

A regular meeting of the Town Council held for the Town of Scituate on Thursday, September 11, 200 Council Chambers, 195 Danielson Pike was called to order at 7: 40 PM. Council President Budway presiding.

Council President Budway asked for a moment of silence in remembrance of September 11, 2001 terrorist attacks and all of the people that died as a result of that horrific day.

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	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.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted to table the second reading of the ordinance changes Chapter 11-Police Department.

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

Motion passes.

Motion made by Councilwoman Knowlton, seconded by Councilman Collins and voted to approve the July 10, 2008 Town Council minutes.

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

Motion passes.

Motion made by Councilwoman Knowlton, seconded by Councilman Collins and voted to approve the July 10, 2008 Closed Session minutes. Councilman Winfield abstained from this vote.

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

Motion passes.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted by to approve the August 14, 2008 Town Council minutes.

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

Motion passes.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted to table the August 14, 2008 closed session minutes.

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

Motion passes.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted to approve the August 19, 2008 closed session minutes.

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

Motion passes.

Motion by Councilman Collins, seconded by Councilwoman Knowlton and voted to approve the August 27, 2008 Special Town Council meeting minutes.

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

Motion passes.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted to place and file all departmental reports.

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

Motion passes.

Motion made by Councilman Winfield, seconded by Councilman Collins and voted to approve the Tax Assessor's abatements of \$293.29 and additions of \$.00.

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

Motion passes.

During audience participation Chris Caluori, President of the Art Festival Committee informed the Council that this year the Art Festival will be in full compliance with recycling.

Richard Finnegan, Ridge Road, asked if the Town has a private contractor for garbage removal during the Art Festival.

Chris Caluori said that the bins will clearly be marked this year.

Mr. Finnegan stated that this will not help the Town with increasing its recycling percentage because of the private contractor performing the service and not the Town's trash hauler.

Tim McCormick, Trimtown Road asked when the School Space Needs Committee will have a meeting. He said that he has been asking for one for over a year.

Councilman Winfield, Chairman of the School Space Needs Committee said that he is scheduling one for September 24, 2008.

Tim McCormick asked if the enrollment numbers will be available by then. Councilman Winfield said that they should be available by then.

Richard Finnegan, Ridge Road said that the Pension Board is waiting for an answer from the Town explaining what the mistake was concerning Mr. Iverson failure to contribute to the pension for his ten years on the Town Council.

At this time Vice-President Farrar left the room and later in the meeting filled out a recusal form for the Ethics Commission but never verbally recused himself.

Council President Budway told Mr. Finnegan that the Town's legal counsel has responded to Mr. Karpinski in both oral and written form.

Town Solicitor D'Agostino said that he believes the letter was mailed on September 5, 2008.

Council President Budway said that the Pension Board has not made a determination at this time.

Mr. Finnegan asked what additional information was received in April, which was brought to Mr. Przybyla's attention, that warranted his rescinding the original affidavit that he filed with the Pension Board?

Town Treasurer Przybyla said that he withdraw the affidavit and submitted the question to the Town Council because of additional information he received. He said that his staff found correspondence in the basement that stated that former Town Treasurer, Brian Blanche made an inquiry of how much was owed by the Town for Mr. Iverson pension in 1995. He said that the Town only has to make its contribution once the employee makes their contribution. He said that once the Pension Board makes its determination then the Town will pay its share.

Richard Finnegan, Ridge Road asked Council President Budway how he could sign that affidavit.

Council President Budway said that he signed a fill in the blank form because the Council approved the signing of the affidavit.

Town Treasurer Przybyla said that the inquiry is specific to Mr. Iverson's ten years on the Town Council and not his time that he was Director of Public Works.

Mary Beth Ouellette, Elmdale Road asked if there is an ordinance in the Town prohibiting political signs or was it just a "Gentleman's agreement" Town Solicitor D'Agostino said that there is no such ordinance.

Mary Beth Ouellette, Elmdale Road stated that in 2005 the Scituate Ambulance Corps was taken off the 911 run card. She said that in this organization over 50 years of volunteer work in the Town they have saved thousands of lives and never took any tax dollars. She said

that this organization has never cost the Town a dime and this is such a wasted resource for the Town. She is asking the Council to form a Committee to resolve the situation. She said that it was the other Fire Chiefs and the Fire Engineering Board that decided that the Ambulance Corps should not be on the run card.

She said that she is going to mail a letter out to all of the residents reminding them that the Ambulance Corps is still a viable organization.

Council President Budway said that the Town is always in need of volunteers. He said that everyone that is willing to volunteer should be allowed to do so. He said that it would not be prudent to engage in a lengthy discussion at this time.

Meth Beth Ouellette said that the new Police Chief David Randall would be a good person to have on the Committee. Council President Budway said that there will be a closed session held on September 25, 2008 regarding homeland security and safety issues for which a member of each fire department has been invited. He said he would also like to have a representative of the Scituate Ambulance Corps attend.

Councilman Winfield recused himself from the next agenda item.

Motion made by Councilman Collins, seconded by Councilwoman Knowlton and voted to approve the Art Festival licenses as submitted.

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

Motion passes.

Council President Budway asked Mr. Przybyla and Mr. Richard to explain to the audience the proposed agreement with the PWSB.

Ted Richard, Seven Mile Road explained to the audience that the Committee has been in negotiations for 8 years. He said that there have been many people that helped to draft this agreement. He said that it took a long time to get here but we finally are. He said that he would like to explain the history of this agreement. He said that in the past, the way the taxes for the PWSB were calculated is that every 5-10 years the two sides would sit down and come up with an agreeable assessment of the property that is owned by the PWSB. He said that once the number was agreed upon then the Town adjust the assessment down proximally 15 % because they really don't use any Town services (i.e. schools, trash pickup, police services etc).

He said that when the tax treaty expired in 2000, property values were going crazy; he said that the PWSB taxes went up by about 1 million dollars that year. When the Town tried to plan a meeting to discuss a future tax treaty they never responded to us. He said that this was the time when Mayor Cianci was leaving office and there was an interim Mayor. He said that since there was no agreement the Town did not discount the assessment by the 15 % that it normally does. He said that in 2001 legislation was introduced to make the PWSB tax exempt but this was not passed. He said that since 1950 the percentage of the total taxes they pay has declined. He said that in 2004 the PWSB applied for farm/forest/open space designation on the land they owned and they were granted it. He said then they wanted us to value their land at \$100 per

acre. At this time the Town fought the designation and hired another appraiser to do another appraisal.

Mr. Richard said that nothing was solved until a New Director of the PWSB was hired who is a "breath of fresh air". He said that the sides decided to negotiate without the lawyers present and to come to a deal. He said that over the 8 years of litigation of this matter the two sides spent in excess of 1.5 million dollars with no resolution.

He said when the negotiation continued the Town ultimately gave the PWSB a 12% reduction in the assessment. He said that in the agreement, the assessment will be frozen for 10 years but the tax rate will go up by the maximum allowed by law. He said that Bob Budway came up with the idea that the money that they overpaid should be placed in a restricted account for the purchase of land in the Town.

Ted Przybyla said that if we had given the PWSB the reduction in the assessment back then their total bill for past eight years would have been approximately 5.3 million dollars less. He said the PWSB truly believe that the rate payers should reap the benefits of this overpayment and he said that they do by having good drinking water. He said that the idea that Bob Budway came up with was great and that they agreed with it.

Ted Richard said that if the PWSB is sold to a private company that we can get out of the tax treaty (agreement) if we want to after a specified time period.

Council President Budway said that this is all still contingent on the approval of the PUC and the taxpayers of the Town at the Special Financial Town Meeting for the 5 million dollar bond. He said that is the reason there are no signatures on the agreement yet. He said that he would like to have two public meetings to explain the agreement and to do a detailed mailing to all of the homes in Scituate. He said that he would also like for the Council members to meet with different Community service organizations to explain the agreement.

Council President Budway said that Ted Richard, Ted Przybyla and himself met with the Lion's Club to explain the agreement and to answer questions.

Council Vice-President Farrar said that he met with the Art Festival Committee and did the same.

Barbara Vennerbeck, Rockland Road asked if the land is purchased will it be taken off the tax rolls and asked when the bond issue for the School is going to be.

Council President Budway said that the lands will be taken off for the period of the agreement and then they will be added into their new assessment. He said that the School bond has been delayed until the Town had an agreement with PWSB. He said if all goes well he hopes to have the bond issue in November.

Michael Marcello, Chopmist Hill Road said that he feels the public meetings and having the agreement on the website are good ideas. He asked if all Executive Session minutes pertaining to this subject be released so the people can see the process of how this came to be.

Ted Richard said that once the agreement is ratified and signed he would have no problem releasing the minutes but until that time he feels that it could be dangerous for the Town if they have to go back into negotiations.

Michael Marcello asked what the percent off the current assessment since this was off a previous assessment and what happened to the farm/forest and open space court case.

Kirk Rerik, Seven Mile Road asked what land will be purchased with the 5 million dollars.

Council President Budway said that he is not aware of any specific land at this time but it will be land that will protect the reservoir. He said that the Land Trust and the Conservation Commission have identified parcels that the PWSB might be interested in purchasing. He said that if they purchase the land it will relieve the Town from having to purchase the land. He said that he wants to have them buy the land as fast as possible to protect it from being developed. He said that if land is not developed it actually saves the Town money because of the cost of the services the Town provides such as education, police etc.

Richard Finnegan, Ridge Road asked if the 5 million dollars can be used to purchase land for recreational facilities in the Town. He said that currently the Pop Warner Football League is using a field with an antenna on it and this could be dangerous because of the radiation emitted. He also asked how the Council knows that we will not end up in the same situation in 10 years.

Council President Budway said that they all will work very hard to have an open and honest relationship with the PWSB to try to prevent this from happening again.

Richard Finnegan, Ridge Road asked what happened to the court case.

Town Solicitor D'Agostino said that it has dismissed without prejudice for the next ten years.

Tom Angell, Chairman Land Trust and Conservation Commission said that he wanted to thank the Council, Ted Richard, Ted Przybyla and Ken Borden for all of their hard work and dedication to getting this situation settled. He said that he is in favor of this agreement and is looking forward to moving forward.

Motion made by Council Vice-President Farrar, seconded by Councilman Salisbury to approve the resolution to authorize a vote on the Watershed Restricted Fund Bond at a Special Financial Town Meeting on October 25, 2008 at 10 AM at the Scituate High School Auditorium.

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

Motion passes.

Motion made by Councilman Salisbury, seconded by Councilman D'Agostino and voted to approve the appointment of Colonel David M. Randall and Deputy Chief Stephen B. Lang to the Traffic Safety Committee.

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

Motions passes.

Motion made by Councilman Collins, seconded by Council Vice-President Farrar to reappoint the members of the North Scituate Village Overlay Committee for a term expiring September 2010. (list herewith)

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

Motions passes.

Councilman Winfield recused himself from the next agenda item.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted to authorize Town Clerk Long to approve late art festival licenses.

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

Motion passes.

Councilman Winfield recused himself from the next agenda item.

Motion made by Councilman Collins, seconded by Councilman Salisbury and voted to allow the Art Festival Committee to use the Village Green on October 11, 12, and 13th.

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

Motion passes.

Scituate Health Care Alliance, represented by Lynne Blanchette, RN. and Mary Beth Ouellette wanted to update the Council on some the activities that the Alliance has been doing. They wanted to thank the Council and the Town for the financial support. Lynne said that on November 1, 2008 from 9-2 PM for the flu clinic at the High School. She also said that the Alliance has recently hired a part-time RN, Lisa Girard who works about 10 hours per week. She works out of the Ambulance Corp building. She is currently planning a town wide focused education project for new Mothers and pregnant women.

Mary Beth Ouellette said that they are starting a community based health care service, which will be the first in the Country. She said that they are also supporting 75 people medically with primary health, dental and eye care. She said that if anyone knows of someone who does not have medical insurance have them contact the Alliance.

David Provonsil explained the current plan for the renovations of Tasca Field. He said that it will be completed in a phased manner. He said that they have partnered with the Scituate Youth Soccer League and maybe the PWSB to complete this project. He said that the Town did receive a \$236,000 DEM grant for this project; he said that the Town needs to match the grant 1:1. He explained that these don't necessarily have to be cash contributions; he said that they could be in kind services and donated materials. He said that the first phase will cost

approximately \$320,000 and will consist of a walking path, rustic guardrails, regrading the field and plumbing for a sprinkler system.

Mr. Provonsil said that he would like to see the PWSB partner with us for this project because it is an environmentally sensitive area. He said that the Town has approximately \$191,000 in the open space fund from dedicated land development fees. He said that if we use \$100,000 from that fund \$50,000 from the Scituate Soccer League and then matching from the DEM grant should just about be enough. He said that if PWSB wants to help with water runoff they might want to help pay for the better system.

David Provonsil said that he would like to have authorization from the Council this evening to use up \$100,000 from the dedicated fund.

Council Vice-President Farrar said that he feels that this is a great idea and would like to use up as much of the DEM grant as possible before it is no longer available.

Motion made by Councilman Collins, seconded by Councilman D'Agostino and voted to approve the authorization of the Town's expenditure from the dedicated fund of up to \$100,000 pending the submission of a detailed plan and time line.

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

Motion passes.

Motion made by Councilman Salisbury, seconded by Councilman Farrar and voted to allow the North Scituate Baptist Church to have 8 spots to rent out for the Art Festival.

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

Motion passes.

Motion made by Council Vice-President Farrar, seconded by Councilman Collins and voted to award the bid for the Roofing of the Chopmist Hill Fire Station to the low bidder DePietro Roofing for a price of \$19,750.00 with the recommendation of the Director of Public Works, Dale Langlais.

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

Motion passes.

Councilwoman Knowlton asked if this includes the Potterville Fire Station roof.

Dale Langlais said no that will be done in the next budget year.

Council President Budway said that he would write a job description for the Recreation Director's position. He said that he would give a copy to each Council member for their review

and comments. He said that once it is finalized he will solicit applications and have the job posted. He said that the budget has a \$15,000 stipend for this position.

Next on the agenda is the donation of Doctor's Field from the Hope Associates to the Town of Scituate.

Council President Budway said Hope Associates has graciously and generously offered to donate Doctors Field in Hope to the Town for recreational use. He introduced Mr. Langlais a member of Hope Associate to give a background on the field.

Mr. Langlais said that the land was once owed by a group of 5 doctors who had summer homes near there. He said that after WWII there was a men's baseball league that used the field. In 1985 Dr. Perry was selling the land for house lots, he offered it to the Hope Associates for 70% of the appraised value. After they bought it they brought the field up to little league standards, had sprinklers installed and fixed the parking lot.

He said that Hope Associates is having a hard time insuring the property so they want to give it to the Town. He said that the land will have to be surveyed prior to the land transfer.

At this time Council President Budway recused himself from the discussion and vote because he is on the Properties Committee for Hope Associates and turned the meeting over to Vice-President Farrar.

Councilman Winfield said that it was a very nice gesture and greatly appreciated.

Motion made by Councilman Salisbury, seconded by Councilman D'Agostino and voted to accept the donation of Doctors Field to the Town of Scituate with a great deal of thanks.

Councilman Collins-aye

Councilman D'Agostino-aye

Councilman Winfield-aye

Councilwoman Knowlton-aye

Council Vice-President Farrar-aye

Councilman Salisbury-aye

Council president Budway-recused

Motions passes.

Councilwoman Knowlton informed the Council about the recommendations from the Recycling Committee. She said that the Committee has met several times and with the help of Mike Messolillo and Sara Kite from Resource Recovery Corporation and have come up with these recommendations.

She said that we should do this in phases with Phase One consisting of educating the public, do school based educational programs and advertising and soliciting more members for the Recycling Committee. She said that there are grants available for a Recycling Coordinator that will pay for a 10-14 hours per week position. She said that the position can be incorporated into an existing position. She said that they will pay 100% for the first year and 50% each year thereafter. She said that the grant will also pay for cost of the educational materials and seminars. She said that she would like to do a recycling expo, where the public can learn about recycling and have any questions answered.

Councilwoman Knowlton said that another recommendation is to enforce the contract with the Town's trash hauler. She said that there are many things in the contract that are not currently being done such as the pickup of all white metals on the first Saturday of the month. These items should not be picked up with the regular trash pickup. This will reduce our

tonnage. Another thing that they are not doing is picking up from all Town buildings. Councilwoman Knowlton suggested that the contract be extensively reviewed. She said that the Town did receive a \$24,000 bonus and this will offset the increase in the tipping fees.

Council President Budway suggested that Town Treasurer Przybyla and Town Solicitor D'Agostino review the contract.

Thomas Galligan, Pine Hill Road asked what Town employee that has an extra 14 hours per week to devote to this on top of their regular duties?

Kirk Rerik, Seven Mile Road said that he sees a lot of cardboard being throw out with the regular trash and not being recycled. He said is there any way to police the trash haulers.

Michael Marcello, Chopmist Hill Road said that the problem has to be addressed and thinks that the trash haulers should compile a list of people that are not recycling.

Richard Finnegan, Ridge Road asked if automobile tires are recyclable.

Councilwoman Knowlton said that the amount is two tires per household per year with no rims.

Tim McCormick, Trimtown Road suggested that the impose fines for non-compliance with recycling.

Council Vice-President Farrar suggested that the Council have Dale Langlais, Director of Public Works look into this.

Council President Budway said that Town Treasurer Przybyla and Town Solicitor D'Agostino speak with Mr. Rambone about the contract.

Council President Budway explained the next agenda item; he said that he would like implement a plan of action concerning the PWSB. He said that the Financial Town Meeting for the authorization of the 5 million dollar bond has been set for Saturday October 25, 2008 at 10 AM at the Scituate High School. His suggestions include a townwide mailing explaining the agreement with the PWSB, implementation of informal meetings with community groups, to place the agreement on the website and the scheduling of two public hearing to explain the agreement.

Council Vice-President Farrar suggested that one of the meetings be held at night and one on a Saturday morning and that one be in the north end of Town and one in the Hope area.

Council President Budway suggested that the meetings be held October 4, 2008 at 10 AM at the high School and October 15, 2008 at 7 PM at the Hope Elementary School. He asked that Town Clerk Long schedule these meetings.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino
And voted to approve the early bills in the amount of \$152,687.02, regular Council expenses in the amount of \$46,024.03 and supplemental Council expenses in the amount of \$57,543.73 for a total of \$256,254.78.

Councilman Collins-aye

Councilman D'Agostino-aye

Councilman Winfield-aye

Councilwoman Knowlton-aye

Council Vice-President Farrar-aye

Councilman Salisbury-aye

Council President Budway-aye

Motion passes.

Motion made by Councilman Collins, seconded by Councilman D'Agostino voted by roll call to adjourn to closed session pursuant to R.I.G.L. 42-46-(A)2-collective bargaining and or litigation-Scituate Fire Engineering Board, Volunteer Fire Companies, and Volunteer Personnel.

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

Motion passes.

Reconvened at 10:35 PM.

Motion made by Councilman Winfield, seconded by Councilman D'Agostino and voted to adjourn at 10:36 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.

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

Motion passes.

Please refer to electronic tape for complete discussion.

Attest:

Margaret M. Long, Town Clerk