

A special meeting of the Town Council held for the Town of Scituate on Wednesday, June 22, 2016 at the Scituate High School auditorium, 94 Trimtown Road, N. Scituate was called to order at 7:00 PM. Council President Collins was presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll. Roll call vote as follows:

- Councilman Hurry – present
- Councilwoman Bianchi – present
- Councilwoman Frederickson – present
- Councilman Campbell – present
- Council Vice- President Winfield – present
- Council President Collins -- present
- Councilman D’Agostino – absent

Motion made by Councilwoman Bianchi, seconded by Councilwoman Frederickson to open the public hearing.

- Councilman Hurry – aye
- Councilwoman Bianchi – aye
- Councilwoman Frederickson – aye
- Councilman Campbell – aye
- Council Vice – President Winfield – aye
- Council President Collins – aye

Motion passes.

Mr. William Kramer, the Fire & EMS Consultant introduced himself and gave a brief discussion of what he would like to accomplish with this study. He said he hopes to preserve the volunteer system and provide a neutral third party perspective. He asked the audience what concerns they have and what they would like to see addressed in this study. Mr. Kramer hopes to be as inclusive as possible.

Mark Horner, 81 Trimtown Road, asked what the consultant fee is? Mr. Kramer stated it is \$19,000.00 with out expenses. Mr. Horner then asked if Mr. Kramer received a directive from Council or from anyone else to which Mr. Kramer replied no.

Tom Marcello, 207 Old Plainfield Pike, asked how dedicated the Council is to implement the recommendations from Mr. Kramer. He asked what the Council would do if Mr. Kramer suggested closing stations and have paid fire/rescue services.

President Collins responded that they are very motivated. He said that they don’t want to waste money, they need direction as to where and how to allocate funds. He said he wants to provide the best public safety service that the town can. That’s why they are holding this public hearing and will hold another public hearing in the future to hear resident’s concerns.

Mr. Marcello also asked if they have decided on possibly having just one paid Fire Chief. Mr. Kramer said it is premature right now to decide that. If that is the recommendation, then it can be done in steps. He said in some places, he has recommended integrating volunteer and paid positions. He said it has been a pleasure working with Scituate residents and Fire departments. For full discussion, please refer to the audio of meeting.

The next public hearing was regarding the Providence Water Supply Board's proposal to close certain town roads in exchange for specific land leases within town. Council President Collins explained to the audience that PWSB had contacted them earlier in the day and said they would not be attending the meeting. They submitted a letter to be read into the record which Council President Collins read (letter herewithin). A quorum of Foster Town Council members, their Police Chief, Fire Chief and, and their Deputy EMA Director were also present at the meeting.

Foster Council President Lewis said that his specific concerns are with the portions of Hemlock and Ponnagansett roads. Portions of those roads are in Scituate and part are in Foster. If those roads are closed, it isolates the Foster residents and would negatively effect their residents. He would urge Scituate Town Council to not agree to the road closures. He also stated that in Foster, there are many gates that are locked by PWSB which are supposed to allow emergency vehicle access. However, this does not work as none of the emergency personnel have access to the keys. This is similar in Scituate. Mr. Lewis wanted to be on record stating that he strongly opposes the closing of these two roads as it will negatively impact the residents of Foster for many reasons; longer emergency vehicle response time, potential increase in insurance premiums, and decrease in property value.

Robert Gregory, 439 Rocky Hill Road, said that he was upset that no studies were done regarding traffic or run off. It is really going to effect the quality of life of many residents in town. He said the state should be involved if there is a real water quality issue.

A letter was read from a Foster resident who lives on Hemlock Road. The letter said the proposed closing of these roads would have a drastic change in her living conditions. It will limit exit in case of an emergency, and will also limit patrolling in the area around her home. She has lived there for 45 years. She said she has tried to be a good neighbor and has taken her stewardship seriously. She is afraid of increased mischievous activity. She opposes the closures of these roads.

Foster Council Member stated that they have received no communication from PWSB regarding the closing of Hemlock or Ponnagansett Road. He said that he feels that they are offering Scituate essentially nothing, and if a proposal is made to Foster, they will also offer them nothing. He said that this has been going on with PW for a long time and it is time to draw a line and no longer enable these things from happening. It's time to take a stand.

Jane Christopher, Ponnagansett Road (Foster), stated that she has lived there for many years and the home has been in her family for over 100 years. She said she has security and egress concerns.

Town Clerk Long read a letter from a Scituate resident who strongly opposed the closure of Ponnagansett Road. He said that his family cemetery is located there and he believes he should be able to visit, attend funerals, and decorate whenever he wants to. The foot option will not work for him, as he is disabled. He wants to be able to have access.

Donna P., Quaker Lane, was concerned with increased traffic on her road and longer response times for residents in her area due to the road closures. She asked what the next steps are considering it seems no one in town is for this proposal.

Council President Collins said that he wants to hold these public hearings so everyone can get their opinion heard and on record. He said that if we don't take the proposal, the next step would be that the Town needs to sit down with them and come up with some sort of agreement.

Sal Calise, Old Plainfield Pike, asked if the land that the fire station and parking lot sits on can be taken by eminent domain.

Town Solicitor D'Agostino explained that his concern if the town decides to exercise their power of eminent domain and take that property, is that the town would be taking land that was taken from the town by eminent domain. It creates a circular argument. He said this is not something that really comes before the courts so he can't advise onto previous cases and make predictions of outcomes. He doesn't think the Doctrine of Adverse Possession would apply for the town of Scituate because we had leases and when they ran out, PWSB knew we were still using the land so therefore it wouldn't meet the requirements.

Mr. Calise asked if the courts would favor the town seeing as we already have functioning fire stations there that provide necessary services to the residents of the town. Mr.

D'Agostino said that may be the case, but it would be difficult to take legal action on this matter without knowing what the outcome may be.

Dwight Farrar, Central Pike, said that these roads add to the character of the town of Scituate. We have already had to give up many things to PWSB. He strongly opposed giving up the character of our town and we need to fight as hard as we can.

Dennis Charland, Ridge Drive, stated he has been involved with the fire department for many years however he is also an insurance agent. He said that if you eliminate access and increase the travel distance from resident to fire station over 5 miles that would change their classification to a class 10 town which would increase their insurance bill by \$250/year. This would effect everyone in N. Scituate area.

Ian Noonan, Scituate Resident, said that he thinks it is intolerable that they want to shut roads that residents use, making other winding and dangerous roads more dangerous. He also said that the dirt roads are what make our town and they want to take those too. He found it insulting that they sent a letter effectively threatening us if we don't agree to their terms. He believes we need to fight for our town and need to stand up to PWSB.

Council Vice – President Winfield stated that he is against giving PWSB anything because he feels we sacrifice enough as a town. He asked the citizens three questions. First, would you like us to pursue eminent domain on the fire stations and the town hall. Secondly, he asked if they would like the town to look into taking the whole reservoir by eminent domain. And lastly, would you like the town to refer the matter of being threatened by a public official at the last meeting to the RI State Police. The audience enthusiastically answered yes to all three questions.

Motion made by Council Vice – President Winfield, seconded by Councilwoman Bianchi to take that into account and ask the Town Solicitor to contact the RI State Police about the charges of threats by a PWSB official at the May 26, 2016 meeting.

President Collins said that he understands how everyone feels, but do we want to get into a big legal battle. He agreed with trying to see if we could get the finances to buy the reservoir from PWSB and he agrees with contacting the RISP or the Attorney General.

Councilman Campbell stated that he doesn't think there is a person on the council that supports closing the roads, however he believes that in the letter they received today from PWSB

there are seeds of offer of settlement. Perhaps there could be mitigation and a fair appraisal there could be a settlement or agreement.

Council President Collins said that after the last meeting, Carissa Richards (PWSB lawyer) apologized if anybody felt like the City of Providence was blackmailing the town. He said to her, I don't feel it was blackmail, I feel it was extortion. He said if it was true extortion, the council and town would be backed into a corner with no way out. He feels that they are not in that position, because we still have options for negotiations.

Councilman Hurry said that he thinks we should be cautious because it could come back on us in very serious ways. He does support reporting this to the RI State Police and the Attorney General, and also supports resuming conversations with the PWSB in accordance to the letter that was received today. However, he is uncomfortable with the entire motion as it reads with eminent domain.

Dwight Farrar, Central Pike, urged the council to stay firm but don't alienate them. It would be best to negotiate but don't give up too early.

Councilman Hurry called the motion.

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Ted Richard, Seven Mile Road, said that when he was Council President, he was the lead negotiator with PWSB for eight years to get a tax treaty negotiated. He reminded everyone that the tax treaty renegotiation is coming up soon. He thinks that when the tax treaty comes up, that is the time to negotiate and he thinks it can be worked out. It was before, and it can be done again.

Marylou Umbriano, Waterman Drive, said that she is a member of the School Committee and the liaison to school transportation. She has great concern with closing these roads as it will have an effect on students. It will cause longer bus routes and more time spent on buses. It could also increase the expenditure for transportation.

Alex Cerrullo, Westcott Road, said he was upset that PWSB keeps taking more and more land and that they are using the town hall and fire station land as a negotiating tool. They use it to control us. We need to find a way to stop them from doing this.

Mark Horner, Trimtown Road, said that PWSB spent millions on the water purification plant. He asked if the town has received any money for the permits they would have needed for the renovations. Council President Collins said that he would look into it.

Mike Payette, Rocky Hill Road, said that he agrees that what is going on is extortion. He thinks we should try to go after the properties and exercise the right of eminent domain and that the town should contact RISP and the Attorney General as the conversation in which the extortion claims took place are on record. He was also upset that PWSB did no homework on run off or traffic. He said they basically stated that they don't need the roads but they want the roads. He doesn't want to see anything else taken from the town.

Kristen Russo, S. Woodland Road, pointed out that rt. 116 is often shut down for community events (Art Festival, Graduation, etc.). Closing some of the roads that PWSB is suggesting would eliminate exit access for some residents when these events occur. She is also concerned that other roads will see increased traffic and pointed out these are rural roads where children play. It will be more dangerous.

Councilman Hurry stated that if he thought the eminent domain issue was a slam dunk that we would be able to take these properties and be successful at it, then he would be for it. He asked Solicitor D'Agostino to clarify the opinion that he sent. Councilman Hurry said that his interpretation of the opinion, is that it is not a slam dunk. Solicitor D'Agostino said that he agrees that it is not a slam dunk. It's embarking into uncharted territory. He said the General Assembly allowed Providence Water to take land in the town of Scituate by eminent domain to create the reservoir. The town can take land for public use as long as they give compensation. He said this is a unique situation because essentially it would be a municipal corporation trying to exert eminent domain over a quasi-municipal corporation. He does think the town has a slight upper hand but really he thinks a measured approach is the best option.

Council Vice – President Winfield said no offense to Solicitor D'Agostino, but he thinks this is a very serious issue and thinks that perhaps engaging a nationally known law firm from perhaps DC that is more familiar with eminent domain laws would be a good option. He asked President Collins to appoint a committee to look into this option on behalf of the residents.

Motion made by Council Vice President Winfield, seconded by Councilwoman Bianchi to appoint a committee to look into engaging a DC law firm with knowledge of eminent domain laws on behalf of the residents.

Councilman Campbell thinks this is going to be very expensive. Council Vice President Winfield said that it may be a big bill but it doesn't cost anything to go ask questions and bring the information back to the council. Residents discussed their opinions on the motion. Refer to tape for discussion.

Councilman Hurry called the question.

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Members of the audience expressed their opinions regarding the proposed road closures and eminent domain. Please refer to tape for full discussion.

Council Vice – President Winfield, seconded by Councilwoman Bianchi to deny PWSB's request to close the roads mentioned in the Public Hearing.

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Motion made by Councilman Campbell, seconded by Councilwoman Bianchi to close the public hearing.

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Town Clerk Long called the roll. Roll call vote as follows:

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Council President Collins stated it was brought to his attention that Foster needs to build a new police station, and that they may be interested combining a police station together with the Town of Scituate. He spoke with Foster Council President Lewis about putting a RFP out for a

consultant to look into this and other police needs. President Lewis said that the town of Foster is in need of a police station. Their building committee is reviewing several options. They are waiting for the recommendation from their committee. A representative from the Foster Building Committee asked if the Town of Scituate had any interest in this option. It was the consensus of the Scituate Council to get a consultants report on the Town of Scituate's police needs first. Councilman Hurry stated that we are interested in a new police station also, but want to see these results first. Council President Collins said that there will be an RFP for the consultant on the next regular council meeting agenda.

During Council remarks, Councilman Campbell thanked the Foster Town Council and the residents of Foster for coming this evening and voicing their opinions.

Councilwoman Frederickson thanked everyone for coming to share their concerns with the council.

Councilman Hurry said it was a great discussion this evening.

Councilwoman Bianchi thanked everyone for coming and expressing their concerns.

Council Vice President Winfield thanked Foster for coming; it is always nice to work with other towns. He also thanked everyone for coming and showing support this evening.

Council President Collins also thanked everyone for coming and thought it was great to have public hearing where residents were able to voice their opinions and get them on record.

Motion made by Councilman Hurry, seconded by Councilwoman Frederickson to adjourn the meeting at 8:37 PM and to keep the minutes of the meeting previously closed to the public; closed pursuant to RIGL 42-46-4 and 42-46-5 and allow the Town Clerk 14 days to prepare the minutes of the meeting.

Councilman Hurry – aye

Councilwoman Bianchi – aye

Councilwoman Frederickson – aye

Councilman Campbell – aye

Council Vice – President Winfield – aye

Council President Collins – aye

Motion passes.

Attest:

Margaret McGraw Long, CMC

Town Clerk

For complete discussion please refer to the tape.