

A regular meeting of the Town Council held for the Town of Scituate on Thursday, September 13, 2007 in the High School cafeteria, 94 Trimtown Road, N. Scituate was called to order at 7:04 PM. Council President Budway presiding.

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

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

Council President Budway explained the procedure for this evenings meeting.

First item on the agenda is the promotion of Lt. Stephen Lang.

Chief Mack introduced Lieutenant Lang and said that he began his law enforcement career with the Scituate Police Department in 1987 as a dispatcher. He entered the R.I. Municipal Police Training Academy in December 1988. After graduating, Lt. Lang worked as a uniformed Patrol Officer until March 1991 when he was assigned to the position of Detective. Lt. Lang graduated from the U.R.I. Criminalities B.C.I. School in 1991. He is a graduate of Roger Williams University with a B.S. in Administration of Justice. He graduated the F.B.I. National Academy 220th session in March of 2005. He has been married to his wife Julie for the past 18 years and has two children, Douglas and Jenny.

At this time his daughter Jenny pinned him with his captain's bars.

The Council recessed for 15 minutes in recognition of Captain Lang's promotion.

The Council reconvened at 7:35 in the High School Auditorium due to the attendance.

Motion made by Councilwoman Knowlton, seconded by Councilman Collins and voted by consent agreement to approve the August 9, 2007 Town Council minutes.

Motion made by Council Vice President Farrar, seconded by Councilwoman Knowlton and voted by consent agreement to approve the July 12, 2007 Closed Session minutes.

Motion made by Councilwoman Knowlton, seconded by Councilman D'Agostino and voted by consent agreement to approve the minutes of the August 30, 2007 Special Town Council Meeting.

Councilman Winfield abstained from this vote.

Motion made by Council Vice-President Farrar, seconded by Councilman D'Agostino and voted by consent agreement to approve the Closed session minutes of August 30, 2007.

Councilman Winfield abstained from this vote.

Motion made by Council Vice President Farrar, seconded by Councilman Collins and voted by consent agreement to approve the Tax Assessor's abatements of \$3,532.60 and additions of \$2,878.60.

During departmental reports, Building Official Provonsil said that we have recently been billed for our portion of the Clyde interceptor project by the West Warwick Sewer Authority. He explained that the Hope Mill developers will pay for it and the Town will reimburse them in the future.

Chief Mack told the Council that his department has to do another town wide mailing to notify the public that a level two sex offender lives in the Town. He explained that this is cost approximately \$800.00 for printing and \$1800.00 for mailing. He cautioned the Council that this new requirement could potentially cost the Town \$10,000 per year.

Motion made by Councilman D'Agostino, seconded by Councilwoman Knowlton and voted by consent agreement to place and file all departmental reports.

During audience participation, Marybeth Ouellette, 637 Elmdale Road, asked the Town Council to revisit the idea of the Ambulance Corp. being placed back on the 911 call card. She also asked if the Ambulance Corp could also be reinstated as a member of the Fire Engineering Board. She explained that many things happened on both sides of this issue and feels that they are ready to be reinstated. She said that she currently has 27 volunteers running the rescue and urges the Council to revisit this situation. She also wants to be allowed to attend meetings with the Fire Engineering Board with the Town Council appointed committee to review emergency services in the Town.

Council Vice-President Farrar said that all of those meetings are open to the public and everyone is welcome.

Councilman Winfield recused himself from the next agenda item.

Motion made by Council Vice-President Farrar, seconded by Councilwoman Knowlton and voted by consent agreement to approve the Art Festival licenses as submitted.

Motion made by Council Vice-President Farrar, seconded by Councilwoman Knowlton and voted by consent agreement to authorize Town Clerk Long to approve late art festival licenses.

Motion made by Councilman D'Agostino, seconded by Councilman Winfield and voted by consent agreement to award the bid for the Highway garage to the low bidder DARE Inc for a bid price of \$205,381.00.

Director of Public Works Richard Iverson stated that this company has very good recommendations and that this price is under the price that was in this budget for this project.

Council Vice-President Farrar asked if this price includes the relocation of the diesel tank.

Mr. Iverson said that it does not, but does not feel that will not be very expensive and he really want the company that installed the tank to move it in case there is a problem.

Mr. Iverson also mentioned that he is going to have his department do as much of the site work as possible to save the Town money.

Council Vice-President Farrar said that he pleased at the price of this project, because it is much lower than the \$250,000 that was budgeted for.

At this time, Council President Budway explained how the next agenda item, the update on the Lawton Farm property, was going to be handled. He said that he wants to allow everyone to be able to speak but asks that they keep it brief and to try not to repeat the same thing. He also asked that when people wish to speak, that they come to the microphone and state their name and address for the record.

Council President Budway said that David D'Agostino, Town Solicitor, will speak first and give a brief history on the acquisition of the Lawton property. Then, David Provonsil, Town Engineer, will explain what the Town has done with the land since the acquisition and what has been planned for in the Comprehensive Plan.

Council President Budway said that the Town Council is trying to plan space for the many athletic teams in the Town. We now have football and the Chopmist Hill Center needs to be renovated, which will take it out of service for a year at least. Also, the Tasca Field is going to be renovated in the near future, so the Town will need a space for the soccer association. He said that the Council is trying to look at all areas of the Town for usable space for athletic fields on Town owned land.

David D'Agostino explained that in 1988 the Conservation Commission was established, and their mission was to identify land in the Town that should be conserved. The first parcel of land that they acquired was the Lawton Farm on Seven Mile Road. He explained that there were three parcels of land, parcel A with 15 acres, parcel B with 31 acres and parcel C with 8 acres.

Parcel A was given to the Town by the Lawton family and the Town of Scituate along with other parties, bought parcels B&C. The Town received open space grant from the Department of Environmental Management for the purchase of parcels B and C. In 1992, the Town deeded parcels B and C to the Land Trust, for conservation. Parcel A was not subject to the conservation easement and the Lawton's said that the purpose of the donation of the 15 acres was for active recreation, and hoped one day to see their grandchildren playing there.

David Provonsil put up maps on the walls of the auditorium showing the original drawings and outline for the soccer fields that were proposed at Lawton Farm. Mr. Provonsil has been the Town Engineer since 1988, and in the first Comprehensive Plan, it was stated that the 15 acres was to be used for recreational fields. (Specifically soccer fields since that was what was needed at that time). He said that the use of that land as recreational fields was clearly documented.

Council President Budway wanted to inform the audience that there have been a lot of misconceptions about this project. Firstly, it has been insinuated that the discussions were held in closed session which is not true. All discussions were held in open session. He also said that the rumors that there would be permanent lighting and bleachers and a cooking facility there were also false. He said that the lighting would be temporary and removed after the season, and if cooking was allowed, it would only be a few gas grills. He also said that there would not be any bleachers or buildings erected.

And at this time, the fields would only be used as practice field for 3 months out of the year.

Council President Budway said that the Council is trying to balance all of the needs of the Town's people including the children.

Council President Budway wanted to tell the audience what the Council did approve. They approved the use of part of the 15 acre parcel for practice fields for the Tri-Town Titans football league. They would be using it for approximately 3 months with portable lighting and temporary storage facilities. There would also be port-a-johns just like at all other recreational fields in the Town. What there would not be is any permanent structures, utilities or bleachers. He said that there has been a big misconception that there are 300 cars dropping kids off for football, but it is more like 80 per night. Council President Budway said that the Council is committed to working with the Land Trust and Conservation Commission to ensure that the other land is protected. He said that there will be a memorandum of agreement with whoever is using the fields.

Council President Budway said that the intent of the Council was not to destroy the land that they are obligated to preserve. He said that the intention of the Council is to fix up the Chopmist Hill Center to have it as the permanent home of the football league, but that takes time and money. He also said that he will speak with the Traffic Safety Committee to insure that the traffic concerns are being met. He wants to work with Town residents and committees to have it as least disruptive to the environment and the neighbors.

Council President Budway read an invitation from October 27, 1990 which invited the Townspeople to the dedication of the Lawton Farm, which is a balance of conservation and recreational fields.

Council Vice-President Farrar stated that he recently spoke with Laura Lawton Mumford who told him that her mother Mrs. Virginia Lawton was very disappointed that the land was not being used for recreational fields because when they gave the land to the Town, they intended it to be used for athletic fields. He said that maybe in the future it could also be used as lacrosse or soccer field.

Council President Budway said that he will now open the discussion to the audience.

Claire Stadmueller of 963 Seven Mile Road, Cranston said she has lived there since 1993 and is very concerned about changes that will occur at the field. She specifically is concerned about the increased traffic on a road that can not handle it. She is also concerned who will patrol the area and what impact the fields will have on the conservation area. She said she doesn't feel that there is sufficient area there and definitely not enough parking. She said that the conservation area is such a beautiful area and that it is so important to preserve open space for future generations. She said that she likes walking thru the paths and watching the wildlife. At this time, she presented a petition signed by 359 people stating their objection to the plan to develop athletic fields at Lawton Farm.

Bill Thurber of Forest View Drive, Hope asked where is the gravel road located.

David Provonsil, Town Engineer, said that the road is 150-foot long and it runs along side of the area that has been recently mowed.

Mr. Thurber then asked does there have to be food served at the field?

Sally Stacey, 11 Patnode Ave, Hope, said that she is a lifelong resident of Scituate and is not in favor of this proposal. She said that she is probably the oldest tomboy in Scituate, and is very much in favor of sports, but feels that this piece of land should be preserved as open space. She said that she loves walking her dog at Lawton farm. She said that over the years the Town has changed a lot and this is a place that hasn't changed. She said that she enjoys the peace and tranquility and there are not many places like this left in Scituate. She said that she is an avid sports fan, but feels that the athletic fields should be at another site. She said that she has firsthand knowledge about how noisy and disruptive a recreation area can be because she lives near Hope Park. She said that there is always trash and beer cans let on the ground and that the coaches and teams are noisy. She said that she admires what Councilwoman Knowlton is trying to do but urges the Council to find another piece of land for the fields.

Mike Kravitz of Foster said that he has been the General Manager of the Tri-Town Titans since the league was formed three years ago. He said the league has worked very hard to bring football back to the Town. He said that the league stresses that the players have to be responsible and give back to the community, and he feels that there will be no problems with trash and destruction to the fields at Lawton farm. He said currently they have 175 players ranging in age from 5 to 15 and 75 cheerleaders, he feels that this program will teach the children discipline and to help keep them out of trouble.

John DePedro of 875 Seven Mile Road, Cranston said that he very concerned about the increase in traffic this proposal will bring. He said that the road is barely able to handle the traffic that is there currently. He said that there are many areas of the road that two cars can't pass without one of them pulling over. He said that since the area is a rural, residential, farm area, this proposal doesn't fit into the area. He is also afraid of what will happen at night with a developed park, he feels that it will lead to loitering and drinking after hours. He is also afraid of the environmental impact this development will have to the adjunct farm area and reservoir land.

Suzanne Soprano of 538 Seven Mile Road, Hope said that she has a letter from the owners of Cra-Mar nursing home stating their objections to this plan. She said that she feels that there has not been enough research done on the impact of this proposal on the surrounding areas. She said that she would like to see any further work suspended until the Town can do their research. She said that this is not an attack against the Tri-Town Titans. She said that she emailed the Council with her concerns and is disappointed that not one responded to her questions.

Councilman Winfield said that he wants everyone know that he did not vote for this proposal.

Susan Degrade of 27 Forest View Drive, Hope said that she feels that Seven Mile and Betty Pond Roads cannot handle the increase in traffic. She said that the roads are already being used as a cut through to Coventry and West Warwick and any increase in

traffic would be horrible. She said that this nothing against the football league but she just wants to preserve the way of life in that area.

Katie King of 1389 Hope Road, Cranston, said that it is not a feasible site for athletic fields. She said that Seven Mile Road is a scenic highway, and once you take away an area like Lawton Farm, it is gone forever.

Sara Kite of 232 Seven Mile Road, Hope said that the Council cannot say that there will not be a problem because there already is one. She said that she voted for the current Council, but will rethink voting if this proposal is implemented. She said that the area is already being used for recreation, walking, horseback riding, bird watching ect. and that there are many forms of recreation.

Mr. Bernard of 499 Seven Mile Road, Cranston, President of the RI Historical Society, said that he feels that the Lawton Farm is not a good site for athletic fields. He said that once the area has been developed there is no going back. He feels that it should be preserved for future generations.

Kathryn Miller, 17 Castle Drive, Hope said that she feels that there should be more research done prior to starting the project. She asked why the Traffic Safety Committee hasn't been asked for their opinion.

Rudy Bettez of Hope Furnace Road, Hope, said that he has been a resident of this Town for the past 60 years and feels that by developing Lawton Farm is opening up a can of worms. He lives next door to a recreation facility and knows what can happen to the surrounding properties. He said that the people here tonight are trying to tell the Council that they don't want the athletic fields to be developed at Lawton Farm, and that they should listen to them.

Jay Mountain of 384 North Road, Hope, said that he is in favor of the proposal. He said that his children participate in the football and he finds it a very positive program. He feels the impact to the surrounding areas will be minimal. He feels that the property should be used as intended when it was given to the Town.

Kirk Rerick of 264 Main Street, Fiskeville, said he has done a lot of research on the proposal and is not in favor of it. He said that he has created a web site "Save Lawton Farm" and has received many comments about the proposal. He said that vast majority are not in favor of it. He said that he even went to RIDEM to see the original grant application and found a copy of minutes from June 1, 1989 Special Town Council meeting that stated that the land would be kept as open space in perpetuity. He also said that there are a lot of different types of recreation, that he is not against the kids, but feels there has to be a better place to put the fields.

John Cornell of 464 Seven Mile Road, Hope said that he lives right near the Lawton Farm and has for the past 48 years and is very concerned about the increase in traffic, the damage to the wildlife, and the noise.

Councilman Winfield said that due to "administrative finality" this Council cannot over ride a vote of a previous Council.

Town Solicitor D'Agostino said that he feels that was concerning parcels B&C and not parcel A (that was given to the Town). He said that he will research what the intent of the Council was.

Councilman Winfield wants the previous vote suspended until legal counsel can investigate it.

Council President Budway asked the Town Solicitor to research this and report back to the Council.

Joe Mariano of 51 Regina Drive, North Scituate said that the football league has always kept the Chopmist Hill Center clean and they will do the same at the Lawton Farm. He said that this football league is a positive addition to our children's lives. That it teaches many life lessons and it keeps the children away from some harmful pastimes.

Mike Marcello of 874 Chopmist Hill Road, North Scituate asked if the Council has asked the Conservation Commission and the Land Trust what their opinion is. He also said that the league has been good neighbors and always kept the property good shape. He asked if there have been any studies done to determine the cost of repairing the Chopmist Hill Center fields and making them playable again. He feels that this should all be investigated prior to making any decision.

Martha Asermely of 91 Jackson Flat Road, Hope said that she enjoys walking at Lawton farm. She said that you can see the most beautiful sights there. She said that it is important to the children to be able to appreciate such sites. She said that she appreciates what Councilwoman Knowlton does for the children of the Town but wants the Town to find another area for the fields.

Christine Cornell Desmarais of Massasoit Drive, Warwick said that she is very upset that no one approached her parent's that live right next door to the Lawton farm. She asked if anyone has researched how this might affect her parents well which is 20 feet away from the gravel driveway. She said that she cannot believe that the Town is willing to ruin such a beautiful piece of land.

Sue Scanlon of Eagle Drive, Hope asked if other areas were looked at before the Council came to the conclusion to use Lawton Farm.

Council Vice-President Farrar said that other pieces of land were researched but none of them what was needed.

Council President Budway wanted to thank everyone for coming and voicing their opinions. He said that the Council doesn't pretend to have all of the answers but will look into the matter further.

Motion made by Councilman Winfield, seconded by Council Vice-President Farrar to suspend the previous vote to use the Lawton farm for athletic fields.

Council Vice-President Farrar stated the reason why he seconded Councilman Winfield motion was to allow it to be discussed further.

Mike Marcello of 874 Chopmist Hill Road, North Scituate said the only way that can be done is if two Councilmen who originally voted for it are able to make the motion to suspend the vote.

Councilman Winfield withdrew his motion.

Motion made by Councilman D'Agostino, seconded by Council Vice-President Farrar and voted by consent agreement to suspend the previous approval to use the Lawton farm until further studies by our legal counsel.

Motion made by Council Vice President, seconded by Councilman D'Agostino and voted by consent agreement to allow the Art Festival Committee to use the Village Green on October 6th, 7, and 8th, 2007.

Motion made by Councilman Winfield, seconded by Council Vice-President Farrar and voted by consent agreement to table the discussion of the agreement with RIDEM for the Towns link on the Wastewater Information System Website.

Motion made by Council Vice-President Farrar, seconded by Councilman D'Agostino and voted by consent agreement to approve resolution 07-13, pertaining to the school bond issue. (copy herewithin)

Motion made by Councilman Collins, seconded by Council Vice President Farrar, and voted by consent agreement to approve the certification of the referenda question.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and voted by consent agreement to table the approval of the replacement of the Director of Public Works vehicle until further cost analysis can be performed.

Director of Public Works, Richard Iverson explained to the Council that the drug and alcohol policy for the Town needs to be updated and asked to have the first reading of the updated ordinance on the October 2007 Town Council agenda.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and voted by consent agreement to approve the early bills in the amount of \$147,075.36, regular Council expenses in the amount of \$20,571.00 and supplemental Council expenses in the amount of \$155,402.51 for a total of \$323,048.87.

During Council remarks, Councilman D'Agostino stated that he felt that this has been a very productive meeting and that he has learned a lot of new facts on the Lawton farm property.

Councilman Collins said that he feels the same way that Councilman D'Agostino does.

Council Vice-President Farrar said that he is urging everyone to attend one of the informational meetings on the upcoming bond issue for the High School/Middle School project.

Council President Budway wanted to personally thank Councilwoman Knowlton for all of her hard work and dedication to the Tri-Town Titan's Football League and everything she does for the Town. He said that he realizes that this must have been a difficult meeting for her, but wants her to know that her hard work and dedication is greatly appreciated.

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