

A special meeting of the Town Council held on Tuesday, November 13, 2007 for the Town at Scituate High School Auditorium, 94 Trimtown Road was called to order at 7:07 PM. Council President Budway presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll:

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

Council President Budway stated: This is a special meeting of the Scituate Town Council. The sole item on our agenda this evening is the Lawton Farm. Before we get started, I'd like to review the process we will follow.

The Agenda lists these items: As part of the Council Discussion/Approval, as Council President I will advise the Council of two recommendations for their consideration. The Council will then discuss these recommendations and any other Lawton Farm related matters it wishes.

Upon completion of the Council's discussion, but prior to any vote, the audience will be given the opportunity to comment. Audience members wishing to comment are asked to come forward to either microphone, state your first and last name and your address.

Scituate residents will speak first; all others may speak after all Scituate residents wishing to speak have had at least one opportunity to do so. All speakers are asked to direct their comments to the Council and not to other members of the audience.

Given the number of people here, please keep your comments brief. And please, above all, let's be respectful of one another. If you don't like what someone is saying, you will have the opportunity to say your piece, just please don't do it while someone else is speaking.

For those who may be attending a meeting concerning Lawton Farm for the first time, I'd like to first recap quickly the events occurring prior to this evening.

In the spring of this year, the Council approved the use of a limited portion, 4 acres, of the 15 acre recreation portion of Lawton Farm as a practice field for football. The Council did not approve any permanent structures on the property. Since that time no development has occurred on the property.

In response to objections to and support for the Council's approval, the Council placed the matter on it's the regular September meeting agenda to provide a public opportunity to address concerns.

The meeting was moved here to accommodate the anticipated larger audience. At that time, the Council initially stated its position and then listened to the comments of numerous individuals regarding the use of Lawton Farm. Most of those commenting opposed the introduction of active recreation while some supported such use.

Some of those opposing the active recreation use contested the Council's assertion that the 15 acre portion was in fact an active recreation area. A petition said to contain the names of over three hundred people opposing was presented to the Council. About two and one half hours of testimony was presented.

The September meeting ended its discussion of Lawton Farm when Councilman Winfield introduced a motion tabling further action pending the Town Solicitor's review. Solicitor David D'Agostino subsequently issued his determination that the Council had acted appropriately in its initial vote to approve the use of that limited portion of the Town's 15 acre portion of Lawton Farm as a practice field for football, thus bringing us to this evening.

At this time, I wish to make three recommendations for the Council's discussion and approval, as it sees fit.

1. I recommend the Council not take any further action at this time to enable any portion of the 15 acre recreation area of Lawton Farm to be used as a practice field for any sport while concurrently affirming that the 15 acre recreation portion was acquired with the express intent of being utilized as an active recreation area.

This recommendation is based upon the following two factors:

**First**, despite assertions to the contrary, official town records and the testimony of those involved at the time of Lawton Farm acquisition clearly substantiate the 15 acre portion of Lawton farm is for active recreation. Assertions to the contrary have been based upon portions of documents which may seem to support the contrary assertion, but in fact do not, while those documents or portions of documents which indicate active recreation use are totally ignored. A process commonly referred to a cherry picking.

**Second**, further action to develop the recreation portion of Lawton Farm requires a significant expenditure of funds which the Town is in no position to make at this time. When the Council initially approved the use of the recreation portion of Lawton Farm as a practice field, it appeared to be an endeavor which could be accomplished with minimal cost.

Since that time, the concerns of many have been expressed and the Council has sought to address those concerns by means of mitigating actions. The concerns that have been brought to us include safety, protection of the conservation portion of the property, and the impact upon neighbors, most notably Mr. and Mrs. Cornell.

The estimated costs of possible mitigating actions are not within the Town's means, currently or in the foreseeable future. The defeat of the school bond issue just last week is a continuing clear indication that our residents are unsure about future financial status, whether it is here in Scituate, in the state, or in our country.

When voters decide not to pursue needed physical plant changes in our schools, then there is no question we can not proceed with Lawton Farm, nor can we proceed with Chopmist, nor can we proceed with Tasca Field.

And of course, we can not forget our continuing unresolved tax dispute with the Providence Water Supply Board. Although we have had two recent meetings with the Board and a third will occur shortly, without definitive resolution in hand, this Council should not proceed with expenditures that are in its judgment are not absolutely necessary.

Three dollars plus for a gallon of gas or heating oil combined with news of \$450 million dollar state deficit are indeed sobering and mandate continued fiscal conservatism.

2. I recommend that the Council request that our Land Trust and Conservation Commission revisit the Management Plan for the Lawton Farm to assure the original provisions governing the use and maintenance of the conservation portion property are compatible with current actual usage and make changes as appropriate.

In addition, the Commission and the Trust would be asked to further recommend to the Council those actions to be implemented by the Town to properly protect the conservation portion from possible adverse impact resulting from the active recreation portion, if and when it were to be implemented.

3. My third and final recommendation is directly related to our not pursuing Lawton Farm development. The Town has received the offer of approximately 8 acres, possibly more, to be given to the Town at no cost, with just one caveat: the property must be used be used for active recreation.

And there is the possibility of a second gift of land to the town for recreational purposes. Until such time as these offers are examined further and all details are mutually agreed upon,

the property owners have requested confidentiality. These offers have come forward since our last meeting, one offer being made within the past few days.

I recommend that the Council actively pursue these offers, thus removing the recreation portion of Lawton Farm from further consideration at this time.

I have one final comment before the Council deliberates. The use of Lawton Farm is just one many issues facing our Town, issues falling squarely on the lap of the Town Council. We simply do not have the luxury of deciding all issues solely on an individual basis. Most are interrelated; most involve the expenditure of funds. Our obligation is to consider issues within a global context, to consider the interests of all Scituate residents, not just those who make the most noise. Lawton Farm is no exception.

It is exceedingly simple and easy to champion keeping Lawton Farm as is. But the reality is that the original Lawton Farm was lost decades ago. What was originally a Lawton Farm of hundreds of acres straddling both sides of Seven Mile Road is survived today by the 50 acres that the fledging Scituate Land Trust had the foresight to work vigorously to acquire, specifically stating 15 acres for active recreation, the balance for conservation.

Back in the early 80's, when the Scenic Seven Mile Road sign was unilaterally erected, Seven Mile Road was a very different road. The Cranston side had extensive farmland. Now, almost every piece of farmland frontage on the Cranston side of road is today occupied by homes, many of them occupying substantial lots.

Today's Lawton Farm in Scituate is the only remaining vestige of what once was. I believe the actions recommended to the Council are in keeping with the original plan set forth almost two decades ago, and that plan was and is "Save Lawton Farm."

Councilman D'Agostino said that he agrees with the statements made by Council President Budway to keep Lawton Farm as it currently is.

Council Vice-President Farrar said that he realizes that the Town needs more recreational fields but ones that will be less expensive to the Town.

Councilman Salisbury said that he partially agrees with Council President Budway comments, but agrees that there is currently no money to develop the fields at Lawton Farm. He said that the other two parcels of land that were mentioned this evening does not solve our problems either because each parcel will take money for it to be usable and that the Town just does not have it at this time. He also said that the Council should not completely abandon the future use of the Lawton Farm for recreational fields.

During audience participation, Ed Lotter, Bungy Road, North Scituate said that he was an original member of the Conservation Commission that negotiated with Mr. Lawton. He said that the original idea was to use the monies that were collected from haying the fields to be used to develop the active recreational fields. He said that DEM said that the fields could only be hayed at certain times of the year because of the wildlife. Unfortunately, when the fields are able to be hayed is when the hay is no longer worth any money.

President Budway said that is what he believes to be the original plan for the Lawton Farm. He said that Lloyd Colvin told the Conservation Commission that developers were looking to purchase the land and that the Town should try to buy it instead. He said that he takes issue with the insinuations that have been circulating about that the Town Council is making decisions behind closed doors and that the Council is not being completely honest with the public. He said that he respects that people will have a difference of opinions' but doesn't appreciate the insinuations that the Council is doing something wrong and trying to pull a fast one.

Donald Mc Kellar, 639 Plainfield Pike said that he agrees that Lawton farm should stay the way it is not because of any legal reason but because he has seen a lot of endangered species there. He said that just because the Council can do it doesn't mean they have to do it.

Bob Janis, 68 Nottingham Drive, Hope, suggested that the Town might be able to use the land adjacent to the high school for fields.

Bernard Fishman, 499 Seven Mile Road, Cranston, thanks Council President Budway for his suggestion to keep Lawton Farm as it is now.

Rudy Bettez, Hope Furnace Road, said that he thanks the Council President for his suggestions and what the Council had to say. He also said that if there is a piece of land that needs some work done to it to contact him.

Ed and Debbie Green, 376 Seven Mile Road, said that they are happy with the suggestions because they live across the street from the Curran Reservoir and they are constantly cleaning up litter from that area. They said that they are afraid that the same thing will happen if Lawton Farm is turned into athletic fields.

Council President Budway said that he understands how they feel but doesn't feel the same thing would happen if there were football fields there. He said that look how clean the Chopmist Hill center is kept by the Tri-Town Titans Football League. He said that the Town properties are well maintained.

Dennis Burns, 401 Main Street, Fiskeville, said that Hope Park is a mess. He said that you can't even take kids there because it is used as a hangout for kids and there are always beer cans left on the ground.

Council President Budway said that he will take a ride tomorrow morning and see what condition Hope Park is in, and if it is a mess he will guarantee that it will be cleaned up.

Sue Soprano, 538 Seven Mile Road, Hope, asked how binding is the Lawton Farm Management Plan?

David D'Agostino, Esquire, said that the plan can be revised at any time by the Land Trust. He also said that the plan is a collection of best practices for a conservation area at the time it was written.

Council President Budway said that the Council will work with the Conservation Commission and the Land Trust to make sure that the land is protected.

Sue Soprano, 538 Seven Mile Road, feels that the decision that was made in June 2007 to use Lawton Farm for active recreation was not well thought out.

Claire Stadmueller, 963 Seven Mile Road, said that she is very glad to hear Council President Budway's recommendations. She feels that Lawton Farm is not a good place for football fields. She wants for it to stay in its current form to save it for future generations.

Council President Budway said that the Council never intended to use the entire 15 acre parcel for fields

Doug Harris, Narragansett Indian Tribe Senior Tribal Historic Preservation Officer, said that he is very happy with Council President Budway's recommendation. He said that he wants to open up channels of dialogue with the Town of Scituate.

Dale Saccocchia, 1189 Hope Road, Cranston, said that he grew up in Hope and is very happy with the recommendation to keep Lawton Farm as it is now. He said that he now lives in Cranston and is not happy with the way that Cranston preserves land. He said that he is very proud of Scituate's preservation skills and wished that Cranston did the same. He said the one thing you have to remember is not to make the same mistakes that Cranston did.

Council President Budway said that the Conservation Commission and the Land Trust have been very active to decrease development in the Town to allow it to keep its rural charm.

Gail Benson, 81 Popular Drive, Cranston, said that the Lawton Farm is a pristine piece of land.

Katie King, Hope Road, Cranston, President of the West Bay Land Trust, told the Council that she would like to be kept in the loop with further developments with the Lawton Farm.

Joan Tomaszewski, 88 Jackson Flat Road, said that she doesn't understand how the Council would think that 300 cars could be parked at Lawton Farm.

Council President Budway said that it was a mistake about 300 cars; he said the accurate figure is probably more like 80 cars.

Councilwoman Knowlton said that it is 300 children not 300 cars.

Audience participation is now closed.

Councilman Winfield said that it is crystal clear what the public wants, and feels that the Council should suspend any further use of Lawton Farm for active recreation. If it is to be used, it can be only with a town wide referendum for the expenditure of the monies needed.

Councilman Salisbury asked if the Council can take a vote at a Special Meeting.

Town Clerk Long said that it can be voted on, that only at a work session can no motions or votes can be taken.

Motion made by Councilman Winfield to not allow any further action on Lawton Farm, and that if monies need to be expended to fix up the fields for active recreation, that it go to an referendum vote.

No second on Councilman Winfield's motion.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino that no further action be taken in regards to active recreation fields being constructed at Lawton Farm at this time. Motion did not pass. Councilwoman Knowlton recused herself from this vote. (copy herewithin)

Councilmen Farrar and Collins both said that Council President Budway's recommendations were good and should be followed.

Motion made by Council Vice-President Farrar, seconded by Councilman Collins and voted by consent agreement to follow all three recommendations of President Budway.

Councilwoman Knowlton recused herself from this vote. (copy herewithin)

Council President Budway wanted to thank everyone for coming and expressing their opinions.

Motion made by Councilman Collins, seconded by Council Vice-President Farrar and voted by consent agreement to adjourn at 8:30 PM and to keep the minutes of the meetings previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and to allow the Town Clerk 14 days to prepare the minutes of the meeting. For complete discussion, refer to audiotape.

Attest:

Margaret M. Long, Town Clerk