

TOWN COUNCIL MEETING

January 16, 2007 at 7:00 p.m.

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:00 p.m. All Councilors were present.

2. Pledge of Allegiance

Eric Macksoud of Boy Scout Troop led us in the Pledge.

3. Moment of Silence in honor of Robert Tucker

4. Presentation

Town Administrator presented citations to the Lincoln Lions Jr. Midgets Cheer Team.

5. Minutes

December 19

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

6. Application for Holiday License

a. Fairlawn Mobile 895 Smithfield Avenue

**Voted 5-0 to grant a holiday License to Fairlawn Mobile,
(KM – JJ).**

7. Application for Liquor License Class BVL

Panagiotis Stamatelatos d/b/a Hercules Pizzaworks

**Voted 5-0 to advertise for a public hearing on February 6, 2007 at 6:30
p.m., (KM – JF).**

8. Application for Victualling License

a. Panagiotis Stamatelatos d/b/a Hercules Pizzaworks

**Voted 5-0 to grant a victualling license to Hercules Pizzaworks,
(KM – JF).**

b. Rose Sub d/b/a Subway Lincoln Mall

Voted 5-0 to grant a victualling license to Rose Sub, (JJ – KM).

9. License Renewals

a. Columbus Club

**Voted 5-0 to grant a 10 day extension and consider this renewal at the
January 30th meeting, (RM – KM).**

b. 1526 Inc. d/b/a Birch Tree Pub

Voted 5-0 to renew this BV License, (KM – JF).

10. Lincoln Park

**Lincoln Park extended hours – Discussion and/or action regarding
license compliance**

Council President O'Grady was made aware that Lincoln Park is now staying open until 2:00 am., and is concerned they will stay open past this time without permission from the Town. Attorney Mark Russo, representing the Track explained the Track needs state approval to change the hours of operation for the Video Lottery Terminals. He further explained the VLT's only are operational between 1:00 am and 2:00 am. Craig Sculos, General Manager at Lincoln Park, pledged more communication with the Town Council and offered to take them on a tour of the new facility.

Public Comment

Patrick Crowley: Mr. Crowley stated it was the Republicans that allowed this to happen.

Jim Spooner: Mr. Spooner questioned why the former administrator didn't communicate these new hours to the council.

Representative Peter Petrarca: Rep Petrarca stated he will propose legislation to change the Advisory Committee terms to run concurrent with the Town Council.

Jim Jackson: Mr. Jackson stated the expansion has allowed for several trees to be cut down, making the Track more visible.

Anthony Baglini: Mr. Baglini had questions about the Advisory Committee.

Ed O'Neill: Mr. O'Neill feels the Town needs to take action now, as it appears we are losing control.

Dean Lees: Me Lees feels the Town should hire special counsel to analyze this issue.

Pat Brady: Mr. Brady feels the Track needs the additional revenue.

TOWN COUNCIL

Call to Order 7:50 p.m.

Consent Agenda

Voted 5-0 to accept the consent agenda as amended, (KM – RM).

The consent agenda consists of the following:

Minutes

- 1. November 21 – Regular Meeting**
- 2. November 28 – Special Meeting**
- 3. December 18 – Executive Session**
- 4. December 18 – Ordinance Committee**
- 5. December 18 – Work Session**
- 6. December 19 – Claims Committee**
- 7. December 19 – Regular Meeting**

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$**
- 2. Accounts Payable – Town: \$**
- 3. Direct Pay – Town: \$**

Communications

- a. Town**
- b. Town Council President Jeremiah T. O’Grady**
- c. Arthur S. Russo, Jr.**

d. Albert V. Ranaldi, Jr., Administrative Officer to the Planning Board

e. RI DEM

f. Ernest Lacombe, Civil Defense Director

Reports

1. Town Administrator

Appointments

1. Tenant Board - District 1

Voted 5-0 to appoint Karen Bradbury, (JJ – KM),

2. Tenant Board – District 4

Voted 5-0 to defer, (JJ – KM).

3. Conservation Commission – District 1

Voted 5-0 to defer, (KM – JF).

4. Library Board – District 3

Voted 5-0 to appoint Dean Voyer, (KM – JF).

5. Library Board – District 5

Voted 5-0 to re-appoint Denise Blais, (RM – JF).

6. Town Solicitor, Assistant Solicitors, Municipal Court Judge, Probate Judge – Discussion of Appointment process

Will set up a process to interview for these positions. Voted 5-0 to have a special meeting on January 30 at 7:00 to choose who to interview and examine qualifications, (JJ – JF).

Voted 5-0 to appoint Ben Scungio as Assistant Solicitor for the School Department for a two year term to run concurrent with the Town Council, (Km – JF).

7. Civil Defense Director

Voted 5-0 to re-appoint Ernest Lacombe, (RM – KM).

8. Housing Authority – District 2

Voted 5-0 to appoint Edward Slattery, (JF – JJ).

9. Planning Board – At-Large

Voted 5-0 to appoint Kenneth Bostic, (KM – JF).

10. Planning Board – At-Large

Voted 5-0 to appoint John Hunt, (JJ – KM).

11. Planning Board – District 3

Voted 5-0 to re-appoint Greg Mercurio, (KM – RM).

12. Town Sergeant

Voted 3-2 with Macksoud and McKenna opposed, to appoint Bernard MacNamara, (JF – JJ).

13. Sewer Appeals - District 1

Voted 5-0 to defer, (KM – JJ).

14. Sewer Appeals - District 2

Voted 5-0 to re-appoint Derek Meikeljohn, (JF – JJ).

15. Sewer Appeals - District 3

Voted 5-0 to appoint Vincent Nassey, (KM –JF).

16. Sewer Appeals - District 4

Voted 5-0 to defer, (JJ – KM).

17. Sewer Appeals - District 5

Voted 5-0 to re-appoint Edward Aubin, (RM – JF/JJ).

18. Tree Warden

Voted 5-0 to defer to January 30, (KM – RM).

19. Zoning Board - Alternate

Voted 5-0 to re-appoint Arthur Russo, (KM – RM).

20. Zoning Board – Alternate

Voted 5-0 to appoint John Bart, (JJ – KM).

Tax Abatements

a. \$ 110,405.90

Councilor McKenna wanted to state for the record that the Administrator is receiving a tax abatement. Voted 5-0 to accept the tax abatements, (RM – KM).

b. Raymond Menoche

Voted 4-1 , with councilor O’Grady opposed, to abate for the total, as requested by the Finance Director, (RM 0 JJ).

Unfinished Business

Consideration of Endorsement of Lincoln Educational Foundation – Discussion and/or action

Voted 5-0 to accept the by-laws of the Lincoln Educational Foundation as correspondence and enthusiastically supports setting up this foundation, (KM – RM).

Resolution 07-02: Old Orchard Street

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

Voted 5-0 for passage and to allow the Town Administrator to authorize and to execute the bargain and sale deed and to effectuate the intent of the Resolution, (KM – RM).

Resolution 07-02

Resolution of the Lincoln Town Council

WHEREAS: The Town Council of the Town of Lincoln has unanimously adopted Resolution 2006-07 transferring a set of lots on Old Orchard Street in Manville to the Lincoln Housing Authority for the purpose of constructing affordable housing subject to “[A]n Agreement to be executed between the Authority and the Town.” (Agreement);

AND WHEREAS: The content of this Agreement has been a subject of debate for several months between the Town and the Lincoln Housing Authority;

THEREFORE BE IT RESOLVED: That the Town of Lincoln Town Council hereby approves the following terms and conditions for inclusion in the above mentioned Agreement:

(1) The aforementioned real estate shall be used in perpetuity solely for the construction and maintenance of Affordable Housing Units, hereafter referred to as “Units”, as the same is defined by applicable federal, state and municipal laws as may be amended, from time to

time, or for purposes of ingress, egress and utility access to and from the adjoining land of the Grantee;

(2) The Grantee must commence construction activities for no less than 8 units on the subject realty and/or the adjoining realty of the Grantee by no later than January 16, 2012. It is the Grantee's stated intention to construct no less than forty-eight (48) Units on the subject realty and/or adjoining realty. Grantor and Grantee understand that the number of said Units and timing of their construction is subject to and dependent upon available financing and all governmental approvals, state or local.

(3) The Grantee is prohibited from conveying, by sale, encumbrance, gift or otherwise, any portion of the subject realty, but this restriction shall not prohibit the sale of the Units, provided that such sale shall not include the sale of the underlying realty, and further provided that this restriction shall not be applicable to the granting of a mortgage wherein the proceeds of such mortgage are used solely for the purposes described in the above paragraph No 1.

In the event that any of the above restrictions are violated by the Town of Lincoln Housing Authority or by any successor-in-interest thereto, the subject realty shall revert to the Grantor, Town of Lincoln.

Such right of reversion shall not impair the right of the said Grantor to enforce the prohibition of the violation of said restriction by any other legal and/or equitable means then available under the laws of

the State of Rhode Island. In the event of a violation of any of the restrictions, the said Grantor shall also be entitled to seek the recovery of reasonable attorneys fees and Court costs, all pursuant to Rhode Island General Laws §9-1-45, as the same may be amended from time to time.

Unfinished Business

1. Claims Committee Report

a. Geoff Mongeon

Deferred in committee.

2. Ordinance Committee Report

Ordinances – vote on Ordinances for consideration and/or passage

a. Ordinance 06-15: An Ordinance in Amendment and Reenactment of the Code of Ordinances of the Town of Lincoln Chapter 260 Entitled “Zoning”

Voted 5-0 to advertise for a public hearing on February 12, 2007 at 7:30, (KM – JF).

b. Ordinance 06-16: An Ordinance Amending the Town of Lincoln Zoning Ordinance to Establish Policy of Inclusionary Zoning for the Expansion of Affordable Housing

Deferred in committee

3. School Facility update

a. Change Order

Voted 5-0 to approve the change order in the amount of \$145,666.00 which represents a credit, (KM – RM).

New Business

1. Resolutions introduction for Referral to Committee

a. Resolution 07-01: Rules of the Council

Voted to dispense with the council rules and consider this resolution immediately, (JJ – JF).

Voted 3-2 , with Councilors Macksoud and McKenna opposed, for passage, (JJ – JF)

Voted 5-0 for reconsideration, (JF – JJ).

Voted 5-0 to refer this resolution to the ordinance committee, (JJ – JF)

Communications

Prescott Chatellier Fontaine Wilkinson LLP – Annual Audit

Voted 5-0 to defer to February meeting when the auditors can be present to review the audit and management letter, (KM – JF)

2. Ordinance introduction for Referral to Committee

a. Ordinance 07-01: An Ordinance in Amendment of the Code of Ordinances of the

Town of Lincoln Entitled “Boards and Commissions”

Voted 5-0 to refer to committee, (RM – KM).

Communications

2. State Mandated Financial Reports

a. School

b. Water Department

Voted 5-0 to defer, (KM – JJ).

3. Town Administrator T. Joseph Almond

Voted 5-0 to accept, (JJ – KM).

4. James B. Spooner

Mr. Spooner spoke about wishing to be exempt from paying the school portion of his tax bill.

Bids

a. Fuel Bid #2007-131

Adjourn 11:05 p.m.

Karen D. Allen

Town Clerk