

A special meeting of the Town Council held on Tuesday, May 20, 2008 for the Town at Town Council Chambers and was called to order at 7:05 PM. Council President Budway presiding.

After pledging allegiance to the flag of our country, Town Clerk Long called the roll:

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| Councilman Collins-present | Councilman Salisbury - present |
| Councilwoman Knowlton-present | Councilman D'Agostino - present |
| Councilman Winfield - present | Council Vice-President Farrar - present |
| Council President Budway – present | |

Council President Budway stated there are two items on the agenda under discussion and/or approval: the Town Town Treasurer's assumption of the departing Deputy Treasurer's responsibilities and increased compensation to the Town Treasurer, and increased compensation for the Acting Director/Deputy Director of Public Works. Mr. Budway stated the agenda that he has shows the audience participation as Item #5, and he thought that was modified so the audience participation was #4. Councilman D'Agostino said his agenda says it is #4.

President Budway stated the first item on the agenda is audience participation, and he asked if anyone in the audience wished to address either or both of the two items that are on the agenda? Michael Marcello, Chopmist Hill Road, stated he doesn't mean to be premature because he doesn't really know what the discussion is going to be, but he would like to get some more information about the assumption of the roles of the Deputy Town Treasurer and where that may lie. Mr. Marcello asked why is the Council discussing this on a Tuesday night that is not a normal Council night. Is there an emergency situation or a rush? Mr. Marcello asked when the Council learned that the Deputy was retiring? He believes there was discussion during the budget sessions or before that she expressed an interest in retiring this year. Mr. Marcello stated he may have other questions depending on what the discussion is, including some legal concerns about what is being done tonight.

Council President Budway started that part of these questions will be answered when the Council gets into the discussion.

Richard Finnegan, 47 Ridge Road, stated he did a little research on what is being done tonight with the Town Treasurer. According to R.I.G.L. 45-8-6, "Town treasurers may, by and with the approval of the town council, appoint a deputy whenever the appointment is necessary, and the deputy appointed has all the powers and can perform all the duties which are incumbent on the town treasurer....."

Mr. Finnegan stated the Treasurer may not appoint himself to the Deputy Treasurer's position, because according to McQuillian on Municipal Corporations, officers who have appointing power are disqualified for appointment to office to which they may appoint. Such exercise of the appointive power is against public policy and void on its face. Therefore, the Treasurer may appoint a Deputy Treasurer, but not assume those duties which are already incumbent upon the Town Treasurer. It is on the agenda this evening that the Treasurer is going to assume the duties that are his, and get an increase in salary for duties that are his, that he already has. Council President Budway asked Mr. Finnegan to repeat his comments for the benefit of Counsel, Town Solicitor David D'Agostino, who just arrived at the meeting. Mr. Finnegan did so.

Mr. Finnegan stated that also according to R.I.G.L. 17-1-5.1 titled Municipal and State Employees holding elective public office, it states "no municipal employee may hold a municipal elective office in the city or town in which he or she is employed." Mr. Finnegan stated he does not know if we are trying to make him an employee, or what exactly we are trying to do tonight. Mr. Finnegan stated that in the footnote to the statute, it makes reference to the Cranston Teacher's Alliance vs. Miele which finds, "the government has a strong interest in protecting its employees from entanglements caused by dual positions or even the appearance of such entanglements." The statute only requires that the defendants only chose one of two opportunities for the sole purpose of avoiding this conflict of interest. So he can be Treasurer or he can be an employee of the Town. That is his choice. If we want to make him a Deputy Treasurer or give him an office job, that would be the Treasurer's choice. If he works for the Treasurer's office, he will be working under the Treasurer. We may have to have a special election if he so desires to become an employee of the Town.

Mr. Finnegan further stated he called the Ethics Commission, and according to the Rhode Island Code of Ethics in government, the Scituate Town Treasurer is subject to the provisions by being a municipal elected official. Therefore, the Treasurer is required by statute 36-14-6 for the filing of a report with the RI Ethics Commission when the institution of an action can reasonably be expected to result in profit to the official taking action. The code provides that a conflict of interest exists if a public official has reason to believe or expects that he will derive a direct monetary gain by reason of his official activities. The pending approval of the Scituate Town Council to increase compensation of the Town Treasurer is a direct conflict of interest. The argument that the Treasurer could not be in conflict of interest because he lacks the power to increase his income salary directly must fail. Any action concerning the Treasurer's Office is at the discretion of the Treasurer. The pending approval appears to be in conflict with the policy

expressed in the ethic statute that public officials must not improperly use their offices for personal gain. Mr. Finnegan stated he does not know what is being done tonight with part A of the agenda, but if the Council so desires to give the Treasurer an increase in salary for duties that he already has, they should look at this long and hard. Also, he is an elected official, and at the Financial Town Meeting, the townspeople voted for salaries for the Town Council, the Town Clerk and the Town Treasurer. Mr. Finnegan stated he doesn't know what authority the Town Council has to change the salary of any of our elected officials. If the Town Council wants to change the salaries of our elected officials, it would have to be for the next election, not our officials here tonight.

President Budway asked if anyone in the audience wished to make any comment. There was no one. Mr. Budway asked Solicitor D'Agostino if he had any comments regarding Mr. Finnegan's comments. Solicitor D'Agostino stated he is interested in the research that Mr. Finnegan has done. For the Council's information, the Town Treasurer's position and the Town Treasurer's ability to designate a Deputy is controlled by R.I. General Laws. The Town Treasurer is given compensation presently. If there is no Deputy Treasurer because the present one is retiring or leaving the post, certainly the Treasurer can assume those duties which to this point were assumed by the Deputy. It is not inappropriate to provide him with a compensation commensurate with that increased responsibility. The Treasurer is an elected official. The power to authorize compensation is within the authority of the Town Council. The Town Council is the governing body of the Town of Scituate. Mr. D'Agostino further stated if there is a disagreement with Mr. Przybyla as the Treasurer or a question of his duties as Treasurer, then that is up for consideration every election. Mr. D'Agostino stated he does not know if this adequately addresses the concerns or comments made by Mr. Finnegan. Council President Budway asked if there is any parallel between the proposal here this evening for the Treasurer with the Town Clerk's situation? The Town Clerk is also an elected official and she receives 2 forms of compensation. Town Clerk Margaret Long stated no she never did. The Council would not give it to her because it was not included in the Financial Town Meeting. Mrs. Long stated she had to wait an entire year before she received health benefits, and she had to wait for the next fiscal year to receive what was called the Administrative Assistant's position, even though that was in the budget. The sitting Town Council at that time did not want to give Mrs. Long that designation. The Council waited until the next Financial Town Meeting to increase the pay by that amount, so she would not have the title. Mrs. Long stated she was elected in January, and she received compensation in April, which was more than one year later. Mr. Budway asked Mrs. Long if her compensation was increased to a level to reflect the additional responsibilities?

Mrs. Long stated yes, but she was told she could not receive it at that time because it was not voted on at the Financial Town Meeting. Mr. Budway asked Solicitor D'Agostino if there was any reason in his opinion that the Council should not proceed with the discussion? Mr. D'Agostino stated, "no" he did not see any reason. President Budway asked if there were any other comments from the members of the audience regarding item B? There were none. President Budway asked if there were any comments from the members of the audience regarding any matter, not just what's on the agenda? Michael Marcello stated that he hoped he will be able to interject once discussions begin and the Council gets into the detail of this. Mr. Budway stated as soon as the Council has had the opportunity to discuss this, they will invite comments from the audience.

President Budway moved to Item 5 – Discussion and/or approval of Item A – Town Treasurer's assumption of departing Deputy Treasurer's responsibilities/increased compensation to Town Treasurer. Mr. Budway stated the Deputy Treasurer, Sandra Young, will be leaving employment with the Town shortly. She is retiring after a number of years of service to the Town, which we thank her for that service. The intention of the Treasurer some time ago, when we discussed at some point last year, not only the departure of Sandra Young, but also the departure of the Chief of Police and the Public Works Director, was that these positions needed to be filled. The Treasurer has the responsibility to select the Deputy with the approval of the Council. Mr. Budway stated that Mr. Przybyla is somewhat semi-retired at this point, and indicated that he would be willing to fill in the Treasurer's responsibilities for a period of time; therefore, there is no immediate actions or efforts put into place to replace the Deputy at this time. Mr. Budway stated that given his willingness to embark on this course, it was suggested to the Treasurer by myself and others, that it would be in the interest of the Town that he would consider the assumption of the departing Deputy Treasurer's responsibilities and to be compensated accordingly if he would take this as a full time position. This makes particular good sense at this point in time because of the difficult financial situations that we find ourselves in currently, and what we know to be coming up in the very near future. It is important that we do have good financial control and also financial planning as we move forward in these difficult times, not only at the town level, but also at the state and federal level. Mr. Budway stated that in relation to Mr. Marcello's question as to why this is being done now, it's being done now to address the fact that the Deputy Treasurer will be leaving within the next several weeks, and rather than wait until the June meeting, it makes sense to address this items sooner. That is why it's on the agenda.

Councilman Salisbury stated he thinks it is a tremendous opportunity for the Town to avail themselves of having an individual who possesses the qualities of Ted Przybyla as their Treasurer taking care of those financial responsibilities that are becoming more and more important as the Town goes on. Mr. Salisbury stated that maybe he misunderstood Mr. Finnegan's comments, but he doesn't think Ted is appointing himself to the Deputy's job. Under statute any Treasurer has the right to appoint a Deputy. Our assumption here is if we have the Treasurer assuming the responsibilities that he was elected to perform in the first place, there wouldn't be any need for a Deputy. Mr. Salisbury stated that he does not believe this violates the R.I. General Law, and Mr. Finnegan may have a point on the Ethics, but he does not believe so. The ethics is always subject to interpretation by the Ethics Commission. Mr. Salisbury stated that this is a tremendous opportunity for the Town and we will be well served by having him in that position. Motion made by Councilman Salisbury, and seconded by Councilman D'Agostino that Mr. Przybyla assume the duties of the Deputy Town Treasurer as the full time Treasurer of the Town. Councilman Winfield stated that he also is very aware of the circumstances that RI is facing fiscally, and a month or two months ago that Council starting talking about ways of decreasing the overhead of the Town. Mr. Winfield stated we have an individual who is very capable of doing this; he is the Treasurer; he will be taking on more responsibilities. It has always been within his powers to appoint a Deputy or not appoint a Deputy. Mr. Winfield stated with money getting tighter, Mr. Przybyla is able to come in and save us a little money, so he thinks it's a great idea, and he would be in favor of the assumed additional responsibilities for the Town Treasurer.

Council Vice President Farrar stated that both Sandra and Ted have done an outstanding job and have served the Town very well. Mr. Farrar stated he was full confident that Ted could do this job and do it as well as Sandra has and assume both responsibilities as what he has done as the Treasurer and the Deputy. Mr. Farrar stated he wants to know more information about the ethics issue and what would happen if we are in violation of the ethics, and what is the fall back.

Town Solicitor David D'Agostino stated it's hard to say. The decision of the Council could be reversed with the Treasurer assuming those rolls of the Deputy. Mr. D'Agostino stated he is not convinced that there is an ethics issue, and it is something we could request an opinion on from the Ethic's Commission. With regards to compensation, the Treasurer is not setting compensation; the Town Council is setting compensation for the position. The duties of the Treasurer are spelled out, they are wide-ranging with regards to the financial responsibilities to the municipality. Mr. D'Agostino stated the Town could present the facts to the Ethic's Commission and request a ruling.

Councilman D'Agostino asked if the Town would like to go ahead with this providing that it is not an ethical problem? Do you want to make that a stipulation? Check with the Ethic's Commission first? President Budway asked Attorney D'Agostino what the timing would be on something like this. Attorney D'Agostino stated we could request an expedited ruling. We could send a notification out within a day or so. Mr. D'Agostino stated he does not know what their turn around time would be, but he would expect an expedited ruling should be back within a week. We could express to them the importance of getting a timely response.

Councilman Collins stated he supports Ted one hundred percent, and he thinks it's a great idea. He was for the idea when it first came out, but for a week or two, he would like to be on legal footing also. Mr. Collins would like to get the laws checked and get an ethics opinion. He would feel more comfortable with that.

Councilman Salisbury stated he doesn't have a problem with getting an ethics opinion, but he doesn't think you will get an opinion back with a week's time. Mr. Salisbury stated he is of the opinion that you make the appointment and then submit the ethics complaint. If it doesn't work out, then we will go through the same process we would have to go through anyway. Mr. Salisbury stated he would hate to see us get into a bind that Sandra leaves and we have nobody there to take care of the multitude of transactions that she has to take care of. Where does that leave us? Councilman D'Agostino said that is fine with him.

Councilman Winfield stated that he knows in the past when he's requested something from the Ethic's Commission, they were quite expedient about giving the information to us. It wasn't a hearing, it wasn't a final decision, but within a matter of a very short time, the staff lawyers came back with case law to cite reasons why or reasons not and for one or two weeks, it might not be a bad idea. Mr. Winfield stated he fully supports the Treasurer assuming additional responsibilities, but feels that it is not a bad idea.

Richard Finnegan stated the Council keeps saying that the Treasurer is going to assume additional responsibilities. The Treasurer is not assuming any additional responsibilities. The Treasurer has his responsibilities. The only thing the Treasurer can do legally is appoint a Deputy Treasurer. That is his choice. Mr. Finnegan stated there will be an ethics complaint, he promises that. He called the Ethics Commission already, and they are waiting to see what will be done here tonight. Mr. Finnegan stated that the best thing to do is to call down there and get an opinion. He doesn't see any rush. The Treasurer is obligated to do his duties. If he doesn't, there are penalties attached to that. We are looking at extra compensation for something that he already has to do. Mr. Finnegan stated that if the Council goes ahead with this vote tonight, he

will file his complaint and we will go from there. He would hate to see that happen, and thinks the Council needs to get an opinion before they go forward.

Michael Marcello stated he thinks the prudent course is to get an ethics opinion before an appointment is made. One of the legitimate issues is that the Treasurer runs for office for an appointed term for an appointed salary. That salary is set by the Council for approval at the Financial Town Meeting. That salary was already set in April. We are basically increasing his salary. Mr. Marcello stated he agrees with Mr. Finnegan that he is not assuming any more duties. He delegated his duties to the Deputy Town Treasurer. If the Deputy Town Treasurer is no longer there, he's not assuming any more duties, he's taking the duties that he already had to begin with. Only the Treasurer can delegate those away. Mr. Marcello stated that one of the things he did not hear was what salary we are going to give this gentleman if we go forward with it? Are we combining his current salary of \$15,500 with Mrs. Young's salary, which has obvious longevity and other things built into it? What is his salary? Is his expectation that he works 40 hours a week? Does he have another job? Will he be in the Municipal Pension System? Does he participate now? That has obviously a financial impact upon the Town. Mr. Marcello stated that before the Council makes an appointment tonight, he hopes that there would be some discussion about what those salaries and responsibilities are. Mr. Marcello stated with all due respect about the saving of money, he heard in December about the combination of the EMA Director with the DPW Director and he has not seen that happen yet either. He is just curious about where we are going and what the salary is, and he does feel the prudent course is you don't appoint someone and say you hope it's ethical, you find out if it's ethical first and then you vote for it. It's an embarrassment to the Town if you do it the other way. Mr. Marcello stated he would like to hear some discussion about what the anticipated salary would be, and what his expectations would be as far as the number of hours you expect him to work. As an elected official, he can come in one hour a week if he wanted to, and no one would have any recourse against him, just as you wouldn't have any recourse against the Town Clerk if she decided to cut her hours to 5 hours a week. He is sure the voters would have something to say about that.

Kathleen Bianchi of Peeptoad Road stated that it is obvious that it's more work than what the Treasurer could handle, being hired for \$15,500 and that's why they have a Deputy Director there. Mrs. Bianchi agrees that by Ted assuming some of that responsibility, it would be well intended on the part of the Town. She also agrees with checking with the Ethic's Commission; however she resents the fact that it is coming across as a threat. If it's not done, there will be a phone call made. Mrs. Bianchi believes the Town will look into it anyway and they don't need

to be threatened. Ted Przybyla does a wonderful job, and as far as ethically, that is the reason why you have an audit every year. Leave it up to the Ethic's Commission. Mrs. Bianchi stated that she worked in finances for years, and whether it's a week or two weeks, that will put that department so far behind, that in the end you will have to hire additional help or you will be getting cries from many people in the Town.

Margaret Long, 63 William Henry Road, stated that in the past, when we've had any type of things like this, where planning is being done, we've always had a work session. We've known Sandra was leaving since at least December. Mrs. Long asked Mrs. Young if that was correct? Mrs. Young stated no and that it was last month, or the past couple of weeks. Mrs. Long stated that we heard about it for months, and find it very much a slap in the face to the people of this Town that this decision was not made at a work session. It was made at the Republican Town Committee meeting. Mrs. Long stated she has a problem with that. She is an elected official just like the rest of the Council, this should have been on a work session on a Thursday night, not 4 days before the meeting, and that the people of the Town should have been able to come out and say what they have to say. This is just not right. It is just politics. Mrs. Long stated she really thought maybe this Town was going in the right direction. She is not saying that Ted is not qualified to do it, but she just finds this a slap in the face that this meeting was planned on Thursday for a Tuesday night when there is never a meeting on a Tuesday night. We could have had this as a work session and then we could have had a regular Town Council meeting to make the appointment. Anytime there has ever been anything important, even down to the use of the Lawton Farm, we've had work sessions on it. This is a change of government. Mrs. Long stated that we as townspeople, have a right to be able to say what we want to say, not to have it inferred that this is a back-door deal. She heard word of this weeks ago, and it was never brought up at a Council meeting, so where was it brought up? It was brought up at the Republican Town Committee meeting. Mrs. Long stated she is not so sure that you're suppose to be discussing appointment of Town Officials and giving people jobs at the Republican Town Committee meeting, or at the Democratic Town Committee meeting, or at an Independent Town Committee meeting. That is what public meetings are for.

Michael Marcello stated he was waiting for an answer to his question regarding what the salary would be. Mr. Marcello asked if the Council has an answer to that question? Council President Budway stated let's hear some more comments; he will entertain other questions and will get to that in a moment. Mr. Marcello stated maybe he should have been at the Republican Town Committee meeting; maybe that is where it was decided. Council President Budway stated he does not think he missed any Republican Town Committee meetings recently, and if it

was discussed there, he does not know anything about that. Mrs. Long asked how did seven people know about it? You must have caucused on the phone. This just doesn't come up out of the blue. Do you think we are all stupid? Somebody had to talk about it. How did everybody know about it? Mr. Budway stated that Mrs. Long indicated that it was discussed at the Republican Town Committee meeting. To his knowledge, he has attended all the meetings and it was not discussed. Mrs. Long stated she hopes there was not a private meeting of the Council. Mr. Budway stated no there was not. Mrs. Long asked how was this discussed?

Kathleen Bianchi asked how are other non-elected positions filled? When a position is vacant, how is it filled? Does it come before the Town? Is there a Personnel Department? Councilman Winfield stated he does believe that the Democratic Town Committee has a couple of times put names forth for appointments for Clerks and Moderators in front of the Council, so he does not know how that is done. Mrs. Long stated she thinks Mrs. Bianchi means what is our policy for hiring employees.

Councilman Salisbury stated that right now every employee that is hired by the Town has to come before the Town Council. Up until three or four months ago, certain positions could be filled because the Department head requested it. It was only Department Heads or their Deputies that had to come before the Council.

Mr. Marcello stated that he wanted to address Mr. Winfield's comment. If there a vacancy for clerks and moderators or in positions for working the polls, it is a statutory-granted authority to the Town Committees, both Republican and Democrat. There is no violation of the law there.

President Budway stated there is a motion before the Council to appoint Mr. Przybyla or to allow him to assume the Deputy Treasurer's responsibilities. Is there any further discussion on this? Councilman Salisbury stated his only concern is there was some discussion as to whether to go to the Ethic's Commission and get a quick ruling or whether you want to make the appointment and have it go forward incase the Ethics Commission drags its feet and doesn't come forward. Mr. Salisbury stated his personal preference would be to make the appointment and then go on to set some kind of a salary if you are going to do that, just so that you don't get caught in the lurch. Others of you may have a different opinion.

Town Treasurer Ted Przybyla stated he would certainly be willing to do the work until the ethics ruling. After some discussion amongst the Council (please refer to tape), Councilman Winfield suggested that a motion be made to appoint a committee of a couple of Council members to discuss salary, go for the ethics review, and then come back and discuss

compensation package, and then next month take care of it all. Councilwoman Knowlton stated it is not a matter of his responsibilities, it's a matter of his compensation.

Mr. Przybyla stated the key here is the elected Treasurer's position has really been a supervisory position with a working staff. What we are looking at here is a reorganization of that responsibility. If there is some question as to the ethics of broadening the hands-on operation of the office, and some ethical concerns, he is already an employee of the Town as the Town Clerk is. Town Clerk Long stated no, he is an elected official, not an employee. She got an ethic's ruling on that. We cannot be considered employees, because cannot be elected officials in the city or town that they live in. Mr. Przybyla stated he will defer to the Ethic's Commission on that.

Council Vice President Dwight Farrar stated that it has been his efforts for a number of months, knowing all the people we've had to replace, to try to do it in a way that we could save the Town money and make as smooth a transition as we possibly could, and to keep continuity in the Town, which is very important with the things we have going on in the State. Mr. Farrar started that on the surface he supports this, but is also disappointed that we don't have enough information about the laws that maybe violated or not be violated, and will personally not support this motion this evening, but feel that is leaving it completely open in the future with more information supporting it. Mr. Farrar stated he feels the biggest thing is to make sure that we are making some moves that in the future will be in the best interest of the Town. That has always been his concern. Mr. Farrar stated he doesn't feel that a couple of weeks waiting, doing more research, and having our Council come back here with more information on the laws that have been cited this evening, there could possibly be unethical or a violation of law as Mr. Finnegan is stating. Mr. Farrar stated he regrets stating that he will not support this motion, but he feels that it is something that we can take a little time and make sure we are doing it right.

Council President Budway stated he disagrees with that, and thinks we've had ample discussion with the issues on the table. If there is an approval here this evening, the approval is contingent upon the acceptance of the situation by the Ethic's Board. There is no point in having the discussion all over again if the focus is upon whether or not this is going to meet the approval of the Ethic's Commission. Mr. Budway stated that we are spending the time on this having this discussion, and we should either act on what is before us, it is contingent upon the approval of the Ethic's Commission.

Council Vice President Farrar stated he would like to add to that, if it was on the agenda, that he is disappointed that Mr. D'Agostino did not come with more fire power to defend what

we are doing. Mr. Farrar stated that is just his opinion, and there's no offense to Mr. D'Agostino, he realizes he works very hard for us and has a lot of irons in the fire.

John Tessitore, 6 White Birch Circle, stated that he admires the wisdom and integrity of several members of this Board who have spoken out wisely and cautiously, with the interest of the Town. Mr. Tessitore stated that if he heard it correctly, others seem to be falling back on the old saying "better to ask forgiveness than to ask permission." Mr. Tessitore stated he finds it to be inappropriate to be coming from the highest legal body in our Town. He would expect more than that. Mr. Tessitore stated he wishes to express his disappointment to those who feel that we should put the cart before the horse. He has no personal feelings towards our Treasurer, who he thinks is a perfectly capable elected official. If there were anyone else sitting in that chair, he would be saying exactly the same thing. This has nothing to do with names, personalities, or political parties, despite everyone being aware of his political affiliation. Mr. Tessitore stated he would like to think that when the day comes that there are three or four or even more democrats sitting at that desk, that they will exercise the same caution and good judgment that some of you have just expressed, and thank you for it.

Michael Marcello stated that he would like to come to defense to his brother lawyer, Mr. D'Agostino, that you cannot always anticipate what will be asked at these meetings. Mr. Marcello stated these issues are very important, but he also thinks that another legal issue that should be looked at is that the Treasurer is elected to a two-year term, and the salary is set by the voters of the Town at the Financial Town Meeting as a line item in the budget. How can the Council increase the salary for an elected official mid term? For Mr. Przybyla to say that he is not going to be taking a salary in the interim, he is the Treasurer and he has a salary. He is going to be paid for work that he is elected to do.

Councilman Salisbury stated he is changing his motion, and moved the appointment of Ted Przybyla as a full time Treasurer, the same number of hours that everyone else works in Town, subject to the Ethic's Commission ruling regarding the issues that were raised by Mr. Finnegan and Mr. Marcello and others. Councilman D'Agostino seconded the motion. Councilman Winfield asked Attorney D'Agostino if this will put us in violation of any ethnical laws?

Town Solicitor D'Agostino stated that as a practical matter, the Ethic's Commission does not often, if at all, rule on hypotheticals because hypotheticals can change. Given the motion that is before the Council, it is appropriate for them to instruct me to go to the Ethic's Commission, request an expedited ruling on what the Council has done. The Town Treasurer

has indicated that he will do whatever work is necessary without additional compensation until we get a ruling from the Ethic's Commission.

Council Vice President Farrar asked Attorney D'Agostino about the other issue that Mr. Finnegan brings up, that we are in violation of another law, not just the ethical part of it, if he has any further comments? Mr. Farrar stated that he is very satisfied with the ethical issue by stating what Attorney D'Agostino just stated. Attorney D'Agostino stated that he is not certain that it is a comparison of apples to apples; it may be a comparison of apples to oranges. He would be happy to look at the material that Mr. Finnegan presented, and he would be happy to satisfy the Council and give his opinion on those points raised by Mr. Finnegan. Clearly he has done some research and made a presentation. He can tell the Council, that in his opinion, the course of action which is voting on the motion that is before the Council and then authorizing him to make a request for an ethic's ruling is probably the best way to deal with this situation.

Council Vice President Farrar suggested that the motion be tabled until Attorney D'Agostino comes back to the Council with the information regarding violating any laws and the ethics issue.

Council President Budway stated we have a motion before us, it has been seconded, and Council Vice President Farrar has indicated the motion should be tabled. He asked Attorney D'Agostino if the motion can be tabled? Mr. D'Agostino stated the motion can be tabled.

Motion made by Council Vice President Farrar and seconded by Councilman Collins to table the motion, and voted by roll call:

Councilman Winfield - aye Councilwoman Knowlton - aye

Councilman D'Agostino - aye Councilman Salisbury – nay

Motion passes with 5 affirmative votes and 1 negative vote

Council President Budway stated the second item on the agenda is to increase compensation for the Acting Director/Deputy Director of Public Works. At last month's meeting, we designated Dale Langlais into that position, and he suggested that his compensation be increased by \$50.00 per week. Motion made by Councilman D'Agostino, seconded by Council Vice President Farrar, and voted by consent agreement to increase Dale Langlais' salary by \$50.00 per week.

Motion made by Councilman Collins, seconded by Councilman Winfield and voted by consent agreement to adjourn the meeting.

Please refer to audio tape for complete discussions and testimonies given.

Attest:

Gail Chatfield, Deputy Town Clerk