

A special meeting of the Town Council held on Thursday, June 5, 2008 for the Town at Town Council Chambers and was called to order at 7:04 PM. Council President Budway presiding.

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

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

Council President Budway informed the audience reason for the meeting this evening is to discuss/approve the Town Treasurer's assumption of Deputy Town Treasurer's responsibilities and the increased compensation to the Town Treasurer.

He said that the first item on the agenda is audience participation, and he would like to know if anyone in the audience wishes to speak on any agenda item or any other matter.

Mike Marcello, 874 Chopmist Hill Road, asked if the Council has received an advisory opinion from the Ethics Commission. He also said that the advisory opinion is only as good as the wording of the request. He asked what the salary will be.

Council President Budway said that those questions will be answered once that agenda item has been addressed. He did assure the audience that he will allow questions once the Council has discussed the agenda item.

Richard Finnegan, 47 Ridge Road, questioned the budget for the departments within the Town Hall. He said that every employee had a distinguishing number beside their job in the budget, but the Town Treasurer employees have no distinguishing numbers.

Council President Budway said that he does not know why this is, and since Town Treasurer Przybyla is not here this evening, he will make sure that he addresses the question and provide Mr. Finnegan with a written response.

Mr. Finnegan asked if Mr. Przybyla is a resident of Scituate.

Council President Budway said that he has always been a resident.

Mr. Finnegan stated that he feels the Celona case is parallel to this issue; he feels that by Mr. Przybyla's omission, by not appointing a Deputy Treasurer, he is deriving a financial gain. Mr. Finnegan agreed with Mr. Marcello that the advisory opinion is dependent on how the question was framed to the Ethics Commission.

Town Solicitor D'Agostino handed out the advisory opinion from the Ethics Commission. He explained that process that he followed in submitting this request for an

advisory opinion; he said that on May 21st he submitted a formal request for an Ethics ruling. He said that he received the advisory opinion today that states that they feel that it is not a violation for Mr. Przybyla to assume the duties of the Deputy Town Treasurer and to receive added compensation. He explained that this is just an advisory opinion, and the Commission meets once a month to review the advisory opinions and to vote on them. He said that the next session will be held on June 17, and that he and Mr. Przybyla will attend. He said that this is the normal process, and that since an advisory opinion in the Town's favor was received, we are now under the "safe harbor" provision. This means that the Council cannot be held responsible or liable for anything they do in the matter until the final decision of the Commission.

Town Solicitor D'Agostino said that he feels very strongly that the advisory opinion will be passed by the Commission. He said that it is very unusual that an advisory opinion is reversed by the Commission.

Motion made by Councilman Winfield to postpone the vote on this matter until the Ethics Commission makes its final decision. He said that he is getting sick of getting important information five minutes prior to a meeting and being expected to vote on it. He said that he feels the people of Scituate deserve a Town Council having more than five minutes to read important information before having to vote on it.

Solicitor D'Agostino apologized; he said that he just recently reviewed the document himself. He did say that the memo he sent to the Council on May 27th stated that he didn't feel that this appointment would present any legal or ethical issues. He said that that memo is protected from public disclosure because client/counsel privilege.

Councilman Salisbury asked Mr. D'Agostino that if the Ethics Commission reverses its decision, will the Town will not be liable for the violation?

Mr. D'Agostino said that is correct.

Councilman Salisbury stated that if we take action tonight, Mr. Przybyla will not assume the duties or get extra compensation until the Deputy Treasurer retires on June 27th.

Town Solicitor D'Agostino said that when this goes before the Ethics Commission, they can do one of three things, adopt it, reject it or revise it.

Council President Budway said that he feels that the Town Treasurer Przybyla does an excellent job and cannot see why the Council should postpone the vote again.

Councilman Winfield said that he feels that the Town Treasurer has done an excellent job and feels that he is highly qualified for the position, but that he will have to vote against it because of the principle.

Council Vice-President Farrar said that he was one of the Council member's who voted to postpone the original vote on this matter. He said that the advisory opinion from the Ethics Commission and the opinion from the Solicitor has alleviated his concerns.

Motion made by Council Vice-President Farrar, seconded by Councilman Collins and voted to approve the assumption by the Town Treasurer of the Deputy Town Treasurer's responsibilities and increased compensation to the Town Treasurer once the position becomes available.

Council President Budway said that it was his fault that the document was not forwarded to the Council in a timely manner and would like to have Councilman Winfield reconsider how he will vote on this matter or he might consider abstaining from the vote so it will not reflect against Mr. Przybyla.

Councilman Winfield said that his negative vote is not a reflection on Mr. Przybyla, but on the fact of not getting important information in a timely manner.

Motion called:

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

Motion carries with 6 affirmative and 1 negative votes.

Mr. Rudy Bettez, Hope Furnace Road, said that he can't believe that the Council is going to hire someone without discussing the salary first. He feels that the Council is beating around the bush.

Council President Budway said that he will address that question now. He said that the Treasurer salary currently is \$15,158 and the Deputy Treasurer salary is \$53,413 which equals \$68,571, and he is recommending that Mr. Przybyla be paid \$75,000 per year.

Mile Marcello said that the Council kept saying that this was going to save the Town money -- where are the savings? He also said that the residents of the town voted on the Treasurer's salary at the Financial Town meeting, and the council can't change it now. Mr. Marcello said that he doesn't think that the salary of an elected official can be changed in the middle of a term; he feels that it would have to be done prior to an election. He said that the history of the position is that it is not a full time position. He said that Mr. Przybyla could not come into work at all and still get the salary. Mr. Marcello said that it was mentioned at a previous meeting that Mr. Przybyla is semi-retired, so when is he going to have time for his other job? He said that he knows that Mr. Przybyla has applied for other full time municipal jobs and

has not been hired. He said that the real situation is that Mr. Przybyla is out of work and needs a job, and that is why this is happening. He feels that this is ripe for a challenge. He said that if this was the plan right along, then it should have been mentioned and approved at the Financial Town Meeting.

Mr. Marcello asked who approached the Town Treasurer with this proposal?

Mr. Finnegan wanted to thank Karen Beattie, Tax Assessor, because when he saw the Town Treasurer driving a car with Florida plates, he asked her where the car was registered. Since then, the car has been registered in the Town, but he wants to know if the Town is going to get reimbursed for back taxes that were not paid on this vehicle? He also asked where the extra money is coming from to pay him in excess of the two salaries combined?

Council President Budway said that he will answer the questions once they are all asked.

Mr. Finnegan insisted that the Council President answer his questions.

Mike Marcello said that if this is indeed the case, then he could have possibly tried to avoid paying property taxes to the Town.

Council President Budway said that these questions will be answered when Mr. Przybyla can speak for himself. (Mr. Przybyla was unable to attend this evening's meeting)

Barbara Venerbeck, Rockland Road, said that she feels that the Council should follow Councilman Winfield's suggestion and postpone this decision until the Ethics decision is finalized.

Rudy Bettez, Hope Furnace Road, asked how many people have gotten a \$25,000 raise in one shot?

Council President Budway said that Councilman Salisbury approached Mr. Przybyla about one and ½ months ago and asked him to step up and assume the responsibilities. He said that the extra salary will come from the management and consultant line item.

Richard Finnegan, 47 Ridge Road, said that the people did not approve the salary.

Council President Budway said that the budget is a guideline for the Council to work with. He said that the Council is not locked into the budget line item by line item. He said that finances are a very fluid situation and sometimes you have to take out of one account to make another whole. Council President Budway said that we getting the best qualified person as Treasurer. He said that we are in for difficult times ahead financially. He said that if the people are not happy with the job that the Treasurer is doing or the decision the Council is making, then they can vote them out of office in November. He said that the Council will not consciously break the law. He said that some people think that the Republican Town

Committee makes all of the decisions, but this is not true. He said that all Council people stand as individuals.

Richard Finnegan, 47 Ridge Road, said that you are taking the money out of a whole different line item and not even a salary line item. He said that we live in a democracy, and the Council should honor the votes that were taken at the Financial Town Meeting in April 2008.

Richard Kells, 10 Mary Hopkins Drive, feels that the Town should just replace the Deputy Town Treasurer. He said how do they know that Mr. Przybyla can do the “whole” job?

Council President Budway said that hiring someone of Mr. Przybyla’s caliber at this salary, we are really getting a bargain. He said that he has a lot of experience in accounting. He also said that he expects Mr. Przybyla to work full time to get his support.

Mike Marcello, 874 Chopmist Hill Road, said that the Council has no control over what the Town Treasurer does just like with the Town Clerk. They are elected officers, and the only people that have control over them are the voters on Election Day. He asked if Mr. Przybyla will get longevity too. He said that the Council cannot increase an elected official’s salary in the middle of a term.

Council President Budway said that if he can’t do the job, the Council will decrease the salary.

Mike Marcello said that they can’t lower the salary. He said that the Council and the Treasurer have known for a while that Mrs. Young would be retiring, so why did this come up so suddenly? He said that he really feels that the Council cannot increase an elected official’s salary in the middle of a term. He said that the thing that bothers him the most is that the Council keeps saying about accountability and saving money, and they are doing neither. What they are doing is giving someone that needs a job, a job, and at more money than the sum of the two, and he said that it stinks.

Kirk Rerick, 264 Main Street, Hope, asked what the wage and benefit package total cost is? He asked will he get all the benefits that all other Town employees get?

Council President Budway said that he will be able to receive all of the benefits that are allowed to other Town employees as per the Human Resource Manual.

Richard Kells, 10 Mary Hopkins Drive, said that he feels the smartest thing to do is to hire Mr. Przybyla at the sum of the two salaries, and not to give him anymore. He said that if he does a good job, then the salary can be raised at the next Financial Town Meeting.

Council President Budway said that Mr. Przybyla has a proven reputation, and that the Town is getting a deal with paying him \$75,000.

Richard Kells, 10 Mary Hopkins Drive, said that it just does not look right to the average person.

Council President Budway said that we could never get his caliber of experience at that kind of money.

Mike Marcello 874 Chopmist Hill Road, asked if the Town needs a person of his 'caliber' He said in these tight economic times, we should try to get someone at a lower range. Why is the status quo no longer any good? He said he feels that the Town is going in the wrong direction. He said that you have to look at the total package, including benefits. Has he indicated if he is going to take benefits? He said that they should apply the same standard to him as they did to Town Clerk Long when she first took office.

Council President Budway said he doesn't know if he wants the benefits.

Motion made by Councilman Collins, seconded by councilwoman Knowlton to pay Town Treasurer Przybyla \$75,000 per year and give him any benefits that are contained in the Human Resource Manual.

General discussion followed with Councilman Salisbury saying that maybe the Council should be a little more prudent and give him the \$69,000 (like Mr. Kells suggested) for the first year until the higher salary can be approved at the Financial Town Meeting.

Council Vice-President Farrar said that he would agree with that suggestion.

Councilwoman Knowlton asked if there is any reason why Mr. Przybyla should not be given the benefits from the Human Resource Manual.

Town Solicitor D'Agostino said that there is no legal reason why he should not be given benefits.

Councilman Knowlton asked Town Clerk Long why it took her 15 months to receive health benefits?

Town Clerk Long responded that the Council might not like her answer, but it was because she was a Democrat, because all of her Republican predecessors received them without a problem.

Councilman Salisbury asked Town Solicitor D'Agostino if he can research elected persons being considered a Town employee.

Councilman Salisbury asked Town Council President Budway if he would go along with the \$69,000 instead of \$75,000 for the first year.

Council President Budway said that he would rather not.

Councilman Winfield said that he had suggested that a few Council people sit down with Mr. Przybyla and see what he needs for benefits, etc. He said that this never happened, and they

still haven't sat down with him and still don't know exactly what he needs or what it is going to cost the Town.

Council President Budway said that he has spoke with Town Treasurer Przybyla, said he said that he wants health benefits.

Mike Marcello asked if it is only health benefits and not being able to accumulate sick and vacation time.

Council President Budway said only health benefits.

Motion called:

Councilman Salisbury-aye

Councilwoman Knowlton-aye

Councilman D'Agostino-aye

Councilman Collins-aye

Councilman Winfield-nay

Council Vice-President Farrar-aye

Council President Budway-aye

Motion carries with 6 affirmative votes and one negative vote.

Motion made by Councilman D'Agostino seconded by Councilman Collins and voted by roll call to adjourn at 8:37 PM to closed session pursuant to R.I.G.L. 42-46-5 (A)2-Litagation-update on Providence Water Supply Board Negotiations.

Councilman Salisbury-aye

Councilman D'Agostino-aye

Councilman Winfield-aye

Councilman Collins-aye

Council Vice-President Farrar-aye

Councilwoman Knowlton-aye

Council president Budway-aye

Open session reconvened at 9:48 PM.

Motion made by Councilman Salisbury, seconded by Councilman Collins and voted by consent agreement to reaffirm the motion that passed in closed session.

Motion made by Councilman Salisbury, seconded by Councilwoman Knowlton and voted by consent agreement to adjourn at 9:50 PM and to keep the minutes of the meetings previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and to allow the Town Clerk 14 days to prepare the minutes of the meeting. For complete discussion, refer to audiotape.

Attest:

Margaret M. Long, Town Clerk

