/Athletic resources and needs: Jean Angell, Ernie Marcure, June Guglielmi, Wayne Salisbury, Wendy Knowlton, Richard Iverson and Steve Gormley.

The meeting recessed at 6:50 pm.

The Town Council meeting reconvened at 7:15 pm. Councilman Winfield joined the meeting.

Tom Angell and Christopher Modisette of the Conservation Commission presented the Annual Report and gave a brief presentation of what the Conservation Commission and Land Trust is doing. Mr. Angell stated they want the Council to see what they have done in the past year. Both the Conservation Commission and Land Trust have had quite a few pieces of property that are coming to them throughout the Town that are either for sale or looking to sell development rights. They would like to know what direction the Council would like them to go forward in.

At this time, Mr. Angell presented awards to the retired members of the Town Council, John Marchant, Ted Richard and Michael Marcello. Mr. Angell thanked them for their support over the years. Ruth Strach explained that when they started having the annual meeting, they decided to have the Alice M. Howland award, which was named for the woman who used to be with the first tree farm in RI. She also gave a lot of property to Hope Associates and that area in that part of Town, as the Hope Associates beach and barn. She was a librarian at Hope Library for about 50 years. This award is different each year, and this year the awards were done by Neal Drobnis. The recipient of this award was Christopher Modisette who retired from the Conservation Commission. The Conservation Commission also had complimentary awards designed for the retiring Town Council people, also designed by Neal Drobnis.

Council President Budway stated that when he first got on the Council, one of the things he did was act as a liaison to the Conservation Commission, and they would meet in the Building Inspector's Conference room, which certainly is not the biggest space. This group of people had meetings there once a month, and Mr. Budway stated he certainly learned they have lengthy meetings, and they do some of the most important work that's done in this Town – preserving our resources for the future. Mr. Budway stated he is very impressed and very appreciative for the work that is done. Mr. Budway appreciates seeing how things have grown and have changed over the years.

Council President Budway explained to the audience that if any members of the public have any comments, they will have an opportunity when we get to item #9 on the agenda. If anyone wishes to comment on any items under discussion and/or approval, they will be allowed to comment at that time.

Motion made by Councilman D'Agostino, seconded by Councilwoman Knowlton and voted by consent agreement to approve the minutes of the regular Council meeting of March 8, 2007. Motion made by Councilman Collins, seconded by Council Vice President Farrar, and voted by consent agreement to approve the minutes of the Special Council meeting of March 22, 2007. Motion made by Councilman Collins, seconded by

Councilwoman Knowlton and voted by consent agreement to approve the closed session minutes of February 8, 2007. Councilman Winfield abstained because he was not in attendance for this meeting. Motion made by Councilman Collins, seconded by Councilman D'Agostino, and voted by consent agreement to approve the closed session minutes of March 8, 2007. Councilman Winfield abstained because he was not in attendance for this meeting.

Under Departmental Reports, Building Official David Provonsil advised the Council that on Friday evening, he was summoned to a location on Danielson Pike by the Police Dept. to inspect conditions that were questionable as to being fit for a residence. By the time the inspection was completed, it was declared unfit and posted "Not Fit For Human Habitation." There are certain laws that govern this type of action between the Building Code and Minimum Housing Code. On Saturday, Mr. Provonsil hand delivered a written notice of required improvements, corrections and repairs to be made to the property before they will be allowed to re-use the property for the residence. Mr. Provonsil stated that on Monday morning, he met with Town Solicitor, David D'Agostino, to make sure that everything has been done legally. When such immediate action is taken, the Town Official is responsible for temporary housing or shelter for the legal residents of that structure. Mr. Provonsil stated he made arrangements with the Best Value Inn in Town. Attorney D'Agostino was able to determine the length of time that we have to provide this, so they were further served from the Town Solicitor's Office by the Police Dept. that there was a time limit on when these improvements have to be made, and Mr. Provonsil will conduct a re-inspection of the property tomorrow. They were also told that temporary living arrangements at the cost of the Town will end on April 14, 2007. All the costs incurred by the Town can be covered by method of a lien on the property. Mr. Provonsil stated he provided a 30-yard dumpster for the volume of debris that needed to be cleaned from that house, and that has been filled and replaced and that is going to be refilled at the cost of the Town. Mr. Provonsil stated he has an appointment tomorrow with two experts in the field of certain elements of housing. We will proceed according to the law as Attorney D'Agostino has determined.

Council President Budway asked Chief Mack if there was anything he would like to add to this report. Chief Mack stated that 950 Danielson Pike has been an issue for people who live in that end of the community, and is also something that the Police Dept. has worked on. Through the efforts of Officer Keith Yeaw, Lt. Stephen Lang was able to obtain a search warrant for the premises. Approximately 10:00 pm last Friday evening, they served that search warrant. The service was supervised by Lt. Stephen Lang that was overseen by Captain David Randall. Chief Mack stated that based on his prior experience, the best way to handle this type of situation is to have a multi-departmental approach from within the community, and call in whatever State agencies might be appropriate. In this case, we had the Building Inspector, the Chief of Chopmist Hill Fire Dept., and also Lt. Lang also contacted DCYF. Chief Mack stated it is important we all follow through on this; however, there are some things that cannot be discussed because there are additional charges pending on someone who was arrested that night.

Captain David Randall stated that a search warrant was executed at 10:24 pm last Friday by eight members of the Scituate Police Dept and one member of the West Warwick Narcotics Unit. When they entered the building, they found 11 people inside the building, including homeowner David Briere, age 54, his son Jeffrey Briere, age 20, and his friend and cohort Brandon Brunell, age 20. They were the ones the police were looking for. They were arrested and charged. Mr. Briere was charged with alcohol related offenses which are a felony and misdemeanor, and Jeffrey and his friend were charged with felony drug charges. The other 8 people in the house were identified between ages of 15 and 26 years old. The parents were notified, and it is a very sensitive situation. The investigation will continue at this time. Mr. Randall wanted to impress to the Council how extremely cooperative the other departments involved were at the local and State levels, and he compliments the officers involved for a job well done.

Council President Budway asked Attorney David D'Agostino to comment on his involvement. Mr. D'Agostino stated his office was asked to get involved after the initial incident. They reviewed the applicable standards given the facts and findings of the case. There were several minimum housing violations and state building code violations in addition to the existence of what is deemed an emergency situation affecting the general health, safety and well-being of the occupants and community. The house is currently placarded, which means there is a notice that the building is unfit for human habitation. The owners have been given until tomorrow to make corrections to the numerous circumstances that exist on the premises, at which time a second inspection will take place. Mr. D'Agostino stated that from a legal standpoint, there are 3 options that can occur: The first option is if everything is rendered in a condition that is suitable for human habitation, the placard can be removed, and they can move back in. If the conditions persist, a second notice of violation can be issued. In addition to the second notice, we can issue a notice to demolish. Given the seriousness of the situation, the facts seem to warrant that approach if the problem cannot be remedied. We will proceed accordingly, based on the Zoning Official's findings tomorrow.

Council Vice President Farrar asked how long ago were the homeowners first noticed? Building Official Provonsil stated they received a notice in March 2006, and prior to that, they received a similar notice of violation in the summer of 2004. At that time, we did not provide a dumpster. They received several zoning violations regarding unregistered vehicles, and they received 3 health or safety violations regarding the interior and exterior of the dwelling.

Council President Budway thanked the Police Chief and Captain Randall and all the officers involved, and the coordinated involvement of the Building Inspector and the Fire Department, and the legal involvement in this effort to clear up what has been a long-standing concern to many people. Hopefully, this will be an item that does not reoccur.

Police Chief Mack stated that Sgt. Brian Sedgley has submitted his retirement letter. He served 17 years on the Department. He has 4 years of active military duty. His retirement will be effective May 1, 2007. Chief Mack also advised that Dispatcher Mike Dutilli resigned effective the end of this month. He has been selected as a

firefighter on the Newport Fire Dept. Chief Mack added that Animal Control Officer Patricia Howarth was also involved at 950 Danielson Pike, where she removed 2 dogs and 17 cats, 4 of which are expecting kittens. The animals are being inspected. The dogs had obvious issues.

Chief Mack stated that his Department is presently preparing for the Sargeant's exam, which will be given approximately June 1, 2007. Officer Keith Yeaw just finished probation.

Motion made by Councilman David D'Agostino, seconded by Councilman Salsibury and voted by consent agreement to accept and place on file all Departmental reports.

Councilman President Budway asked the audience if anyone wished to speak under audience participation. There was no one.

Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to accept the Arbor Day Resolution.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to table the Resolution to release the Town from having to advertise in the Providence Journal until they have something to review in writing.

Motion made by Council Vice President Farrar, seconded by Councilman D'Agostino and voted by consent agreement to appoint Elizabeth Morancy and Theodore Richard III to the Affordable Housing Commission.

Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to reappoint Bobby Napier as Narragansett Street Light Coordinator, term expiring April 2008.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to approve the joint pole location at Oakwood Drive.

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

Councilwoman Knowlton – aye	Councilman Winfield - aye
Councilman Collins – aye	Councilman Salisbury – aye
Councilman D'Agostino – aye	Council Vice President Farrar – aye
Council President Budway - aye	

With no public comments on the CDBG Grant, a motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to approve the CDBG Grant.

After lengthy discussion regarding Central Avenue and the question as to whether it is a State or Town Road, motion was made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to table the second reading of the No Thru Trucking Ordinance, until we can obtain in writing from the State Dept. of Transportation as to whether it is a State or Town Road.

Next on the agenda is the Outdoor Entertainment Ordinance. Council Vice President Farrar stated that this was put on the agenda at his request; however he thinks this item should have been put on the agenda for discussion, and have the Town Solicitor

prepare a draft for the Council to review. Attorney David D'Agostino stated this is a very rough draft and should be put under discussion and/or approval.

Motion made by Councilman Collins, seconded by Councilman Salisbury, and voted by roll call to close the Public hearing:

Councilwoman Knowlton – aye	Councilman Winfield - aye
Councilman Collins – aye	Councilman Salisbury – aye
Councilman D'Agostino – aye	Council Vice President Farrar – aye
Council President Budway - aye	

Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to approve the request for a third dog by Thomas & Lucille Benoit, 212 Old Plainfield Pike, pending Animal Control Officer Patricia Howarth's recommendation.

Jeffrey Amylon of the Scituate Farmer's Market Committee wished to thank the Town Council for their past support for the Farmer's Market and hopes to have continued support. The Market is entering into its fifth year, and this year they are really going to try to become more of a community group. Council President Budway asked if the permission from the Town to use Town property is time-limited? Councilman Salisbury stated he believes it is not, but it wouldn't hurt to give approval again. Motion made by Council Vice President Farrar, seconded by Councilman Collins and voted by consent agreement to support the Scituate Farmer's Market and to allow them to use the Town's property.

Next on the agenda is the Hope Mill project. Council President Budway asked Building Official David Provonsil to give a summary overview of the project, for the new members of the Council and for the audience. David Provonsil stated in July 2006, the Hope Mill Village Associates (a private development group), appeared before the Town Council to present their intent to develop the Hope Mill and surrounding property for multi-family housing. The project entails approximately 152 apartments within the Hope Mill and other surrounding vacant land to be developed into new construction luxury condominiums, approximately 52 units. They identified as a necessity for their project municipal sewers, and their plan to obtain those would be to connect the Hope Mill Village to the West Warwick Sewer Authority Treatment Plant. In doing so, it would be their intent to construct sewers that are within the regional wastewater sewer plant, the facilities plant that has been approved by DEM and the Town, and is part and parcel of our current inter-municipal agreement with West Warwick. We have paid for and reserved flow capacity in the plant in the amount of approximately 78,000 gallons per day. In their proposal, they would be asking the Town Council to utilize a significant daily portion of that daily flow of our reserves. Because their sewer route would actually be a regional interceptor line, the vast majority of what they would construct would have to be owned and operated by a municipality. The route is not only in Scituate, but also goes to through the Town of Coventry as well. The only way that this would get approved would be for the Town Council to not only grant them the use of some of our flow capacity, but would also have to agree to own and operate this sewer infrastructure once it's been completed. It would have to be designed and inspected in accordance with

a State and West Warwick sewer design. Since the time that they appeared before the Council in July, they have obtained a Master Plan Approval from the Planning Board, so final design would be required, and they have also been granted a conditional approval from the Zoning Board for a special use permit for multi-family housing, and several variances. The Zoning Board decision is such that upon completion of granting every approval and permit that is necessary, to apply for a building permit for their project, they can return and get final approval from the Zoning Board. Mr. Provonsil stated he attended several meetings with developers, their engineer, the West Warwick Sewer Authority, and Bob Budway because what is on the agenda this evening is to commence the formal agreement or approval with the Town Council for the sewer project.

Councilman Winfield asked Mr. Provonsil if it would be approximately 50% of capacity, and Mr. Provonsil stated "yes." Councilman Collins asked if we are going to own this sewer line someday and will we need to create a sewer department, and what is the cost going to be to us? Mr. Provonsil stated that with respect to the construction costs of the sewer infrastructure, what they offered in the data, in exchange for the Town granting them a portion of our sewer flow, they would connect to their sewer main several facilities; namely, the Hope Sanitary Association, which consists of most of Mill Street and several other duplexes and old houses in the Hope Village, the Hope Elementary School, the Police Station and the Hope Jackson Fire Station. Initially, their intent was to construct the entire sewer. Subsequent to that initial offer, as they proceeded to the final design of this sewer, there is a section of existing interceptor in the West Warwick section that needs to be upgraded in order for this to properly fit into the overall system. They may make a certain proposal with respect to some of that upgrade. Councilman Collins asked if we have figures of what it will cost us down the road if we take ownership of it?

Mr. Provonsil stated we have an estimate of a yearly maintenance and operation of a system this size. It's a fairly straight forward system, it is just sewer main, manholes and there shouldn't be any pumping. It's a pretty basic system, and may include a flow meter. The question is, once this is in, how do we take care of it?

Mr. Provonsil stated that the Town of Coventry has a similar circumstance, and they do not have a sewer department. They created a sewer ordinance and they set sewer rates based on a cost to hire a company to inspect, maintain and operate the pipeline. Councilman Winfield asked what would the capacity be once our buildings were added to it? Mr. Provonsil stated it would be in the range of 15,000 to 17,000 gallons a day. Hope Sanitary Association's flow is 13,000 gallons, the Police and Fire stations will be under 1,000 gallons a day, and the school is approximately 3,000 gallons per day. Councilman Winfield stated this will put us pretty close to our capacity. We will still have approximately 20,000 gallons a day left over. This regional sewer plan and facilities plan always had the Hope Village within their sewer design. Councilman Winfield asked if we have any other residents in that area that aren't hooked up that could potentially be added to it later? Mr. Provonsil stated "yes." Councilman Winfield asked if we are looking to protect the other taxpayers in Town with a capacity issue? Mr. Provonsil stated that is why we are here this evening to put these issues on the table. Councilman

Collins asked if a line comes by a certain road, are the residents on that road required to join? Mr. Provonsil stated that this particular route is a cross-country line that flows by gravity. The route comes out by the back of the Mill, and goes along the river bed and the railroad tracks, and doesn't really get to many Town roads until it gets down toward Colvin Street and Clarke Road. It is a condition of the Zoning Board's approval that other than what they've made a commitment to, any un-sewered Town properties they need to make laterals to.

Council President Budway mentioned that the Town received correspondence from the developer, Mr. Robinson, calling our attention to the concerns relative to the extension of the sewage line into West Warwick. As a result of that letter, David Provonsil, David D'Agostino and Mr. Budway met with Mr. Robinson and Mr. Geremia in Town Hall on Monday because they wanted clarification of what was contained in that letter. At that meeting, we did request that certain things be put in writing prior to this meeting so that we would have a clear understanding of what we can expect, and written confirmation of the verbal commitments that were made during that meeting and prior to that meeting. Mr. Budway pointed out that the cost of the sewage line and the cost of extending it to the Police station, Hope Jackson Fire Company and the school, would be paid by the developer. They would be paying the cost of extending that line to West Warwick. A particular area of concern that they have, and the reason that they got in touch with us, is there is a portion of that line which is undersized and, and in order to accommodate the project and the rest of the capacity that we have reserved, it is necessary to upgrade that line. The request from the developer is that the Town eventually bear the cost of just that section of the pipe. Initially, the developer would bear the cost of that, and that over a period of time, undefined at this point, the developer would be reimbursed by the Town for their outlay of that one particular section.

At this point, Mr. John Robinson explained that the Town Council had directed them last year to obtain more technical information before going forward and before making any commitment by the Town. Mr. Robinson stated at that time, Hope Mill Village Associates utilized information that was from West Warwick Sewage Treatment Plant. Their drawings show an 18" connection at Lincoln Avenue in Coventry. Mr. Geremia of Geremia Associates found out in November that although the Town has 78,000 reserves in the Sewage Treatment Plant, there will have to be an increase in the interceptor line in West Warwick, beyond the Lincoln Avenue line. Mr. Robinson pointed out the areas discussed on the diagram displayed, and handed out copies to the Council. Mr. Robinson stated the sewer connection is critically important in order for them to go forward. Mr. Robinson stated it is their full intent to connect the Hope Sanitary Association and the Police Station the Fire Station and the school, etc. Mr. Robinson stated there are State funds available that they cannot apply for; but the Town of Scituate can. They cannot even apply for the sewage in West Warwick, only the Town of Scituate can apply. There are low interest loans the Town can apply for.

At this point, Mr. Geremia addressed the Council and stated he would like to go over a few things. In regards to the regional flows, in 1980 the first facility plan was completed. The 78,000 gallons was based upon a couple of items, one being the Hope

Sanitary District. The second was Falvey Linen generating about 60,000 gallons of flow, and the rest was infiltration and a little bit on the Police, Fire and School. It was DEM's concern at the time as far back as 1980 because of the watershed area, that is why they asked the Town of West Warwick to include that within their facility. Scituate has been participating since the mid 1980's, up until the present time, expanding the wastewater treatment plant in West Warwick. Mr. Geremia stated that in addition to that, in mid 1980's, there was another project that went on. They upgraded the Clyde Pumping Station, which the Town's flows would ultimately tie into, and the interceptor and force main. The force main and pump station was upgraded to handle the Town of Scituate's reserve capacity as well as the Town of Coventry's. Mr. Geremia stated that because there was HUD money and other grant monies available, the Town of West Warwick proceeded to put in about 2,000 linear feet of gravity sewer, which is defined as the Clyde Interceptor, and is located on 116 and Main Street in the Town of West Warwick (the Clyde section of Town). With funding, they were only able to go to Phoenix Avenue. Mr. Geremia stated that at the same time, the Town of Coventry received a grant because Victor Electric was to tie into sewers because of an issue of pollution. They put an 18" stub with the intent that if and when Scituate and Coventry connected and would extend up Main St., that is where the 18" came from. Mr. Geremia stated that at this point in time, for this project to move forward, as well as the projects in Coventry, the regional interceptor from Phoenix Avenue needs to be upgraded. Mr. Geremia stated that John indicated the initial plan was to go all the way up Main St. to the Coventry/West Warwick town line. Because of the ability and potential of using the Pawtuxet River and the walkway path, the construction costs would be cheaper if they would run along the river, because there is no need for the Town of West Warwick to upgrade or extend sewers up to that area. The sewers exist, only the size of the line is inadequate to handle the regional flows. Mr. Geremia stated from Fairview Ave. to Phoenix Ave, is about 1,000 to 1,200 feet of linear sewers. That has to be upgraded. Kent County Water Authority has an immediate need because of the aqua duct being shut down in November.

Mr. Geremia stated original budget estimates, and they have not approached the contractor yet, are approximately \$500,000 in construction costs. There are low interest State loans available for this project. It would probably have to be requested by the Town of West Warwick because the interceptor is in West Warwick. Mr. Geremia stated one of the important elements of the whole thing, in working with West Warwick for the past 25 years, the Town of Scituate has to grant approval. The Town of West Warwick would certainly discuss and look at options available to the developer, but will need the Town of Scituate's approval for the use of the capacity. They would then accept that flow and then sit down and look at this regional problem with that section of the Clyde interceptor. The percentages are approximately 20% West Warwick, 20% Scituate, 50% Coventry.

Councilwoman Knowlton asked about the area from Lincoln Avenue to Fairview Avenue. Mr. Geremia stated from Fairview Avenue to Phoenix is the area that needs to be upgraded.

Mr. Geremia stated that in this particular area, the flows are contributed by the Town of West Warwick, the Town of Coventry, and the Town of Scituate. Once the Town of Scituate grants approval, or has the intent to grant approval, we need to sit down with the Town of Coventry because the line is going to go through Coventry, and then we need to sit down with the Town of West Warwick so that the three partners in the regional upgrades can all work together to upgrade what is necessary. Mr. Geremia stated the developer has already begun discussions with the Town of Coventry.

Council President Budway asked Mr. Geremia if Scituate is the first community that they are discussing the need for the upgrade of the interceptor its cost? Mr. Geremia stated they had a meeting with the Town Manager in West Warwick because it starts in West Warwick. The developer has had meetings with the Coventry Town Engineer, and David Provonsil was present at a meeting with the West Warwick Subcommittee with the Town of Coventry. This first presentation is to this Council is because without Scituate's approval or conditional approval, this project can't go anywhere.

Councilman Budway asked what is the reaction of the other communities in regards to their picking up their share of the cost of the interceptor upgrade? Mr. Geremia stated he only spoke to West Warwick, and they stated they have no need to upgrade that capacity, and at this time they will probably look at the developer to pay those costs.

Mr. Budway asked if they are looking at the Town of Scituate to bear the full cost of the interceptor? Mr. John Robinson explained the costs involved and stated they have talked to several finance companies. One of the challenges they have dealt with in dealing with off-site costs is the finance companies say they can't attach anything, so it is very difficult to get financing. They also have an easement cost between \$100,000 to \$125,000 because they have to go through a parking lot just to get to Lincoln Ave. They are asking for 2 things from the Town: to make the commitment to say "yes" the Town of Scituate wants this project and to release a portion of the reserve, which is less than what they asked for in the beginning because of the decrease in bedrooms, and if the Town has the possibility to seek funds from the State, to explore that possibility.

Council President Budway stated there is obviously a number of complexities and uncertainties here. Given all these things, Hope Mill Village Associates are asking the Town to make a commitment to share the costs which have not been defined at this time. Mr. Geremia stated there is no final cost available yet, but will be available within a week or two. The estimated cost is \$500,000. Mr. Budway asked what the Town of Scituate's share is. Mr. Geremia responded saying if the regional participants pay their share, the Town of Scituate's cost is 19.4%. Mr. Budway asked what if the regional participants chose not to pay? Mr. Geremia stated it would be the full amount.

After lengthy discussion, Mr. Robinson stated that he thinks it is reasonable if the Town gives conditional approval. The most important thing is setting aside the reserves.

Councilman Salisbury asked Mr. Geremia why would Coventry and West Warwick agree to pay for this? Mr. Geremia stated they asked the Town of Scituate to pay to upgrade the Clyde interceptor. Mr. Geremia feels that if the Town of Scituate

approaches West Warwick, he feels they have a good case, in his opinion. Councilman Salisbury asked what is the new development potential in the areas to be tied into? The average house uses 300 gallons. There is zero potential in West Warwick. The potential for growth is all in Coventry. Mr. Salisbury asked if any other formal agreements have been made with any other organizations, such as Hope Associates? Mr. Geremia stated the first step is to get the approval from the Town of Scituate.

Council President Budway stated that on Monday, he asked Building Official Provonsil to contact his counterparts in West Warwick and Coventry, and he asked Attorney D'Agostino to take a look at the Hope Sanitary Association's Bylaws.

After lengthy discussion between the Council, Mr. Robinson and Mr. Geremia, and members of the audience (refer to tape for complete discussion), motion was made by Councilman Salisbury, seconded by Councilman Collins, and voted by consent agreement to grant approval of the 40,000 gallon capacity per day, contingent upon receiving a document in writing from Hope Mill Village Associates within 10 days, outlining the specifics previously discussed:

Extend the sewer connections to Hope Sanitary Associates, Hope Elementary School, Hope Jackson Fire Dept., the Police Station, and to upfront the cost of the Town's portion of the interceptor.

Any representation made by the Developer regarding the Town of Scituate, should be accurate and reflect what was discussed at this meeting.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to confer with Coventry and West Warwick to ascertain what their intentions are regarding this upgrade, and to pursue an agreement that would share the costs. The contact should be done by David Provonsil and Legal Counsel.

Next on the agenda under discussion and/or approval, is the Tower Lease Agreement. Councilman Winfield recused himself. Council President Budway stated that a representative of the owner of the Tower has approached the Town, suggesting a change. Attorney David D'Agostino stated that A T & T merged with Cingular Wireless recently, and A T & T leases a 10 x 10 portion of the tower at 116 Main Street in Hope. A representative of Black Dot Wireless contacted Mr. D'Agostino. They are reviewing cell tower leases throughout the country. The lease that is in effect with the Town of Scituate is one they are looking to renegotiate the terms for. Currently, they pay approximately \$2,000 per month. They are looking at a re-negotiated term of \$1,600 per month, and to make a commitment for a certain number of months at that rate. The current lease in effect began in November 2002, a five-year of term, ending in November 2007. The lease is set to automatically renew for five terms, unless the tenant notifies the Town in writing. Mr. D'Agostino stated he sees a couple of options. One is to do nothing and see what Cingular intends to do. If they decide to terminate, there is six-month termination fee in the current lease. There is a chance they will continue to operate under the current terms, and also an option to engage Black Dot Wireless in negotiations to see if there is some counter-offer by the Town.

Council President Budway questioned Paragraph 6 – expansion of permitted use and if there is anything relating to this in the current lease? Attorney D'Agostino stated

with the transition and merger, this is related to Cingular's option to install additional equipment or change the equipment that is on the tower. There is not a similar provision in the existing contract.

Councilman Farrar stated he would just ignore this proposal and do nothing and wait to see what happens in November. Council President Budway read the fine print of the proposal, stating it will expire the close of business 5 days from the date of the letter, which is March 12, 2007, which has already passed. Chief Mack stated the Town has radio equipment on the tower. Councilman Collins stated we should find out who else rents space on the tower.

Motion made by Councilman D'Agostino, seconded by Councilman Collins and voted by consent agreement to ignore this proposal by Black Dot Wireless.

Next item on the agenda is the eminent domain policy. Motion made by Council Vice President Farrar, seconded by Councilwoman Knowlton and voted by consent agreement to put this on next month's agenda under a public hearing as a first reading, as drafted by the Town Solicitor.

Next on the agenda is discussion of creation of a Town Manager/Administrator position. Council President Budway stated he asked to put this on the agenda. Over the past ten years, we've enjoyed having Mr. Richard as Town Council President. He was able to devote a fair amount of time to the affairs of the Town, exercising leadership and ability in management. We've also been fortunate to have a fair amount of stability in the Department Heads and Elected Officials that also manage the Town. Mr. Budway read the headlines of an article in the Valley Breeze Observer entitled, "Full Time Government Concept Wanted in Scituate." Mr. Budway stated that we do have full time government from the individuals that are employed on a full time basis that perform the management of the various Town operations. What we have is a part-time governing body in the Town Council. The reason for putting this on the agenda for discussion, is we need to look further down the road at the prospects of turnover of the people in key positions in those full time people that manage their aspect of government. The prospects are that we will see some movement in those positions. The fact is that there are issues that do require a lot of investigation, and that sometimes take an inordinate amount of time to move ahead. Essentially they are all part time people, and in the interest of continuity in addressing Town matters, it could possibly benefit from a Town Manager/Administrator position. Mr. Budway stated his intent to put this on the agenda was to initiate discussion, and this is not something that is to be settled in one session, but rather to get the ball rolling and get some suggestions this evening as to what might be the appropriate way to move forward with this. Based upon the discussion what the need might be, some may feel there is no need. Mr. Budway stated he sees this as a process to evolve over a period of time, and if there is a decision to go this route, what is it that needs to be implemented, as far as legal concerns, etc.

Councilman Salisbury stated that one of the first things that needs to be determined is what the Council expects a person of this nature to do. What is the job title, what are their duties and responsibilities? Maybe the title of Town Manager/Administrator should be modified to someone in the finance capacity that could

also handle some of the administrative duties that are going on. Mr. Salisbury stated that as he mentioned at the Financial Town Meeting, it has been a concern of his for many years that you have an organization with a \$10 to \$30 million budget, and most of the prime decisions fall on the Department Heads or the Council President who works full time or owns their own business, and this takes a lot of time. Eventually we are going to have to come to terms with the fact that we need someone that can make the day to day decisions without picking up the phone and calling the Council President or members. Mr. Salisbury stated he felt this should be discussed by perhaps putting together an Ad-Hoc Committee to discuss and determine what the duties and responsibilities are, whether it should be a full time or part time position.

Council Vice President Farrar stated he feels this probably would have happened to the Town a very long time ago if Ted Richard wasn't the President as long as he was. Mr. Richard had the luxury of owning his own business and leaving it for his employees to run while he left to take care of Town business. Mr. Farrar stated he feels it is time to address this. No one on the Council can put the time in that Mr. Richard did and not have an affect on their employment. This is something we need to look into. Mr. Farrar stated the he not only agrees with Mr. Salisbury regarding this person should be involved with finance, but also with grant writing. There are a lot of grants out there that we are not getting because we don't have the time to dedicate to that type of process.

Council President Budway stated that he feels the best way to go about this is to create a subcommittee of the Town Council to investigate issues for discussion. Just as we have been fortunate with having Mr. Richard as the Council President, we have been equally fortunate with having Mr. Przybyla as Town Treasurer with his abilities. That is an elected position, and there is no requirements that this individual has a financial background.

Michael Marcello stated he applauds the discussion for taking place. Ten years ago when Roger Medbury retired, we had the same discussion. Even if you approve a Town Manager, you still have an elected Town Treasurer. The fundamental way to do this is you have to look at the entire Town structure, and it should be decided by the voters in this Town through a Home Rule Charter. Mr. Marcello stated that in his opinion, this is a lengthy process, but is the best way to gain consensus. To do this piece meal is the wrong way to go.

Council President Budway stated this is not a piece meal approach. We are initiating this topic, this is a public body, and discussions will take place. Anyone wishing to be part of the discussions may do so.

Councilman Salisbury stated he and Mr. Marcello have had this discussion before, and they disagree. The Home Rule Charter is not a cure-all. The Council is an elected body by the people, and is a representative government. This body is suppose to put forward certain ideas. If it is a decision of the Council that as elected officials, they need a financial/managerial position in this community, they don't have to have a Home Rule Charter just to accomplish this. This can all be done through the General Assembly framework that is given to us. Mr. Marcello stated that by doing it this way, you are changing the form of government without the consent of the people. Mr. Marcello stated

his personal preference and what he feels is the most fair preference is a Home Rule Charter, and this can be established without the Town Council, by collecting enough signatures, and it will have to be presented on a ballot within 60 days.

Thomas Galligan stated that one of the reasons he came tonight is because he read the article in the Observer. He questioned why wouldn't we consider a Mayor? If you have a Town Manager, he or she only has to make 4 people (the majority of the Council) happy. In other Towns, Managers come and go. Why don't we just consider have a Mayor elected? Councilmen Salisbury and Budway stated there is no reason why this can't be discussed. Mr. Budway stated all we are doing is discussing, looking at different alternatives, getting different information out and let people think about it.

Council Vice President Farrar stated that he believes Mr. Marcello disagrees with Mr. Salisbury, because the rest of the Council has not expressed their opinions, one way or another. Mr. Farrar stated that Mr. Marcello has a lot to offer with his experience from being on the Council for so long, and he cares about the Town. Mr. Farrar stated that no one on the Council will do anything that is not in the best interest of the Town.

Next on the agenda is the Outdoor Entertainment Ordinance. President Budway stated this not intended as a finished product, but rather a base document, draft copy. Attorney D'Agostino stated there is a Public Entertainment Ordinance that is similar on some points. He's already looked at it as exempting Town-related events and Town-owned property. This document is related to a Foster Town Ordinance. Mr. D'Agostino stated this is an outline. What is the concern of the Council regarding certain events in the Town? He referred to Article 7, Section 6-156 - Public Entertainment. Councilwoman Knowlton stated one of her concerns is the way this draft is written, you will need a permit for a high school dance. Councilman Farrar stated we are looking at this because the Council issued an outside food permit to a restaurant in Town, and they talked about outside entertainment. We want to make sure we are fair with all the restaurants, and want to make sure we come up with something that would be suitable for everyone, no matter what their location is. We do not want to restrict all kinds of things, but want to make sure that someone doesn't have to put up with something every weekend in their back yard that we permitted. Councilman Winfield stated that the way this draft is written, it takes into account all businesses in Town and subjects them to very harsh and stringent requirements. If we want to drill it down, maybe proper content is to work with Ordinance we already have.

Attorney D'Agostino stated if a business wants to have a band play outside, is that activity from a business any different from having a birthday party at the Community House and playing a band there, or in his back yard?

Chief Mack stated in the past his Department has had complaints with bike night at Suzie Q's. The police respond to noise complaints and usually it is resolved.

Councilman Salisbury stated it appears that the way our Ordinances are written, that you can have any kind of entertainment as long as he doesn't charge his customers. Where do you draw the line? Discussion followed.

Council President Budway asked what is wrong with leaving the draft ordinance exactly the way it is and exempt those organizations that you want to exempt, such as

schools, non-profit organizations, etc. Councilwoman Knowlton asked if we can continue this discussion and inquire as to what other city and towns do?

Attorney D'Agostino stated for next month's meeting, he can put together all of the related Ordinances we have, and make some recommendations.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and voted by consent agreement to pay early bills, old budget, in the amount of \$155,876.35. Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to pay early bills, new budget, in the amount of \$57,718.17. Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to pay regular bills, old budget, in the amount of \$59,897.63. Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to pay regular bills, new budget in the amount of \$177,410.97. Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to pay supplemental bills, old budget, in the amount of \$25,968.17. Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to pay supplemental bills, new budget, in the amount of \$11,832.24.

Building Official, David Provonsil, asked permission to discuss payment of a bill that is not in the package. It is for the motel cost for the housing issue on Danielson Pike. Mr. Provonsil asked permission to pay up to \$694.00 out of the Zoning Enforcement account, for a maximum of 10 days. Motion made by Councilman Collins, seconded by Councilman Winfield and voted by consent agreement to pay up to \$694.00.

Under Council remarks, Vice President Farrar stated he feels the Town should send a letter to the Conservation Commission for the presentation given this evening, and one of the things Mr. Angell requested was approval and direction from the Council. They are doing a great job, and should be told to just keep doing what they are doing. Mr. Farrar also stated he wanted to comment again on what a great job was done by everyone involved with the Danielson Pike issue. Councilman D'Agostino echoed what Mr. Farrar said. Councilman Winfield also echoed what Mr. Farrar said. Councilwoman Knowlton stated "ditto." Mrs. Knowlton stated she has done a lot of homework on the recycling, and there are a lot of good ideas to improve what we do and save us some money, but will save the information for next month's meeting.

Motion made by Councilman Collins, seconded by Council Vice President Farrar and voted by consent agreement to adjourn at 10:55 pm.

Refer to audiotape for complete discussion and testimonies given.

Respectfully submitted,

Gail Chatfield, Deputy Town Clerk

