

At a Financial Town Meeting holden within and for the Town of Scituate, on April 7, 2009 in the High School Auditorium in said Scituate, pursuant to the Warrant issued and to law, being for the purpose of hearing official reports, making appropriations, ordering a tax and transacting any other business that may lawfully come before said meeting.

After pledging allegiance to the flag of our country, the meeting was called to order at 8:05 P.M. by David D'Agostino, Town Moderator. Mr. D'Agostino welcomed everyone to the 278th Financial Town Meeting, noting that the first meeting was held on March 18, 1731. Mr. D'Agostino introduced the Town Council, School Committee, Superintendent of Schools, Town Clerk, Town Treasurer and Town Solicitor who were all sitting on the stage. He noted the budget totals \$31,754,860 which is an increase of \$351,976 over last year, which the administration deems necessary to continue existing services. This budget includes increased spending for education, public safety, highway improvements, libraries, recreational programs, social services, town properties and cultural services. He noted that if all appropriations and resolutions are adopted without change, the tax rate will not exceed \$24.42 per thousand for residential real estate, \$32.96 per thousand for commercial, industrial, mixed use real estate, and \$36.63 per thousand for tangible personal property. The motor vehicle tax rate remains frozen at \$30.20 per thousand in accordance with state law. The proposed tax rates equal an effective tax rate increase of 4.75%.

Mr. D'Agostino stated that he hoped everyone had a chance to read the letter from Council President Budway, School Committee Chairman Ernest Marcure and Town Treasurer Theodore Przybyla which was included in the budget packet.

Mr. D'Agostino stated that the proposed budget is a culmination of many hours of hard work and numerous hearings involving the Budget Committee who is appointed by the Town Council, the School Committee, Superintendent of Schools,

Department Heads and residents.

The warrant, the posted notice and return of service was read by Town Clerk, Margaret M. Long.

Town Moderator, David D'Agostino, advised the audience of the rules and regulations of the meeting. He mentioned that visitors are all seated in the rows to his right and explained the procedures, which would be followed for voting by registered voters. He advised that his role as Town Moderator is to preside and regulate these proceedings, to decide questions of order and to declare votes. This meeting will be conducted according to the following rules: The Statutes of the State of Rhode Island pertaining to Financial Town Meetings will apply and will prevail.

Mr. D'Agostino ruled that all motions from the floor must be in writing (forms are available if needed), signed, and presented to him immediately after making the motion public. Once the motion has been made and seconded, he will then open the floor for discussion on that motion. He kindly asked that anyone making remarks, observations and comments keep them brief and to the point of the motion at hand. By law, every elector does have the right to speak once on each motion. Mr. D'Agostino noted that anyone wishing to speak should utilize the microphones at the front of the auditorium and please state their name and address. The comments or questions will be then addressed by the most appropriate person available. Each line item shown on the appropriations budget will be read individually and then voted upon. The decision of the majority of electors present qualified to vote will be accepted as the decision of this assembly. Voting is accomplished by a voice vote. A vote in the affirmative is "aye," and a vote in the negative is "no." If the voice vote is close, he may call for a standing vote; indicate your support for the motion or for the point before the assembly by standing, those opposed remain seated.

In the event that a paper ballot is called for or requested, then it will require at least 20 percent or one-fifth (1/5) of those qualified to vote to second that motion. If the motion is seconded

by 20 percent of those qualified to vote and then passed, the Board of Canvassers will conduct the paper ballot. Discussions tonight will be concerned with and limited to items listed on and pertaining to the call of this meeting; specifically, the appropriation of monies, expenditure of monies and the imposition of taxes. If anyone's comments or motions are outside the scope of this meeting, Mr. D'Agostino will let them know that and try to bring them back to the point at hand.

Moderator D'Agostino advised that the Board of Canvassers has indicated the total number of electors present is 150. There are also 6 visitors in attendance.

Town Treasurer, Theodore Przybyla, read a summary of receipts of \$30.8 million and disbursements of \$28.3 million for the year ending March 31, 2008, with a beginning cash balance of \$1.5 million, leaving an ending cash balance of \$2.5 million. Mr. Przybyla explained this budget is for a 12-month budget, the same fiscal year that we have always had. Mr. Przybyla explained why the Town decided to stay with a 12-month budget rather than changing to a 15-month budget to coincide with the School's and State's fiscal year. It would have caused an undue burden to the taxpayers. Please refer to audio tape for complete discussion.

Richard Finnegan, 47 Ridge Road, asked Town Treasurer Przybyla how many people were laid off in the Town? Mr. Przybyla stated there was a part time person in the Collector's Office and a full time position in the Clerk's Office, and several positions were not filled in other departments. Mr. Finnegan asked how much money would take in this budget to restore the jobs of those who were laid off? Mr. Przybyla stated approximately \$75,000. Mr. Finnegan stated he sees a salary decrease of \$38,550 in the Clerk's Office budget. Are we still paying for those benefits? Mr. Przybyla stated we are paying for unemployment benefits. After further discussion regarding which positions were cut and what the dollar amount would be to restore those positions, Mr. Finnegan asked Mr. Przybyla if he would be comfortable with a motion for a

dollar amount of \$75,000 to restore those positions? Mr. Przybyla said he believes so. Council President Budway stated we are not just talking about two positions. There is a full time person in the Clerk's Office, a part time position in the Building Inspectors Office, the Treasurer's Office consolidated the Deputy Treasurer and Tax Assessor's position. There were two positions in the Public Works Department that are not being filled, and also there is a vacant spot in the Police Dept. that will not be filled. Mr. Budway stated that we should not cherry pick who should come back and on what basis. Our obligation is to spend the money of the people of Scituate in the most cost efficient way we possibly can.

We are not an employment agency. It is unfortunate that we have to take jobs away from people, but we do what is necessary. There are people in Town who have lost their jobs, and they have to pay taxes. Our obligation is to provide the best services at the lowest possible costs we can. No one has been comfortable with making the decision to take jobs. Decisions were made based upon the best judgement to preserve fiscal integrity of the Town.

Richard Finnegan asked how many people were layed off. The answer was 2. Mr. Przybyla stated he stands corrected. There was also a part time position in the Building Inspector's Office. Mr. Finnegan asked Mr. Przybyla if he was still comfortable with the \$75,000 amount? Mr. Przybyla stated with that extra position, it would probably be up to \$90,000.

At this time, Council President Budway read a statement written by himself regarding the budget being presented this evening, and the difficult choices that were made to arrive at this budget, and to thank those individuals & departments for their countless hours in putting together this budget. Mr. Budway also thanked the fire and rescue volunteers for their time and talent and who are always there when we need them. He asked all volunteers to stand and be recognized, and thanked them all. Please refer to tape for complete discussion.

Town Moderator D'Agostino stated that he just wanted to point

out that this discussion is related to the approval of the Treasurer's Report.

Michael Marcello, Chopmist Hill Road, asked the Town Treasurer if the \$3 million TANS should be reduced to \$2 million, since it was based on a 15-month budget, and now is a 12-month budget? Mr. Przybyla stated it is the Budget Committee's position to leave it at \$3 million, due to uncertainty. We must demonstrate our needs for a cash flow of our projection in taxes. We would have to support that borrowing, we cannot just go out and borrow \$3 million immediately. Refer to tape for complete discussion.

Motion made by Councilman Hanna, seconded by Council Vice President Collins and others, and voted without further discussion to accept the Treasurer's Report as read.

Motion made by Town Clerk Long, seconded by Councilman D'Agostino and others and voted without discussion to open appropriations.

Item 110 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and voted without discussion. Town Moderator declared the motion carried.

Item 210 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and questioned by George Kuzmowycz, 37 Esek Hopkins Road. Mr. Kuzmowycz stated he is making a motion to reduce the amount budgeted for Item 210 by \$54,660., representing the School Department's portion of the cost of the Police Resource Officer. Superintendent Paul Lescault stated that State law will not allow any further reductions in the School budget. With no further discussion, Moderator D'Agostino stated based on Mr. Lescault's testimony, he will not allow the motion by Mr. Kuzmowycz. Further discussion followed by School Committee Chairman Ernest Marcure and Elizabeth McCaughey, both supporting this position and Sgt. Pendergast, stating he is one of the strongest assets in the school system. Refer to tape for complete discussion.

With no further discussion on line item 210, Support of Public

Education, Moderator D'Agostino stated a motion was made and seconded and called for a vote. Motion carried.

Item 210, School Committee, was moved by Town Clerk Long, seconded by Council Vice President Collins and others without discussion. Town Moderator declared the motion carried.

Item 310 was moved by Town Clerk Long, seconded by Council Vice President Collins and others without discussion. Town Moderator declared the motion carried.

Item 320 was moved by Town Clerk Long, seconded by Council Vice President Collins and others without discussion. Town Moderator declared the motion carried.

Items 330, 340, 350, 360 and 390 were moved by Town Clerk Long, seconded by Councilman Collins and others and voted with no discussion. Moderator D'Agostino declared the motions carried.

Item 410 was moved by Town Clerk Long, seconded by Council Vice President Collins and questioned by George Kuzmowycz, who made a motion to reduce this line item by \$54,660, which represents the amount for the School Resource Officer. Moderator D'Agostino called for a second. With there being no second, Moderator D'Agostino declared the motion failed.

Items 420, 430, 440 & 450 were moved by Town Clerk Long, seconded by Councilman Collins and others and voted with no discussion. Town Moderator declared the motions carried.

Item 510 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and voted with no discussion. Town Moderator declared the motion carried.

Items 520, 530 and 540 were moved by Town Clerk Long, seconded by Council Vice President Collins and others with no discussion. Town Moderator declared the motions carried.

Items 610 and 620 were moved by Town Clerk Long, seconded by Council Vice President Collins and others with no discussion. Town Moderator declared the motions carried.

Item 710 was moved by Town Clerk Long, seconded by Council Vice President Collins and others with no discussion. Town

Moderator declared the motions carried.

Item 720 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and questioned by Richard Finnegan. Mr. Finnegan asked Town Treasurer Przybyla if he would feel comfortable with increasing this line item by \$44,000 to cover the salary and benefits of the layed off worker? After further discussion, Mr. Finnegan made a motion to increase the Town Clerk's Office Budget by \$44,000 to cover the salary and benefits of the layed off worker, motion was seconded, and there was further discussion from Mr. Przybyla and Council President Budway. Mr. Budway stated that he thinks its relative to not only look at the cost of this position, but perhaps the need for this position, and the other positions that were eliminated. Do we absolutely need these individuals in these positions? Can we get by and continue the service to the people of the Town of Scituate at a reduced cost? Mr. Budway stated he feels the answer is yes, because the Town Clerk's Office recently managed to function for at least a couple of weeks with an illness in the office and an individual on vacation. The Building Inspector's Office, which has less people than the Clerk's Office, reduced by a part time person, managed to function. Mr. Budway stated this is relevant because the actions taken, the same rationale applies to the other positions. We have a tight budget. We don't know what's coming in the upcoming year or years. For us to be talking about restoring positions when we don't know what's coming up, is rather foolish. What we should be doing is pass this budget the way it is proposed and see how things go. We are behind at the Dept. of Public Works. Mr. Budway stated if he was going to invest some additional money, it would be there.

If we are going to talk about restoring dollars, let's give some intelligent analysis and not look at this like we've knocked some people out of employment. Mr. Budway stated no one on the stage enjoys taking someone's job away. That is the last thing they wanted to do. Before we bring someone back, let's not play with these people and find out that we can't afford them again in a few

months. Mr. Budway urged the audience to not support this motion. Mr. Finnegan asked Mr. Przybyla what amount did we save by eliminating these 3 positions? Mr. Przybyla stated \$60,000 on the full time position and \$10,000 on the part time positions, totaling \$20,000, amounting to \$80,000 for all 3 positions. Discussion followed, and Margaret Long of 63 William Henry Road, stated to Mr. Budway that her office did not run well without that person. Mrs. Long stated she came in to work sick and almost passed out and she was the only one there. She cannot stand here and say that everything went well. She has a month's worth of work on her desk that she hasn't been able to do. Mrs. Long stated that she just wants to reiterate that things did not go smoothly in her office, and she had to send people away. We are in very difficult financial times now, and as Mr. Przybyla stated at a Budget Committee meeting, the townspeople will have to realize they are not always going to get the same services, and this decision is up to the taxpayers.

Further discussion followed from Patricia Archambault and Rita Laduke. Refer to tape for complete discussion. With no further discussion, Town Moderator D'Agostino stated a motion was made by Mr. Finnegan, and seconded to amend line item #720 by \$44,000, and called for a vote. Moderator D'Agostino declared the nays have it, the amendment fails. With no further discussion, Town Moderator called for a vote on the original motion of line item #720. Town Moderator declared the motion carried.

Item 730 was moved by Town Clerk Long, seconded by Council Vice President Collins and other and questioned by Richard Finnegan. Mr. Finnegan asked Town Treasurer Przybyla how much it would be to restore the part time position that was cut from the Collector's Office. Motion made by Mr. Finnegan and seconded to increase the Tax Collection/Assessment budget by \$10,000 to restore the position. Mr. Finnegan asked if we cut the Town Council down to 3 or 5 members, can we restore the budget? Mr. Finnegan stated we can change the law and cut the Town Council members from 7 to 3

or 5. Town Solicitor Nicholas Gorham stated that it would be like taking away Mr. Finnegan's state job and take the money from that. Rocky Vaughn of Danielson Pike stated in light of the difficult choices we are all talking about tonight, political grandstanding is highly inappropriate for this assembly. With no further discussion on the amendment, Town Moderator called for a vote. Town Moderator declared the nays have it, motion fails. With no further discussion on the original motion for line item 730, Town Moderator called for a vote, and declared the motion carried.

Items 740 and 750, were moved by Town Clerk Long, seconded by Council Vice President Collins and others with no discussion. Moderator declared motions carried.

Item 760 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and questioned by Richard Finnegan. Mr. Finnegan asked Town Treasurer Przybyla what dollar amount it would take to restore the position that was cut in the Building Official's Office. Motion made by Mr. Finnegan to increase this line item by \$14,700 to restore the part time position that was cut. Town Moderator D'Agostino called for a second to the motion; there was none. Moderator declared motion fails. With no further discussion on the original motion, Moderator D'Agostino called for a vote on the original motion, and declared motion carried.

Items #770 & #780 were moved by Town Clerk Long, seconded by Council Vice President Collins and others with no discussion. Moderator declared motions carried.

Items 810 and 820 were moved by Town Clerk Long, seconded by Councilman D'Agostino and voted with no discussion. Moderator D'Agostino declared the motions passed.

Item #830 was moved by Town Clerk Long, seconded by Council Vice President Collins and others and questioned by George Kuzmowycz of Esek Hopkins Road. Mr. Kuzmowycz stated he noticed a substantial reduction in the Town's contribution of the Police Pension and wonders in what manner that affects our projections for

the coming actuarial self-sustainable in the Police Pension Fund and when do we expect that to occur? Town Treasurer Przybyla stated this line item is driven by the salary levels and he suspects the actuarial numbers are going to be much worse as we approach March 31<sup>st</sup>. Our success depends on achieving the projected return on our investments which is factored at 8% in the actuarial report. Refer to tape for complete discussion. With no further discussion, Moderator D'Agostino declared motion passes.

Motion made by Town Clerk Long, seconded by Council Vice President Collins and others and voted with no discussion to close appropriations. Moderator D'Agostino declared motion passes.

The following Resolutions were presented by Town Clerk Long, seconded by Councilman Collins and others:

Resolution No. 1: Tax Anticipation Notes \$3,000,000.

With no discussion, Moderator D'Agostino declared the resolution passed.

The following Tax Resolution was presented by Town Clerk Long, seconded by Council Vice President Collins and others and discussion followed by Representative Michael Marcello:

**RESOLVED: That the electors of the Town of Scituate qualified to vote on any proposition to impose a tax in town meeting legally assembled, on the 7<sup>th</sup> day of April, A.D., 2009 hereby ordered the levy ad collection of a tax on the ratable real estate and ratable personal property in a sum of not less than \$23,459,678., not more than \$24,573,915., plus the average of the last three (3) years of abated taxes (estimated at \$43,342.), said tax is for the ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said Town and for the other purposes authorized by law.**

**The Tax Assessor shall apportion said tax on the inhabitants and ratable property of said Town as of the 31<sup>st</sup> day of December A.D., 2008 at twelve o'clock, according to law, and shall on completion of said levy, date, certify and sign the same; deliver to and deposit the same in the office of the Town Clerk on or before the 15<sup>th</sup> day of June A.D., 2009.**

**The Town Clerk, on receipt of said assessment and levy, shall forthwith make a copy of the same and deliver it to the Town Treasurer who shall forthwith issue and affix to said copy a warrant under his hand directed to the Collector of Taxes of said Town, commanding her to proceed and collect said tax on the persons and estates liable therefore.**

**Said tax shall be due and payable on and between the 1<sup>st</sup> day of July A.D., 2009 and the 1<sup>st</sup> day of August A.D., 2009, and all taxes remaining unpaid on the 1<sup>st</sup> day of August A.D., 2009 shall carry until collected a penalty at the rate of twelve (12) per centum per annum upon such unpaid tax from July 1<sup>st</sup> A.D., 2009.**

**Said tax may be paid in four (4) installments, the first installment of 25% on or before the 1<sup>st</sup> day of August A.D., 2009, and the remaining installments as follows: 25% on or before the 1<sup>st</sup> day of October A.D., 2009; 25% on or before the 1<sup>st</sup> day of January A.D., 2010 and 25% on or before the 1<sup>st</sup> day of April A.D. 2010.**

**Each installment of taxes, if paid on or before the last day of each installment period successively and in order, shall be free from any charge for interest.**

**If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period or periods as they occur, then the whole tax or remaining balance of the tax as the case may be, shall immediately become due and payable and shall carry until collected a penalty at the rate aforesaid.**

Motion made by Representative Michael Marcello and was seconded, to lower the interest rate on late taxes from 12% to 6% to give taxpayers some relief. Treasurer Przybyla stated he is concerned with the risks and costs associated with tax sales for the people buying at tax sales. Mr. Marcello stated that given the rough economic times, he feels we owe this to the taxpayers.

Council President Budway asked if this can be taken up at the next Council meeting? Representative Marcello stated this is

something that is voted upon by the taxpayers, and not up to the Town Council. Moderator D'Agostino stated he's been advised by the Town Solicitor that this is something that has to be in the Resolution at the Financial Town Meeting. Refer to tape for complete discussion. With no further discussion, Moderator D'Agostino declared the motion, as amended, carried.

At this time, Town Clerk Margaret Long wanted to thank everyone for attending. Mrs. Long stated she understands these are trying times and apologized for the meeting getting contentious. Mrs. Long thanked the Board of Canvassers and everyone who worked this evening at the meeting. She wished Christine Hall and Justin Gaffney a happy birthday. He took a night out of work without pay to help us out.

At 9:30 P.M. a motion was made by Town Clerk, Margaret M. Long to adjourn, seconded by Council Vice President Collins and others and voted without discussion.

Please refer to electronic tapes for complete discussion and testimonies given.

Witness:

Gail Chatfield, Deputy Town Clerk