

A regular meeting of the Town Council held for the Town of Scituate on Thursday, December 10, 2009 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 as follows:

Councilman Hanna -- present	Councilman Farrar -- present
Councilman D'Agostino --present	Councilwoman Frederickson-present
Councilman Winfield -- present	Council Vice-President Collins --present
Council President Budway -- present	

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted by roll call to open the public hearing. Town Clerk Long called the roll as follows:

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield -- aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion carries.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to approve the renewal of the junk license for Hall's garage.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion carries.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to approve the second hand sales licenses (list here within).

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passes.

Motion by Council Hanna, seconded by Council Vice-President Collins and voted by roll call to close the public hearing. Roll call as follows:

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passed, public hearing closed.

Motion made by Council Vice-President Collins and seconded by Councilman D'Agostino and voted to approve the firearm sales license (list here within)

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passed.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to approve the renewal of the Hawkers and Peddlers licenses, contingent that they submit their food service license with one week. ( list here within)

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passed.

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino and voted to approve the Private Investigators license for Daryl Drake as submitted by Police Chief Randall.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passed.

Councilman Winfield recused himself from the following two agenda items.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to table the approval of the Hawkers and Peddlers license for David McEnery, d/b/a/ Firehouse Grill.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passed.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to approve the Hawkers and Peddlers license for John Lang d/b/a John Lang's Cart, due to the fact that he has already had a Hawkers and Peddlers license in the past.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passed.

Councilman Winfield returned to the Council table.

Motion made by Councilman Hanna, seconded by Council Vice-President Collins and voted to table the minutes of November 12, 2009 regular Council meeting.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --abstained

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passed.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted to approve the minutes of October 19,2009 Special Council meeting.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --abstained

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --abstained

Council President Budway – aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted to approve the minutes of the October 22, 2009 Special Council meeting.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D’Agostino –abstained

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D’Agostino and voted to approve the minutes of the Special Town Council Meeting of November 24, 2009.

Councilman Hanna -- aye

Councilman Farrar -- abstained

Councilman D’Agostino –abstained

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted to approve the closed minutes of September 21, 24, 2009.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D’Agostino –aye

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion passes.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted to approve the minutes of the October 19, 2009 closed session.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D’Agostino –abstained

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --abstained

Council President Budway – aye

Motion passes.

Motion made by council Vice-President Collins, seconded by Councilman Hanna and voted to table the approval of the Closed Council Meeting of November 24, 2009.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passes.

Motion made by Councilman Winfield, seconded by Council Vice-President Collins and voted to approve abatements in the amount of \$2.24 and the additions in the amount of \$309, 15.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed.

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino and voted to accept all departmental reports and place on file.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed.

Under audience participation, Council President Budway asked if anyone wished to comment on any item.

Terry Larivee, Seven Mile Road, Cranston asked the Council to reverse the ban on horses in the Lawton Farm area for the months when the birds are nesting. She said that she would like to give the Council an article about horses and also a list of people that use the area to ride their horses and for how long they have used the area.

Council President Budway said that he would be happy to get the information but suggested that this presentation be given to the Scituate Land Trust and Conservation Commission.

Diane Catanzaro, 955 Seven Mile Road, Cranston said that she has lived across the road from the Lawton Farm for over 30 years and has never seen horses ruining the land at the farm.

Eric Weiselquist, Silk Lane, North Scituate stated that he has been a resident of Scituate for almost 80 years. He asked the Council if they closed down the Chopmist Hill Fire Department because some of its members had decided to unionize. He said that he got that impression after reading the article in the Valley Breeze.

Councilman Farrar said that he has known Eric his entire life, and he appreciates when residents questions what they read in a newspaper.

Council President Budway said that the two events happened simultaneously. But the station was not closed down because of the union.

Mr. Weiselquist asked if Mr. LaPlante from the Valley Breeze Observer is trying to make the Town Council look bad.

Richard Kells, Mary Hopkins Road, said that there were six allegations of wrong doing by the Chopmist Hill Fire Department, and that one of them was the cleanliness of the station. Mr. Kells asked isn't it the responsibility of the Town to clean the building? He said that he read the lease and it says that it is the responsibility of the Town to clean the building.

Council President Budway said that when the Town Council visited all Town building last February, the building was filthy, he said there were people smoking in the truck bays and there was a training class being conducted adjacent to it. He said that there was a propane gas tank hooked up to a portable fryerlator in the kitchen area. He said that when the Police went in September, it was as equally disgraceful.

Mr. Kells asked if the other allegations are being investigated. He also asked if it is costing the Town money to conduct the investigation and/or to defend our position. He also asked when the investigation will be completed.

Council President Budway said that he is not sure when the investigation will be completed.

Representative Michael Marcello asked if there has been an incident number assigned to the investigation and if there has been any resolution to the allegations?

Chief Randall said that Deputy Chief Lang is handling the investigation and that there has not been an incident number issued.

Town Solicitor D'Agostino suggested that Council President Budway not make anymore statements because of the ongoing law suit.

Sharon Johnson, Plainfield Pike, asked if the IRS prevails what the cost will be to the Town?

Town Council President Budway said that he does not know at this time.

Town Solicitor D’Agostino said that there have been no penalties assessed as of this time. He said that he is not sure if it is against the FEB or the Town, or both. He said that there is no way to quantify the liability at this time.

Representative Marcello said as a resident of the Chopmist Hill section of Town, he is very concerned about the Fire Department being closed and would like to know when the investigation will be completed. He said that you either have the facts or you don’t.

Council President Budway said it will end, but not until the entire investigation is done. He said that he is very concerned that people have been threatened. He said that they have been told that if they don’t support Chopmist Hill Fire Department, that it could be bad if they ever need help they might not get it.

Representative Marcello asked if the Attorney General’s Office has been notified because if that happened it is witness intimidation which is a felony?

Council President Budway can not divulge the names of the residents.

Colleen Pendergast, Apple Hill Drive, asked when is this going to end? She said that she is not playing politics, but does not feel safe without a fire department and rescue nearby. She said that if people did something wrong, then change them.

Motion made by Council Vice President Collins, seconded by Councilman Hanna and voted to approve the reappointment of Col. David Randall, Major Stephen Lang, David D’Agostino, Dale Langlais and Richard Tucker and Mary Lou Umbriano to the Traffic Safety Commission for a term expiring December 2010.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D’Agostino –aye	Councilwoman Frederickson-aye
Councilman Winfield –aye	Council Vice-President Collins --aye
Council President Budway – aye	

Motion passes.

Motion made by Councilman Hanna, seconded by Council Vice-President Collins and voted to reappoint Margaret Long, Blood Coordinator for a term expiring December 2010.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D’Agostino –aye	Councilwoman Frederickson-aye
Councilman Winfield –aye	Council Vice-President Collins --aye
Council President Budway – aye	

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to re-appoint Donald Blackmore to the Western RI Home Repair Board of Directors for a term expiring June 2011.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passes.

Motion made by Councilman Hanna, seconded by Council Vice-President Collins and voted to approve the re-appointment of Fritz Benz to the Pawtuxet River Authority for a term expiring June 2012.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passes.

Motion made by Councilman Hanna, seconded by Councilman Winfield and voted to reappoint Walter Powell and Sara Adams to the Land Trust Commission for a term expiring December 2014.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye
Council President Budway -- aye	

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to approve the re-appointment of Ruth Strach and Cynthia Gianfrancesco to the Conservation Commission for a term expiring December 2012.

Councilman Hanna -- aye	Councilman Farrar -- aye
Councilman D'Agostino --aye	Councilwoman Frederickson-aye
Councilman Winfield --aye	Council Vice-President Collins --aye

Council President Budway – aye

Motion carries.

During discussion and/or approval general discussion followed the request from Potterville Fire Department to submit a grant proposal for renovations and additions to their station.

Motion made by Councilman Winfield, seconded by Council Vice-President Collins and voted to allow Potterville Fire Department to submit a grant proposal to for the renovations and addition to the station.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D’Agostino –aye

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion carries.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted to approve the request for a third dog to William Pimental, 845 Tourtellot Hill Road.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D’Agostino –aye

Councilwoman Frederickson-aye

Councilman Winfield –aye

Council Vice-President Collins --aye

Council President Budway – aye

Motion carries.

Council President Budway said that we are wasting a lot of money by not recycling properly. He said that he really feels that we need to educate the residents more.

Councilman Farrar said that he and Councilman Hanna reviewed the Public Works budget and realized that we are paying money because of our low recycling percentages. He said that we could save 40,000 - \$50,000 per year by educating the residents. He said that if we had a better ordinance that might help too.

Councilman Hanna said that we don’t have to reinvent the wheel just get the information from Town’s that are successful with recycling.

Council President Budway said that he will volunteer his time to look into how to increase our recycling.

Thomas Galligan asked if the businesses in Town have to recycle.

Councilman Farrar said that we don't pick up the trash or recycling for the businesses in Town, they have to have to pay for their own trash removal businesses.

Councilman Winfield said that the businesses pay for their own trash pickup. If the business is over a specific size then they have to recycle.

During legislative remarks, Representative Michael Marcello informed the Council about the RIPTA bus that he secured for the Seniors. He said that the residents are very happy with it. He said that with the new budget year he is going to try to secure funding for a brand new van. He said that the Governor 2009-2010 supplemental budget is due out December 15, 2009. He said that he has heard that he plans to drastically cut the aid to the cities and towns.

Council President Budway asked Representative Marcello to keep them informed on what is happening at the State level with the budget.

During Council remarks, the Council wanted to wish everyone a safe, happy and healthy holiday season and new year.

Councilman Winfield said that he feels that the General Assembly should get coal in their Christmas stocking because we are in this bad situation because they spend too much money.

Motion made by Councilman Winfield, seconded by Councilman Hanna and voted to pay early bills in the amount of \$137,834.75.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed

Motion made by Councilman Winfield, seconded by Councilman Hanna and voted to pay regular bills in the amount of \$ 41,757.47.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed.

Motion made by Councilman Winfield, seconded by Councilman Hanna and voted to pay supplemental bills in the amount of \$137,768.05. For a total amount of \$317, 360, 27.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed

Motion made by Councilman Hanna, seconded by Councilman D'Agostino and voted to adjourn to closed session at 8.34 PM pursuant to RIGL 42-46-5 (A)2 pertaining to collective bargaining or litigation and more specifically, to CHFD vs. Town of Scituate, et al civil action No. 09-531ML, and to allow Town Clerk Long, Town Solicitor D'Agostino and Police Chief Randall attend.

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passed

Reconvened at 10:19 PM.

Motion made by Council Vice-President Collins seconded by Councilman D'Agostino and voted to adjourn at 10:20 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.

Motion passed

Councilman Hanna -- aye

Councilman Farrar -- aye

Councilman D'Agostino --aye

Councilwoman Frederickson-aye

Councilman Winfield --aye

Council Vice-President Collins --aye

Council President Budway -- aye

Motion passes.

Please refer to electronic tape for complete discussion.

Attest:

Margaret M. Long, Town Clerk