

A regular meeting of the Town Council held for the Town of Scituate on Thursday, May 8, 2008 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:32 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 --present Council Vice-President Farrar -- present

Councilman Collins -- present Councilman Winfield--present

Councilman D'Agostino -- present Councilwoman Knowlton --present

Council President Budway -- present

Councilwoman Knowlton arrived at 7:35 PM.

Motion made by Councilman D'Agostino, seconded by Councilman Winfield and voted by consent agreement to adopt the resolution for Peace Officers Day 2008. (copy herewithin)

Council President Budway said the residents of Scituate are very lucky to have such fine police officers and administration.

Motion made by Councilwoman Knowlton, seconded by Councilman Winfield and voted by consent agreement to approve of the Council minutes of April 10, 2008.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by consent agreement to approve the minutes of the special meeting of April 5, 2008 with stated corrections.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by consent agreement to approved the minutes of the April 8, 2008 Financial Town Meeting with stated corrections. Council Vice-President Farrar said that he did not second the motions at the meeting as stated in the minutes.

During departmental reports, Chief Mack wanted to thank the Council for approving the resolution for Peace Officers Day and for their continued support.

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

During audience participation, Rudy Bettez, Hope Furnace Road wanted to wish all a Happy Mother's Day.

Richard Finnegan, 47 Ridge Road, asked what the agenda item about the retiring employees is all about. He said that a process for the replacement of these employees was voted on in December 2007.

Council President Budway said that it was a suggestion for the way to replace these employees and not a policy that was voted on.

Mr. Finnegan asked if the Town should investigate consolidating the position of Chief of Police and partner with surrounding Towns such as Foster or Gloucester. He said that this is a good way to save money in such a tough economic time. He said that this is a good time to do it.

Thomas Galligan, Pine Hill Road, asked the Council how the audience is supposed to speak on a subject when they really don't know what it is about.

Councilman Salisbury said that the Council also allows the audience to speak once they have discussed it as a Council.

Liz McCaughey, 24 Moswansicut Lake Drive, thanked the Council for their support of the schools and the School Committee. She also said that she really appreciated the presence of Council President Budway at Tuesday night's School Committee meeting.

Motion made by Councilman Collins, seconded by Councilman Farrar and voted by consent agreement to reappoint David Mink, David Provonsil, Ted Richard, Robert Nero and David Ellingwood to the Hope Sewer Committee for a term expiring May 2009.

Motion made by Councilwoman Knowlton, seconded by Councilman Collins and voted by consent agreement to appoint Sara Adams and Michael Capirchio with the Conservation Commission recommendation to the Conservation Commission with a term expiring December 2010.

Council Vice-President Farrar said that it is nice to see so many applicants.

Council President Budway added that all of the applicants were extremely qualified.

Motion made by Council Vice-President Farrar, seconded by Councilman Salisbury and voted by consent agreement to appoint Shirley Arnold of Highland Terrace as Town Historian with a term expiring January 2009.

Council President Budway said that he has had the opportunity to hear Mrs. Arnold speak at the Preservation Society annual meeting, and is impressed with her vast knowledge of the Town and feels that she is an excellent choice.

Motion made by Council Vice-President Farrar, seconded by Councilman Collins and voted by consent agreement to accept the Tax Collector's abatements in the amount of \$40,896.37.

Motion made by Council Vice-President Farrar, seconded by Councilman D'Agostino and voted by consent agreement to approve the Tax Assessors abatements in the amount of \$467.43.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to approve the request for a third dog to Roy Campbell, 23 Samuel Stone Road with Pat Howarth's recommendation.

Motion made by Councilman Collins, seconded by Council Vice-President Farrar and voted by consent agreement to approve the resolution in support of changing the Town's fiscal year to July 1st through June 30th.

Town Treasurer Przybyla said that the reason this needs to be done is because the School Department is being mandated to change their Fiscal year by the year 2010. He explained that the State is moving toward a standardized chart of accounts for School Departments and this would necessitate that they all be on the same fiscal year. He said that if our legislation passes, next year we would have to approve a 3 month and a 12 month budget.

Council Vice-President Farrar asked about the Governors bill that would allow us to do this without submitting our own legislation.

Mr. Przybyla said that he has heard that the bill is not going anywhere and we should submit our own to be on the safe side.

Council President Budway instructed Town Clerk Long to forward the resolution to Representative Carol Mumford and Senator Leo Blais to that they can submit the required legislation.

During discussion and/or approval Chief William Mack read his letter of resignation and his letter of his recommendations for his successor. Chief Mack said that he feels that there is no need to go outside of the department like when he was hired. He said that the men and women of the force are highly qualified, and feels the best thing for the department is to hire from within. With that, his recommendations are as follows: David Randall to be promoted to Chief, Stephen P. Lang to be promoted to Deputy Chief and Craig Hawkins to be promoted to Lieutenant.

Council President Budway said that the letter of resignation is accepted with regret. He said that his personal opinion is that we should approve the Chief's recommendations, because he has full faith in the Chief's judgment. He said he has the best knowledge of the Officers in his employ. Councilman Budway feels that the Council should not carry out the process of replacing the Chief and take the Chief's recommendations for his replacement. He said that the Officers that the Chief wants to promote are proven Officers that have demonstrated their abilities to lead the Police Department in the best interest of all the residents of Scituate.

Councilman Salisbury said that he concurs with the remarks of Council President Budway.

Council Vice-President Farrar said that he supports the recommendations of Chief Mack. He said that he has worked with all three Officers and knows they will do an excellent job.

Councilman Winfield said that he wanted to thank the Chief for the many years of dedicated service to the Town of Scituate, and he feels that the Chief has an excellent team behind him.

Councilman Collins said Chief Mack taught him a lot when they served on the department together. He said that he is a very dedicated person and has worked with the Officers that he wants to promote, and believes they will do an excellent job.

Councilwoman Knowlton said that she has worked with the officers also and feels that they are very qualified, but feels that the agenda was not really specific and would feel better if it is on next month's agenda and then it can be done the proper way.

Mike Marcello, 874 Chopmist Hill Road said that he was on the Council when the Chief Mack was hired and when the new testing procedures were instituted. He said that he grew up with both Captains Lang and Randall and feels that they are a good choice. He wished Chief Mack well and thanked him for his dedicated service and wishes him well in his future endeavors.

Mary Beth Ouellette, Elmdale Road, congratulated Chief Mack on his retirement and wished him well. She also said that she feels the Council should look at who the Chief recommended because they are good Police Officers.

Motion made by Councilman D'Agostino, seconded by Councilman Salisbury to approve the Chief Mack's recommendation for promotions effective September 2, 2008, David Randall, Chief of Police and Stephen Lang, Deputy Chief of Police.

Councilman Winfield-aye

Councilman Salisbury-aye

Councilman D'Agostino-aye

Councilman Collins-aye

Council vice president Farrar-aye

Council President Budway-aye

Councilwoman Knowlton-nay

Motion carries with 6 affirmative votes and one negative vote.

The Council will promote Craig Hawkins at a later meeting because it was not on this evening's agenda.

Council President Budway explained that at this time, even after having the selection process for the Director of Public Works, we still do not have a Director. He said that the retired Director Richard Iverson has originally recommended Dale Langlais for the job. He said tonight the Council has before them the matter of appointing an Acting Director.

Motion made by Councilman D'Agostino, seconded by Council Vice-President Farrar and voted by consent agreement to approval the appointment of Dale Langlais as Acting Director of Public Works and Deputy Director of Public Works.

Council Vice-President Farrar said that he has worked with Dale Langlais and knows he will do an excellent job.

Next on the agenda is the request by Chief Mack to lift the hiring freeze so that he can hire two new patrol officers. He explained that currently the department has two openings due to a retirement and another officer resigning. He said that if the Council approves his request, he can have the two candidates attend the Municipal Police Academy that will begin on August 14, 2008. He said that if this is granted, the new officers will not be able to go on the road by themselves until at least December 2008. He said that with his retirement effective in September, there will be another vacancy. He said that it is very important to have enough officers because of the minimum staffing requirement in the police contract, and to also cut down on overtime.

Councilman Winfield asked if the officer that resigned during his probational period did so to join another force? He said that if this is the case, should the Town require that an officer will have to serve a minimum time to pay the Town back for the cost of the training?

Chief Mack said that that would be difficult to do. It would be a very hard thing to enforce and also it would turn applicants away.

Councilman Salisbury said that he feels that the Town should try to recoup the cost of the training.

Council President Budway asked how often does this happen?

Chief Mack said that it has only happened once since he has been Chief.

Council Vice-President Farrar said that the Chief really makes sure that each candidate that he accepts for the academy is dedicated to the Town.

Town Solicitor D'Agostino said that the Town has no control over someone if they change their minds.

Councilman Winfield said that we should have a minimum contract time to ensure the stability of the police department.

Councilman Salisbury said he thinks these are all good ideas that should be discussed in the future. He said that he feels the freeze should be lifted to allow two candidates to go to the academy. He said that once they graduate the Town can decide if we have the money to hire them.

Council Vice-President Farrar said that Chief Mack presented a good case and it would be hard to have someone go through the academy and not to guarantee them a job when they get out.

Councilman Collins said that if the town doesn't guarantee them a job, nobody would apply. He said that if things get too bad, the Town could always lay off the new officers.

Council President Budway said that we are expecting an iron clad commitment from the applicant but the Town is not willing to guarantee them anything. If the situation gets too bad, the Town could always lay them off. He said that he feels there needs to be a long term approach, but we have to deal with the immediate situation now. He said that the Town should check with other communities to see what their policies are.

Motion made by Councilwoman Knowlton, seconded by Council Vice-President Farrar and voted by consent agreement to lift the hiring freeze for Chief Mack to allow him to send two candidates to the police academy that will start in August.

Mike Marcello, 874 Chopmist Hill Road asked what are we going to do with the EMA position that was supposed to be merged with the Public Works Director.?

Council President Budway said that it has not been addressed yet and options are still open. He said that before Richard Iverson retired as DPW Director, he recommended that Mr. Dale Langlais be promoted. The Council likes to look within the organization for promotions.

Mike Marcello, 874 Chopmist Hill Road, said that it was planned to merge the two positions to save money.

Council President Budway said the circumstances have changed and adjustments need to be made, but the decisions have not been made as of this time.

Next on the agenda is the process for handling claims against the Town. Council President Budway said that a claim was made for damages to a car that was driving on Angell Road and hit a rock that protruded into the road. The gentleman contacted Town Clerk Long, Director of Public Works Iverson and Council President Budway in regards to the Town paying for the damages. Council President Budway explained that the accident was not witnessed and no police report was filed, and he wanted to discuss how the Council wants to handle cases like this.

Town Solicitor D'Agostino said that the petitioner should formally ask the Council for payment, and if the Town agrees to pay the petitioner, they should sign a waiver and a release. If the Town does not choose to pay a claim, the petitioner could then bring a suit against the Town for payment through the court system.

Council President Budway suggested that each case be dealt with on an individual basis.

Councilman Winfield asked what the Interlocal Trust feels about this.

Town Solicitor D'Agostino said that all of the big claims go to the Trust but not the small ones.

Council Vice-President Farrar said that we should research the process that the State has for handling claims.

After discussion, Council President Budway asked Town Solicitor D'Agostino to research what process the State has and come back to the Council with suggestions.

Mike Marcello, 874 Chopmist Hill Road, said that road defects can be very specific, and without a police report, the Town could be opening up a lot of interesting cases.

Motion made by Councilman Collins, seconded by Councilman Salisbury to deny the payment of the claim of damage to a motor vehicle on Angell Road.

Motion made by Councilman Winfield, seconded Councilman Collins and voted by consent agreement to pay early expenses of \$80,943.25, early expenses old budget of \$69,442.34 regular Council expenses of \$3,804.24 regular council expenses old budget of \$40,069.61 and supplemental Council expenses of \$40,918.64 and supplemental expenses old budget of \$48,016.87 for a total of \$283,194.95.

During Council remarks, Councilwoman Knowlton asked about the status of the contract with Lighthouse Medical for the rescue billing.

Richard Tucker said that we are currently working on a month to month basis at this time.

Councilman D'Agostino said that he glad to see so many people in the audience for this evenin's meeting. He also said that he thought it was nice to see the Ambulance Corp here to support Chief William Mack.

Council Vice-President Farrar said that he has a memo to the Council in regards to the Fire Engineering Board and the Committee that was formed to investigate options. He said that the Committee and the FEB are taking it slow and consulting with lawyers and CPA's in regard to the legal and tax ramifications. He said that the FEB needs to rewrite their by-laws and investigate incorporation issues.

Councilman Winfield asked it the meeting can be adjourned in the memory of Frank Browne a long time public servant to the Town of Scituate.

Council President Budway informed the Council that Councilwoman Knowlton, Town Treasurer Przybyla, Deputy Public Works Director Langlais and Sara Kite are going to be exploring ways that the Town can increase recycling. He also wanted to inform the Council that the June meeting will be held at the Chopmist Hill Center. This is the 25th anniversary of Rockland Oaks and we will have entertainment from Wayne

Carlow. He said that the meeting was originally suppose to be at Rockland Oaks but due to space issue, he thought it would be better to have it some place larger. He said that it will begin at 6 PM, with entertainment and refreshments until 7:30 PM. The regular meeting will begin at 7:30 PM. He said that transportation from Rockland Oaks will be provided by the senior van.

Council President Budway stated that the Closed Session scheduled for this evening is not needed and therefore cancelled.

Motion made by Councilwoman Knowlton, seconded by Councilman Collins and voted by consent agreement to adjourn at 9:27 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.

Attest:

Margaret M. Long, Town Clerk

For complete testimony please refer to the audiotape.