

June 19, 2007

BOARD OF LICENSE COMMISSIONERS

The board of license commissioners was called to order at 7:01 p.m.

**Motion to recess meeting until the Town Solicitor arrived. (JJ-KM)
Passes 5-0**

Board of License commissioners reconvened at 7:02 p.m. with all councilors present. Also present were Town Administrator T. Joseph Almond. Town Solicitor Anthony DeSisto, Deputy Town Clerk Maureen F. Smith, the Lincoln High School Boys Track Team RI Class C Champions, Miss RI Outstanding Teen, Girl Scout Gold Award Recipients and members of the public.

The assembly rose for the Pledge of Allegiance

**Motion to approve the minutes of the April 17, 2007 and May 15, 2007 meetings with the following amendment passed unanimously.
(KM-JF)**

Amendment to the April 17, 2007 minutes are on page 2, paragraph 3. The words in parenthesis that read 12:00 a.m. closing should read 12:00 a.m. closing time.

First Mill Ventures, LLC d/b/a Del's of Cumberland (Lincoln Mall)

Motion to approve victual ling license passed unanimously with the following restrictions. (KM-RM)

- 1. Operation is at the Lincoln Mall address only.**
- 2. Hours of operation are from 10:00 a.m. to 8:00 p.m.**
- 3. Location in the lot is between Soveigne Bank and McDonalds.**

First Mill Ventures, LLC d/b/a Del's of Cumberland (bike path)

Motion to approve victual ling license pending the approval and restrictions of the State of Rhode Island passed unanimously. (KM-JF)

Front St. Fresh Market d/b/a Brigido's Fresh Market

Motion to approve passed unanimously. (JJ-JF)

Council President Jeremiah O'Grady requested that the clerk put the Holiday License application on the next full council agenda.

Sergeant C's Ice Cream and Italian Ice (mobile trailer)

Motion to grant with a time restriction of 10:00 a.m. to sunset passed unanimously. (RM-KM)

Amica Insurance for event on June 23

Motion to grant passed unanimously. (RM-KM)

BVL License for Blackstone Pizza and Grill at 3 Wake Robin Road

Motion to approve advertising for a Public Hearing to be held on July

17, 2007 at 7:00 p.m., for a BVL License for Blackstone Pizza and Grill at 3 Wake Robin Road passed unanimously. (KM-JJ)

Application for Holiday Sales License Dollar Tree at 622 George Washington Highway

Motion to approve passed unanimously. (JJ-KM)

Application for Laundromat License Manville Cleaning Center

Motion to grant passed unanimously. (RM-JJ)

Application for Private Detective License Rosa M. Freire (renewal)

Motion to grant passed unanimously. (JF-KM)

Communication Alido Baldera

Motion to discuss passed unanimously. (KM-JJ)

The council and Mr. Baldera discussed the communication Mr. Baldera sent to the council in regards to a security update for his establishment on Reservoir Avenue.

The Town Solicitor requested that Mr. Baldera forward the information on his private security agency to the Lincoln Police Chief. He also requested that The Lincoln Police Officers that are assigned details to his establishment be moved to the out side of the building. Mr. Baldera questioned why this would be necessary as he feels that the police presence inside of the building helps. The solicitor explained that the Town was following standard state guidelines. The Town Administrator stated that the officers could be called inside due

to any disturbances that may occur.

Motion to accept the communication passed unanimously. (KM-JJ)

Motion to adjourn passed unanimously. (JJ-RM)

Meeting adjourned 7:32 p.m.

TOWN COUNCIL

The town council meeting was called to order at 7:33 p.m. by council president Jeremiah O' Grady with all members present.

Presentations

Council President Jeremiah O'Grady presented Girl Scout Gold Awards to recipients: Janelle L. Garneau, Valerie Miller, and Joyce Taylor.

Town Administrator T. Joseph Almond presented a citation to Miss Rhode Island Outstanding Teen Lindsay Rogers.

Lincoln High School Boys Track Team RI Class C Champions were presented citations by the Town Administrator. The administrator also issued citations to the track team coaches.

Consent Agenda

All items listed with an asterisk (*) are considered in one motion. There will be no separate discussion of these items unless a Councilor so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

**Motion to approve the consent agenda as amended passed 5-0.
(KM-JJ)**

The consent agenda consisted of:

Minutes (*)

- 1. March 19 – Work Session**
- 2. May 3 – Special Meeting**
- 3. May 8 – Ordinance Committee**
- 4. May 15 – Work Session**
- 5. May 15 – Regular Meeting**
- 6. June 7 – Special Meeting**
- 7. June 7 – Ordinance Committee**

Claims for referral to Committee (*)

- 1. Richard C. Tallo Attorney for Deborah Scott**
- 2. Dennis Pierson**

Pole Placement (*)

- 1. None**

Communications (*)

- 1. State Mandated Financial Reports**
 - a. Water Department**

2. RI DEM

3. RI DEM

4. City of Cranston

5. Town of Portsmouth

6. Town of Westerly

Reports (*)

1. Town Administrator

Tax Abatements (*)

a. \$2,495.57

Public Comment

The floor was opened to public comment.

Town resident John Cullen spoke against a 2007 bill in the house finance committee. He stated that the bill denies the rights of cities and towns in regards to gambling and allows expansion without control by the cities and towns. He requested the council to send a resolution to the general assembly to take action against the bill.

Former State Representative John Barr thanked the council for stepping forward to act against a courthouse being built in the town.

Former candidate for town administrator Edward O'Neil stated that he was in agreement with the previous speakers. He feels that the town is losing control over what happens in the town. i.e. The planned

courthouse and the expansion of gambling. He also thanked the town administrator for his help in the annual Cobble Hill Road clean up.

Public comment session was closed by councilor O'Grady

D. Minutes (*)

3. April 16 – Special Meeting

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

4. April 16 – Purchasing Committee

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

5. April 16 – Work Session

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

6. April 17 – Ordinance Committee

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

7. April 17 – Public Safety Committee

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

8. April 17 – Claims Committee

Defer and continue to the next regular council meeting passed unanimously. (KM-JJ)

9. April 17 – Regular Meeting

Council President O'Grady requested a motion to amend the April 17,

**2007 regular meeting minutes due to a typo on page 5 under Planning Board appointments. The last name of the planning board appointment was spelled incorrectly. He requested the spelling be changed to OrdonPaz. So moved and passed unanimously. (JJ-KM)
Motion to approve as amended passed unanimously. (JF-KM)**

E. Appointments

1. Tenant Board – District 4

Defer and continue to the next regular council meeting passed unanimously. (JJ-RM)

2. Sewer Appeals - District 1

Defer and continue to the next regular council meeting passed unanimously. (JJ-RM)

3. Conservation Commission – District 4

Defer and continue to the next regular council meeting passed unanimously. (JJ-RM)

4. Parks and Recreation Commission – District 5

Motion to appoint Robert Sylvestry to the Parks and Recreation Commission for District 5 passed unanimously. Mr. Sylvestry was sworn in by Deputy Town Clerk Maureen F. Smith.

5. Tenant Board – District 1

Council President requested a motion to re-appoint Karen Bradbury to the Tenant Board in District 1. So moved and approved unanimously. (JJ-KM/JF)

F. Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$48,978.00**
- 2. Accounts Payable – Town: \$324,469.04**
- 3. Direct Pay – Town: \$1,139,330.57**

Motion to amend and add the dollar amount to the monthly bills in the above amounts approved unanimously. (KM-JJ)

G. Unfinished Business

Claims Committee Report

a. Diane Good

Motion to defer passed 5-0. (RM-JF)

Ordinance Committee Report

Ordinances – vote on Ordinances for consideration and/or passage

a. Ordinance 07-06: Creation Lonsdale Redevelopment Agency

It was reported that this ordinance is still in committee

b. Ordinance 07-08: White Goods

Motion to discuss passed unanimously. (KM-JF)

The town administrator gave a report of the costs the town is now charged for white goods. He stated that this was not a revenue generator but new fees that are being assessed to the Town.

Councilor Flynn stated that he is opposed to the ordinance. He feels it is an inconvenience to the residents to have to come to town hall to get a tag to place on their white goods to be picked up. He stated it

will encourage people to dump and that there are no other cities or towns doing this.

Councilor Macksoud stated that he was in favor of the ordinance.

Councilor Jahnz stated that it hurts lower income residents.

Councilor Macksoud made a motion to adopt. Motion failed for a lack of a second. Ordinance 07-08 did not pass.

Resolutions – vote on Resolutions for consideration and/or passage

a. (none)

Public Safety Committee Report

Councilor Flynn gave the public safety report. He updated the council on the Cobble Hill Road/Mount Avenue area, the guardrail on Higginson Avenue and stated the committee was speaking about the Town evacuation and disaster plan. There was no action taken by the committee. Motion to accept the public safety report passed unanimously. (JJ-KM)

Purchasing Committee Report

. Bids

a. 50/50 Curbing Program

Motion to award the bid to Narragansett Improvement Company passed unanimously. (JJ-KM)

b. Delinquent Tax Collection Services

Motion to award the bid to Rossi Law Offices, Ltd. passed unanimously. (JJ-KM)

c. Sand and Gravel

Motion to award the bid to Pyne Sand & Gravel passed unanimously. (JJ-KM)

d. Highway Crack Sealing

Motion to award the bid to Crack Sealing Inc. passed unanimously. (JJ-KM)

e. Crushed Stone

Motion to award the bid to J.H. Lynch passed unanimously. (JJ-KM)

f. Cut and Patch Bituminous Concrete

Motion to defer the bid passed unanimously. (KM-RM)

g. Bituminous Concrete-in Place

Motion to defer the bid passed unanimously. (JJ-KM)

h. Asphalt Patch – Hot

Motion to award the bid to J.H. Lynch passed unanimously. (KM-JF)

i. Asphalt Patch – Cold

Motion to award the bid to Johnston Asphalt, LLC passed unanimously. (KM-JJ)

H. New Business

1. Resolution introduction for referral to Committee

a. Resolution 07-24: Authorizing the Write-Off of Uncollectible Taxes

Motion for immediate consideration passed unanimously. (KM-JJ)

Motion to adopt the resolution passed unanimously on a roll call vote.

Resolution 07-24

**RESOLUTION AUTHORIZING
THE WRITE-OFF OF UNCOLLECTIBLE TAXES**

WHEREAS, under R.I. General Law, motor vehicle and tangible property taxes are uncollectible if they are over ten years old and;

WHEREAS, uncollectible accounts have not been written off since June, 2000 and;

WHEREAS, a reserve has already been taken for the write-off of these uncollectible taxes, now:

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lincoln that accounts for uncollectible taxes totaling \$1,436,426.85 (\$781,486.12 for tangible property and \$654,940.73 for motor vehicles) that are over ten years old as described below shall be written off.

1987 \$ 29,759.83	1988 \$ 44,316.82
1989 \$ 153,940.33	1990 \$ 203,837.53
1991 \$ 186,629.74	1992 \$ 188,264.24
1993 \$ 184,647.01	1994 \$ 172,888.97
1995 \$ 167,460.70	1996 \$ 104,681.68

Adopted this 19th day of June 2007.

Attest:

Karen D. Allen

b. Resolution 07-25: Tennis Courts

Motion for immediate consideration passed unanimously. (JJ-JF)

Motion to adopt was passed 3 to 2 on a roll call vote. (JJ-JF)

Votes in favor: Jahnz, Flynn and O'Grady

Votes in opposition: Macksoud and McKenna

Resolution 07-25

Resolution of the Lincoln Town Council

WHEREAS: Throughout the Town of Lincoln there has been substantial deterioration and/or the need for extensive repair to the Town's existing athletic and recreational tennis courts;

AND WHEREAS: The deterioration is due to many factors, including weathering;

AND WHEREAS: The existing Town tennis courts have long provided a source of recreation for town residents, and offer an alternative form of exercise for residents;

AND WHEREAS: In addition to use by our students, many residents use the tennis courts throughout the town as a part in maintaining a healthy lifestyle;

AND WHEREAS: The Town Council has encouraged the promotion of athletic and recreational activities through its support of improvements to other recreational facilities in town;

THEREFORE BE IT RESOLVED: That the Lincoln Town Council requests that the Capital Improvement Committee consider repairing the Town's tennis courts in the Capital Improvement Plan, and the Capital Improvement Committee consider the feasibility of long term solutions in order to accomplish this end.

Submitted by: Councilman James R. Jahnz

Submitted on: June 5, 2007

Adopted this 19th day of June, 2007

c. Resolution 07-26: Water Falls

Motion for immediate consideration passed unanimously. (JF-JJ)

Resolution was withdrawn by Councilor Flynn after discussion.

d. Resolution 07-27: Designating Curbing Funds

Motion for immediate consideration passed unanimously. (KM-JJ)

Motion to adopt passed in a 3 to 2 roll call vote. (JF-JJ)

Votes in favor: Jahnz, Flynn and O'Grady

Votes in opposition: Macksoud and McKenna

This resolution was introduced by Town Administrator T. Joseph Almond

Resolution 07-27

RESOLUTION DESIGNATING CURBING FUNDS

WHEREAS, several of the Town's curbs and sidewalks have deteriorated over time and;

WHEREAS, several residents may not enjoy the benefit of curbing at their property and;

WHEREAS, the FY2007-2008 approved budget includes \$50,000 for the 50/50 sidewalk and curbing program and;

WHEREAS, there are sufficient funds available in the designated Capital Reserve Surplus as of June 30, 2007 to support this resolution

and;

WHEREAS, the Town Council desires to provide assistance to Town residents in improving the street side of their property, now:

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

\$100,000 of the Town's surplus designated as Capital Reserve shall be made available for use as the Town contribution in the 50/50 sidewalk and curb program.

Submitted by T. Joseph Almond

Adopted this 19th day of June 2007.

Attest:

Karen D. Allen

e. Resolution 07-28: Enabling Legislation, Tax Increment Financing

Motion for immediate consideration passed unanimously. (JJ-JF)

Motion to adopt. (JJ-JF)

This resolution was introduced by Council President Jeremiah O'Grady.

Motion to amend the resolution by striking Line 3 and Lonsdale

Bleachery passed unanimously. (JJ-JF)

Motion to append passed unanimously. (KM-JF)

Resolution

07-28

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LINCOLN

Resolved:

The Town Council of the Town of Lincoln hereby requests that the Rhode Island General Assembly enact the proposed legislation attached hereto and made a part hereof, amending R.I.G.L. § 45-33.2-1, et. seq. to authorize Tax Increment Financing for the Lonsdale Bleachery Redevelopment Area Project, and further, to exempt the increased tax yield from the Lonsdale Bleachery Redevelopment Area Project from the limitations on the tax levy set forth in R.I.G.L. § 44-5-2.

Adopted this 19th day of June, 2007

Submitted by Town Administrator T. Joseph Almond

ATTEST: Karen D. Allen

2. Ordinance introduction for referral to Committee

a. Ordinance 07-09: Amendment to Adult Entertainment Ordinance

Motion to refer to committee passed unanimously. (JF-JJ)

b. Ordinance 07-10: Establishment of Class C License

Motion to refer to committee passed unanimously. (JJ-JF)

c. Ordinance 07-11: Amendment to Non-Classified Employee Compensation Ordinance

Motion to refer to committee passed unanimously. (JF-KM)

d. Ordinance 07-12: Amendment to Juvenile Hearing Board

Motion to refer to committee passed unanimously. (JF-JJ)

Councilor Macksoud informed the council that the ordinance was introduced by himself and Councilor McKenna.

2. Consideration of Administrator Pay Adjustment

Motion to adopt passed unanimously on a roll call vote. (JF-JJ)

3. Street Lights – Discussion

Councilor Flynn stated that he has had complaints in regards to a lack of lighting in the Hope Street area of Lonsdale. He stated that he was informed by the town that the lights go on every other pole and that Hope Street is in compliance with the formula. Councilor Flynn would like to have the area looked at again as his feeling is that there is room for another streetlight and that Hope Street is not in compliance with the formula. The town administrator will look into this.

4. Courthouse – Discussion

Councilor Macksoud stated that he has been in contact with Chief Justice Williams. He would like to see where the discussions go before the council takes any further action in regards to the courthouse.

Town Administrator Almond stated that there were no secret meetings being held in regards to the courthouse.

5. Year End Bill Payment- Discussion and/or Action

Motion to authorize the finance director to pay the bills on June 30, 2007 passed unanimously. (RM-JF)

6. Middle School Traffic Safety Issue: Discussion and/or Action

Motion to have the clerk draft a letter to send to the State DOT to have a lighted crosswalk installed on Jenckes Hill Road at the Middle School to the Lime Acres Park by the start of the school year passed unanimously. (JJ-JF)

The Town Administrator suggested that the council look for support from the police department and the school.

7. Capitol Improvement Committee Report

Councilor McKenna gave a report on the Capitol Improvement Committee. He stated that the number one priority is the Senior Center and that a sub-committee has been formed.

I. Communications (*)

7. State Mandated Financial Reports

a. Town

Motion to approve passed unanimously. (JF-RM)

b. School

**Motion to defer to the next full council meeting passes unanimously.
(KM-JJ)**

8. T. Joseph Almond, Town Administrator

Councilor Macksoud would like to have to school department put on notice in regards to the administrators' communication about state cutbacks.

Motion to accept communication passed unanimously. (RM-JJ)

9. Paul A. Brule

Councilor McKenna expressed his thanks to Attorney Paul Brule for his years of service to the town as assistant solicitor. He asked the council to accept Attorney Brule's letter of resignation with regret.

Motion to accept communication passed unanimously. (RM-JJ)

Adjourn

Motion to adjourn passed unanimously. (RM-KM)

Meeting adjourned at 10:55 p.m.