

A regular meeting of the Town Council held for the Town of Scituate on Thursday, March 9, 2006 in the Town Council Chambers, 195 Danielson Pike, N. Scituate was called to order at 7:35 PM. Council President Richard presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll. Roll call vote as follows:

Councilman Salisbury --present	Councilman Farrar -- absent
Councilman Marchant -- present	Councilman Winfield--present
Councilman Marcello -- present	Council Vice-President Budway --present
Council President Richard – present	

First on the agenda is a Public Hearing for the renewal of Kennel licenses.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by roll call to open the Public Hearing.

Councilman Salisbury --aye	Council President Richard-aye
Councilman Marchant – aye	Councilman Winfield--aye
Councilman Marcello -- aye	Council Vice-President Budway --aye

Town Clerk Long explained that these are all renewals, and all of the stipulations have remained the same as last year.

Council President Richard explained to the audience that he will read all the names of the applicants, and then if anyone in the audience would care to speak for or against any of the licenses, they may do so then. (list herewith)

In Patricia Howarth's report, she stated that she sees no reason why the licenses should not be renewed.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to renew the licenses with the same stipulations as last year.

Motion made by Councilman Salisbury, seconded by Councilman Marcello to close the Public hearing: Roll call:

Councilman Marchant-aye	Councilman Salisbury-aye
Councilman Marcello-aye	Councilman Winfield-aye
Council Vice-President Budway-aye	Council President Richard-aye

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to table the minutes of the regular Council Meeting of February 9, 2006.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve the minutes of the closed session of January 26, 2006.

At this time, Richard Iverson, Director of Public Works presented to the Council the Loss Prevention Award from the Interlocal Trust. He explained that the Town of Scituate was presented this award in the Small Division category. The award praises the Town for outstanding loss history in the property/liability pool. It also recognizes the Town's commitment to conduct annual risk management safety orientation training programs for the recreation counselors. The Police department for outstanding cooperation in both model policy adoption and virtual Firearms Safety Training

(F.A.T.S.). Excellent response by the Town's Department of Public Works for complying with the Trust's Drug and Alcohol Testing Consortium regulations. The Trust also praises the Town of Scituate for regularly consulting with the Loss Prevention Department on safety related concerns.

Town Council President Richard asked Town Clerk Long to find an appropriate place to hang this award. He also congratulated the named departments for their outstanding service to the Town.

Motion made by Councilman Winfield, seconded by Council Vice-President Budway and voted by consent agreement to approve the Tax Collector's abatements in the amount of \$18,509.21.

During departmental reports, Councilman Marcello asked Public Works Director Richard Iverson about his efforts to increase the amount the Town is recycling.

Mr. Iverson said that a partial list has of the households not recycling or recycling incorrectly has been tabulated. He said that there are between 20-25% of the households in Town that meet those criteria. He said that a letter is going out to all households and posted on the website to inform people about the correct way to recycle. He hopes this will increase the Town's percentage on recycling.

Councilman Marcello asked Mr. Iverson if the Town has any problems with people stealing the recycling like the Town of Foster recently did.

Mr. Iverson said that he has had no complaints at this time.

Councilman Salisbury asked if the hazardous substance (i.e. oil igloo) is credited to our recycling quota.

Mr. Iverson said that it is not because these materials might actually be from other Towns.

Zoning and Building Official Provonsil said that the bids for the needs assessment for the impact fees will be available next week. He hopes to have a recommendation for the Council at the April meeting.

Chief Mack informed the Council that Peter McNerney from Redflex Traffic Systems would like to make a presentation to the Council about his red light camera enforcement program. He told the Chief that he would like to one hour for his presentation, the Chief suggested a 20-minute presentation. Chief Mack said that he would ask the Council. Mr. McNerney feels that there are two intersections in Town that would benefit by this program.

The Council decided to have Mr. McNerney make a 20 minute presentation at the April's Council meeting.

Judy Loven, Director of Senior Services told the Council that everything is running smoothly at the Chopmist Hill Center. She said that she has already scheduled a flu clinic for next fall to make sure that there are enough shots for the Town's senior residents.

Councilman Marcello asked Emergency Management Director, Richard Tucker what the status is with the complaint against the Ambulance Corps. with the Department of Health.

Mr. Tucker said that the complaints will be reviewed when the Ambulance Corps. ask for their license renewal. Mr. Tucker added that there have been no other incidents.

Motion made by Councilman Marchant, seconded by Councilman Marcello and voted by consent agreement to place and file all department reports.

Motion made by Councilman Marchant, seconded by Councilman Marcello and voted by consent agreement to approve the joint pole locations on Pinecrest Road and on Wilbur Hollow Road on Mr. Richard Iverson's recommendation.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve the Second Hand Sales license for Lois Bardsley d/b/a Enchanted Yesteryears.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to approve a firearms sales license to William Loux d/b/a/ Police Depot LLC located at 34 Hartford Pike, North Scituate RI 02857.

Motion made by Councilman Winfield, seconded by Councilman Marcello and voted by consent agreement to appoint Joan Corey as a member of the Recreation Committee for a term expiring January 2007.

Mr. Iverson, Recreation Director said that the Committee highly recommended this candidate.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted on by consent agreement to re-appoint Barbara Colvin and Elaine Toohey to the Board of Canvassers for a term expiring March 2012.

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to re-appoint Joyce Costakos to be an alternate member of the Board of Canvassers for a term expiring March 2007.

Motion made by Councilman Marcello, seconded by Councilman Marchant and voted by consent agreement to re-appoint Wayne Salisbury, David Provonsil, Richard Iverson and Chris Modisette as members of the Storm Water Committee for a term expiring March 2007.

Council President Richard said that the Council had instructed Mr. Provonsil and Mr. Iverson to investigate the sale of Town owned land at 56 Hope Furnace Road, Hope RI.

David Provonsil said that the Town acquired this land in the early 1990's, after the land had to be cleaned up at the Town's expense. The piece of land was sold at a Sheriff's Sale and that is how the Town acquired the land. Mr. Provonsil said that both he and Mr. Iverson agreed that the Town has no need for this parcel of land. He further explained that it is not a buildable lot. The piece of land has a detached garage on it, which is considered an accessory structure. They feel that the person that should have first right of refusal is the current owner of the rest of the parcel at 56 Hope Furnace Road. Mr. Provonsil said that the current owner Faith Randall has offered to buy the land for what was owed on it in the 1990's. He said that the Tax Assessor's value is \$65,000 but that is not necessarily what the land is worth.

Council President Richard suggested that the Town offer to sell this parcel to the current owner, Faith Randall and this will allow the Town to put the piece of land back on the tax rolls.

Councilman Salisbury said that he is favor of that idea but feels that the Town should sell it for more than what is was purchased for in the 1990's.

David Provonsil said that he calculated the interest on the purchase price of \$4058, using simply interest it would cost \$8310 at this time.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to offer to sell the piece of land to Faith Randall for \$10,000 with the following covenants, that the Town accept no liability for the land, that it can never to divided into another lot, that the lot is not able to be built on and that the closing be within three months.

Next on the agenda is the approval of the 206-2007 budget and approval of the 4 resolutions that will be brought before the residents at the Annual Financial meeting on April 4, 2006.

Council President Richard asked since he was not at the last budget hearing, that he has one adjustment to be made. He said that he didn't think it was fair that the Hope Library's budget was kept with a 13% increase where as North Scituate Library only had a 5.5%. He said that it was his understanding that no Town department could exceed the 5.5% cap. He suggested that we adjust the Hope library budget to reflect the 5.5% increase and add the extra revenue in to the legal services line item.

Councilman Marcello asked Town Treasurer Przybyla if the line item for the legal services has been increased, due to the pending lawsuit with the PWSB.

Town Treasurer Przybyla said that he would incorporate the legal fees and any loss of revenue into a 1-year bond, therefore, not affecting this year's tax rate.

Councilman Marcello stated that he feels the legal service line item should be increased, and is not in favor of bonding a current expense.

Motion made by Councilman Salisbury, seconded by Councilman Winfield and voted by consent agreement to reduce the Hope Libraries budget to a 5.5% increase and to add the extra money to the legal service budget.

Councilman Marcello asked if this proposed budget reflects the reduction of revenue when the PWSB land is reclassified as residential.

Council President Richard explained that he has a letter from Mr. McElroy from the PWSB that stated that the PWSB will continue to pay their taxes just as long as the Town has a contingency plan for paying them back if we lose the appeal in Supreme Court.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to approve the Tan's resolution.(herewithin)

General discussion on the second resolution for the highway, public safety and schools. This resolution would contain \$166,000 for highway equipment, \$95,000 for police equipment and \$ 200,000 for repairs and renovations to the schools.

Town Treasurer Przybyla said that he was contacted by Paul Lescault, Superintendent of Schools; he said that he would like the bond to include up to 5 years worth of capital projects.

Council Vice-President Budway said how would that look with the Town asking the voters at a Special Financial Meeting to approve a special school bond for renovations at the high School/Middle School Complex to insure future accreditation?

Council President Richard said that since we have to break out the school capital into a special bond to qualify for the reimbursement from the Department of Education, he suggests just bonding one year now and add the other four years to the new bond for the renovations.(herewithin)

Motion made by Councilman Marcello, seconded by Councilman Winfield and voted by consent agreement to approve resolution 2 in the amount of \$200,000 for the renovation and repairs to the schools buildings and grounds.(herewithin)

Motion made by Councilman Winfield, seconded Councilman Marchant and voted by consent agreement to approve resolution 3 in the amount \$261,000 for the purchase of public safety and highway equipment.(herewithin)

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to approve resolution 4 in the amount of \$400,000 for the legal fees and lost revenue for the case with the PWSB.(herewithin)

Councilman Marcello asked Town Treasurer Przybyla what the cuts were on the municipal side and how much did we actually cut.

Town Treasurer Przybyla said that he doesn't know off the top of his head but that he will get Councilman Marcello that information.

Councilman Salisbury said that from his recollection that it wasn't that much.

Councilman Marcello said that he knows that the School side had to make some hard cuts and was wondering how they felt that the municipal side did not.

Town Treasurer Przybyla said that Mr. Lescault was content with the cuts that the municipal side made.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to approve the 2006/2007 budget.

Motion made by Councilman Winfield, seconded by Councilman Marchant and voted by consent agreement to hire John MacFayden to represent the Town in the Supreme Court lawsuit with the PWSB and to allow the Town Treasurer to pay him a \$30,000 retainer.

Next on the agenda is the appointment of a Tax Collector.

Councilman Marcello questioned Town Treasurer Przybyla about the list of names he was suppose to supply a list of 5-6 candidates for the Council's review.

Town Treasurer Przybyla supplied the Town Council with a list of four candidates this evening.

Councilman Marcello said that at the last Council meeting he was instructed to give the Council a list a qualified candidates so that the Council could then review their resumes. Councilman Marcello said that since that was not done, he does not feel comfortable appointing anyone this evening.

Town Treasurer Przybyla said that he and Council Vice-President Budway conducted interviews and he is ready to give a recommendation to the Council.

Councilman Marcello stated that he does not feel that this is fair since the Council was unable to review the resumes.

Councilman Winfield stated that Councilman Marcello had six weeks to review the resumes.

Councilman Marcello said that Town Treasurer Przybyla was suppose to give an abbreviated list to the Council well in advance of the meeting, not as the meeting was beginning. He also wanted to stress that this is a position that is appointed by the Council not the Treasurer.

Motion made by Councilman Marcello, seconded by Council Vice-President Budway to table the appointment of the Tax Collector until the Town Council can review the resumes of the four candidates submitted by the Town Treasurer. Motion called.

Councilman Marcello-aye

Councilman Winfield-aye

Councilman Marchant-aye

Council Vice-President Budway-aye

Councilman Salisbury-nay

Motion carries with 4 affirmative votes and one negative vote.

Next on the agenda is the recommendations from the Scituate Animal Shelter Advisory Committee. Animal Control Officer, Pat Howarth submitted their findings. He stated that the Committee reviewed historical utilization data and concluded that the Town of Foster's animals comprises 32% of the "animal occupancy days" for the shelter. The Committee recommends that the Town of Foster be billed initially at 32% of the Scituate Animal Shelter's operating costs and adjusted annually thereafter based upon the prior year's utilization.

Motion made by Councilman Winfield, seconded by Councilman Salisbury and voted by consent agreement to provide basic health care to the animal. (list herewithin)

Motion made by Council Marcello, seconded by Councilman Winfield and voted by consent agreement to institute an adoption fee for dogs at \$20 and for cats \$15 to offset the increase in the expenses to allow the shelter to provide basic animal health care and that this policy be posted at the shelter and on the Web Site. The motion also stated that the Animal Control Officer have the discretion to waive these fees when necessary to facilitate an adoption.

Motion made by Councilman Marcello, seconded by Councilman Salisbury and voted by consent agreement to assess the Town of Foster an annual fee equal to 32% of the Scituate Animal Shelter's operating costs. This figure will be adjusted annually based on the prior year's utilization. In the event that the Town of Foster declines to increase it's contribution as requested or such amount as mutually agreeable, the service to the Town of Foster will be discontinued and the Scituate Animal Shelter will serve Scituate exclusively.

Next on the agenda is a request for more than three dogs made by Gary Wallace of 18 Alfalfa Drive, North Scituate.

Council President Richard asked Animal Control Officer Pat Howarth what her recommendation is on this request.

Pat Howarth said at this time the only reason she can see that the resident wants more than two dogs is to continue his breeding operation. She feels at this time that is not a sufficient reason to grant the request.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to table the request for a third dog at the request of the applicant, Mr. Gary Wallace.

David Provonsil explained to the Council that the renovation to Tasca Field has two parts to it. He told the Council that it was agreed upon at an earlier meeting for the Town to pay for the Master Plan Design and the Soccer Association will pay for the topographic survey. Mr. Provonsil said that the low bid was Beckman and Weremay for a price of \$3700.00.

Motion made by Council Vice-President Budway, seconded by Councilman Salisbury and voted by consent agreement to award the bid for the Master Plan Design to Beckman and Weremay for the price a \$3700.00.

Councilman Salisbury suggested that the Council might want to revisit the idea of an inventory tax. He also suggested that the Town might want to make it an inventory and water tax. He said that the State is phasing out this tax but it will raise additional revenue for the Town for at least a few years.

Motion made by Councilman Salisbury, seconded Council Vice-President Budway and voted by consent agreement to adopt an inventory tax and to have the Town Solicitor draft the proper paperwork and to have a \$20,000 blanket exemption on the tax.

Council Vice-President Budway asked if the tax would be on water stored or sold in the Town of Scituate.

Councilman Marcello suggested that the Town find out if any other municipalities tax water.

Motion made by Councilman Salisbury, seconded by Councilman Marchant and voted by consent agreement to allow Emergency Management Director Richard Tucker to have a message in the 2006/2007 Budget Brochure.

Council President Richard said that the School Committee is appointing a committee to look into the renovations at the Middle School/High School Complex. The School Committee has asked him to be the Council liaison on that committee. Council President Richard has agreed to do it and told the Council that there are immediate needs to be addressed and feels that we can't wait until a bond issue passes for the new Middle School. He said that with the uncertainty with the PWSB tax issue he feels that a bond issue for a new school would not pass at this time. He said that there are immediate needs to insure the accreditation of the High School. He said that he will keep the Council informed to findings of this committee.

Council members told the audience that this was voted on in closed session last month but we failed to restate the Council's vote in open session.

Council Vice-President Budway told the Council that the Human Resource Committee will be meeting next week to work on the job descriptions and classifications. He said that the committee will have some recommendations to the Council by the June 15<sup>th</sup> dead line. Council Vice-President Budway told the Council that he has given them a

report from the Western Home Repair Ad Hoc Committee with their suggestions they also reviewed a report from the State on what projects were funded in 2003. He said that if any Councilman has any other recommendations to please contact a member of the Committee.

Councilman Salisbury said that he recently contacted the representative from the police union and they will be starting negotiation shortly. He said that he also contacted our attorney Vincent Ragosta to find out what other police contracts contain as far as salaries and health care benefits.

Councilman Marcello asked if the new appraisal on the PWSB property has been received.

Council President Richard said that it has not been received and he feels that it is taking way too long.

Councilman Salisbury suggested that Council President Richard contact attorney Ken Borden and have him see what the hold up is all about.

Councilman Marcello asked if the Town has come to an agreement with the DPW employees.

Council President Richard said that the union rejected the latest contract.

Council President Richard said that the City of Newport has asked the Town Council to march in its annual Saint Patrick's Day parade, he said he would give any interested Councilman the information.

Council President Richard said that the two closed sessions on this evening agenda have been cancelled because there is no new information that the Council needs to address.

Councilman Marcello asked if we could get a copy of the briefs in regards to the PWSB appeal and have a file here so that it could be reviewed by the Town Council. He also suggested that the Town Clerk be copied with any information from Mr. McFadyen so she can insure that the Council gets it in a timely manner.

Motion made by Councilman Marchant, seconded by Council Vice-President Budway and voted by consent agreement to approve the amount of \$29,885.39 for early Council expenses, \$64,709.64 for regular Council expenses and \$65,326.27 for supplemental Council expenses for a total of \$159,921.30.

Motion made by Councilman Salisbury, seconded by Councilman Marcello and voted by consent agreement to adjourn at 9:15 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.

Attest:

Margaret M. Long, Town Clerk