

A regular meeting of the Town Council held for the Town of Scituate on Thursday, July 10, 2008 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:34 PM. Council President Budway presiding.

After pledging allegiance to the flag of our country, Council President Budway asked the Town Clerk Long to call the roll:

Roll call vote as follows:

Councilman Salisbury --present	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 wanted to congratulate Esther Tidswell on her recent honor of being named Scituate Citizen's of the Year. Council President Budway told the audience that Esther has volunteered at the Senior Meal Site since its inception, volunteered at the North Scituate Fire station for many years and many other community activities. Council President Budway presented her a certificate of recognition from the Town Council.

Mrs. Tidswell said that she was born in Scituate and loves her community and is very honored to be named Scituate Citizen of the Year at the 2008 Olde Home Days.

Motion made by Council Vice-President Farrar, and seconded by Councilman Collins to open the Public Hearing. Roll call:

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

Timothy Dodd, Esquire, asked to address the Council in regards to the agenda item concerning the Zone Change for Jayson Montecalvo d/b/a Al Montecalvo's Auto, 650 Hartford Pike, North Scituate, from business limited to general business. Mr. Dodd said that this zone is consistent with the neighboring lots and is not adverse to the neighborhood. He said that if the Council grants this zone change, it will bring Mr. Montecalvo's business into conformity. He said that he is not planning on doing anything different than what he is already doing.

Mr. Dodd said that if Mr. Montecalvo's zone change is approved, he will still have to go back to the Zoning Board to apply for a Special Use permit to run the business.

Council President Budway asked if the Council approves this application what will change at the business?

Mr. Dodd said nothing will change, it will just bring the business into compliance.

Council President Budway said that the Council received an advisory opinion from the Planning Commission, and they said that this zone change would be consistent with the neighboring lots.

Council President Budway asked if there was anyone in the audience that would like to speak to this subject. No one responded.

Motion made by Councilman Salisbury, seconded by Councilwoman Knowlton and voted by consent agreement to approve the zone change with the stated Planning Commissions' stipulations.

Motion made by Councilman Collins, seconded by Council Vice-President Farrar and voted by consent agreement to approve the One Day Liquor License for the Hope Jackson Fire Department on August 23, 2008 with the stipulation that they have insurance.

Councilman Winfield recused himself from the next agenda item.

Next on the agenda is the request from Richard Lang d/b/a Bentley's Tavern for a temporary seasonal expansion of an existing liquor license. Town Solicitor D'Agostino informed the Council that a new law was passed by the General Assembly that said that this type of license need not be advertised or notices sent out to the adjoining property owners. He said that in the abundance of caution, the Council decided to treat this like any other liquor license and to advertise and notice the neighborhood.

Council President Budway asked Mr. Lang to please explain his application.

Mr. Lang said that he would like to be able to serve food and drinks on the existing patio for the months of May through October. He said he is not sure if smoking will be allowed on the outdoor patio. He said that they will not be any music or speakers on the patio.

Council Vice-President Farrar asked if this plan has been approved by the fire department.

Mr. Lang said that he will look into putting a push style door that will allow the patrons to leave but not to enter that way.

Councilman Collins asked what Mr. Lang will do with it during the Art Festival?

Mr. Lang said that he would not mind closing it during the Art Festival.

Council President Budway asked if there is anyone in the audience that wishes to speak on the subject?

John Winfield, 727 Hartford Pike, stated that the original license was granted based on no outside seating. He said that he got the notice less than one week ago which did not give him enough time to research the issue. He said the stipulations placed on Mr. Lang's property by the Zoning Board have not yet been completed. He said that there is no landscaping and he can hear bagpipers playing after 11 PM. He said that he strongly objects to the expansion of the liquor license.

Richard Finnegan, 47 Ridge Road, said that he enjoys going to Bentley's Tavern, and he said that he feels that the Town should try to encourage local business and not allow the tax dollars to leave the Town.

Council President Budway asked if proper notice was given for this public hearing?

Attorney D'Agostino said that there is no requirement for advertising or notice for this type of liquor license. The notice that was given was in the abundance of caution.

Council Vice-President Farrar asked Chief Mack if there have been any disturbances or problems at Bentley's.

Chief Mack said that there have not been any complaints.

Mr. Richard Lang said that he has to wait one year before he can do the landscaping because of the new septic system.

Council President Budway asked Mr. D'Agostino, Esquire, if the Council can grant this license even though not all of the Zoning requirements have been met.

Mr. D'Agostino said that the Council can grant the license.

Council President Budway asked Mr. D'Agostino if he could review all the conditions placed on the Zoning approval and report back to the Council with what still hasn't been done,

Mr. Lang said that he has satisfied all of the Zoning conditions on the lot of land that Bentleys is on.

Council President Budway asked Mr. Lang if he would come before the Council again if the Zoning requirements have not been met.

David D'Agostino, Esquire said that Mr. Provonsil said that all of the requirements have been met.

Mr. Winfield asked Mr. Provonsil if he did a radius map for the notice to the adjoining property owners.

General discussion followed.

Councilman Salisbury said that the matter of proper notice being given is a moot point because, by State law, no notice need be given

Mr. Winfield said that it is still within his rights to know about it.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to approve the temporary seasonal expansion of Bentley's Tavern, 90 Hartford Pike, to include an outdoor patio subject to the approval of the Fire Marshall.

The next item for the Public Hearing was the first reading of the ordinance amending article II -alarm systems will not be acted on this evening.

Motion made by Councilman D'Agostino, seconded by Council Vice-President Farrar and voted by roll call vote to close the Public hearing.

Councilman Collins-aye

Councilman D'Agostino-aye

Councilwoman Knowlton-aye

Councilman Winfield-aye

Councilman Salisbury-aye

Council Vice –President Farrar-aye

Council President Budway -aye

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to approve the regular Council minutes of June 12, 2008.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to approve the Special Council minutes of June 5, 2008.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to approve the Special Council minutes of June 6, 2008.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to table the minutes of the closed session of June 26, 2008.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to approve the minutes of the closed session of June 5, 2008.

During Departmental Reports, Town Clerk Long asked for some direction from the council in regards to placing the ad for the last day to register to vote in the Valley Breeze instead of the Providence Journal. She explained that there were some Council members that didn't feel comfortable with changing where that ad was placed. She said that we would save 2/3 by placing the ad in the Valley Breeze.

Council President Budway suggested that we save this discussion to later in the meeting where we will be discussing cost saving measures.

Judy Loven, Senior Services Director, wanted to thank the Council for giving Esther Tidswell the nice letter of recognition for being chosen: "Citizen of the Year".

Emergency Management Director Tucker said that he is currently working on a grant from DOH. He said that for some unknown reason the Town wasn't notified, but he feels that he will be able to complete the grant which is in the amount of \$4,000 even with the tight deadline.

Motion made by Council Vice-President Farrar, seconded by Councilman Collins and voted on by consent agreement to place and file all departmental reports.

During audience participation, Richard Kells, Mary Hopkins Drive asked about the people out on worker's compensation from the Highway department and if they were still receiving their sick days and compensation for uniforms.

Council President Budway told Mr. Kells that both employees have been requested to return to work.

Mr. D'Agostino, Esquire said that one employee has been asked to retire and the other to report back to work.

Mr. Kells asked how long have they been out and if they received the payment for sick days and uniform compensation.

Mr. D'Agostino said that due to the collective bargaining agreement they are entitled to it even though they were not at work.

Town Treasurer Przybyla said that he will check to see if what exactly they were paid for.

Rocco Pototo, Plainfield Pike, asked if the Town is self insured for health care.

Council President Budway said the Town purchases its health insurance through WB Community health. They do the bargaining with Blue Cross to get us the best possible rate. We just pay the claims, and whatever is left comes back to the Town.

Mr. Pototo asked what the Town pays to administer the plan.

Council President Budway said that he will look into the exact price.

Mr. Pototo asked if we can reduce our costs.

Council President Budway said that the new group that is being formed has not escaped the Town's attention, and we will look into it.

Town Treasurer Przybyla said that the new group is still in the organization mode and the prices that are being quoted are just projections. He said that this new group is very similar to the WB Community health.

Richard Finnegan asked what the salary increase will be given to Ms. Beattie if her appointment as Deputy Treasurer is approved. He said that he hopes that it will be the same that was offered to Mr. Przybyla, because he hopes the Council isn't practicing gender bias. He also stated that Town Treasurer Przybyla has been requested by the department of Motor Vehicles to surrender his Florida license. He was wondering if the back taxes on his car have been paid?

Council President Budway said that he should speak with Mr. Przybyla after the conclusion of the meeting.

Ms. Saran, 26 Davis Road, said with the situation of using the Valley Breeze vs. Providence Journal, she said that she doesn't read the Valley Breeze and if the ads are so expensive in the Journal maybe we should just send out a bulk mailing with the information.

Town Clerk Long said that would be even more expensive.

Mike Marcello, 874 Chopmist Hill Road said that the Secretary of State's Office does place an ad in the Providence Journal to notify everyone about the last day to register to vote.

Thomas Galligan, Pine Hill Road, said that he is disappointed to see that people had to leave the audience because the max has been met. He suggested that we plan our meeting for the place that can hold more people.

Tim McCormick, Trimtown Road, asked if the Council has received any correspondence from the School Committee in regards to the construction bond?

Council President Budway said that we have a tentative date of September 23, 2008.

Motion made by Councilman Winfield, seconded by Councilwoman Knowlton and voted by consent agreement to reappoint George Smith, Electrical Inspector for a term expiring July 2009.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to re-appoint Joseph Steiner III and Christine Marrapese to the Juvenile Hearing Board for a term expiring July 2011.

Motion made by Councilman Winfield, seconded by Councilman Collins and vote by consent agreement to appoint Robert Morse to the Hope Village Overlay Committee for a term expiring June 2010.

Council President Budway wanted to thank Mr. Morse for his service to our Country, having recently returning from a tour of duty in Iraq.

Motion made by Councilman Collins, seconded by Councilman Winfield and voted on by consent agreement to approve a Hawkers and Peddlers license for Hollie Marocco, d/b/a Eat-At-Joes.

Motion made by Councilman Salisbury, seconded by Councilman Collins to approve the joint pole location on Langlais Drive, Hope with the recommendation of Acting Director of Public Works Langlais.

Motion made by Councilwoman Knowlton, seconded by Councilwoman Collins and voted by consent agreement to approve July 2008 abatements in the amount of \$4,895.74 and additions in the amount of \$15,941.16.

Attorney D'Agostino explained to the Council about cell tower lease that is located at the Police Station. He said that the Town has been contacted by an intermediary for AT&T named Black Dot Wireless. He said that they are currently trying to re-negotiate the contract and to determine if all of the towers are needed because the new technology does not need as many towers. They proposed to decrease the amount of the lease every month from \$2200 to \$1750 but to guarantee the Town a 36 month lease. With the current contract all they have to do is give us 6 months' rent.

Councilman Winfield recused himself from this vote and discussion.

Councilman Collins asked how long to we have on the current contract?

Attorney D'Agostino said that we are in the 2nd 5-year term.

Council Vice-President Farrar said that he feels that the Council should do nothing; he feels that this company is just trying to squeeze money out of the Town.

Councilman Collins asked if there are other carriers on the tower?

Chief Mack said yes there are other carriers on the tower.

Attorney D'Agostino said that he feels that this middle man company is trying to get the best deal for themselves.

Council President Budway asked if we were under any deadline for this decision.

Attorney D'Agostino said no we are not under any deadline.

Councilwoman Knowlton said that she thought that the site was a very good one.

Chief Dennis Gaffney said that it is a very good site.

Council President Budway suggested that Attorney D'Agostino contact the League of Cities and Towns to see if there have been contacted and what they did.

Next agenda item regarding community septic system loan program will be discussed at the August meeting.

Chief Mack explained the next item the signing of a mutual aid agreement with the Johnston Police Department. He said that with so much road work and utility work going on in the Town there are many times that our Police force cannot always handle all of the overtime. He explained that we have a similar agreement with Gloucester Police Department. What this agreement will do is make the Johnston Police Department responsible if any of their officers are hurt while working a non emergency detail.

Council Vice-President Farrar asked if we have this type of agreement with the Warwick Police Department because he has recently seen their Officers doing detail work in the Town?

Councilman Salisbury asked why we don't have this with every Town?

Motion made by Councilman D'Agostino, seconded by Councilman Collins and voted by consent agreement to sign the mutual aid agreement with the Johnston Police Department.

Town Treasurer Przybyla said that over the past month he has been conducting an operational review of the financial situation in the Town. He said that with fuel going up so drastically and the increase in the Rambone contract, the Town is going to end up in a deficit. He said that we need to make some decisions on where to cut or streamline operations.

Councilman Winfield said that he did the review at a perfect time. He said that with the current conditions in the State, he feels that this is a very pro-active approach. He also asked if he could have the costs of medical benefit for the Town Employees.

Council President Budway said that he has asked each department head and the two elected officials to review their budgets and see where they can cut. He said that he has asked them to reduce their staff because that is where most of the money is.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and voted by consent agreement to reconvene the Budget Committee to review and discuss the current budget.

Motion made by Councilman Winfield, seconded by Councilwoman Knowlton and voted by consent agreement to sign the REAP contract renewal.

Town Treasurer Przybyla told the Council that he is very pleased to recommend Mrs. Karen Beattie for the position of Deputy Town Treasurer. He said that she will continue to do the job of Tax Assessor. He said that she is a very accomplished woman with a degree in accounting, and she is a past President of the Rhode Assessor's Association. He said for the increase in duties he would like the Council to approve a \$15,000 pay increase for her. He said by consolidating these positions, he will be saving approximately \$70,000.

Councilwoman Knowlton asked him how he computed the \$70,000 savings?

Town Treasurer Przybyla said that the former deputy treasurer was making \$53,000 and to account for benefits, you need to multiply by 1.25, so the savings will be between \$60-\$70,000.

Richard Finnegan, 47 Ridge Road, asked to be recognized by Council President Budway.

Council President Budway said that this is not audience participation time and he will not recognize Mr. Finnegan.

Mr. Finnegan said that Council President Budway told them that he would recognize questions when the topic was brought up.

Council President Budway said that it is at his discretion to recognize people in the audience, and he is not going to recognize Mr. Finnegan.

Councilwoman Knowlton asked Town Treasurer Przybyla that she still can't figure out where he gets the saving figures.

Town Treasurer Przybyla said that it will actually be about a \$51,000 savings.

Motion made by Councilman Winfield, seconded by Council Vice-President Farrar and voted by consent agreement to approve the appointment of Karen Beattie as Deputy Treasurer in addition to her current role as tax Assessor with a \$15,000 raise.

Motion made by Council Vice-President Farrar, seconded by Councilman Salisbury, and voted by consent agreement to appoint Deputy Public Works Director Dale Langlais to the position of Public Works Director with a \$50 per week increase in salary.

Next on the agenda is the discussion of the appointment of Richard Tucker as Deputy Director of Public Works, while also retaining the Emergency Management job.

Councilman Collins recommended that Mr. Tucker be appointed to this position because of his skills with dealing with unions and his management skills. He said that he can also retain his Emergency Management position and duties.

Council Vice-President Farrar said that he has had the pleasure of working with both gentlemen, and is pleased that Mr. Langlais has agreed to take the position as Director of Public Works. He said that the people of Scituate will be served well with these two gentlemen running the department.

Councilman D'Agostino said that he feels that this agenda item should be tabled for more consideration. He said that at the last meeting, the general consensus was that the Council was going to solicit more candidates for the job. He said that he feels that Mr. Tucker is an excellent EMA Director, the best in the State. He said that Mr. Tucker should retain that position in a part time capacity, and the Deputy Director's position should come from within the department. He feels that it is important to allow employees to rise through the ranks. He said that if Mr. Tucker is placed in that position there will be 4 managers in the department and only 5 workers. He feels that it is much more important for the Public Workers department to hire entry level positions.

Councilman Winfield said that he agrees with Mr. D'Agostino's comments, and believes that the whole department needs to be evaluated. He feels that the base should be built up, and we should hold up on this decision until a later time.

Councilwoman Knowlton said that she agrees with both Councilmen Winfield and D'Agostinos comments, and also feels that it is important for the employees to have the opportunity to move up. She said that they should have more Indians instead of Chiefs.

Councilman Salisbury said that he feels that Mr. Tucker is an excellent EMA Director. He said that he had voted against him for the Director's position, but will support him for the Deputy Director's position.

Councilwoman Knowlton said that if we promote from within the department for every other department, why not for this position?

Council President Budway said that he spoke with Richard Iverson before his retirement, and the only person in the department that he thought was qualified was Dale Langlais. He said that he knows no one else applied for the job. He said that with Mr. Langlais and Mr. Tucker running the department, we will have qualified and interested people. He also said that he spoke to Mr. Langlais about this plan, and he felt comfortable with it.

Council Vice-President Farrar said that it is very important that we have people to run that department because it is a very seasonally sensitive department.

Council President Budway said that a management position does not have to be okayed by the union. He also said that Mr. Tucker has brought in over \$300,000 in grants to the Town.

Councilman Winfield said that the Deputy's position was never posted, and he feels that this is being shoved down his throat. He said that the whole department should be evaluated before any major decision is made.

Motion made by Councilman Collins, seconded by Council Vice-President Farrar and voted by a roll call vote to appoint Richard Tucker the current Emergency Management Director, to Deputy Director of the Department of Public Works, retaining EMA job descriptions and attendant responsibilities in conjunction with the duties and/or responsibilities of the Deputy Director of Public Works with no increase in salary.

Councilman Salisbury-aye	Council vice-President Farrar-aye
Councilman Collins-aye	Council President budway-aye
Councilman Winfield-nay	Councilman D'Agostino-nay
Councilwoman Knowlton-nay	

Motion carries with 4 affirmative votes and 3 negative votes.

Richard Finnegan, 47 Ridge Road asked Council President Budway if he is going to answer his question at this time.

Council President Budway said "no".

Councilman Winfield said that he can't sit here and condone the Council President from not allowing the public to speak when he said that they could at an earlier point. He said that he is ignoring the public and his fellow Councilmember's. Councilman Winfield left the meeting at this time because he said that he could not be a part of this.

Motion made by Councilman D'Agostino, seconded Councilwoman Knowlton and voted by consent agreement to pay early expenses of \$120,524.80, regular Council expenses of \$214,762.56 and supplemental Council expenses of \$14,930.40 for a total of \$350,217.76.

During Council remarks, Council Vice-President Farrar wanted to thank Wayne Carlow for the nice thank you note he sent the Council.

Motion made by Council Vice-President Farrar, seconded by Councilman D'Agostino and voted by roll call vote to adjourn to executive session at PM pursuant to R.I.G.L. 42-45-46-5 (A) 2 Litigation-Negotiations Providence Water Supply Board and pursuant to RIGL 42-46-5 A(2)- Collective Bargaining and or Litigation-Scituate Fire Engineering Board, Volunteer Fire Companies and Volunteer Personnel.

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

Meeting reconvened at 10:35 PM.

Motion made by Councilman Salisbury, seconded by Councilman D'Agostino and voted by consent agreement to ratify the vote taken in closed session to approve the payment of \$4,000 to each of the four fire department for legal expenses associated with the National Labor Review Board concerning the EMT's that have signed union cards.

Motion made by Councilman Collins, seconded by Councilman Salisbury and voted by consent agreement to adjourn a 10:37 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