

A regular meeting of the Town Council held for the Town of Scituate on Thursday, August 13, 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 vote as follows:

Councilman Hanna --present	Council Vice President Collins-- present
Councilwoman Frederickson-present	Councilman Winfield—arrived 8:10PM
Councilman Farrar-arrived at 9:24PM	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 approve the minutes of the regular meeting of July 9, 2009, closed session meeting of July 9 2009, closed session meeting of June 11, 2009 and special meeting of August 4, 2009.

Councilman Hanna --aye	Council Vice President Collins-- aye
Councilwoman Frederickson—aye	Councilman D’Agostino-aye
Council President Budway --aye	

Motion passes.

Under departmental reports, David Provonsil asked the Council if he could call National Grid about shutting the lights off in the Village. He said that the new period lighting looks so nice it is a shame to spoil it with the streetlights. He said that he has spoken with Colonel Randall and Director of Public Works Langlais about this and they have raised a few questions that will be ironed out.

Vice-President Collins said that he feels that this is a worthwhile request and would support it.

Colonel Randall wanted to thank both the Treasurer’s Office and the Public Works Department for all of their help with the recent lightening strike at the Police Station.

Director of Senior Services Judy Loven wanted to inform the Council that the deck at the back of the Senior Center has been completed. She also said that the old van has died and is in the process of getting prices to replace it. She said that it is not worth the cost of repairing the van.

Vice-President Collins asked how many passengers this van carries and told Mrs. Loven that he knows a place that they are sold at a reasonable price.

Mrs. Loven said that it is less expensive to get one without a handicap ramp. She said that she is investigating the possibility of using federal stimulus money for the purchase.

Motion made by Council Vice President Collins, seconded by Councilman D’Agostino and voted by a roll call to accept the departmental reports and place them on file:

Councilman Hanna --aye	Council Vice President Collins-- aye
Councilwoman Frederickson—aye	Council President Budway --aye
Councilman D’Agostino-aye	

Motion passes.

Motion was made by Councilman Farrar, seconded by Council Vice President Collins and voted by a roll call to accept with regret the resignation of Christine Marrapese from the Juvenile Hearing Board

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

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted by a roll call vote to approve the abatements in the amount of \$3,692.59, and additions in the amount of \$685.51.

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

Motion passes.

Council President Budway said that he has received complaints from three Town residents in the past month about the excessive noise from motorcycles in the Town and this is the reason why this item is on the agenda. He asked if there was anyone in the audience that would like to speak on this subject.

Mr. And Mrs. Nerenberg, 102 Plainfield Pike, said that they are one of the residents that has complained. They said that the noise is excessive and it prevents them from being able to enjoy their yard. They said that the problems are especially bad on the weekends and that the noise lasts for a prolonged period of time. They said that the noise is so excessive that they can't even talk in their back yard. They asked the Council if there is anything that can be done about it.

Council President Budway said that this is a problem that is difficult to control because it is a periodic problem. He said that he has spoken with the Town Solicitor David D'Agostino and Colonel Randall about the problem.

Town Solicitor D'Agostino said that the Town does have a noise ordinance, which restricts certain noise levels. He said that the problem is with noise emitted from moving vehicles is that it is very hard to enforce, because the people are driving and not in the same spot for any length of time. He said that some communities have addressed this problem specifically dealing with motorcycle noise. He also said that it is hard because everyone does not have a sound meter to measure the exact decibels. He said that some communities have enacted a labeling ordinance in which motorcycles can be stopped and checked to make sure that they haven't installed a louder exhaust system.

Mrs. Nerenberg asked if there are other communities that have enacted ordinances to prevent this.

Town Solicitor D'Agostino said that some have but there could be some legal problems with that type of ordinance and also that it is very hard to enforce.

Mrs. Nerenberg asked if there could be more signs installed to alert the motorcycles of the ordinance.

Town Solicitor D'Agostino said that we could ask the State of Rhode Island to install the signs because it is not a Town road.

Colonel David Randall explained that the Town of Scituate encompasses over 52 square miles of territory and that we only have two Police Officers on at any given time. He said that this poses a significant logistical problem. He said that the police cruisers are equipped with sound meters and that the officers will handle a complaint while it is happening and follow through immediately and do our best to help you.

Council President Budway asked if there is a specific time of the day or week that it happens more frequently.

Council Vice-President Collins asked if Tuesday night is the worst.

Mr. Nerenberg said that the worst time is on the weekends during the day.

Mrs. Nerenberg said that it is worse on Saturday and Sundays between 11 AM –5 PM and asked if we could ask the State Police for assistance since it is a State road.

Council Vice-President Collins said that if we give out some tickets the word would get out.

David Roy, Chopmist Hill Road said that the noise from motorcycles is very bad at his house too. He said another problem with noise is his next door neighbors which have a rock band practice daily. He said that for the last six weeks he has had to listen to this noise 3-4 nights a week for 4 hours. He said that it is like living next door to a night club. He said that he measured the decibel and it registered at 60 from his property line which is within the limits prescribed by ordinance. He feels that the limits should be lowered because at 60 decibels it is very disturbing. He said that he can't even sit out on his deck and have a conversation with someone because the noise is so loud.

David D'Agostino, Town Solicitor said that he has spoken with Mr. Roy and wasn't aware that this is a constant problem. He said that if there are actual concerts going on with people attending them this might be able to be enforced with the public entertainment ordinance. He said that he will look into it.

Council President Budway said that this is unreasonable intrusion to people's peace and quiet. He said that lighting is also a problem and maybe the Town should also look into the lighting issue.

Colonel Randall asked Mr. Roy if he has called the police about this situation and if he has spoken with the neighbors and the home owner.

Mr. Roy said that he has spoken with the neighbors but not the landowner. He said that when he called the police and they visited the house the noise stopped for that day but then started back up again. He said at first it seemed like it was a practice session, but now it is like a concert with cars packed along the road.

Councilman Winfield asked if there is parking allowed on Central Pike.

Colonel Randall said that he has given out tickets for parking on that road but they have been thrown out by the judge.

Colonel Randall said that if it happens again call the Police and he will work with the Town Solicitor to try to remedy the problem.

Next on the agenda is Volunteer Recognition Day, Councilwoman Frederickson said that there has not been an official meeting because Dr. Phillipelli has been on

vacation. She said that Town Clerk Long and herself have some ideas and will have a meeting next week.

Councilmen Winfield and Hanna and Councilwoman Frederickson recused themselves from the following two agenda item.

General discussion followed concerning the letter from Joe Cuzzo asking to have his food license reinstated for the Art Festival. Council President Budway explained that in his letter Mr. Cuzzo explained that he was unable to apply for the Art Festival food license last year due to personal and financial problems. In the ordinance it states that once a license is forfeited and can not be issued again.

Town Clerk Long said that the Town Council has made exceptions to this ordinance in the past. She explained that the wording in the ordinance was placed there to slowly eliminate the outside food vendors. She said that she feels that an exception should be made because Mr. Cuzzo's business (Cuzzo's Pizza) is severely impacted during the Art Festival. She also explained he is not only a business owner in the Town but also a Town resident. She said that he did have a good reason for not be able to get the license last year.

Council President Budway asked Town Solicitor D'Agostino if the Town Council has discretion.

Town Solicitor D'Agostino said that the Council does have discretion in this instance, and has a history of doing this in the past. He said that the Town Council does have discrestionary authority as stated in the ordinance.

Council Vice-President Collins said that he feels that Mr. Cuzzo made a reasonable request and is in favor of granting the license.

Motion made Council Vice-President Collins, seconded by Councilman D'Agostino and voted by roll call to approve Mr. Cuzzo's request to be allowed to apply for an Art Festival food license.

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

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino to allow Deborah Catanzaro to set up a table to sell jewelry on her property located at 116 Danielson Pike. The Council agreed that she can not rent out spots to others without getting permission from the Council.

Council Vice-President Collins said that the Catanzaro's allow the North Scituate Fire Department use their driveway to sell parking spots to raise money.

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

Motion passes.

Council President Budway read a letter from Anne Oster in regards to the excellent job that Hope Jackson Fire Department does. In her letter she explained that the rescue personnel saved her Mother's life and the appreciation that is felt the members of her family. (letter enclosed)

Council President Budway said at this time that we are very lucky in Scituate to have such a fine group of volunteers and would like to personally thank each fire, rescue and police personnel for such a wonderful job.

At this time Town Solicitor D'Agostino reviewed some of the changes he has proposed for the Hawkers and Peddles license. He said that he met with Council Vice-President Collins spoke and came up with some possible revisions.

General discussed followed with no action being taken on this agenda item.

Motion made by Council Vice-President Collins, seconded by Councilman Hanna and voted to allow Council President Budway to sign a letter of support for historic barn inventory grant.

The Council is not going to discuss the noise ordinance this evening.

Motion made by Councilman Hanna, seconded by Councilman D'Agostino to table the discussion of a resolution regarding Doctor's field.

Councilman Hanna --aye Council Vice President Collins-- aye

Councilwoman Frederickson—ay Council President Budway --aye

Councilman D'Agostino-aye Councilman Winfield-aye

Motion passes.

Town Solicitor D'Agostino explained that the neighbors on Doctor Lane had agreed to the resolution except one homeowner who has filed suit against the Town. He said that he feels that it is in the best interest of the Town to table this matter at this time until the court case has been settled.

Councilman Farrar arrived at 9:24 PM.

Colonel Randall explained that he would like to hire a part time seasonal dispatcher with no set hours to fill in when the other dispatchers can not work. He explained that this would not cost the Town any money and that the person will not work more that 20 hours per week with no benefits.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted to allow the Chief Randall to hire this person at a wage not to exceed fifteen dollars per hour.

Councilman Hanna --aye Council Vice President Collins-- aye

Councilwoman Frederickson—aye Council President Budway --aye

Councilman D'Agostino-aye Councilman Winfield-aye

Councilman Farrar-aye

Motion passes.

Town Solicitor D'Agostino explained that he has been speaking with a representative from Cox Communications regarding the proposed lease/terms and conditions. He said that he has been speaking with Adam Sullivan who is present this evening. Mr. D'Agostino said that he researched the lease payments that the Town is receiving from the other providers on the tower. He said that Tower Co pays \$1900.00

per month, T-Mobile pays \$1900.00 and AT&T pays \$2189.00. He said that the amount we charge is determined by where on the tower the equipment is located and how long they have been leasing from us. He said that in most of the lease contracts there is a provision for a yearly increase for the life of the lease. He said that Cox Communications will have a spot further down the tower from the other lessee. He said that the size of the equipment isn't really relative because it is getting smaller with the increase in technology.

Town Solicitor D'Agostino suggested to the Council that they agree to allow Council President Budway and himself negotiated with Cox Communications with the stipulation that the lease not be less than \$1900 per month.

Councilman Farrar asked if the addition of this antenna will interfere with the other carriers on the tower.

Councilman Winfield said that the lease should not be less than \$2500.00 per month.

Chief Randall said that there is still some area left on the ground for the extra equipment, but he did say that shortly they will need more space which means taking away a valuable parking spot.

Motion made by Councilman D'Agostino, seconded by council Vice-President Collins and voted to approve the suggestions of Town Solicitor D'Agostino, that Council Budway and himself be allowed to negotiate with Cox Communication and for the lease not to be less than \$1900 per year.

General discussion followed.

Motion withdrawn.

Motion made by Councilman Farrar, seconded by Councilman Hanna and voted to allow Council President Budway and Town Solicitor D'Agostino negotiates with Cox Communications for a lease price of not less than \$2189 per month.

Councilman Hanna --aye Council Vice President Collins-- aye

Councilwoman Frederickson—aye Councilman Winfield--aye

Councilman Farrar-aye Council President Budway --aye

Councilman D'Agostino-aye

Motion passes.

Council President Budway said that their goal is to get \$2500 per month for the rent.

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

Councilman Hanna --aye Council Vice President Collins-- aye

Councilwoman Frederickson—aye Councilman Winfield--aye

Councilman Farrar-aye Council President Budway --aye

Councilman D'Agostino-aye

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D'Agostino and voted by roll call vote to dispenses with the reading and approve the first

reading of the addition of Blue Sky Drive and Lady Slipper Lane to the stop sign ordinance.

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

Motion passes.

No action was taken on the first reading of the changes to the noise ordinance.

Motion made by Councilman D’Agostino, seconded by Councilman Hanna and voted to table the first reading of the changes to the Hawkers and Peddlers ordinance.

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

Motion passes.

Motion made by Council Vice-President Collins, seconded by Councilman D’Agostino and voted by a roll call vote to close the public Hearing.

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

Motion passes.

There was no action taken on the Hawkers and Peddlers licenses for Firehouse Grill and John’s Hot Dog Stand until the Hawkers and Peddlers ordinance can be revised.

Motion made by Councilman Winfield, seconded by Council Vice President Collins and voted by roll call to pay early bills in the amount of \$237,885.95.

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

Motion passes.

Motion made by Councilman Winfield, seconded by Council Vice President Collins and voted by roll call to pay regular bills in the amount of \$ 33,262.69.

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

Motion passes.

Motion made by Councilman Winfield, seconded by Council Vice President Collins and voted by roll call to pay supplemental bills in the amount of \$109,389.82.

Councilman Hanna --aye	Council Vice President Collins-- aye
Councilwoman Frederickson—aye	Councilman Winfield--aye
Councilman Farrar-aye	Council President Budway --aye

Councilman D’Agostino-aye

Motion passes.

During Council remarks Councilman Winfield urges the people in the audience to contact their representatives with their views on the health care debate.

Councilman Hanna said that he was very pleased to see that Scituate ranked 69th in the Country for the best places to live.

Councilman Farrar wanted to apologize for being late.

Councilwoman Frederickson said that she wanted to congratulate her nephew Brian Calori for attaining the rank of Eagle Scout.

Councilman D’Agostino said that this evenings meeting was very productive.

Council Vice-President Collins said that he is very proud to live in a Town like Scituate and would like to congratulate Hope Jackson for the nice letter of appreciation. He said that he wants to thank the Chief of Police for doing such a good job handling the overtime budget.

Council President Budway said that he had a report from the Recreation Director Fred Ferri. He also said that the Town received the CDBG grant in the amount of \$83,000. He said that he wants to publicly state that the Council has received letter from Ms. McLeod and Mr. Cinchy in regards to the increase in taxes.

Motion Made by Council Vice President Collins, seconded by Councilman D’Agostino, and voted by a roll call vote to adjourn to closed session at 10:01 PM pursuant to RIGL 42-46-5 (A) 2 pertaining to collective bargaining and litigation concerning collective bargaining organization efforts of some volunteers and to allow Town Clerk Long and Town Solicitor D’Agostino attend.

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

Motion passes.

Open session reconvened at 10:28 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 10:29 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 Hanna --aye	Council Vice-President Collins-- aye
Councilwoman Frederickson—aye	Councilman Winfield--aye
Councilman Farrar-aye	Council President Budway --aye
Councilman D’Agostino-aye	

Motion passes.

Attest:

Margaret M. Long

Town Clerk

For complete discussion please refer to the audiotape.