

# **TOWN COUNCIL MEETING**

**June 20, 2006 at 7:00 p.m.**

## **BOARD OF LICENSE COMMISSIONERS**

**1. Call to Order 7:04 p.m. All Council members were present**

**2. Pledge of Allegiance**

**3. Minutes**

**May 16, 2006**

**Voted 5-0 to accept these minutes, (JO – RM)**

**4. Application for Private Detective License – Renewal**

**a. Edward M. Melucci**

**Voted 5-0 to grant the renewal of the Private Detective License for Edward Melucci, (KM – JO).**

**5. Application for Special Event**

**a. Davies Career and Technical High School: Classic Car Show on September 24, 2006**

**Voted 5-0 to grant a Special Event License to Davies and waive the application fee, (RM – JO).**

**6. Application for Class F License**

**a. Kirkbrae Country Club**

**Voted 5-0 to grant a Class F License to Kirkbrae Country Club, (KM – RL).**

**b. Brooksie's Sports Bar and Grill**

**Voted 5-0 to table this request, (KM – RM). The applicant was present and stated he no longer required the license.**

**TOWN COUNCIL**

**Presentation by Memorial Day Parade Committee members Barbara Ackaway and Carolyn Taylor. They presented the Horlborgen Trophy to Manville Cub Scouts Pack 1.**

**Call to Order 7:10 p.m.**

**Consent Agenda**

**The council voted 5-0 to accept the consent agenda as amended, (RM – KM). The consent agenda consists of the following items:**

**Minutes**

- 1. May 15 – Ordinance Committee**
- 2. May 15 – Work Session**
- 3. May 16 – Claims Committee**
- 4. May 16 – Regular Meeting**

**Consideration of Monthly Bills**

- 1. Accounts Payable – Library: \$**

2. **Accounts Payable – School: \$**
3. **Accounts Payable – Town: \$**
4. **Direct Pay – Town: \$**

## **Claims for Referral to Committee**

**Pat Dubois**

## **Pole Placement**

**Narragansett Electric Company: anchor on Jenckes Hill Road**

## **Communications**

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

**a. Town**

**b. School**

**2. Housing Works RI**

**3. RI DEM**

**4. RI DEM**

**5. City of Providence**

**6. City of Newport**

**7. Town of Charlestown**

**8. Councilor Jeremiah O'Grady**

## **Reports**

**1. Town Administrator**

## **Tax Abatements**

**a. \$5,975.80**

## **Public Comment**

**Dean Lees: Mr. Lees stated he was disappointed with the Camp Meehan problem. He feels the Town should have paid extra for the**

property.

**Ronald Stewart:** Mr. Stewart stated he is embarrassed that the Camp Meehan deal was “botched”. He said the neighbors want to see the property saved.

**Kevin Bryson:** Mr. Bryson spoke as the chairman of the Parks and Recreation Commission. He stated he did not have a number for the cost of renovations and Manville Park and has asked.

**Judy Hadley:** Ms. Hadley spoke as the chair of the Land Trust. She stated her members want to be recognized and appreciated and that they would appreciate being asked to provide input.

**Jim Spooner:** Mr. Spooner spoke about public Safety issues and that he was glad to see they had been addressed.

**Anthony Baglini:** Mr. Baglini stated he would like to see the Camp Meehan property preserved. He would also like to see public comment on work session agendas.

**Edward Slattery:** Mr. Slattery spoke about recent articles in the paper regarding the pension fund.

**Ronald Loparto:** Mr. Loparto stated he would like to see public comment on the work session agenda. He is also upset about the Camp Meehan problem.

## **Minutes**

**4. April 25 - Ordinance Committee Meeting**

**5. April 25 – Claims Committee**

**6. April 25 – Regular Meeting**

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

## **Appointments**

### **1. Conservation Commission – District 5**

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

### **2. Town Moderator**

**Voted 5-0 to defer this appointment, (RM – KM). The Council would like to interview for this appointment.**

### **3. Tenant Board - District 1**

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

### **4. Tenant Board – District 2**

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

### **5. Tenant Board – District 4**

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

### **6. Tenant Board – District 5**

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

## **Unfinished Business**

### **1. Claims Committee Report**

#### **a. Kimberly A. Graziano**

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

### **2. Ordinance Committee Report**

**Ordinances – vote on Ordinances for consideration and/or passage**

#### **a. Ordinance 06-02: Compensation Ordinance**

**Voted 5-0 by roll call vote to pass Ordinance 06-02 as amended, (KM –**

**JO).**

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

**Voted 5-0 by roll call to table Ordinance 06-01, (KM – RM).**

**c. Ordinance 06-03: Amendment to Municipal Court**

**Voted 5-0 by roll call to pass Ordinance 06-03, (KM – RM).**

**Ordinance 06-03**

**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: § 12-7 ENTITLED “Time and place of sessions.” shall read as follows:**

**A. The Municipal Court shall be considered in session at all times, and at such time and places in the Town of Lincoln as the Court, or judge, holding same, shall appoint, subject however to the provision that a regular court session shall be held on the [1st and/or 2nd and/or 3rd and/or 4th, Monday –Friday] of each month or at such additional sessions as shall be deemed necessary. The first regularly scheduled session each month shall be for all matters for which the Municipal Court has concurrent jurisdiction with the Rhode Island Traffic Tribunal as set out in § 12-7 herein. The second regularly scheduled session each month shall be for matters arising from the alleged violation of the provisions of R.I.G.L. § 45-24.3-1 et. seq. [“Rhode Island Housing Maintenance and Occupancy Code”] or of the provisions of the Lincoln Code of Ordinances, including Minimum Housing violations and zoning ordinance violations. Provided however, that the Municipal Court Judge may modify the calendar for the first and second regularly scheduled session each month in the event that he/she determines that such modification is required due to the Court’s caseload. The calendar for any court session may be changed or modified at the discretion of the municipal court judge.**

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

**d. Ordinance 06-04: Amendment to Lincoln's Homestead Exemption  
Voted 5-0 to defer this Ordinance, (KM – JO).**

**Resolutions – vote on Resolutions for consideration  
and/or passage**

**a. Resolution 06-14: Camp Meehan Ball Field Study  
Voted 5-0 to table Resolution 06-14, (KM – JO).**

**7. School Facilities update**

**a. Change Order**

**Voted 5-0 to approve Renovation Change Order #1 in the amount of  
\$5,879.00, (KM – RM).**

**Voted 5-0 to approve a purchase order in the amount of \$57,778.68 to  
Monitor Equipment Company for Central Elementary Library Furniture  
and Equipment, (KM – RM).**

**Voted 5-0 to approve Moving Change Order #1 in the amount of  
\$21,051.78 to Conlon Moving and Storage for Phase 1, (KM – RM).**

**Voted 5-0 to approve Change Order #7 in the amount of \$98,169.00,  
(KM – RM).**

**Voted 5-0 to approve Change Order #8 in the amount of \$37,071.48,  
(KM – RM).**

**Voted to approve CCD # 46 to allow Gilbane to negotiate to install**

**athletic field sod and an irrigation system in amount not to exceed \$80,000.00, (KM – RM).**

#### **8. CCRI Lease – Ratification of Termination Clause**

**Voted 3-2, (Councilor Loparto and McKenna opposed) to ratify the Lessor’s Early Termination Clause in the agreement with CCRI, (KM – JO).**

**Councilor Macksoud explained that he still wants to enter into a lease agreement with CCRI even though the Town will not be building a Little League field there. Now that the State has said they are considering building a new RI School for the DEAF on this property, Councilor Macksoud feels we will at least be notified of improvements to the land. Solicitor Krieger feels there is no down side to entering into this agreement.**

#### **9. Landscape Architect – Change in Scope of Work**

**Voted 5-0 to ratify the change in the scope of the works and include two general purpose fields at Manville Park, (RM – KM).**

#### **10. Discussion and/or action Public comment at Work Sessions**

**Motion to discuss failed 2-3 with Councilors Macksoud, McKenna and Robinson opposed, (RL – JO).**

#### **11. Discussion and/or Action Administrator – Charter and Ordinance Violations**

**Motion to discuss failed 2-3 with Councilors Macksoud, McKenna and**

**Robinson opposed, (RL – JO).**

## **New Business**

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

**Voted 5-0 to dispense with the regular order of business and change the order of the agenda to consider Resolution 06-20, (JO – KM).**

#### **a. Resolution 06-20: Support of EdNets**

**Councilor O’Grady stated he had many questions. The Council voted 5-0 to allow School Committee Chair Jeffery Weiss to address the Council and answer questions, (JO – KM).**

**He stated the money raised through this web site would be used to fund programs that are outside of normal funding. The by-laws control would be up to the Town Council to spell out. The Council voted 5-0 to amend the Resolution by adding another “whereas” which shall say” initial incorporation documents, by-laws, and contract approved by the School Committee shall be reviewed by the Town Council”, (KM – JO).**

**Voted 5-0 to dispense with the council rules and consider Resolution 06-20 immediately, (RM – KM).**

**Voted 5-0 for passage of Resolution 06-20, (RM – KM).**

#### **b. Resolution 06-21: Regarding new RI School for the Deaf**

**Voted 4-1, with Councilor Loparto opposed, to dispense with the Council rules and consider this Resolution immediately, (KM – RM).**

**Voted 4-1, with Councilor Loparto opposed, for passage of this Resolution, (KM – JO).**

**Resolution 06-21**

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

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

**WHEREAS, the State of Rhode Island has decided that it is better to build a new School for the Deaf rather than renovate the existing school; and**

**WHEREAS, both the CCRI's Lincoln Campus and the land along Old Louisquisset Pike, owned by Davies's Vocational School, are being considered as locations for this new school; and**

**WHEREAS, building a new school on either of these proposed sites, or any other sites in the Town of Lincoln will have a definitive and direct impact on the citizens of the Town and particularly the neighbors of the area; and**

**WHEREAS, pursuant to Article 5 Section 8 (3) of the Lincoln Town Charter, the members of the Lincoln Town Council are empowered to enact resolutions for the government of the Town to promote the**

**preservation of the public peace, health, safety, welfare and comfort of the inhabitants and the protection of persons and property.**

**NOW THEREFORE the Lincoln Town Council Resolves to request that at least one representative from the Town of Lincoln be involved in the discussions occurring among the Department of Education, the Board of Governors for Higher Education, and the Department of Administration in regards to the location of the new School for the Deaf.**

### **3. Tax Levy Certification**

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

**Voted 4-1, with Councilor Loparto opposed, to accept the communication from the administrator regarding the tax levy certification, (KM – JO).**

#### **c. Resolution 06-18: Performance Audit Funds**

**Voted to dispense with the Council rules and consider Resolution 06-18, (RM – KM).**

**Voted to dispense with the Council rules and consider Resolution 06-18 immediately, (RM – KM).**

**Voted 5-0 for passage of Resolution 06-18, (RM – KM).**

**Resolution 06-18**

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

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

**WHEREAS, the Town of Lincoln budgeted the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS in the 2005-2006 fiscal year for the implementation of the Performance Audit, and**

**WHEREAS, as of this date, only \$37,000.00 of the appropriated funds have been expended, leaving a balance of \$113,000.00 unexpended, and**

**WHEREAS, the Town Council of the Town of Lincoln endorses and supports the implementation of the Performance Audit, and**

**WHEREAS, pursuant to Article 5 Section 8 (3) of the Lincoln Town Charter, the members of the Lincoln Town Council are empowered to enact resolutions for the government of the Town to promote the preservation of the public peace, health, safety, welfare and comfort of the inhabitants and the protection of persons and property.**

**NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Lincoln hereby requests that the Town Administrator instruct the Finance Director to encumber the unexpended funds budgeted in fiscal year 2005-2006 for the implementation of the Performance Audit and create a reservation of fund balance for the fiscal year 2006-2007.**

**d. Resolution 06-19: Municipal Non-Union Employee Wage and Classification Study**

**Voted 5-0 to dispense with the Council rules and consider Resolution 06-19 immediately, (RM – KM).**

**Voted 5-0 for passage of Resolution 06-19, (RM – KM).**

**Resolution 06-19**

**RESOLUTION**

**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 TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS to conduct a Municipal Non-union Employee Wage and Classification Study, and**

**WHEREAS, none of the appropriated funds have been expended, and**

**WHEREAS, the Town Council of the Town of Lincoln endorses and supports the implementation of a Municipal Non-union Employee Wage and Classification Study, and**

**WHEREAS, pursuant to Article 5 Section 8 (3) of the Lincoln Town Charter, the members of the Lincoln Town Council are empowered to enact resolutions for the government of the Town to promote the preservation of the public peace, health, safety, welfare and comfort of the inhabitants and the protection of persons and property.**

**NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Lincoln hereby requests that the Town Administrator instruct the Finance Director to encumber the unexpended funds budgeted in the fiscal year 2005-2006 for the implementation of the Municipal Non-union Employee Wage and Classification Study, and create a reservation of fund balance for the fiscal year 2006-2007.**

#### **4. Ratification of Union Contract – Town Hall**

**Voted 5-0 to dispense with the regular order of business and consider the ratification of the union contracts, (KM – JO).**

**Voted 5-0 to ratify the union contract for the Town Hall employees, (KM – RM).**

**5. Ratification of Union Contract – DPW**

**Voted 5-0 to ratify the union contract for the Department of Public Works, (KM – RM).**

**12. Discussion and/or action Camp Meehan**

**Voted 5-0 by roll call to authorize the Town Solicitor to proceed with the Camp Meehan transaction in accordance with the discussion with the Town Council on June 19, 2006 in executive session, (KM – RM).**

**e. Resolution 06-22: Veteran’s Tax Exemption**

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

**2. Ordinance introduction for Referral to Committee**

**a. Ordinance 06-05: An Ordinance In Amendment To  
The Tax Rate Of The Town Of  
Lincoln**

**Voted 5-0 to refer this Ordinance to the Ordinance Committee, (KM – RM).**

**6. Authorize advertising and schedule Public Hearing regarding Amendments to Zoning Ordinance**

**Voted 5-0 to advertise for a public hearing on July 25, 2006 at 7:00 to hear public input on the proposed amendments to the zoning ordinance, with a second hearing to be scheduled with the Town Council, (KM – RM).**

**7. Bond Release – Lincoln Reserves – Toll Brothers**

**Voted 5-0 to release the bond for Toll Brothers as recommended by Town Planner Albert Ranaldi, (KM – JO).**

**8. Discussion and/or Action Itemized list of hours, expenses from Roger Ross in regard to open meeting law case (Councilor Loparto)**

**9. Discussion and/or Action Attorney Roger Ross violations of duties and job description performing legal work for Town of Lincoln**

**Voted 5-0 to discuss this item, (RL – JO).**

**Councilor Loparto stated he wanted the total amount given to him for next month's meeting.**

**10. Discussion and/or Action Names of Attorneys handling police contract negotiations and hours worked to date**

**Motion made by Councilor Loparto to discuss this item failed with no second.**

**Communications**

**a. Water Department**

**Voted to accept this communication, (JO – RM).**

**9. James B. Spooner**

**10. James B. Spooner**

**11. James B. Spooner**

**Mr. Spooner addressed the Council on Public Safety, Affordable Housing and the Homestead Exemption.**

**12. Town Administrator Sue P. Sheppard – Capital Improvement Plan  
Voted 5-0 to accept this communication, (JO – RM). The Council will plan a special work session to address some of their concerns with this report.**

## **J. Bids**

**1. RFP: Development and Implementation of Statistical Update**

**Voted 5-0 to award the bid for Development and Implementation of Statistical Update to Certified Revaluation Company in the amount of \$139,500.00 as recommended by the Finance Director, (RM – KM).**

**2. Qualified Architects for Valentine Whitman House**

**Voted 5-0 to award this bid to Lerner, Ladds and Bartels in the amount of \$12,000.00 as the lowest qualified bidder as recommended by the Finance Director, (KM – RM).**

**3. Insurance Coverage: Workman's Comp and Liability**

**Voted 5-0 to defer this bid, (KM – RM).**

**4. Asphalt Patch**

**Voted 5-0 to award this bid to JH Lynch and Sons in an amount not to exceed \$6,600.00 as recommended by the Finance Director, (KM – RM).**

**5. Bituminous Concrete – In – Place**

**Voted 5-0 to award this bid to JH Lynch and Sons as recommended by the Finance Director, (KM – RM).**

**6. Crushed Stone**

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

**7. Cut and Patch Bituminous Concrete**

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

**8. Granite Curbing/Quarry Split**

**Voted 5-0 to defer this bid, (KM – RM).**

**9. Highway Crack Sealing**

**Voted 5-0 to award this bid to Crack –Sealing, Inc. as recommended by the Finance Director, (KM – RM).**

**10. Fuel Oil #2**

**Voted 5-0 to defer this bid, (KM – RM)**

**11. Sand and Gravel**

**Voted 5-0 to defer this bid, (KM – RM).**

**Adjourn 10:55 p.m.**

**Karen D. Allen**

**Town Clerk**