

TOWN COUNCIL MEETING

March 21, 2006

Minutes

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:00 p.m. All Council members were present. Town Solicitor Mark Krieger was also present.

2. Minutes

Voted 5-0 to accept the minutes of the February 21, 2006 meeting of the Board of License Commissioners, (Km – RM).

3. Application for Victualling License

a. Pal's Ice Cream

Voted 5-0 to grant a victualling license to Pal's Ice Cream and amend the hours to 9:00 am to 9:00 pm, (JO – KM).

4. Application for Class F Licenses

a. Lincoln Memorial Day Parade Committee

Voted 5-0 to grant this Class F License, (KM – JO).

b. Church of St. Basil the Great

Voted 5-0 to grant this Class F License, (KM – RM).

5. Application for Private Detective License

a. Rosa M. Freire

Voted 5-0 to approve this application for Private Detective License, (JO- -KM).

6. Communication

Lincoln Police Department

Voted 5-0 to accept this communication from the Lincoln Police Department, (KM – RM).

Voted 5-0 to adjourn this meeting of the Board of License Commissioners, (JO – RM).

TOWN COUNCIL

Call to Order 7:07 p.m.

Consent Agenda

Voted 5-0 to accept the Consent Agenda as amended, (RM – KM). The Consent agenda consists of the following:

Minutes

- 1. December 20 – Regular Meeting**
- 2. January 17 – Regular Meeting**
- 3. February 7 – Ordinance Committee**
- 4. February 13 – Work Session**

5. February 21 – Work Session

6. February 21 Claims Committee

7. February 21 – Regular Meeting

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$27,321.53**
- 2. Accounts Payable – School: \$5,764.78**
- 3.**
- 4. Direct Pay – Town: \$2,957,176.19**

Claims for Referral to Committee

- a. Armstrong, Gibbons and Gnys for Diane Richard**
- b. Armstrong, Gibbons and Gnys for Mark and Laura Zappala**
- c. Armstrong, Gibbons and Gnys for Nicole Aubuchon**
- d. LaPlante and Sowa for R.T. Nunes and Sons, Inc.**
- e. Cheryl A. Amentea**
- f. Kimberly A. Graziano**
- g. Michael Alexander**

Pole Placement

- a. Verizon Communications and Narragansett Electric to relocate one joint pole and anchor guy on Angell Road**

Communications

- 1. Town of Glocester**
- 2. RI State Planning Council**
- 3. Aime Brisette Executive Director Lincoln Housing Authority**
- 4. RI General Assembly**
- 5. City of East Providence**

Reports

1. Town Administrator

Tax Abatements

- a. \$8,671.14**

The Council voted 5-0 to amend the agenda and consider the following items next: Discussion of new LincolnRI.org site, Banneker Presentation, Public Comment and Bids, (Jo – KM/RM).

Discussion of new Lincoln RI.org site

Councilor O’Grady would like to bring the new web site to the public’s attention. There have been substantial improvements. The web site gives the public a new way to access agendas, minutes, documents and forms. It also provides many useful links. Councilor Robinson thanked Denise Potvin for her hard work.

Presentation from Banneker Industries

Roland Sneed of Banneker Industries began his presentation by reading a letter from Cheryl Sneed. Their presentation focused on how much they have invested in this property, however they are unable to invest any more. They are working with DEM and have an Environmental Attorney assisting them at this time. Mr. Sneed presented the members of the Council with a handout on Brownfield Redevelopment, and one on laws around acquiring superfund sites. Councilor O’Grady asked about the clean up costs. Rick Nadeau answered it is difficult to determine at this time, as it appears much of

the contamination is under the addition that was built in 1980. It is known the addition is built on what was a “lagoon” that was used to dump. Councilor McKenna stated he had a problem with the terms of the proposal. Councilor Macksoud asked why nothing is being done to deal with eh contamination. Councilor Robinson asked why the company didn’t want to pay the back taxes and gain title to the property. Mr. Nadeau stated financing would be impossible.

Public Comment

Dean Lees, Jr.: Mr. Lees stated that the costs for cleaning up the Banneker site are deductible to municipalities.

Richard Pina: Spoke about his deeds to his property.

Jim Spooner: Mr. Spooner is opposed to the sale of the Banneker property. He feels the Town should utilize the land for a Police Station. He also asked the Council to have a study done on the traffic on Front Street.

Jenn Cooke: Ms. Cooke spoke on behalf of Banneker. She would like to see them stay.

Ed Slattery: Mr. Slattery agrees there needs to be something done about the traffic on Front Street. He also has concerns with the budget of the Lonsdale Fire Department.

Ed O’Neil: Mr. O’Neill thanked Banneker for their presentation. He urged the Town Council to look at the real value of the property.

John Gregory: Mr. Gregory spoke in support of Banneker Industries.

Paul Ethier: Mr. Ethier believes the Town should not clean up the Banneker property.

Christine and Mark Labbee: Mr. and Mrs. Labbee wished to appeal the Council. They want to discuss having an opportunity to have their company, Preffered Towing, placed on the tow list.

John Cullen: Mr. Cullen feels the Town should own the Banneker property, as he feels the Town Could utilize it.

Susan Fortin: Ms. Fortin reported that grants are available to the Town to clean up the Banneker property.

Ron Stewart: Mr. Stewart encouraged the Town to take advantage of the Brownfield's laws.

Ken Booth: Mr. Booth feels the Town needs to study a new form of government, as he feels the current form is not working.

Ronald Loparto: Mr. Loparto feels the Town should keep the Banneker land.

Bids

The Council voted 5-0 to award the bid for Digital Phone System – Middle School to Carosel Communications in the amount of \$57,701.84, (KM – JO).

The Council voted 5-0 to award the bid for Furniture, Furnishings, and Equipment to (insert vendor from list) as recommended by the Finance Director, (RM – JO).

The Council voted 5-0 to award the bid for Site Work and Landscaping to Central Nurseries, Inc in the amount of \$110,900.00 as recommended by the Finance Director, (KM – RM).

The Council voted 5-0 to award the bid for Masonry to M.F. Construction Co, Inc. in the amount of \$311,000.00 as recommended

by the Finance Director, (KM – RM).

The Council voted 5-0 to award the bid for Structural Steel and Miscellaneous Metals to RI Welding and Fabricating Co. in the amount of \$80,960.00 as recommended by the Finance Director, (KM – RM).

The Council voted 5-0 to award the bid for Payroll Processing to Paychex in the amount of \$99,880 for three years, as recommended by the Finance Director, (RM – JO).

The Council voted 5-0 to award the Professional Engineering Services request to PARE Engineering, in the amount of \$29,299.90 as recommended by the Finance Director, (KM – RM).

Minutes

The Council voted to defer the minutes from the February 28, 2006 Special meeting, (KM – JO).

Appointments

1. Conservation Commission – District 5

The Council voted 5-0 to defer this appointment, (RM – JO).

2. Conservation Commission – District 4

The Council voted 5-0 to defer this appointment, (RL – JO).

3. Library Board – District 4

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

4. Land Trust – District 4

Voted 5-0 to defer, (RL – JO).

5. Planning Board – District 1

Voted 5-0 to appoint Patrick Crowley, (JO – RL).

6. Juvenile Hearing Board

Voted 5-0 to initiate the screening process in anticipation of a resignation, (KM – RM).

7. Zoning Board – District 3

Voted 5-0 to appoint Jina Karampetsos, (KM – RM).

8. Assistant Town Solicitor (for School Committee)

Voted 5-0 to appoint Ben Scungio as Assistant Solicitor, (KM – JO).

Unfinished Business

1. Claims Committee Report

a. James B. Spooner

Voted 5-0 to settle this claim in the amount of \$165.00, (RM – KM).

b. Kirshenbaum & Kirshenbaum for Linda Burke

Voted 5-0 to deny this claim and refer it to the Interlocal Trust, (JO – RM).

c. Robert and Nancy Iacobucci

The Council voted 4-1, with Councilor O’Grady opposed, to settle this claim in the amount of \$149.00, (RM – KM). Councilor O’Grady had originally made a motion to settle this claim for the amount asked for, \$284.43.

d. Stanley Dowicki

Voted to settle this claim in the amount of \$12.99, (JO – RM).

e. Mr. & Mrs. William Schofield

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

f. Richard Pina

Voted 5-0 to deny this claim, (JO – RM).

Consideration of Monthly Bills

Accounts Payable – Town: \$448,483.50

Voted 4-1, with Councilor Loparto opposed, to pay the Accounts Payable Town bills, (RM – KM). Councilor Loparto was opposed to overspending last year’s budget, and feels the Budget Board should approve overspending.

CCRI Lease Agreement

Assistant Solicitor Ross explained that the State Properties Committee was looking to change the language in the lease agreement, and he wants the Council to approve the new language once it is received.

Ball fields plans and locations, Camp Meehan

Councilor Loparto asked the Council to be open minded about the possibility of putting baseball fields on the Camp Meehan property,

New Business

1. Resolutions introduction for Referral to Committee

a. Resolution 06-02: Resolution to Request Legislative Action to

Implement Lincoln's Ordinance to Encourage the Sustainability of Locally-owned Small Business

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

Voted 5-0 for passage of this Resolution, (JO – KM).

Resolution 06-02

The Town of Lincoln

Resolution of the Town Council

A Resolution to Request Legislative Action to Implement Lincoln's Ordinance to Encourage the Sustainability of Locally-Owned Small Business

Whereas; The Town Council of the Town of Lincoln recognizes that locally-owned small businesses form the backbone of Lincoln, offer the best services to town residents, provide financial and material support to Lincoln's civic, cultural, and sporting endeavors, and provide continuity between Lincoln's past and Lincoln's future.

And Whereas; High commercial tax rates have a detrimental effect on the ability of locally-owned small businesses to compete against larger branch-office businesses, to expand their facilities and service offerings, to maintain their levels of civic engagement, and to expand

staff levels.

And Whereas; The Town Council of the Town of Lincoln believes that promoting the stability and growth of locally-owned small businesses serves a compelling town interest

And Whereas; The Lincoln Town Council has adopted an Ordinance to Encourage the Sustainability of Locally-Owned Small Businesses which offers a 3 year tangible tax exemption for new investments excepting inventory.

Now Therefore Be It Resolved; That the Town Council of the Town of Lincoln respectfully requests that the General Assembly of the State of Rhode Island enact legislation during its 2006 Session which will enable the Town of Lincoln to implement the attached ordinance.

b. Amendment to Resolution 05-18a: Enabling Legislation for Ballot Question on Abolishing the Financial Town Meeting

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

Voted 3-2 for passage of this Resolution, (RM – KM). Councilors O’Grady and Loparto were opposed.

Amendment

to Resolution 05-18a

A RESOLUTION OF THE TOWN

COUNCIL OF LINCOLN, RHODE ISLAND

IS HEREBY ENACTED

THE TOWN COUNCIL OF THE TOWN OF LINCOLN HEREBY RESOLVES:

WHEREAS, § C17-1 of the Town Charter provides the mechanism for amendment of the Charter; and

WHEREAS, pursuant to the provisions of ARTICLE XIII, Section 8 of the Constitution of the State of Rhode Island (“Home Rule for Cities and Towns”) and § C17-1 of the Town Charter, the Town Charter may be amended by a proposal of the Town Council to be submitted to the electors of the Town qualified to vote for general state officers at the general election next or at special election to be held for said purposes; and

WHEREAS, the Town Council deems it appropriate and desirable to submit to the qualified electors of the Town of Lincoln the question as to whether the Financial Town Meeting as provided in ARTICLE III of the Charter shall be abolished and the existing powers and authority of the Financial Town Meeting be vested in the Town Council; and

WHEREAS, proposals for Town Charter amendments are to be submitted to the electors qualified to vote for general state officers in a the same manner as the adoption of a Charter;

NOW THEREFORE, the Lincoln Town Council hereby RESOLVES that the Rhode Island General Assembly is requested, in its January 2006 session, to enact a Public Law authorizing the submission, in substantially the following form, the following question for approval by qualified electors of the Town of Lincoln:

“Shall the Town of Lincoln Financial Town Meeting be abolished?”

The Town Council hereby directs the Town Clerk to take any and all acts necessary or required to transmit this Resolution to the Rhode Island General Assembly for consideration.

This Resolution shall take effect upon passage.

The particulars of an affirmative, majority vote on the question submitted to the electors shall result in the following changes to the Town Charter.

A. § C 1-2 The phrase “except those vested in the Financial Town Meeting” shall be deleted.

B. §§ C3-1 through C3-12 and § C3-14 shall be deleted.

C. § C3-13 shall be deleted and replaced with the following:

“There shall be a Budget Board consisting of eleven (11) members, ten (10) of whom shall be appointed by the Town Council, each Town Councilor having two (2) appointments. There shall be two (2)

members of the Board from each of the five (5) districts of the Town. One member shall be appointed by the Town Administrator. The Town Council shall, upon adoption of this section, identify the member whose successor shall be appointed by the Town Administrator. Members shall be appointed for five (5) year terms. The current members of the Budget Board shall continue to serve their respective unexpired terms of office. Upon the expiration of any member's term of office, new appointments shall be made by the Town Councilor representing the district within which the member whose term is expiring resides or by the Town Administrator. In the event of a vacancy on the Board after an appointment, such vacancy, or vacancies, shall be filled by the Town Councilor(s) representing the district from in which the vacancy occurred, or by the Town Administrator. The Budget Board members shall serve without salary, but an appropriation for their actual expenses shall be made. The term of each member shall commence after the adjournment of the meeting at which the member was elected."

D. § C4-3 The term "Financial Town Meeting" shall be deleted wherever it appears and be replaced with the term "the Town Council"

E. § C4-4 The phrase "not later than 30 days prior to the date of the Financial Town Meeting in each year***" shall be deleted and replaced with "not later than 30 days prior to the date established for the adoption of the budget by the Town Council in each year***"

F. § C4-6 The terms “Financial Town Meeting” shall be deleted and replaced by the term “the Town Council”.

G. C4-7 This section shall be deleted.

H. § C4-10 [New] Public hearings on the annual budget.

“The Town Council shall convene two (2) public hearings on the proposed budget prepared and submitted pursuant to § C 4-3. The first public hearing shall be held on the last Tuesday in April and the second public hearing shall be held on the first Tuesday in May in each year. Public comment on the proposed budget or any portion thereof shall be taken by the Town Council. The Town Council shall convene on the second Tuesday in May of each year to adopt the annual budget. No public comment shall be taken at this meeting.

I. § C5-8 (12) (14) These sections shall be deleted. § C 5-8 (13) shall read:

“To raise by a tax upon real and personal estate such sums of money as may be required for the payment of the Town’s debts and interest thereon; for the support of the various departments, offices, agencies and boards of the Town; for the maintenance and improvement of the Town’s property and for all necessary charges and expenses whatsoever arising within said Town, whether incidental or not to the

above; to lease or authorize the leasing of the Town property; to grant and vote such sums of money as it shall deem necessary for all expenses of the Town for the ensuing year; and to authorize the borrowing of money and the issuance of bonds pursuant to the statutes now or hereafter in force and effect.”

J. § C6-7 (2) The phrase “clerk of the Financial Town Meeting” shall be deleted.

K. § C12-5- (7) The term “Financial Town Meeting” shall be deleted and replaced by the term “the Town Council”.

L. § C 13-5 (5) The phrase “as may be legally voted at any Financial Town Meeting” shall be deleted and replaced by the phrase “ by the Town Council in its adoption of the annual budget”.

N. C 15-5- (9) The phrase “and to the Financial Town Meeting” shall be deleted.

O. § C 16-5 The last five (5) words [“at any Financial Town Meeting”] of this section shall be deleted.

P. § C 16-6- (1) The terms “Financial Town Meeting” shall be deleted and shall be replaced by the term “Town Council”.

Q. § C 16-6- (2) This section shall be deleted in its entirety and

replaced with the following:

“Organization. The Industrial Development Commission shall be composed of five members appointed by the Town Council. Each Town Councilor shall have one appointment to the Commission for terms of one (1) year. The appointments hereunder shall be made within 30 days of the adoption of the annual budget in each year.”

R. § C 16-6- (3) (c) The terms “Financial Town Meeting” shall be deleted and replaced with the term “Town Council”.

S. Any such other revisions to the Town Charter that are not specifically enumerated but shall be necessary to affect the intent of this Resolution.

c. Resolution 06-03: Supporting the Spurwink School

Voted to defer this Resolution, (KM – RM).

d. Resolution 06-04: Requesting an RFQ for Salary Survey for non-union employees

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 – JO).

Resolution 06-04

RESOLUTION

WHEREAS, on May 9, 2005, the residents of the Town of Lincoln in attendance at the Financial Town Meeting approved a Resolution to appropriate a sum, not to exceed TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS to conduct a Municipal Non-union Employee Wage and Classification Study, and

WHEREAS, at its September 20, 2005 monthly meeting the Town Council of the Town of Lincoln deferred the awarding of a bid for a Municipal Non-union Employee Wage and Classification Study based upon the advice and recommendation of Finance Director Stephen Woerner due to the inadequacies of the bids received, and

WHEREAS, none of the appropriated funds have been expended and the Town Council endorses and supports a Municipal Non-union Employee Wage and Classification Study, and

WHEREAS, the Town Council, pursuant to the Lincoln Town Charter Section C5-8(14) is authorized to take any action necessary to give effect to any vote of the Financial Town Meeting in accordance with

the general or special laws of the state,

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Lincoln hereby requests that the Town Administrator, in coordination with the Finance Director, issue a Request for Qualifications for a Municipal Non-union Employee Wage and Classification Study.

Ordinance introduction for Referral to Committee

a. Ordinance 06-01: Ordinance to Modify Make-Up of Area Of Planning Concern Review Committee

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

April Town Council meeting

Voted 5-0 to have change the April Town Council meeting to be held on April 11, 2006 and April 25, 2006, (RM – KM).

Council rules – Discussion and/or action

Councilor Loparto stated he had received complaints from other board member about the council.

Communications

6. State Mandated Financial Reports

a. Town

Voted to accept this report, (JO – KM).

b. School

Voted to defer this report, (KM – JO).

c. Water Department

Voted to defer this report, (KM – JO).

7. Councilor Jeremiah T. O’Grady

Voted 5-0 to accept this communication, (JO – RM). Councilor O’Grady wanted the Council to know he was working on language to amend the Homestead Exemption, but he is not yet ready to put into Ordinance form. He will work with Councilor Macksoud and they will make a recommendation to the Council.

8. Jeffrey Weiss School Committee Chairman

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

9. Town of Lincoln Budget Board

Voted 5-0 to accept, (JO – RM).

Councilor Comment

Councilor Loparto stated that the union steward called him at home to say that the union contract had not been signed yet.

Adjourn 10:45 pm

Karen D. Allen

Town Clerk