

A regular meeting of the Town Council held for the Town of Scituate on Thursday, August 14, 2008 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:37 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	Councilman Collins -- present
Councilman D'Agostino – present	Councilwoman Knowlton--present
Councilman Winfield -- present	Council Vice-President Farrar --present
Council President Budway – present	

Council President Budway wanted to inform the audience that the item concerning the Medical Emergency Distribution System Contract (MEDS) has been tabled for this evening.

First on the agenda is the recognition the Scituate Police Explores for the recent accomplishments at the National Police Explores Conference held at Colorado State University. Councilman Collins called the six participants up and gave them each a certificate. He explained that the Scituate Explores ranked fourth in crime prevention and top ten in bomb threat response. He said that over 4,000 Explores participated.

Acting Chief Randall said that he ran this post for ten years and knows first hand what an incredible program it is. He said that no other post in the State ranked higher than fifth in any category. He said that Patrol Officer Todd Rich currently heads the post and wanted to thank him for the excellent job that he is doing.

Motion made by Councilman D'Agostino, seconded by Councilman Salisbury and voted by a roll call vote to open the Public Hearing for the first reading of the ordinance changes in Chapter 11-Police Department.

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

Motion passes; Public Hearing is open.

Acting Chief Randall explained that these changes are being done to make the ordinance gender neutral and also allow for a Deputy Chief of Police, to decrease the number of Lieutenants and to allow for an additional sergeant. He said that this suggested modification also changes the probationary period from 1 year to 15 months to account for the time in the academy.

Councilman Salisbury said that he would rather not be locked into the number of officers in each rank. He said that in these tough economic times he feels that the Council should have the choice. He said that he would rather have it state “up to and at the approval of” the Town Council. He feels that this will give the Town much more flexibility.

Councilman Winfield said that he feels that the employment contract should state that an officer has to put in a specific amount of years and if they don't they would have to pay the Town back the cost of the training.

Council Vice-President Farrar said that he agrees with Councilman Salisbury, he feels that the wording should be modified so that the Town is not obligated to have five sergeants.

Councilwoman Knowlton asked with the addition of the Deputy Chief and the extra Sergeant, are the Captains going to be discontinued.

Acting Chief Randall said that is true.

Council President Budway asked if the ranks and numbers of each are listed in the Collective Bargaining Agreement.

Council Vice-President Farrar asked if the School Resource Officer has to be a sergeant.

Acting Chief Randall said that there is nothing in writing, but it is a gentleman's agreement. He said that it is something the Council could consider but does not recommend it.

Lee Johnston, 253 Plainfield Pike asked if there is a requirement to have a School Resource Officer.

Council President Budway said that there is no requirement.

Acting Chief Randall said that the Town received a federal grant to pay for the School Resource Officer for several years. But, now the grant has expired and the School Department pays 75% of his salary and the Police Department pays 25%.

Council President Budway said that at three different Financial Town Meetings there has been a motion from the floor to delete the School Resource Officer and it has always been defeated.

Lee Johnston, 253 Plainfield Pike said with an armed Police Officer in the Schools it seems more like a jail instead of a School.

Councilman Salisbury said that he would like to have the language changed to include the phrase "up to".

Motion made by Councilman D'Agostino, seconded by Councilman Salisbury and voted by consent agreement to approve the first reading of the ordinance changing Chapter 11-Police Department. (copy attached)

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

Councilman D'Agostino-aye

Councilman Winfield-aye

Councilman Winfield-aye

Council Vice-President Farrar-aye

Council President Budway-aye

Councilman Collins-aye

Councilman Salisbury-aye

Motion passes the Public Hearing is closed.

Motion made by Councilman Collins, seconded by Councilman Winfield and voted by consent agreement to table the approval the July 10, 2008 Town Council minutes.

Motion made by Councilman Collins, seconded by Councilman Winfield and voted by consent agreement to table the approval of the closed session minutes of July 10, 2008.

During Department reports, Town Clerk Long wanted to inform the Council that the basement cleanup project that was started last summer is finally complete with the shredding of confidential records. She also wanted the Council to know that the grant that the Town received for the restoration of the windows in Town Hall is being prepared by Peggy Pinkey and David Provonsil.

Town Treasurer Przybyla said that he included a memo to the Council regarding rescheduling the Budget hearing until the fall. He explained that at this point fuel prices have gone down and would like some time to evaluate the situation.

Judy Loven, Senior Services Director wanted the Council to know that the first newsletter for the Chopmist Hill Center is due out in October. This is the publisher that will print it for free but will sell ads. She said that the newsletter will contain upcoming events, daily menus and other information.

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

During audience participation Richard Finnegan, 47 Ridge Road told the Council that he saw a disturbing article in the Valley Breeze Observer in reference to former Director of Public Works, Richard Iverson's request to buy back ten years of service for the time that he spent on the Scituate Town Council. Mr. Finnegan wanted to know if the Council knew that in 1995, Mr. Iverson inquired of the Retirement Board how much it would cost to back those years. He said that the Town Council approved Council President Budway signing an affidavit stating, due to a mistake on the part of the Town or Mr. Iverson, he did not contribute to the pension for those years. Mr. Finnegan wants to know if the Council was aware of the request from Mr. Iverson in 1995 when they made that decision. He said that he finds it appalling that the Council would allow such an action when Mr. Iverson knew in 1995 that he could contribute to the system. He said that he feels that the Council should not pay the \$183,000 because he was neglectful in his responsibility. He said that he believes that the Council should make the tough choices and every member should vote "no" in a public hearing.

Council president Budway said that when the \$183,000 number was presented to the Council they were taken back by the size of the number. He said that after discussion the Council voted unanimously to vote to authorize him to sign the affidavit to be submitted to the Retirement Board. He said that as of this time Mr. Iverson has not collected one dime of his pension. He said that the Town does not determine the rules of the pension system. He said that the affidavit that the council authorized him to sign in April was a standard form published by the Retirement Board. He said that the number was so high because of the 14 years of full employment after the years on the Town Council. He said that the town may be faced with similar situations in the future. He said is he entitled or not, it is a State run system and he received a lot of different answers to that question. He said that no one is here from 15-20 years ago and it cannot

be determined who dropped the ball, the State, the Town or Mr. Iverson. He said that he realizes that it is a lot of money and had the same reaction.

Michael Marcello, 874 Chopmist Hill Road asked what the mistake was made on the part of the town of Scituate. He said that when he was on the Council one of the first documents to sign was an election or denial to be in the pension system.

Councilman Salisbury said that a great deal of information was shared by the pension board. He said that the rules have changed a lot since the 1990's.

Michael Marcello said that when Mr. Iverson inquired in 1995 about the amount he would owe to buy those years, how could he not know about the pension. So why should we now pay for something he just neglected to do. He can't say that he didn't know about it. He said that this called estoppels (when you assert your rights and fail to execute your rights, you lose your rights). He said that the Town and Mr. Iverson sent a letter in 1995 inquiring about the amount owed so he can't see where the "mistake" is. He said that he has learned that the Retirement Board has sent a letter back to the Town asking for them to describe the "mistake". He said that the Retirement Board is very careful and is exercising its fiduciary responsibilities.

Council President Budway said that a lot of these questions were looked into. He said that the Council determined that they couldn't prove that he didn't know he could contribute. No one can know with certainty what happened back then.

Councilman Winfield said that he knows first hand that every time you ask the Retirement Board a question you get a different answer.

Council President Budway said that in some communities they can only buy five years but ours is ten years, inconsistencies with the Retirement Board. He said that the Town still has not paid a dime.

Michael Marcello, 874 Chopmist Hill Road asked if the Council had examined the pension file prior to making their decision. He also asked if Mr. Iverson received any other funds other than what is due to him through the Human Resource policy handbook.

Council President Budway said he is not aware of any other monies being paid.

Barbara Stetson, Danielson Pike said that she is collecting a pension through the teachers union and knows how hard it is, that you have to jump through hoops. She said that this has put the Council in a difficult position. She said that Mr. Iverson made the inquiry in 1995 and he could have paid the money then. He had the chance and he didn't sign it so he will have to bite the bullet. She said that Mr. Iverson did it to himself.

Richard Finnegan, 47 Ridge Road said he hopes the Council reconsiders this affidavit and withdraws it, like Town Treasurer Przybyla did. He said that Mr. Iverson knew about the pension in 1995 so there is no mistake on the part of the Town the only mistake is Mr. Iverson's so why should all of the taxpayers suffer. He said that he had the chance to join in 1982 and 1995 when the town only would have owed around \$1800 now the Town will have to pay \$183,000.

Councilman Winfield said that this subject should not be discussed without Mr. Iverson being here. He said that this is like having a hanging without a trail.

Mr. Marcello said that the Council should do their research and get the pension file. He said that he will even give a copy to whoever would like one. He said that he is disturbed that some Council members did not know about Mr. Iverson's letter to the Retirement Board in 1995.

Lee Johnson, Plainfield Pike asked does this Council have any other option than to sign it.

Councilman D'Agostino said that he made his decision with the information he was given. He said that he did not know that Mr. Iverson had made an inquiry to the Retirement Board in 1995.

Councilman Salisbury said that the Town could have not sent the affidavit and he could have pleaded his case and probably be granted the pension.

Councilman Winfield said that this is a personele matter and should be discussed with Mr. Iverson. He said that a lot of this is unfair speculation.

Michael Marcello said that the Council should have gotten all of the information before making a decision. He said that the documents don't lie and they could have been easily obtained by the Council.

Council President Budway said that everything was put on the table this evening, he said that some is factual a lot of it is conjecture. He said that the Council made the best decision it could with the information they had at the time.

Linda Resnik, Byron Randall Road said that she is very concerned with the safety of her children at the Recreation Day Program at North Scituate. She said that the Counselors do not watch the kids all they do is sit at picnic tables and play cards. She said that she is here this evening after writing a letter to Margaret Long Town Clerk in regards to a complaint about the program. She said that when she went to pick up children, she couldn't find her daughter and asked the Counselor where she was and he did not know. After a few minutes she saw her daughter emerge from the woods with a few boys. This upset her and she told Marla Monroe about it and she didn't give her the response that she expected. She said that she knows that this was the last day of the program but begs the Council to look into this and fix the problems for the kid's sake.

Council President Budway said that he really appreciates her coming and voicing her concerns.

Council Vice-President Farrar said he also appreciates her coming.

Linda Resnik said that she just wants the kids to be watched.

Council President Budway said that he will investigate the situation and contact her.

Councilman Winfield said that he will make sure that it is addressed for the safety of the children.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by consent agreement to grant a Hawkers and Peddlers license to Michael Grilli, d/b/a Scotti's Ice Cream.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to approve the joint pole location on St. Mary's Road with the recommendation of Dale Langlais Director of Public Works.

Motion made by Councilman Winfield, seconded by Councilman Collins and voted by consent agreement to approve the Tax Assessors abatements in the amount of \$1,024.72 and additions in the amount of \$6,025.65.

Next on the agenda are the bid awards for Public Works and the Police Department.

Dale Langlais, Director of Public Works said that they are rejecting the bids for the Chopmist Hill Fire Station roofing and are going to rebid the project. He said that that he suggests to reject all bids for the cab and chassis because it came in a lot higher than expected and they don't have enough money allocated for it.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to award the bid for the mobile column lifts to All Season's Equipment for the price of \$27,580.00, the second lowest under the advisement of Dale Langlais, Director of Public Works.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to award the bid for the electrical work for the new highway garage to Power-Comm Systems, the lowest bidder for a price of \$76,576.00.

Councilman Collins asked Acting Chief Randall what the current mileage is on the three executive cars that are currently in service.

Acting Chief Randall said the mileage is 30,000, 50,000 and 62,000.

Councilman Collins asked if we really need to replace one of those cars at the current time.

Acting Chief Randall said that the plan is to replace two cars per year and at this time it will be prudent to get a new executive car (unmarked) and then put the other into special use.

The question was asked of Acting Chief Randall about the type of car that should be purchased. He said that he did a phone poll of various Police Departments and found that many departments are having problems with the Chevy and Dodge and that is why he is staying with the Ford.

Councilman D'Agostino asked if he can get another year out of the executive vehicle.

Acting Chief Randall said that he can but in the long term it will need to be replaced sooner or later. He said that the car with the most miles will become a program car that can be used by the officers for court. He said that he is trying to spread out the purchase, if it isn't purchased this year next year we will need to replace three vehicles.

Councilman Winfield said that with this being such a difficult budget year he feels that we should get the patrol car but hold the money for the executive car.

Council vice-President Farrar asked how long is this bid good for.

Acting Chief Randall said that he is not sure how long the bid is good for.

Motion made by Councilman Salisbury, seconded by Council Vice-President Farrar and voted by consent agreement to approve the only bid for one 2009 Ford Taurus Police sedan for a price of \$21,331.00 and one 2009 Ford Crown Victoria Police Sedan for \$28,563.00 from MHQ.

The first item under discussion and/or approval is the certificate of approval to RI DEM concerning community septic system loan program. David Provonsil explained the program to the Council which establishes a Community Septic System Loan Program. This program would allow residents to obtain a loan at 2% interest to repair their septic system.

Councilman Winfield asked if the Town would have to have a bond approved by the voters.

David Provonsil said that the Town of Gloucester did not have to go to the voters to get the bond approved. He said that each Town can set up its own criteria.

Councilman Winfield said that he feels that by participating in this program the Town would be opening up a can of worms, and it might lead to mandatory private septic system inspections.

David Provonsil said that nothing is in the agreement about mandating private septic system inspections and actually this would allow a lot of people to get their systems fixed because of the low interest rate.

Councilman Salisbury said that he feels that this will lead to mandatory inspections.

Councilwoman Knowlton said that she feels that we owe it to the PWSB to help protect the reservoir and this is one way to do it.

Motion made by Councilman Winfield, seconded by Councilman Salisbury to deny the submission of a certificate of approval to RI DEM concerning the community septic system loan program.

Councilman Salisbury-aye

Councilman Winfield-aye

Council Vice-President Farrar-aye

Councilman Collins-aye

Councilman D'Agostino-aye

Councilwoman Knowlton-nay

Council President Budway-aye

Motion carries with six affirmative and one negative vote.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to approve the National Grid Utility easement for 1 Lincoln Circle.

Discussion and or approval of the medical emergency distribution system (MEDS) contract has been tabled this evening.

Councilman Winfield told the Council that Boy Scout Troop One is no longer allowed to use the basement of the Community House because of unsafe conditions. He explained that with the fire code you need two ways of egress from a building. Since there is only one stairway upstairs this building does not pass. He said that he would like to have the Council consider the possibility of having another set of stairs being installed.

Ed Gould, Spruce Brook Road explained to the Council that the Boy Scouts are willing to help pay for the renovations by having fundraisers. He also told the Council that with this renovation it will not change the exterior of the building.

Council Vice-President Farrar said that he feels it is a good idea but would like to review the final plans and make sure that they have enough money to finish the project.

Council President Budway asked Mr. Provonsil if he has checked with the Fire Marshall to make sure that the renovations will pass fire code and that everything has been considered.

Mr. Provonsil said that he will make sure that the plans are up to code and approved by the fire Marshall.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to allow the modification of the emergency exists at the Community House lower level and to review the final drawings prior to renovations and to insure there are adequate funds available.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to deny the request for a one year leave of absence for Michael Dutilly because the fear that it will cost the Town money in overtime costs.

Motion made by Councilman Salisbury, seconded y Council Vice-President Farrar and voted for the reaffirmation of the May 8, 2008 Council appointment of Captain David Randall to Chief of Police and Captain Stephen B. Lang to Deputy Chief of Police, effective upon the retirement of Chief William Mack.

Councilman Salisbury-aye

Councilman Winfield-aye

Councilman Collins-aye

Councilman D'Agostino-aye

Council President Budway-aye

Councilwoman Knowlton-nay

Council Vice President Farrar-aye

Motion carries with 6 affirmative and 1 negative votes.

Motion made by Council Vice-President Farrar, seconded by Councilman Winfield and votes by consent agreement to authorize Council President Budway to sign a standard project agreement with RIDOT for the North Scituate Village Enhancement Project (including future maintenance of the period lighting).

There were no Council remarks this evening.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted by roll call to adjourn to closed session pursuant to R.I.G.L. 42-46-5(A)2- litigation negotiations PWSB at 10:15 PM and to allow Town Clerk Long, Town Treasurer Przybyla, Ted Richard, Tax Assessor/Deputy Town Treasurer Beattie and Town Solicitor Nick Gorham to attend.

Meeting reconvened at 11:29 PM.

Motion made by Councilman Collins, seconded by Councilman Salisbury and voted by consent agreement to adjourn at 11:30 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 discussions.

Attest:

Margaret M. Long, Town Clerk