

# **TOWN COUNCIL MEETING**

**February 21, 2006**

## **BOARD OF LICENSE COMMISSIONERS**

**1. Call to Order 7:10 p.m. All Council members were present.**

**2. Pledge of Allegiance**

**3. Minutes**

**January 17**

**Voted 5-0 to accept the minutes, (RM – KM).**

**4. Application for Special Events Licenses**

**a. Lincoln Park for events on June 17, July 2, July 3, August 12, September 2, September 3**

**Voted 5-0 to grant the Special Events Licenses, (KM – JO). Craig Scoulus was present and reported he had no problem with the Police Department requiring eight detail officers and two marked police cars.**

**5. Application for Victualling License**

**a. Pepino's Pizzeria at 616 George Washington Highway**

**Voted 5-0 to grant this license pending receipt of additional paperwork, (KM – RM).**

**b. Patmorgco, LLC d/b/a Super Suppers Lincoln at 622 George Washington Highway**

**Voted 5-0 to grant this license, (KM – JO). Owner Mark Economu was present and explained the concept of this business.**

**c. Shana's**

**Voted 5-0 to amend the agenda and discuss Shana's victualling license, (JO – RM).**

**Voted 5-0 to renew the victualling license, (JO – KM). This restaurant now has a licensed food manager.**

## **6. Application for Liquor License Transfer**

**Yee's Inc. to Lucky Chen's Corp d/b/a Dragon Villa Restaurant**

**Voted 5-0 to authorize advertisement for a public hearing on this transfer on March 21, 2006 at 6:45 p.m., (KM – JO).**

## **TOWN COUNCIL**

**A. Call to Order 7:20 p.m.**

### **1. School Facilities update**

**a. Change Order**

**None this month**

**b. Professional Services Request**

**The Council voted 5-0 to dispense with the Council rules and move this item up on the agenda, (JO – KM).**

**Voted 5-0 to hire Gilbane to conduct the 2006 renovation phase for**

**Central Elementary, Fairlawn Early Learning Center, Lonsdale Elementary, and the High School in the amount of \$328,100, (KM – RM)**

## **B. Consent Agenda**

**Voted 5-0 to accept the consent agenda as amended, (RM – JO). The consent agenda consists of the following:**

### **Minutes**

- 1. December 19 – Claims Committee**
- 2. December 19 – Ordinance Committee**
- 3. January 17 – Ordinance Committee**
- 4. January 17 – Claims committee**
- 5. January 17 – Work Session**

### **Consideration of Monthly Bills**

- 1. Accounts Payable – Library: \$**
- 2. Accounts Payable – School: \$**
- 4. Direct Pay - \$**

### **Claims for Referral to Committee**

- a. Kirshenbaum & Kirshenbaum for Linda Burke**
- b. Robert and Nancy Iacobucci**
- c. Stanley Dowicki**
- d. Mr & Mrs William Schofield**

### **Pole Placement**

**one new joint pole and anchor guy location on Right of Way #13 (Olive Street)**

### **Communications**

## **1. State Mandated Financial Reports**

**a. Town**

**b. School**

**c. Water Department**

**2. RI DEM**

**3. RI DEM**

**4. Town of New Shoreham**

**5. Councilor Loparto to Elaine Mondillo, Tax Assessor**

**6. Councilor Loparto to JoAnn McManus, Personnel Director**

**7. Town of Smithfield**

**8. Bacon and Company**

**9. State Planning Council**

**10. Town of Glocester**

**11. Councilor Loparto to Elaine Mondillo, Tax Assessor**

**12. Lincoln Friends of Animals**

## **Reports**

**1. Town Administrator**

## **Tax Abatements**

**a. \$11,687.17**

## **Resolution 05-37: Habitat for Humanity**

**Voted 5-0 to dispense with the Council rules and consider this Resolution immediately, (KM – LR).**

**Voted 5-0 to refer this resolution to the ordinance committee, (RM – JO).**

**Earl and Barbara Marsh, representatives of Habitat for Humanity,**

made a brief presentation to the Council. They explained the criteria for being selected for a Habitat for Humanity home. There has to be a need, the family needs to be able to afford the mortgage, yet not be eligible for a conventional mortgage. They also have to be willing to partner with Habitat for Humanity and provide 400 hours of labor on their home. The homes would be around one thousand square feet with three bedrooms and no garage.

### **C. Public Comment**

**Barbara Cullen:** Mrs Cullen reported she has not received a response from the council or the Administrator regarding relief from the homestead exemption. She also stated that the Lime Rock Fire Department voted unanimously to enact the homestead exemption on their fire taxes.

Councilor Macksoud made a motion to amend the agenda, seconded by Councilor O'Grady, to address a question to Mrs. Cullen. Motion passed and voted 3-2 with Councilors Robinson and McKenna opposed to amending the agenda. Councilor Macksoud asked Mrs. Cullen if they had taken their appeal to the Tax Board of Review. She responded they had not.

**John Cullen:** Mr. Cullen asked that Gerald Olean not be re-appointed to the Planning Board. He also supports a Town wide fire

**department.**

**Jim Goldman:** Mr. Goldman spoke in support of an ordinance giving the Conservation Commission more authority.

**Bob Ryan:** Mr. Ryan is from the Barrington Conservation Commission and supports Mr. Goldman's request.

**Anthony Baglini:** Mr. Baglini was surprised that none of the members of the Council asked any questions of the General Manager of the Track with regard to the Special Events Licenses.

**Councilor O'Grady** made a motion to amend the agenda, seconded by **Councilor Macksoud**, to address Mr. Baglini's concerns. Motion passed, voted 5-0.

**Councilor O'Grady** read the list of groups playing the concert series and the dates for the events.

**Cheryl Lisi:** Mrs. Lisi spoke in favor of having a Special Financial Town Meeting. She feels the side field at the high school is not safe.

**Sharon Lee:** Ms. Lee also spoke in favor of a special financial town meeting.

**Eric Borelli:** Mr. Borelli spoke in favor of the Special Financial Town Meeting, as it would ensure the Town's money is spent wisely.

**Robert Walker:** Mr. Walker spoke in favor of a special FTM. He also feels the school department and the administration want this as well.

**Resolution 05-33: Resolution for Special Financial Town Meeting**

**Voted 5-0 to dispense with the Council rules and move this item up on the agenda, (KM – JO).**

**Voted 3-2-1 to amend the dates on the resolution to April 6, 2006. Councilors Robinson, Macksoud and Loparto were in support of the resolution, Councilor McKenna voted in opposition and Councilor O'Grady abstained.**

**Voted 3-2 for passage of resolution 05-33 as amended. Councilors McKenna and O'Grady were opposed.**

**Councilor O'Grady agrees with the relocation of the practice football field, however he would like to see this addressed at the regular FTM. Councilor Loparto said he has to support anything that is for the kids.**

**Councilor McKenna is only opposed to spending two thousand dollars for a special meeting that is so close to the regular meeting.**

### **Resolution 05-33**

#### **RESOLUTION TO CALL SPECIAL FINANCIAL TOWN MEETING**

**WHEREAS, on May 9, 2005, the residents of the Town of Lincoln in attendance at the Financial Town Meeting approved a Resolution for the expenditure of the sum of EIGHTY EIGHT THOUSAND (\$88,000.00) DOLLARS for the construction of a practice football field at the Lincoln High School campus, and**

**WHEREAS, none of the appropriated funds have been expended and it has been determined that a better site exists for the location of the practice field, and**

**WHEREAS, the Town Council of the Town of Lincoln endorses and supports the construction of the practice field at the new site, and**

**WHEREAS, the Town Council, pursuant to the Lincoln Town Charter Section C3-11 is authorized to call for a Special Financial Town Meeting**

**NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Lincoln as follows:**

**1. That the Town of Lincoln shall convene a Special Town Financial Meeting on April 6, 2006 at 7:30 p.m.**

**2. That the electors of the Town of Lincoln qualified to vote at a Special Town Financial Meeting legally assembled on the 6th day of April, 2006, shall vote to amend the Resolution passed at the May 9, 2005 Town Financial Meeting concerning the expenditure of \$88,000.00 for improvements to the side field at Lincoln Senior High School, which amended Resolution shall read as follows:**

**That the electors of the Town of Lincoln qualified to vote on any proposal at the Financial Town Meeting legally assembled on the 6th**

day of April, 2006, hereby appropriate the sum of EIGHTY EIGHT THOUSAND (\$88,000.00) DOLLARS, to be administered through the Town of Lincoln School Committee to be used to install an irrigated and lighted sod practice field in the area beneath the existing high school football field and that the unexpended portion of said amount, if any, be reserved for this purpose until said sum has been expended in full for this stated purpose.

#### **D. Minutes**

**6. November 15 – Regular Meeting**

**7. December 20 – Regular Meeting**

**8. January 17 – Regular Meeting**

**Voted 5-0 to defer approval of these minutes, (KM – JO).**

#### **E. Appointments**

**1. Conservation Commission – District 5**

**Voted 5-0 to defer, (RM – JO).**

**2. Conservation Commission – District 4**

**Voted 5-0 to defer, (RL – JO).**

**3. Parks and Recreation – Lonsdale Park District 2**

**Voted 5-0 to re-appoint Roy Coloumbe, (KM – RL)**

**4. Parks and Recreation – Albion Park District 4**

**Voted 5-0 to appoint Erin Vaughn, (RL – RM). Mrs. Vaughn was sworn in.**

**5. Library Board – District 4**

**Voted 5-0 to defer, (RL – JO).**

**6. Land Trust – District 4**

**Voted 5-0 to defer, (RL – JO).**

**7. Tax Board of Review**

**Voted 4-1, Councilor Loparto opposed, to appoint Fred Rogan, (KM – RM)**

**8. Planning Board – District 4**

**Voted 5-0 to re-appoint Gerald Olean, (RL – KM).**

**9. Planning Board – District 1**

**Voted 5-0 to defer this appointment, (JO –RM).**

**Bids**

**Voted 5-0 to dispense with the Council rules and move to bids, (RM – JO)**

**1. Professional Engineering Services for Lonsdale Village Sewer Project**

**Voted 5-0 to award the bid for professional engineering services as recommended by the Finance Director, (KM – RM).**

**2. Request to waive formal bidding for installing control system upgrade at Great Road Pump Station**

**3. Class I Property Line Survey Services**

**Voted 5-0 to award this bid to Commonwealth as recommended by the Finance director, (JO – KM).**

**4. Municipal Court Software package**

**Voted 5-0 to award this bid to**

## **F. Consideration of Monthly Bills**

### **Accounts Payable – Town:**

**Voted 5-0 to pay the accounts payable bills in the amount of \$371,481.18, (RM – KM).**

## **G. Unfinished Business**

**Councilor O’Grady gave the claims committee report**

### **2. Claims Committee Report**

#### **a. Michael J. Alexander**

**Voted 4-1 to deny this claim, (RM – RL).. Councilor O’Grady was opposed to denial.**

#### **b. James B. Spooner**

**Voted 5-0 to defer this claim, (JO – RM)**

#### **c. Kevin M. Saravo**

**Voted 4-0 to settle this claim in the amount of \$649.00, (JO – RL). Councilor McKenna abstained.**

### **3. Ordinance Committee Report**

**Councilor Macksoud gave the ordinance committee report.**

#### **a. Resolution 05-31: A Resolution to Request a Ball Field Expansion**

**RFP for Manville**

**Memorial Park**

**Voted 5-0 for passage of this resolution, (KM – RM)**

## **Resolution 05-31**

### **The Town of Lincoln**

#### **Resolution of the Town Council**

#### **A Resolution to Request a Ball Field Expansion RFP for Manville Memorial Park**

**WHEREAS; The Town Council of The Town of Lincoln agreed in May 2005 to accept a cash settlement of eight-hundred fifty thousand dollars (\$850,000) from Lincoln Park in lieu of building ball fields on Lincoln Park property as required by a September 2001 contract.**

**AND WHEREAS; The Town Council passed a resolution in July 2005 which restricted the proceeds of the Lincoln Park settlement for use towards the expansion of parkland acreage to include new playing fields or the improvement of existing parkland acreage into new playing fields.**

**AND WHEREAS; The Town Council is desirous of reviewing a full range of options for the use of these funds with the goal of maximizing the town's return on its \$850,000 investment.**

**AND WHEREAS; Members of the Town Council have repeatedly requested that the set of options investigated include the addition of 2 new playing fields to be located on currently undeveloped land at Manville Memorial Park.**

**AND WHEREAS; The investigation of this option has also been recommended by the membership of the Lincoln Parks & Recreation Commission.**

**NOW THE TOWN COUNCIL OF THE TOWN OF LINCOLN HEREBY RESOLVES; That the Town shall issue a request for proposals (RFP) for the design and construction of two (2) additional fields- one multipurpose field and one little league field- to be located on currently undeveloped land located within the boundaries of Manville Memorial Park in Lincoln. Said proposals shall include cost estimates for field construction activities and for any associated utility and infrastructure costs that may be required.**

#### **4. Angell Road Lease Agreement**

**Voted 5-0 to defer to March as recommended by the Town Administrator, (KM – JO).**

#### **5. Ball field update**

**Voted 5-0 to discuss, (JO – RL).**

**Council President Robinson explained that Town Administrator Sheppard held off on the examination of the property when the lease agreement changed. The details are being worked on at this time,**

**and the Council will have an opportunity to vote on the new agreement as soon as it is ready.**

#### **6. Salary Warrant Discussions**

**Voted 5-0 to discuss, (JO – RL).**

**Councilor O’Grady will speak to the Finance Director regarding soliciting a new bid for the salary survey.**

#### **7. Discussion of mechanisms by which FTM budget process would be replaced – Councilor O’Grady**

**Voted 5-0 to discuss, (JO – RM).**

**Will schedule two public meeting to solicit public input. The meetings are scheduled for March 28 and September 12.**

#### **8. All legal bills and expenses regarding Finance Director Stewart case for Superior and Supreme Court, discussion and/or action**

**Voted 5-0 to discuss, (RL – JO).**

**Councilor Loparto wants the Council to be kept informed.**

#### **9. H & H Screw Property, discussion and/or action**

**Voted 5-0 to discuss, (RL – JO).**

**Council President Robinson wants to schedule a special meeting to address Banneker Industries offer to purchase the property. It is scheduled for March 20 at 7:00. Councilor Loparto wants the executive session minutes unsealed.**

## **H. New Business**

### **1. Resolutions introduction for Referral to Committee**

**b. Resolution 05-38: In Support of Senate Bill  
2006S-2135**

**Voted 5-0 to dispense with the Council rules and consider this  
resolution immediately, (KM – JO).**

**Voted 5-0 for passage of this resolution, (KM – RM).**

### **Resolution 05-38**

**A RESOLUTION OF THE TOWN  
COUNCIL OF LINCOLN, RHODE ISLAND  
IS HEREBY ENACTED**

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

**WHEREAS, it is the intention of the Town Council to provide quality  
education to all students in the Lincoln school system; and**

**WHEREAS, the Town of Lincoln and all Rhode Island communities  
continue to be challenged to fund educational programs through their  
municipal budgets; and**

**WHEREAS, Senator Paul W. Fogarty, District 23, has introduced Senate Bill 2006S-2135 in the Rhode Island General Assembly which would provide for an annual minimum five percent (5%) increase in the amount of state aid for education granted to each school district above the amount received in the previous fiscal year.**

**NOW THEREFORE, the Lincoln Town Council hereby Resolves that the Rhode Island General Assembly is hereby requested, in its 2006 session, to enact Senate Bill 2006S-2135.**

**BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Lincoln General Assembly delegation, Senate President Joseph Montalbano, Speaker of the House William Murphy, and to each municipality in the State of Rhode Island.**

**This Resolution shall take effect upon passage.**

#### **Exhibit A**

**Lincoln - Tax credit for persons who are totally disabled.**

**(a) Notwithstanding the provisions of § 44-3-15, the Town Council of the Town of Lincoln may, by ordinance, provide for a tax credit in an amount equal to the then existing elderly tax credit in the Town of Lincoln on the real property located in the town to any person who is under the age of sixty-five and one hundred percent (100%) disabled**

and unable to work as of the date of the tax assessment. Said credit shall be in addition to any exemption(s) provided for by law to which said person may otherwise be entitled; provided, that the applicant shall be determined by the Social Security Administration to be totally disabled.

(b) In order to qualify for this credit, the applicant shall be a town resident under the age of sixty-five (65) who shall own and reside on the real estate to which the credit is to be applied as of the time of the application for the credit and also for a period of not less than five (5) years immediately preceding the application. Only one tax credit for total disability pursuant to this section may be given per household on a parcel of real estate in any given year.

(c) Persons eligible for this credit shall file an application with the town tax assessor on or before midnight of the 15th day of March of the year in which the credit is requested, on forms to be provided for by the tax assessor. It shall be the obligation of the applicant to establish eligibility for the credit to the tax assessor. Any person receiving the tax credit, provided for in this section, shall be required to annually submit certified proof of his or her disability and continued eligibility on or before March 15 in each year that the person continues to claim eligibility for the credit.

#### **4. IAFF – Ratification of Contract**

**Voted 5-0 to ratify the IAFF Contract, (KM – JO).**

**5. Discussion of new LincolnRI.org site – Councilor O’Grady**

**Voted 5-0 to defer this item, (JO – KM).**

**6. Discussion of Solicitor’s ruling**

**Voted 5-0 to discuss, (JO – KM).**

**Solicitor Krieger reported that the charter and the courts say that the solicitor may get outside counsel if the subject is out of their expertise or if there is a conflict. The Solicitor feels it is the Administrator prevue to hire outside counsel.**

**7. Avoidable litigation against the Town of Lincoln, discussion and/or action**

**Voted 5-0 to discuss, (RL – JO).**

**Councilor Loparto brought up a tow company that wishes to be on the Town’s tow list.**

**I. Communications**

**13. Richard E. Pina**

**Voted to refer this claim to the claims committee, (JO – RL).**

**14. Town Administrator, Sue P. Sheppard**

**Voted 5-0 to accept this communication, (JO – KM).**

**15. RI DEM**

**16. RI DEM**

**Voted to accept these communications from RI DEM and ask that the**

**Town do its due diligence regarding this property, (RM – JO).**

**17. Paul A. Brule**

**Voted 5-0 to accept this correspondence, (RM – KM). Mr. Brule did not want to place the Council in a difficult situation.**

**M. Councilor Comments**

**Councilor McKenna stated he hopes the Manville Music can be salvaged.**

**Councilor O’Grady would like to see the Town Administrator attend the meetings.**

**Adjourn 11:05 p.m.**

**Karen D. Allen**

**Town Clerk**