

TOWN COUNCIL MEETING

January 17, 2006

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:15 pm. Councilors Robinson, O'Grady, Macksoud and McKenna were present. Councilor Loparto was absent.

2. Pledge of Allegiance

3. Minutes

December 20

Voted 4-0 to defer approval of the minutes, (KM – RM).

4. Application for Class F License

a. State Ballet of Rhode Island fundraiser on June 1, 2006 from 6:00 pm – 8:30 pm

Voted 4-0 to grant this Class F License, (KM – RM).

5. Application for Victualling

a. Palagi's Ice Cream (2 trucks)

Voted 4-0 to grant these Victualling Licenses, (KM – JO).

b. Pharmacare d/b/a Aramark 695 George Washington Highway

Voted 4-0 to grant this Victualling License, (KM – JO).

6. Communication

Town Administrator

The Council discussed the Communication from Town Administrator Sheppard regarding activities at the LaCabana.

Voted 4-0 to schedule a special meeting on January 24 at 6:00 p.m. to authorize the issuance of subpoenas , (KM – RM).

Voted 4-0 to schedule a show cause hearing for the LaCabana on February 28 at 6:00 p.m., (KM – JO).

Solicitor Krieger has a conflict and cannot represent the Town on this matter. Assistant Solicitor Paul Brule will advise the Council at the Hearing and Assistant Solicitor Ross will prosecute.

TOWN COUNCIL

A. Call to Order 7:25 p.m.

B. Consent Agenda

The Council voted 4-0 to accept the consent agenda as amended, (KM – RM). The consent agenda consists of the following items:

Minutes

1. December 19 – Work Session

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$18,874.07**
- 2. Accounts Payable – School: \$132,659.86**

3. Accounts Payable – Town: \$366,824.91

Claims for Referral to Committee (*)

a. James B. Spooner

b. Kevin M. Saravo

Communications

1. State Mandated Financial Reports

a. Town

b. School

c. Water Department

2. Town of Westerly

3. Attorney Stephen H. Burke, Esq.

4. City of Providence

5. Bacon and Company, CPA's LLC

Reports

1. Town Administrator

Tax Abatements

a. \$23,337.28

C. Public Comment

Ed O'Neil: Mr. O'Neil spoke about the open meeting law. He informed the Council that they can amend their agenda to discuss public comments.

Kevin Bryson: Mr. Bryson spoke about the repeated deferment of the appointment of the District 2 Park and Recreation Commissioner. He would like someone appointed tonight.

Ray Beauchemin: Mr. Beauchemin spoke about a baseball field on the Camp Meehan property.

Cindy Mulvey: Mrs. Mulvey is opposed to abolishing the Financial Town Meeting. She feels it provides accountability.

John Cullen: Mr. Cullen feels the Town should look to Camp Meehan for recreation fields. He also would like to see the Financial Town Meeting issue on the ballot so the voters can decide.

Anthony Baglini: Mr. Baglini is opposed to having RIPTA buses promoting Lincoln Park

D. Minutes

2. November 15 – Regular Meeting

Voted 4-0 to defer approval of these minutes, (KM – JO).

3. December 19 – Claims Committee

Voted 4-0 to defer approval of these minutes, (JO -RM).

4. December 19 – Ordinance Committee

Voted 4-0 to defer approval of these minutes, (KM – RM)

5. December 20 – Regular Meeting

Voted 4-0 to defer approval of these minutes, (JO – KM).

E. Appointments

1. Conservation Commission – District 5

Voted 4-0 to defer, (RM – KM).

2. Conservation Commission – District 4

Voted 4-0 to defer, (JO – KM).

3. Parks and Recreation – Lonsdale Park District 2

Voted 4-0 to defer, (KM – RM)

4. Parks and Recreation – Albion Park District 4

Voted 4-0 to defer, (JO – RM).

5. Tenant Board – District 2

Voted 4-0 to appoint Jocelyn Bushey of Arnold Street, (JO – KM).

6. Library Board – District 4

Voted 4-0 to defer, (RM – JO).

7. Land Trust – District 4

Voted 4-0 to defer, (RM – JO).

8. Land Trust - District 2

Voted 4-0 to re-appoint Janet Butler, (RM – KM).

9. Tax Board of Review

Voted 4-0 to defer, (RM – JO).

10. Associate Municipal Court Judge

Motion made by Councilor O’Grady to defer failed for lack of a second.

11. Planning Board – District 2

Voted 4-0 to re-appoint John Mancini, (RM – KM).

12. Planning Board – District 4

Voted 4-0 to defer, (JO – RM).

13. School Committee – District 1

Voted 4-0 to appoint John LaFleur, (JO – RM). Councilor O’Grady spoke on behalf of his appointment.

F. Consideration of Monthly Bills

4. Direct Pay

Voted 4-0 to amend the direct pay amount to \$2,101,643.78, (JO – RM).

Voted 4-0 to defer bill number 67668 to January 24, (JO – KM).

G. Unfinished Business

1. Claims Committee Report

Councilor O’Grady gave the claims committee report.

a. Michael J. Alexander

This claim is still in committee.

b. Attorney Mark Dana

Voted 4-0 to deny this claim and send it to the Interlocal Trust at the recommendation of the claims committee, (JO – RM).

c. Attorney Christine L. McBurney for Joann and Kevin Harrington

Voted 4-0 to refer this claim to the Interlocal Trust for research at the recommendation of the claims committee, (JO – RM).

2. Ordinance Committee Report

Councilor Macksoud gave the ordinance committee report.

a. Ordinance 05-21: Municipal Court Compensation Ordinance

Voted 4-0 to pass this ordinance as amended in committee, (KM – RM).

Ordinance 05-21

AN ORDINANCE IN AMENDMENT OF THE CODE OF

**ORDINANCES OF THE TOWN OF LINCOLN
ENTITLED "MUNICIPAL COURT"**

The Town Council of the Town of Lincoln hereby ordains as follows:

Section 1: Section 12 of the Code of Ordinances, Town of Lincoln, Rhode Island entitled "MUNICIPAL COURT", is hereby amended as follows:

Section 2: § 12-12 ENTITLED "Compensation of the Municipal Court Judge and Clerk(s)" shall read as follows:

(a) The compensation of the Municipal Court Judge shall be Ten Thousand (\$10,000.00) annually which shall be paid in twelve (12) equal monthly payments.

(b) The compensation of the Municipal Court Clerk shall be Three Thousand (\$3,000.00) annually which shall be paid in twelve (12) equal monthly payment.

Section 3: This Amended Ordinance shall take effect upon passage.

**a. Resolution 05-31: A Resolution to Request a Ball Field Expansion
RFP for Manville Memorial Park**

This resolution is still in committee.

3. School Facilities update

a. Change Order

There were no change orders this month.

b. Professional Services Request

**Voted 4-0 to approve the professional service request to Ai3 in
the amount of \$20,000, (RM – JO).**

H. New Business

1. Resolutions introduction for Referral to Committee

a. Resolution 05-33: Resolution for Special Financial Town Meeting

**Voted 4-0 to refer this resolution to the ordinance committee, (KM –
RM).**

**b. Resolution 05-34: Davies/Town Joint Recreational Grant
Application**

**Voted 4-0 to dispense with the council rules and consider this
resolution immediately, (RM – KM).**

Voted 4-0 for passage of this resolution, (RM – KM).

Resolution 05-34

**TO SUPPORT FILING OF APPLICATION FOR FUNDS
FOR THE 2006 RHODE ISLAND RECREATION ACQUISITION AND
DEVELOPMENT GRANTS**

WHEREAS, grants for 50% of the total project cost to a maximum grant award of \$300,000 are available from the Rhode Island Open Space Bond Authorizations of 2000 and 2004, and are made available through the Rhode Island Acquisition and Development Grants program, and

WHEREAS, the primary goal of the program is, “to acquire, develop, or renovate outdoor recreational facilities”, and

WHEREAS, the enhancement and development of recreational lands within the Town to serve all segments of the community is a stated goal of the Town of Lincoln’s 2003 Comprehensive Plan, and

WHEREAS, the Town and William M. Davies, Jr. Career and Technical High School will enter into, upon the awarding of this grant, a mutually beneficial agreement for the Town’s use of the fields and has agreed to file a mutual application for funding of the reconstruction of the asphalt courts, and

WHEREAS, the William M. Davies, Jr. Career and Technical High

School, identified as Assessor's Plat 43, Lot 16 totaling 38.50 acres are designated for redevelopment per the agreement and eligible for grant funds,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Lincoln hereby consents to the application for grant funds for the above named property in the amount of no more than \$295,126.00 and

c. Resolution 05-35: Manville Park Restroom Facilities Grant Application

Voted 4-0 to dispense with the Council rules and consider this resolution immediately, (RM – JO).

Voted 4-0 for passage of this resolution, (RM – JO).

Resolution 05-35

RESOLUTION

**TO SUPPORT FILING OF APPLICATION FOR FUNDS
FOR THE 2006 RHODE ISLAND RECREATION ACQUISITION AND
DEVELOPMENT GRANTS**

WHEREAS, grants for 50% of the total project cost to a maximum grant award of \$300,000 are available from the Rhode Island Open Space Bond Authorizations of 2000 and 2004, and are made available through the Rhode Island Acquisition and Development Grants program, and

WHEREAS, the primary goal of the program is, “to acquire, develop, or renovate outdoor recreational facilities”, and

WHEREAS, the enhancement and development of recreational lands within the Town to serve all segments of the community is a stated goal of the Town of Lincoln’s 2003 Comprehensive Plan, and

WHEREAS, the Town proposes to demolish the existing concrete restroom and storage facility and construct a new ADA compliant restroom and storage facility at the Manville Memorial Park, identified as Assessor’s Plat 43, Lot 16,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Lincoln hereby consents to the application for grant funds for the above named property and associated project in the amount of no more then \$98,500.00.

d. Resolution 05-36: Lincoln Water Commission/Town Joint Recreation Design Grant Application

Voted 4-0 to dispense with the Council rules and consider this resolution immediately, (KM – RM).

Voted 4-0 for passage of this resolution, (KM – RM).

Resolution 05-36

RESOLUTION

**TO SUPPORT FILING OF APPLICATION FOR FUNDS
FOR THE 2006 RHODE ISLAND RECREATION ACQUISITION AND
DEVELOPMENT GRANTS**

WHEREAS, small grants for 50% of the total project cost to a maximum grant award of less than \$40,000 are available from the Rhode Island Open Space Bond Authorizations of 2000 and 2004, and are made available through the Rhode Island Acquisition and Development Grants program, and

WHEREAS, the primary goal of the program is, “to acquire, develop, or renovate outdoor recreational facilities”, and

WHEREAS, the enhancement and development of recreational lands within the Town to serve all segments of the community is a stated goal of the Town of Lincoln's 2003 Comprehensive Plan, and

WHEREAS, the Town and the Lincoln Water Commission has agreed to file a mutual application for funding of a recreational design grant for the vacant parcel of land located at 140 New River Road, and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Lincoln hereby consents to the application for grant funds for the above named property in the amount of no more than \$25,000.00 and

e. Amendment to Resolution 05-32: Old Great Road

Voted 4-0 to dispense with the Council rules and consider this resolution immediately, (RM – KM).

Voted 4-0 for passage of this resolution, (RM – KM).

Resolution 05-32b

**RESOLUTION OF THE TOWN COUNCIL
TOWN OF LINCOLN**

**THE TOWN COUNCIL OF THE TOWN OF LINCOLN HEREBY
RESOLVES:**

WHEREAS, on December 20, 2005 the Town Council of the Town of Lincoln enacted Resolution 05-32a wherein the Town Council requested that the Town Administrator, in coordination with the State Traffic Commission, erect or cause to be erected at the southerly terminus of Old Great Road at the intersection of the Eddie Dowling Highway (hereinafter referred to as "Highway"), barriers or barricades to prevent ingress from the Highway, and

WHEREAS, the aforesaid Resolution further provided that the Town Administrator, in coordination with the State Traffic Commission, erect or install a DO NOT ENTER sign which shall be placed or positioned in such a manner that the Town Administrator shall deem appropriate and necessary to maintain the health, safety and welfare of vehicular traffic at said intersection, and

WHEREAS, the aforesaid Resolution further provided , that the Town Administrator, in coordination with the State Traffic Commission, erect or install such further signals, safety devices and/or illumination that the Town Administrator shall deem appropriate and necessary to maintain the health, safety and welfare of vehicular traffic at said intersection, and

WHEREAS, the aforesaid Resolution further provided that the Town Council requested that the Town Administrator advise them not later than April 30, 2006 as to the effect on the public safety and welfare of the traffic control measures provided for in this Resolution, and

WHEREAS, the Town Administrator has been advised by the Rhode Island Department of Transportation (hereinafter referred to as "RIDOT") that it will be unable to effectuate the road closure as set forth in the aforesaid Resolution prior to April, 2006.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby amends Resolution 05-32a as follows:

NOW THEREFORE BE IT FURTHER RESOLVED that the Town Council hereby requests that the Town Administrator advise them as to the effect of the traffic control measures provided for in this Resolution on the public safety and welfare, not later than ninety (90) days from the date of closure by the RIDOT of the southerly terminus of Old Great Road at the intersection of the Highway.

NOW THEREFORE BE IT FURTHER RESOLVED that all other terms and conditions set forth in Resolution 05-32a not hereby amended shall remain in full force and effect.

f. Resolution 06-01: Resolution Endorsing Passage of RI House Bill H-6728, Veterans Tax Exemptions.

Voted 4-0 to dispense with the Council rules and consider this resolution immediately, (KM – RM).

Voted 4-0 for passage of this resolution, (KM – RM).

Resolution 06-01

**A Resolution Endorsing Passage of RI House Bill H-6728,
An Act Relating to Taxation – Veterans Benefits**

WHEREAS, there have been many conflicts around the world in which the United States Military has been involved, and

WHEREAS, those American citizens who have bravely and selflessly served their country during these times of conflict are considered military veterans, and

WHEREAS, many cities and towns in the State of Rhode Island offer some sort of property tax relief for these honorable veterans who have been involved in certain conflicts, and

WHEREAS, not all of the conflicts have been identified in Rhode Island General Law, now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of

Lincoln Rhode Island to support and encourage the Rhode Island General Assembly to pass H-6728, An Act Relating to Taxation – Veterans Exemptions.

2. Ordinance introduction for Referral to Committee

a. Ordinance 05-22: Conservation Commission

Motion by Councilor O’Grady to refer this ordinance to the ordinance committee failed for lack of a second.

4. Manton Dam Study - update

Voted 4-0 to discuss, (JO – KM).

Councilor O’Grady reported he had received an update from Town Administrator Sheppard.

5. Capital Improvements Bond – status of project list/eligibility criteria/ongoing projects

Voted 4-0 to discuss, (JO – KM).

Councilor O’Grady read the response he received from Town Administrator Sheppard.

6. Code of Ordinances – Accuracy of Blue Book

Voted 4-0 to discuss, (JO – RM).

Councilor O’Grady wanted to discuss why the ratification of the

personnel director was not in the Code book.

7. Homestead Exemption Statute

The Council voted 4-0 to schedule a special work session on January 24 at 6:15 p.m. with the Finance Director and the Tax Assessor to discuss the Homestead Exemption, (RM – KM).

8. Angell Road Ball field

Motion by Councilor O’Grady to defer failed for lack of a second.

9. Lincoln Chief of Police – Ability to speak to local taxpayer groups

Motion by Councilor O’Grady to defer failed for lack of a second.

I. Communications

6. RI DEM

Voted 4-0 to accept this correspondence, (RM – KM). Councilor McKenna is concerned that the council only receives notification and can’t do anything regarding these permits.

7. RI DEM

Voted 4-0 to accept this correspondence, (RM – KM).

8. Tax Board of Review

Voted 4-0 to accept this correspondence from the Tax Board, (KM – JO/RM). The Council has scheduled a special work session to address their concerns.

J. Bids

1. Positive Pressure Self Contained Breathing Apparatus

Voted 4-0 to award this bid to Shipman's Fire Equipment Co. in the amount of \$16,370 at the recommendation of the Finance Director, (JO – KM).

Adjourn This meeting was adjourned at 8:47 p.m., (RM – KM).

Karen D. Allen

Town Clerk