

A regular meeting of the Town Council held for the Town of Scituate on Thursday, April 9, 2009 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:34PM. 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 Hanna --present	Council Vice-President Farrar-- present
Councilwoman Frederickson--absent	Councilman Winfield--present
Councilman Collins-present	Council President Budway --present
Councilman D'Agostino-present	

Motion made by Council Vice President Collins, seconded by Councilman D'Agostino and voted by a roll call to open the Public Hearing.

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

Motion passes.

Motion made by Councilman Farrar, seconded by Council Vice-President Collins and voted to accept the first reading of the ordinance to approve a stop sign at the intersection of Brett Drive and Oakwood Drive.

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

Motion made by Councilman Farrar, seconded by Council Vice-President Collins and voted to accept the first reading of the ordinance to approve a stop sign at the intersection of Cara Drive and Oakwood Drive.

Judy Loven, Board of Directors Western RI Home Repair program asked if there were any questions concerning the CDBG grant.

Representative Marcello asked if the amount that we are requesting is the maximum that we are allowed to request.

Mrs. Loven said that it is and she gave a brief overview of the grant.

Motion made by Council Vice-President Collins, seconded by Councilman Farrar and voted to approve the submission of the CDBG grant.

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

Motion passes.

Town Solicitor D'Agostino explained the reason behind the illicit discharge detection and elimination ordinance. He said that this ordinance is boiler plate and that it is required as part of the storm water management plan. He said that it contains best practice ideas for controlling contamination. He said that we need this ordinance to be in compliance with DEM and EPA regulations.

Councilman Winfield said that he is very disturbed with this ordinance. He said that it would allow people to enter others property without the proper warrants. He said that he feels that this is unconstitutional. He said that the people's rights are being taken away daily.

Town Solicitor D'Agostino said that he will see if that part can be deleted. He said that he will have an answer prior to the next meeting.

Motion made by Councilman Farrar, seconded by Council Vice-President Collins and voted to accept the first reading of the illicit discharge detection and elimination ordinance.

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

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to close the public hearing.

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

Motion passes.

Motion made by Councilman Farrar, seconded by Councilman Winfield and voted to table the minutes of the Special Council meeting of March 19, 2008, regular Council meeting of March 12, 2009 and Special Council meeting of February 17, 2009.

Councilman Hanna --aye	Councilman Collins-- aye
Councilman Winfield--aye	Councilman D'Agostino-aye
Councilman Farrar-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 February 4, 2009 Council Meeting and February 4, 2009 closed session.

Councilman Hanna --aye	Councilman Collins-- aye
Councilman D'Agositino	Councilman Winfield--aye
Councilman Farrar-aye	Council President Budway --aye

Motion passes.

During department reports Director of Public Works Dale Langlais asked the Council if he could replace a medium duty plow and sander. He explained that the money is in a special fund for this purpose which was never expended.

Colonel David Randall asked if he could speak on the tragic loss of one of his employees. He said that John Troll passed away this week and his 20th anniversary as a full time Emergency Services Dispatcher for the Scituate Police Department would have been May 3, 2009. He said that John was a tremendous asset to the department. He said that John was a member of the North Quiddnessett Station 4 Volunteer Fire Department, the Special Signal Association of R.I. and a founding member of the Providence Citywide Fire Network. Colonel Randall said the John was always professional, practical and he will be sorely missed by the Department.

Council Vice-President Collins said that he worked with John Troll for 17 years and said he was a tremendous employee and he would like to have the meeting closed this evening in his memory and to have a page reserved in the minute's book for him.

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

Councilman Hanna --aye	Councilman Collins-- aye
Councilman D'Agostino—aye	Councilman Winfield--aye
Councilman Farrar-aye	Council President Budway --aye

Motion passes.

During audience participation, Richard Finnegan of 47 Ridge Road, asked what fund the unused money is from to purchase the medium duty plow and sander.

Dale Langlais said that the money is from unused bond money that was approved by the voters in a 1980's bond.

Karen Beattie, Deputy Town Treasurer said that it is money left over from a General Obligation Bond.

Richard Finnegan asked how much money is left.

They said that there is enough to cover the purchase.

Richard Finnegan asked when we are going to start to pay for the 5 million PWSB bond and asked how much is that going to raise our taxes?

Karen Beattie said that we will have to pay one interest payment in this current fiscal year. She said that the monies were already included in this budget.

Bethany Warburton from the U.S. Census Bureau said that the census has started, so please don't be alarmed if you see people going from door to door. She said that at this time they are just checking address and that next year we will get a census survey in the mail.

Council President Budway asked what time of day do they usually start and what days of the week.

Ms. Warburton said that they are instructed not to start until 10 AM and continue until sundown during the week. She said that they might have to go out on weekends if they get behind in their work. She explained that they should be wearing a badge that states that they are from the U.S. Census Bureau and be carrying a GPS unit.

Denise Saran asked about the agenda item concerning the new ordinance dealing with illicit discharge detection and elimination.

Town Solicitor D'Agostino said that this is part of the Storm Water Management Plan, which says you have to enact an ordinance to control the discharge of water.

Council President Budway asked if there were any other questions? Richard Finnegan asked if the Town is looking to hire rescue personnel? Council President Budway stated the Town does not employ rescue personnel. The Town is not seeking to hire rescue personnel. Mr. Finnegan stated that if the Town is not looking to hire rescue personnel, will the Engineering Board deal with the rescue personnel? Mr. Budway stated if there is to be any change in the current situation, as far as the Town of Scituate is concerned, it will be discussed in a public forum, and people will have an opportunity to hear any proponents or why there should not be. At this point in time, there are none.

Mr. Finnegan asked it is status quo with the Town Council? Mr. Budway stated he just answered the question. Mr. Finnegan stated he believes that if we do any hiring, we should be hiring those people that were laid off. Mr. Finnegan asked if the people who were let go last in-first out? Mr. Budway stated in the case of the Town Clerk, that was the Town Clerk's decision, and he believes that was the last person in. Town Clerk Long stated that was the case in her department, but not in the Town Hall. Mr. Budway stated in the other departments, they were part time individuals, and it was determined that those hours could be sacrificed. Mr. Finnegan asked how it was determined that we were going to take away from the Town Clerk's Office, or the Town Zoning Office or the Highway Department? Mr. Budway stated in the case of the Highway Department, there were two slots that were not filled. The individuals that were in those positions were separated from the Town during the summer of last year, and the decision was not to replace them. In the case of the Police Department, that position was unfilled, and the decision was not to replace that person. Mr. Finnegan asked if the Town made two appointments in the Police Department recently? Mr. Budway stated that was correct. Mr. Finnegan asked if that was necessary in light of the fact if we did not hire those people, maybe we would not have had to lay anyone off. Mr. Budway stated the budget was passed. This body and the Budget Committee had extensive budget hearings. Mr. Budway stated he feels he responded to all of Mr. Finnegan's questions adequately. Everyone had the opportunity to attend those meetings that are all public discussion. To bring all of this stuff up after the fact, we've done due justice in responding to the questions. Mr. Finnegan stated that is not answering his questions. President Budway stated there is only so much of what Mr. Finnegan is doing that he is going to put up with. Mr. Budway stated he is trying to be polite and respectful, but the only thing Mr. Finnegan is interested in is getting a rise out of him and getting him excited. Mr. Budway asked Mr. Finnegan to sit down. Mr. Finnegan stated that maybe we would not be in the position that we are in today, and maybe Mr. Budway should resign, maybe you should do just that, Mr. Budway, or should I say Mr. Budway?

Mr. Marcello asked if the Town funds the Fire Engineering Board? Are there are monies that go from the Town to the Fire Engineering Board? Town Solicitor D'Agostino stated that is true. Mr. Marcello asked how much money? Mr. D'Agostino stated he does not know, it was in the budget. Kirk Rerick stated he just asked Mr. Budway that question and he said "no." Mr. Budway stated the Chair will recognize who is speaking. Mr. Finnegan asked Mr. Budway if he was going to answer his question? Mr. Budway stated he has already responded and will not discuss this any further. Mr. Finnegan asked Mr. Budway if he is going to resign? Mr. Budway stated he would like Mr. Finnegan to sit down, and if he continues, he will ask that he be removed. Mr. Finnegan stated he is asking a question and he deserves an answer. Colonel David Randall stated to Mr. Finnegan that Council President Budway asked him to sit down. We are in a public setting, sit down. Mr. Budway stated that Mr. Finnegan is disrupting the meeting, and he should interpret his standing right there as his answer. Mr. Finnegan stated he will be at the next meeting asking the same questions.

Kirk Rerick stated he asked if the Town funded the Fire Engineering Board and the answer he received was not the answer Mr. Marcello received. He is confused. Town Solicitor D'Agostino stated the question he asked was if they were a Town body. The answer is they are not. The Town has provided funding for the past 50 to 75 years. There is a question as to whether or not, just because the Town transfers money to the Fire Engineering Board, whose money is that? It is a separate entity. If

you view that as Town money, that is your opinion. Everything is transparent, it is in the budget. The Fire Engineering Board is a non-municipal entity. It is a private organization.

Representative Marcello asked if our unemployment insurance is self funded.

Town Solicitor D’Agostino said that it is.

Kirk Rerick, Main Street asked if we fund the F.E.B (Fire Engineering Board) and if we own the fire and rescue equipment.

Town Solicitor D’Agostino said that we own some of the equipment and that they own some.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted with Chief Randall’s recommendation to renew the Private Investigators License for Nancy Leathers.

Councilman Hanna --aye Councilman Collins-- aye
Councilman Winfield—aye Councilman D’Agostino-aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted to approve the Arbor Day Resolution.

Councilman Hanna --aye Councilman Collins-- aye
Council D’Agostino-aye Councilman Winfield--aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D’Agostino and voted to approve the resolution to authorize the PWSB bond.

Councilman Hanna --aye Councilman Collins-- aye
Council D’Agostino-aye Councilman Winfield--aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Motion made by Councilman Farrar, seconded by Council Vice-President Collins and voted to approve the resolution to authorize the \$4,000,000 Capital Improvement Bond for the Scituate Middle/High School Complex.

Councilman Hanna --aye Councilman Collins-- aye
Council D’Agostino-aye Councilman Winfield--aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D’Agostino and voted to appoint Dale Langlais to the Strom Water Committee for a term expiring March 2010.

Councilman Hanna --aye Councilman Collins-- aye
Council D’Agostino-aye Councilman Winfield--aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D’Agostino and voted to appoint Marylou Umbriano to the Traffic Safety Committee for a term expiring December 2009.

Councilman Hanna --aye

Councilman Collins-- aye

Council D'Agostino-aye

Councilman Winfield--aye

Councilman Farrar-aye

Council President Budway --aye

Motion made by Councilman Winfield, seconded by Council Vice-President Collins and voted to table the reappoint Bobby Napier as the Narragansett Street Light Coordinator for a term expiring April 2010.

Councilman Hanna --aye

Councilman Collins-- aye

Councilman Farrar-aye

Council President Budway --aye

Councilman D'Agostino-aye

Councilman Winfield-aye

Motion passes.

The first agenda item under discussion and/or approval is an offer from Bernard Murray to purchase Town land, plat 48, lots 61 and 62. David Provinsil explained to the Council that these lots were obtained by the Town through a Tax Sale. No one bought them, so they reverted to the Town in lieu of taxes owed. These two lots are land locked and are not buildable lots. He said that once this offer was proposed to the Town, he contacted the other land owners whose land abuts this parcel to see if they would be interested in buying it. He said that he has had any offers other than the one from Mr. Murray. He said that if the Town Council agrees to sell the property to Mr. Murray, we would put deed restrictions on the deed, which will not allow him to subdivide the land or build on it.

Council President Budway said that the offer is for \$3700.00.

Councilman Winfield asked if this is a good price for the land.

Mr. Provonsil said that price is the total amount of taxes that were owed to the Town. He said that if we accepted the offer the Town would break even.

Councilman Farrar said that he feels that there is very little opportunity to get rid of land locked parcels of land.

Town Solicitor D'Agostino said that all of the restrictions can be written into the deed, and that this land would be merged into the existing lot.

Councilman Farrar asked if the addition of this land will affect Mr. Murray's taxes.

Karen Beattie, Deputy Town Treasurer said that it will not affect the taxes that much.

At this time the Council instructed Mr. D'Agostino to contact Mr. Murray and discuss the offer.

Council President Budway asked Deputy Town Treasurer Beattie to calculate how much Mr. Murray's taxes will increase with the addition of these two lots.

Ms. Beattie said that she will be right back with the answer.

Councilman Hanna asked to review the findings of the Economic Stimulus Committee, who have applied for three grants. First, is to build a public water supply for Ring Rock and Frosty Valley area of Town. Second, to build sidewalks from the High School to Manning Field. Third, to build a Teen Center at the Chopmist Hill Center. He explained that each of these grants is for a different category one for each, health, safety and recreation.

Councilman Farrar recused himself from the next agenda item.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to send a letter to RI DOT to ask them to extend the sidewalk project easterly from Pine Hill Road.

Representative Marcello said that he feels that the contractor has done a great job with the sidewalks but he realizes that some citizens have concerns. He said that he spoke with a representative of DOT who told him that the scope of the projects is only to replace what was there in the first place. He said that DOT does not usually like to extend a project without going out to bid. He suggested that the Town include the expansion of this project in their next TIP funding.

Council President Budway asked if we can do both the change order for the current project and ask for money through the TIP funding.

Representative Marcello asked to be informed on all correspondence dealing with this matter.

Karen Beattie said that she calculated that with the addition of the two lots of land to Mr. Murray's current parcel it will increase his taxes about \$290.00 per year. She said that the total parcel will then be over 10 acres so he could apply for farm, forest and open space designation. She is not sure if he will get it.

Mr. Provonsil suggested that we make Mr. Murray a counter offer.

Town Solicitor D'Agostino said that by refinancing some 1998 bonds we are saving money on interest and on the issuance of the current bonds. He said that this will have a positive impact on the Town.

Councilman Farrar recused himself from the next agenda item.

Motion made by Council vice-President Collins, seconded by Councilman D'Agostini and voted to accept the low bid for bituminous paving to Miozzi for \$61.80 per ton.

Councilman Hanna --aye

Councilman Collins-- aye

Council D'Agostino-aye

Councilman Winfield--aye

Councilman Farrar-recused

Council President Budway --aye

Motion passes.

Motion made by Councilman Winfield, seconded Council Vice-President Collins and voted to pay early expenses of \$62,124.33, old budget \$64,564.21, regular Council expenses of \$28,369.96 old budget and supplemental Council expenses of \$185,316.13, old budget \$86,371.94 for a total of \$426,746.57.

Councilman Hanna --aye

Council Vice-President Collins-- aye

Councilman Winfield—aye

Council D'Agostino-aye

Councilman Farrar-aye

Council President Budway --aye

Motion passes.

During Legislative remarks, Representative Marcello asked if the Council received his e-mail concerning deferring the pension contributions for this year in anticipation of pension reform. He said that Cities and Towns should not expect in General Revenue Sharing for the 2010 budget. He also said that he will get someone from DOT to come up and answer questions about the sidewalk project.

Councilman Farrar said that the Recreation Director Interviewing Committee has received ten applications and plans on starting to interview shortly.

Motion made by Councilman D'Agostino, seconded by Council Vice-President Collins and voted by roll call to adjourn to closed session at 9:15 PM pursuant to RIGL 42-46-5(A) 2- pertaining to collective bargaining and litigation concerning collective bargaining and organization efforts of some

volunteers, and to allow Town Clerk Long, Town Solicitor D'Agostino, Dale Langlais, Director of Public Works, Chief Randall and Town Treasurer Przybyla attend.

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

Motion passes.

Reconvened at 9:30 PM.

No motions or votes were taken in closed session.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to adjourn at 9:34 PM in memory of John Troll and to reserve a page in the minutes book in his honor 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 Hanna --aye Council Vice-President Collins-- aye
Councilman D'Agostino-aye Councilman Winfield--aye
Councilman Farrar-aye Council President Budway --aye

Motion passes.

Attest:

Margaret M. Long, Town Clerk

For complete discussion please refer to the audio tape.