

A regular meeting of the Town Council held for the Town of Scituate on Thursday, October 8, 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-- absent
Councilwoman Frederickson-present	Councilman Winfield—present
Councilman Farrar-present	Council President Budway --present
Councilman D’Agostino-absent	

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted by a roll call vote to open the Public Hearing.

Councilman Hanna –aye	Councilman Farrar-aye
Councilwoman Frederickson-aye	Councilman Winfield-aye
Council President Budway -aye	

Motion passes.

Councilman Winfield recused himself from this agenda item.

General discussion followed about the amount of Hawker’s and Peddler’s licenses that should be allowed and about putting stipulation in the ordinance to allow the Town Council to revoke a license for non use.

Town Clerk Long said that some of the licenses are purely seasonal such as Del’s Lemonade and ice cream trucks.

Council President Budway suggested that Town Clerk Long and Town Solicitor D’Agostino meet and develop the criteria and to table the second reading until the new language can be inserted into the ordinance.

Motion made by Councilman Farrar, seconded by Councilman Hanna and voted by a roll call vote to table the second reading of the amendments to the Hawker’s and Peddler’s License.

Councilman Hanna –aye	Councilman Farrar-aye
Councilwoman Frederickson-aye	Councilman Winfield-recused
Council President Budway -aye	

Motion passes.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted by a roll call vote to close the Public Hearing.

Councilman Hanna –aye	Councilman Farrar-aye
Councilwoman Frederickson-aye	Councilman Winfield-recused
Council President Budway -aye	

Motion passes.

Councilman Winfield returned to the meeting.

Motion made by Councilman Farrar, seconded by Councilman Hanna to approve the minutes of August 26, 2009 Special Council Meeting, August 13, 2009 Regular Council Meeting and September 24, 2009 Special Council Meeting.

Councilman Hanna –aye	Councilman Farrar-aye
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Councilwoman Frederickson-aye                      Councilman Winfield-aye

Council President Budway -aye

Motion passes.

Motion made by Councilman Farrar, seconded by Councilman Hanna to table the minutes of the closed sessions of September 2<sup>nd</sup>, 10<sup>th</sup>, 21<sup>st</sup> and 24<sup>th</sup> and August 26<sup>th</sup> and 13<sup>th</sup>.

Councilman Hanna –aye                                      Councilman Farrar-aye

Councilwoman Frederickson-aye                      Councilman Winfield-aye

Council President Budway -aye

Motion passes.

Under departmental reports, David Provonsil told the Council that he and Chief Randall have identified the lights that can be shut off in the center of Town. He said now if Council President Budway will sign a letter of approval, National Grid will shut them off at no charge. He said that he did want the Council to know that if we want them turned back on there will be a \$45 charge per light. He said that the new period lighting looks so nice it is a shame to spoil it with the streetlights.

Colonel Randall wanted to let the Council know that there was an error in his report and the line item grant overtime should be \$0.00 not \$4,105.96.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted by a roll call to accept the departmental reports and place them on file:

Councilman Hanna --aye                                      Councilman Farrar-aye

Councilwoman Frederickson—aye                      Council President Budway –aye

Councilman Winfield-aye

Motion passes.

During audience participation, Richard Finnegan, 47 Ridge Road, said that he thought the Council did a good job with the Chopmist Hill Fire Department situation.

Representative Mike Marcello, Chopmist Hill Road, asked if they have received permission to grant immunity from prosecution from the Attorney General’s Office.

Town Solicitor D’Agostino said that Deputy Chief Lang has spoken with Mr. Young from the AG’s office. He said that we do not have a specific agreement with the AG’s office.

Representative Marcello said that it is very important that this be clarified. He said that he would like to have a copy of the lease and charter of the Chopmist Hill Fire Department.

Town Solicitor D’Agostino said that he will get him a copy of what he has. He said that he is not sure if they have a charter or articles of incorporation.

Representative Marcello asked what provisions of the lease and charter they have been acting inconsistently with.

Mark Lucci, Brandy Brook Road, asked if the Chopmist Fire Station is reopened.

Council President Budway said that most of the vehicles have been returned and categorized. He said that volunteers from other stations have made lists of what needs to be replaced and repaired. He said that access to the building has been turned over to the

volunteers. He said that the station is operational to a limited capacity. He said that the trucks are ready to go and the staff can use them.

Kirk Rerick, Main Street, Fiskville asked if the other three stations are going to take over for the Chopmist Hill area.

He said that all stations will work together to get thru this and try to recruit new volunteers for the Chopmist Hill Fire Department.

Motion made by Councilman Winfield, seconded by Councilman Farrar and voted by a roll call vote to approve the abatements in the amount of \$2,816.23 and additions in the amount of \$2,740.66.

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

Motion passes.

No action was taken on the issuance of the Hawker's and Peddler's licenses.

Motion made Councilman Farrar, seconded by Councilman Hanna and voted by roll call to approve the pole location South Crestview Drive with the recommendation of Director of Public Works Langlais.

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

Motion passes.

Motion made Councilman Farrar, seconded by Councilman Hanna and voted by roll call to appoint Richard Tucker to the Traffic Safety Commission for a term expiring December 2009.

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

Motion passes.

Motion made by Councilman Farrar, seconded by Councilwoman Frederickson and voted by a roll call vote to appoint James Mountain to the Juvenile Hearing Board for a term expiring July 2011.

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

Motion passes.

During discussion and/or approval David Provonsil explained about the second payment to Rambone Brothers in the amount of \$74,000 for the second installment and in the amount of \$13,731 for the change order to load and haul the excess loam to various areas throughout Town. He said that the loam was delivered to four Town sites. He said that the price that Rambone Brothers charged us is more than reasonable. He also explained to the Council that instead of the original plans for the field house, they have decided to do a septic system instead of the composting toilets. He said that the real

advantage is then they can actually have sinks to wash your hands instead of just using hand sanitizer. He said another advantage is that it will be less expensive.

Councilman Winfield asked if the building will have to be heated.

David Provonsil said that the field house will be drained and winterized.

Councilman Winfield asked if the loan has been paid for by the School Department.

Councilman Farrar said that he is not sure, but it will just come off the price of the School project.

Councilman Winfield said that if the School reimbursed us for the loan they could get some of the money back from the State.

David Provonsil commented on how dedicated the Soccer Association is.

Motion made by Councilman Farrar, seconded by Councilman Hanna to approve the payment in the amount of \$74,000 for the second installment and \$13,731 for the first change order for the loading and hauling of the loam and voted by roll call.

Councilman Hanna --aye

Councilman Farrar-aye

Councilwoman Frederickson—aye

Council President Budway –aye

Councilman Winfield-aye

Motion passes.

Councilman Farrar recused himself from this vote.

Motion made by Councilman Winfield, seconded by Councilman Hanna to approve the resolution 09-10 dealing with binding arbitration for school teachers and voted by roll call vote.(copy herewithin)

Councilman Hanna --aye

Councilman Farrar-recused himself

Councilwoman Frederickson—aye

Council President Budway –aye

Councilman Winfield-aye

Motion passes.

Councilman Winfield recused himself from this agenda item.

Council President Budway said that he has concerns about allowing an outdoor beer and wine tasting event during the Art Festival weekend. He said that there is a limited amount of police in Town and he is afraid that people will take the samples and walk on the streets. He said that the Council is sympathetic of the negative aspects on businesses in Town during the Art Festival weekend but feels public safety should predominate.

John Angel, Manager of Scituate Liquors, Inc said that the reason they are asking for permission is to try to increase their business base. He said that there is so much foot traffic by their store that weekend he wants them to stop and see their selections of beers and wines.

Councilman Farrar said that in the past Richard Lang has asked for an outdoor beer garden and the Council has denied it. He said that if this is allowed it would not be treating him fairly. He said that he has been in the store and appreciates all of the improvements. He said that it is a very nice store.

Council President Budway said that he appreciates what they are trying to do but can not support this request.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted by a roll call vote to deny the application by Scituate Liquors, Inc to hold an outdoor beer and wine tasting on October 10, 11 and 12<sup>th</sup>, 2009.

Councilman Hanna --aye                      Councilman Farrar-aye  
Councilwoman Frederickson—aye        Council President Budway –aye  
Councilman Winfield-recused

Motion denied.

Councilwoman Frederickson updated the Council on the Volunteer Appreciation Day to be held on October 24, 2009 at the Chopmist Hill Center.

General discussion followed.

Motion made by Councilman Hanna, seconded by Councilman Farrar and voted by roll call to approve a budget of \$500.00 for this event.

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

Motion passes.

Councilman Winfield said that the next agenda item needs to be passed because we can't renegotiate our Delta Dental contract at this time.

Town Solicitor D'Agostino explained to the Council that he and has come to an agreement with Cox Communications for the lease on the cell tower at the Police Station. He said that Council wanted the rent to be \$2189.00 the same as the highest tenant on the tower. He said that Cox agreed, and the lease will be for \$2189 per month for 5 years with 5 automatic renewal provisions and a 3% per renewal period.

Motion made by Councilman Farrar, seconded by Councilman Hanna and voted to allow Council President Budway to sign a lease agreement with Cox Communications for \$2189 per month to lease tower space at the Scituate Police Department.

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

Motion passes.

Councilman Winfield recused himself.

Town Solicitor D'Agostino said that he has spoken with the attorney for the Scituate Village Shopping Center and agrees that this type of agreement is good for all parties involved. He explained that the agreement is in its beginning form but to protect the owners from lawsuits when people drive over their road to access the Town owned Tasca Field. He said that he has to make sure that the Trust is aware of these changes once enacted. He said that he would like to be able to discuss an agreeable document with both parties.

Council President Budway said that the land is actually owned by the Scituate Land Trust.

Ron Whiford, Trimtown Road, one of the owners of the Plaza said that he and his partners were never notified about the upgrades to Tasca Field. He said he learned about it when he saw all of the heavy equipment on the field. He said that the equipment did

cause some damage to their road. He said that the walking area is going to be made with gravel and is that going to make a mess in the Village parking lot. He said that they have always done what was needed to make things safe in the plaza and just want to continue to do that.

Town Solicitor D'Agostino suggested that he and David Provonsil met with the owners Mr. Whitford and Kilduff and come to an agreement and then bring it back to the Council for their final approval.

Motion made by Councilman Winfield, seconded by Councilman Hanna and voted by roll call to pay early bills in the amount of \$185,187.0, regular bills in the amount of \$229,677.15 and supplemental bills in the amount of \$77,807.90 for a total of \$492,672.10.

Councilman Hanna --aye

Councilman Farrar-aye

Councilwoman Frederickson—aye

Council President Budway –aye

Councilman Winfield-aye

Motion passes.

During Council remarks Councilman Winfield asked if the School Department was putting money away to for the balloon payment for teacher's salaries for the summer months. He also asked if it might be a good idea to reconvene the budget committee because of the threat of not receiving our 4<sup>th</sup> quarter taxes from the State.

Town Treasurer Przybyla said that he will look into it. He said he feels that it would be a good idea for the Budget Committee to meet.

Councilman Winfield asked if the School Department spent more money on the renovations.

Councilman Farrar said that the project is right on budget.

Councilman Hanna said that he and Councilman Farrar had productive meeting with the David Provonsil and Dale Langlais discussing their budgets.

Town Treasurer Przybyla said that the department heads are very frugal.

Councilman Farrar said that after sitting with these two department heads he realizes that both departments have no wiggle room in their budgets.

Town Treasurer Przybyla said that he wants to recognize the extraordinary teachers in this Town he said with the budget crisis their came right up to the plate and took no pay increase.

Councilman Farrar said that the school building project is about 2 weeks behind schedule because the steel wasn't delivered on time.

Town Treasurer Przybyla said that all of the Town employees not just the teachers were 100 % cooperative with the pay freezes.

Council President Budway said that he would like to schedule a work session for October 22<sup>nd</sup>, 2009 at 7 PM to review the findings of budgets of the individual departments.

Motion made by Councilman Farrar seconded by Councilman Winfield and voted to adjourn at 9:21 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  
Councilwoman Frederickson—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 audiotape.