

At a meeting of the Town Council holden in and
for the Town of Gloucester on **January 6, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Raymond Goff, Town Planner; Gary Treml, Public Works Director; and Jane Steere, Tax Collector.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aiden Steere. Councilor W. Steere called for a moment of silence in memory of Dr. Enold Dahlquist, who passed away on January 5, 2011..

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Eagle Scout

Councilor W. Steere stated that an Eagle Scout ceremony will be held on Sunday, January 9th, for three Scouts. Councilor G. Steere read the following resolution into the record.

**RESOLUTION
2011-1**

WHEREAS, on January 9, 2011 Nicholas S. Landry, Eric V. Beltram and Shane A. Collins, scouts from Troop 44 in Gloucester, will receive the highest ranking honor of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Boy Scouts of America has grown to be a vital force in the development of our youth through its many programs which encourage the ability of its young men to do things for themselves and others; and

WHEREAS, one of the major objectives in the Scouting program is to develop citizenship through community involvement; and in addition to working for citizenship merit badges, scouts are actively involved in numerous community service projects; and

WHEREAS, Scouting provides a combination of intellectual, physical and spiritual activity to produce young people of character, well-prepared to meet their family and community responsibilities; and

WHEREAS, to achieve the honor of Eagle Scout Nicholas, Eric and Shane have worked diligently and consistently for several years, have been leaders of other young men and followers of good example in Scouting. These young men have met all the objectives and aims of the Boy Scout Organization and are being acknowledged by their peers; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester, along with its citizens, would like to congratulate Nicholas S. Landry, Eric V. Beltram and Shane A. Collins for achieving the highest ranking honor of Eagle Scout in the Boy Scouts of America and are proud to have these young men as citizens of our community.

Jean M. Fecteau, CMC, Town Clerk
Walter M. O. Steere, III, President
Gloucester Town Council

seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

Councilor Burlingame stated that he will attend the ceremony and present the Resolution to the Eagle Scouts.

VI. Consent Item - Discussion and/or Action

A. Pole Grant: Ada Drive

Councilor W. Steere stated that the Council has received a request for a Pole Grant, Pole #8, Ada Drive:

MOTION was made by Councilor G. Steere to GRANT a Pole Grant, Pole #8 new joint pole: location on Ada Drive; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

VII. New Business

A. Senior Services Inc. & Town of Gloucester - Discussion and/or Action
Annual Agreement: Jan. 1, 2011 through Dec. 31, 2011

Councilor W. Steere explained that this is an annual agreement with Senior Services Inc. to provide meals five days a week to our Senior Center.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Annual Agreement for 2011 between Senior Services Inc. & the Town of Gloucester; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

B. Appointments - Terms to run concurrent with Council - Discussion and/or Action

1. Deputy Town Clerk
2. Tax Collector/Deputy Treasurer
3. Finance Director
4. Building/Zoning Official
5. Electrical Inspector
6. Plumbing Inspector
7. Mechanical Inspector
8. Animal Control Officer/Appraiser of Dog Damage
9. Asst. Animal Control Officers
10. Director of Public Works
11. Chief of Police
12. Emergency Management Coordinator
13. Probate Judge
14. Recreation Director
15. Deputy Tree Warden
16. Sealer of Weights & Measures
17. Town Solicitor
18. Town Planner
19. Honorary Town Historian

Discussion: Councilor W. Steere stated that he would like to move forward with these appointments if there are no objections from the Council members. Councilor Burlingame agreed, noting that the employees have all sacrificed by increasing the health care co-share and reducing the health insurance buyback. Councilor Burlingame added that there are no employees on probation at this time and it is his opinion that the Department Heads have done their job and should be reappointed.

Councilor Hainsworth stated that he is concerned with the State's 360 million dollar shortfall and asked if we commit to a position, are we eliminating the possibility of regionalizing or consolidating that position. Councilor Hainsworth stated that we cannot ask for more concessions from the Town workers. Councilor Burlingame stated that we are getting input that

the schools will come in with a level-funded budget for Gloucester and there was a preliminary discussion with the Region regarding a flat budget.

Councilor Burlingame noted that the new contract with the Police will cost the Town less over the three years than it would have otherwise. Councilor Burlingame expressed his opinion that unless something disastrous happens where the State decides to cut us deeper, we should be able to hold the line on taxes for this year.

Councilor W. Steere commented that the State cannot cut the municipal side of our budget much more than they already have, adding that any cuts would be at the school level. Councilor Burlingame stated that we have a surplus which, if voted on by the taxpayers, can be used to help with this year's budget or moved into Capital to repair some of the roads. Councilor Hainsworth asked what is the percentage of our surplus. Tom Mainville, Finance Director, replied approximately 15%. Councilor G. Steere pointed out that money was turned back by the Department of Public Works and the Police Department.

Councilor Burlingame stated that, due to an employee retiring, the position of Deputy Clerk will be tabled until the next meeting.

MOTION was made by Councilor Burlingame to TABLE the following two year appointments:

1. Deputy Town Clerk; and
4. Building/Zoning Official;

and to APPOINT the following two year appointments:

2. Tax Collector/Deputy Treasurer Jane Steere;
3. Finance Director Thomas Mainville;
5. Electrical Inspector James Clarke;
6. Plumbing Inspector Gary M. Coyne;
7. Mechanical Inspector Albert Danti;
8. Animal Control Officer/Appraiser of Dog Damage Michael Merchant;
9. Asst. Animal Control Officers Penny Silvia, Vicki Kramer, & Michael J. Beaulieu;
10. Director of Public Works Gary Treml;
11. Chief of Police Joseph DelPrete;
12. Emergency Management Coordinator Charles Miller;
13. Probate Judge Jane Gurzenda;
14. Recreation Director Anthony Parrillo;
15. Deputy Tree Warden Todd Anderson;
16. Sealer of Weights & Measures Robert Salley;
17. Town Solicitor William Bernstein and Timothy Kane;
18. Town Planner Raymond Goff; and
19. Honorary Town Historian Edna Kent;

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

- C. Town Council Liaisons for Boards, Comms & Departments- Discussion and/or Action
- Affordable Housing Advisory Board
 - Budget Board
 - Conservation Commission
 - Economic Development
 - Finance Department
 - Harmony Hill School
 - Historic District Commission
 - Housing Authority
 - Land Trust Trustees
 - Parade Committee
 - Personnel Board
 - Planning Office & Planning Board
 - Public Safety: to include Police, Fire Safety Commission, Animal Control,
Emergency Management
 - Public Works
 - Recreation
 - School Department
 - Senior Center
 - Town Hall/Town Clerk
 - Wastewater Management Commission
 - Western Rhode Island Home Repair
 - Zoning Office & Zoning Board

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT as Liaisons:

Councilor Edward Burlingame

- Senior Center
- Budget Board
- Schools
- Finance/Personnel Director
- Human Services Department

Councilor Walter Steere

- Land Trust
- Planning Office & Planning Board
- Conservation Commission
- Town Hall/Town Clerk
- Resource Commission

Councilor George (Buster) Steere
Dept. of Public Works
Public Safety/Police Dept.
Personnel Board
Parade Committee
Historic District Committee

Councilor William Reichert
Affordable Housing Advisory Board
Western Rhode Island Home Repair
Economic Development Commission
Chepachet Village Planning Commission
Wastewater Management Board

Councilor Jamie A. Hainsworth
Building/Zoning/Zoning Board
Recreation
Harmony Hill School
Housing Authority

seconded by Councilor Burlingame

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- D. Appointments - Boards & Commissions - Terms concurrent with Town Council
Discussion and/or Action
1. Board of Contracts & Purchases to 01/2013
Two (2) expired terms
One (1) expired Ad Hoc term

MOTION was made by Councilor Burlingame to APPOINT Thomas Mainville, Finance Director; Jean Fecteau, Town Clerk; and as ad hoc member a Town of Gloucester Department Head (not soliciting bid); to the Board of Contracts & Purchases for a two year term to expire 01/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

2. Personnel Board to 01/2013
Three (3) expired terms

MOTION was made by Councilor Hainsworth to APPOINT Russell Gross; David J. Piccirillo; and Michael Recorvits; to the Personnel Board for a two year term to expire 01/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

3. Recreation Commission to 01/2013
Five (5) expired terms

MOTION was made by Councilor Burlingame to APPOINT Gary Martinelli; Sally Ryan; Joseph Branch; and Martha Huston to the Recreation Commission for a two year term to expire 01/2013 and to TABLE the position formerly held by Judy Branch, Director of Human Services; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

4. Safety Commission to 01/2013
Seven (7) expired terms

MOTION was made by Councilor Reichert to APPOINT Joseph DelPrete, Police Chief; Charles Miller, Emergency Management Director; Gary Treml, Public Works Director; Harmony Fire Chief Stuart Pearson; Chepachet Fire Chief Robert Dauphinais; West Glocester Fire Chief Lawrence Goodnough; Denise Plaza-Martin, School Bus Coordinator; Members at Large: Earl Newman Jr.; Ruth Cole; and Russell Gross for a term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

5. Scituate Watershed Commission to 01/2013
Two (2) expired terms

MOTION was made by Councilor Reichert to APPOINT Raymond Goff and Roy Najecki to the Scituate Watershed Commission for a term to expire 01/2013; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

6. Blackstone Valley Watershed Commission to 01/2013
One (1) expired term

MOTION was made by Councilor Hainsworth to APPOINT Elizabeth Tetreault to the Blackstone Valley Watershed Commission for a term to expire 01/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

7. Woonasquatucket River Committee to 01/2013
One (1) expired term

MOTION was made by Councilor G. Steere to APPOINT Raymond Goff to the Woonasquatucket River Committee for a term to expire 01/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

8. Community Resource Commission
(7) Seven expired terms
(1) Alternate term

MOTION was made by Councilor Reichert to APPOINT: Peter Skeffington; Matthew Salisbury; Dana Hopkins; George Kain; Linda Nichols; Michael Iacobbo; and Karen Iacobbo to the

Community Resource Commission for regular member terms to expire 01/2013 and Henry Gold as the alternate member for a term to expire 01/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- E. Annual Appointments - Discussion and/or Action
 - 1. Tree Warden 2011

MOTION was made by Councilor Burlingame to APPOINT Bruce Payton to the position of Tree Warden for an appointment to expire 1/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- F. Board & Commission Regular Appointments - Discussion and/or Action
 - 1. Zoning Board of Review
 - Two (2) expired one-year Alternate terms
 - Terms to expire 1/2011

MOTION was made by Councilor G. Steere to REAPPOINT Daniel Morin and Ed Crawley to the Zoning Board for a one year alternate term to expire 1/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- 2. Budget Board
 - (3) Three Year Terms to expire 01/2011

MOTION was made by Councilor Hainsworth to REAPPOINT Judith Colaluca; Michael Morgan; & Kevin Lavoie to the Budget Board for 3 Three year terms to expire 1/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

3. Conservation Commission
 - (1) Three Year Term to expire 01/2011

MOTION was made by Councilor Reichert to REAPPOINT Greg Ponte to the Conservation Commission for a three year term to expire 1/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- G. Department Head Vacancy
 1. Building/Zoning Official
Authorization to advertise
Interim Appointment - Discussion and/or Action

Discussion: Councilor W. Steere asked how the Council wishes to handle this vacancy. Councilor G. Steere stated that he would like to appoint somebody on an interim basis for now to allow the Council to advertise and interview candidates for the position. Councilor W. Steere noted that it is State law to have someone in place in the interim.

Councilor G. Steere stated that he has spoken to Carl Riccio, the part-time Building/Zoning Official in Foster, who has expressed interest in helping out in Gloucester and would be available immediately. C. Riccio was present at the meeting and Councilor Burlingame asked him if he had State certification. C. Riccio replied that he was State certified eligible six years ago and was appointed in Foster last year. C. Riccio added that he has been a registered contractor for 32 years. Councilor Burlingame stated that when we had a part-time inspector previously, he was paid \$35.00 per inspection and \$20.00 per hour for office work. C. Riccio stated that this is acceptable.

MOTION was made by Councilor G. Steere to APPOINT Carl Riccio Interim Part-Time Building/Zoning Official at an hourly rate of \$20.00 for office and review time and a rate of \$35.00 per inspection; seconded by Councilor Reichert.

Discussion: There was discussion concerning the number of hours per week this position would entail. Councilor G. Steere stated that there are several sets of plans which must be reviewed and permits issued as well as on-going jobs. Councilor Hainsworth asked if we still use the part-time services of Peter Scorpio. Councilor G. Steere replied in the negative, adding that this was only for the School and FM Global expansion projects.

Councilor Burlingame noted that the number of building permits issued has decreased dramatically over the last several years. Councilor Hainsworth stated that this could be an opportunity to downsize government. Councilor G. Steere agreed that this should be reviewed. There was Council consensus to limit the interim position to a maximum of 30 hours per week.

MOTION was made by Councilor Burlingame to AMEND the motion to add that the position would be limited to a maximum of 30 hours per week with no benefits; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Vote on Main Motion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

H. Authorization of Correspondence - Discussion and/or Action

1. Regional School Charter - Proposed Amendment

Discussion: Councilor G. Steere stated that this pertains to debt service at the Region. Councilor G. Steere explained that the law states that a School Department cannot be given any less than they were funded the previous year, with the exception of when there is declining enrollment. Councilor G. Steere stated that this is sometimes misinterpreted to include debt service, which is the mortgage payment on the schools. Councilor G. Steere stated that he would like to do what is necessary to allow this amount to be removed from the budget when the mortgage is paid off.

Sarah Mangiarelli, Regional School Business Manager, distributed copies of the RI Department of Education's interpretation regarding the "maintenance of effort". S. Mangiarelli referred to page 3 which addressed non-recurring expenditures and page 6 which states that the purpose of a debt service appropriation is so that the operation of a school is not impacted. S. Mangiarelli noted that the RI Department of Education is looking into this and expressed hope that they will provide guidance so that the School and the Town can work together to get this resolved.

Tim Kane, Assistant Town Solicitor, stated that the remedy would be an amendment to RIGL 16-7-23. T. Kane noted that there was discussion regarding having two separate motions at the Regional Financial Meeting, one on the operating budget and another on debt service. T. Kane stated that this may not be the way to go; when there is a motion there must be a vote and if there is debt service and bond obligations, you cannot have a no vote. T. Kane further stated that the Charter cannot be amended to do anything which would affect the rights of bondholders. T. Kane stated that the remedy is to amend the enabling act so we do not have to rely on interpretations. T. Kane stated that the wording should clearly state that once debt service is paid off, that amount should not be included in maintenance of effort.

Councilor G. Steere expressed his opinion that this should be spelled out in writing because people could interpret it to say that debt service cannot be taken away even when it is paid off. Councilor G. Steere noted that in some years, the debt service at the Region reaches over 5 million dollars. T. Kane stated that State law speaks about non-reoccurring expenses, but does not specifically address debt service. T. Kane stated that the Town Council must pass a Resolution asking that the law be changed to include specific language.

MOTION was made by Councilor Burlingame to direct the Town Solicitor to prepare a Resolution which addresses the specific issue of debt service, that when it goes away it comes out of the Regional School total budget; seconded by Councilor G. Steere.

Discussion: Councilor Hainsworth pointed out that the deadline to introduce new bills is the second week of February.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Councilor G. Steere asked if a Resolution should be sent to the town of Foster urging them to do the same. T. Kane replied that it would be a good idea to involve the town of Foster.

MOTION was made by Councilor G Steere that a Resolution be prepared and forwarded to the Town of Foster urging them to do the same; seconded by Councilor Burlingame.

Discussion: Councilor Hainsworth reiterated that there is a deadline at the State House and recommended that the Council President write a letter to Foster instead of preparing a Resolution.

Councilor G. Steere amended his MOTION to AUTHORIZE the Town Council President to forward a letter to Foster Town Council; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Vote on Main Motion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Support of Resource Commission

Councilor W. Steere stated that the Community Resource Commission has requested a letter of support to assist them in their efforts in achieving hydro-electric power.

Discussion: Pete Skeffington, member of the Community Resource Commission, stated that the Commission has been in contact with Senator Whitehouse and other legislators and added that the Council's support will demonstrate that the Commission is an entity of Town Government.

Councilor W. Steere read the proposed letter into the record as follows:

TO: Whom it may concern

The following letter in support of hydro-electric projects for the Town of Gloucester has been unanimously voted on by the Gloucester Town Council on January 6, 2011:

Gloucester Town Council letter of support for hydro-electric:

The development of alternate energy is a priority of DEM, the Rhode Island General Assembly, and the Town of Gloucester. Clean water power was harnessed to fuel the production of mechanical and electrical power in Gloucester and the State of Rhode Island for more than 200 years. Currently, there are more than 600 viable dams in Rhode Island; approximately 50 of these continue to possess power generation potential in the Town of Gloucester.

The ability to harness the energy source that fueled the development of Gloucester into the 20th century is an important undertaking. It can be once again utilized to economically and aesthetically benefit the citizens of Gloucester. Therefore, the Gloucester Town Council stands in full support of the Gloucester Community Resource Commission and its mission to harness hydro electric energy as a clean alternative energy source.

(End of letter)

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to prepare a letter of support to be utilized by the Resource Commission in their efforts to achieve hydro-electric power; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

I. OWB (Outdoor Wood Boiler)
Discussion and/or Action

Councilor W. Steere stated that he and Councilor G. Steere have been working with T. Kane, Assistant Town Solicitor, to design an Ordinance which addresses Outdoor Wood Boilers. Councilor W. Steere stated that a preliminary ordinance has been drafted and is ready for a first reading.

Councilor Hainsworth stated that he has reviewed the document and has several comments. Councilor Hainsworth stated that he is concerned that homeowners with existing units would have to obtain a building permit within four months. Councilor Hainsworth also asked why we

need another Ordinance which would require enforcement, stating that this means bigger government.

Councilor G. Steere replied that the problem is that the boilers were being treated like sheds with regard to setbacks. Councilor G. Steere further stated that there are provisions for existing units. T. Kane noted that there is no regulation at this time and this causes a problem in congested neighborhoods. T. Kane stated that many Ordinances were reviewed and this draft is the least restrictive with regard to pre-existing boilers.

Councilor W. Steere stated that this Ordinance would give the Zoning Official authority to deal with nuisance calls and would not penalize people who already own an outdoor wood boiler unless there are complaints. Councilor W. Steere further stated that back in 2009, the State was going to come up with regulations, but never followed through.

MOTION was made by Councilor Burlingame to schedule a First Reading of the Outdoor Hydronic Heaters/Outdoor Wood Boilers Ordinance for January 20, 2011; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

J. Taxation

1. Tax Exempt Status Request:

Waterman Lake Shores Association Discussion and/or Action

Councilor W. Steere read the following correspondence from the Waterman Lake Shores Association regarding consideration for a tax exempt status for a portion of the property owned by the association:

January 3, 2011

RE: Tax Exemption

Glocester Town Council

We are writing to ask the Council to give consideration to the property tax relief request of Waterman Lake Shores Association. We have put forth to the Town Tax Assessor's Office asking for property tax exemption for Plat OWL-012-000 Lot 12 at 0 Granby St.(Beach) and OWL-ST5-000 at 120 Waterman Lake Dr. (Boat Ramp).

As you know Waterman Lake Shores Association is a non-profit organization, which has been in existence since March 25,1937. We rely on donations and fundraisers to pay this tax bill. We are not asking for relief from prior year taxes, but are asking tax relief from this year forward.

We are asking for tax relief, which was granted to other Lake Associations in the Town, such as Citizens for the Preservation of Waterman Lake and Sand Dam Association. We believe we are the only Association paying property taxes.

We kindly ask you to give this your consideration. Thank you in advance for your assistance.

Respectfully Yours,
Henry Gold, President
Waterman Lake Shores Association

(end of memo)

Discussion: Henry Gold was present to answer questions. Councilor W. Steere asked what exactly is the relief that the Association is seeking. H. Gold replied that the assessed value of the property is \$20,000. Councilor W. Steere asked if the beach and boat ramp are open to the public. H. Gold replied that they are open to anyone who comes with a member of the Association. Councilor G. Steere stated that in the past, tax relief of this type was granted in exchange for the beach being open to the general public.

Councilor Hainsworth stated that he received a phone call from a member of the Association expressing concern that this would permit anyone from the Town of Gloucester to use their beach. Henry Gold pointed out that Waterman Lake is owned by an association which is tax-exempt and owns much more property than the Waterman Lake Shores Association.

Jean Fecteau, Town Clerk, stated that in 1983, the Sand Dam Association was granted a tax exemption for their dam and flowage rights. J. Fecteau added that in the Resolution it states "for as long as Town residents have free access to Sand Dam Reservoir". J. Fecteau noted that in 2006 the agreement was amended to increase the exemption value due to the rise in property values.

H. Gold stated that Sand Dam has a State-owned ramp, making access a moot point. Councilor Hainsworth asked if the Association would be willing to exchange permission to use the beach for tax exempt status. H. Gold replied that it would have to be voted on by the Association. Councilor G. Steere stated that the next question would be could the building be used by the public if it is tax-exempt. H. Gold stated that the reason he has put forward this request is that it is difficult to come up with the funds for the \$4,000 annual tax bill. H. Gold stated that the Association collects approximately \$4,500 from the members. H. Gold pointed out that making the beach public would create parking problems.

Councilor Burlingame expressed concern regarding liability issues if the beach were open to the public. Councilor Reichert stated that in the past, there was an agreement with a rod and gun club which stated that if the association dissolved, the property would revert to the Town. Tim Kane, Assistant Town Solicitor, stated that this would have to be put in the Land Evidence records. T. Kane stated that his advice is that from a legal standpoint, the beach is not suitable for public access due to lack of parking.

Councilor Burlingame stated that he has no issues with the tax exemption, but objects to public access as a stipulation. Councilor G. Steere expressed concern that somebody would purchase the building from the Association and turn it into a house. H. Gold replied that the building cannot be sold, according to the Association's charter. T. Kane pointed out that an exemption is not permanent and can be removed. There was Council consensus to have the Assistant Town Solicitor review the deed to the property before the next Town Council meeting.

MOTION was made by Councilor Burlingame to TABLE the Tax Exempt Status Request by Waterman Lake Shores Association until the next Town Council meeting; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

2. Village on Chopmist Hill Mobile Home Park
Abatement Request (Discussion only)

Kevin Kitson, manager of the Village on Chopmist Hill Mobile Home Park, explained that there is a mobile home in the park which is in deplorable condition and should possibly be torn down. K. Kitson stated that the problem is that \$14,000 in Town taxes are owed on the mobile home. K. Kitson explained that the property at 17 Hemlock Road was owned by Kathleen Johnson, who unfortunately had to move out due to health reasons. K. Johnson was unable to get financing for the home therefore, a friend named William Green took out a mortgage on the property. When K. Johnson's husband passed away, she took the money she received and gave it to Mr. Green with the intention of paying off the mortgage. K. Kitson explained that mortgage was never paid and Mr. Green then passed away.

K. Johnson was unaware that she still owed \$23,000 as well as unpaid taxes. K. Kitson further stated that K. Johnson now lives with relatives in Connecticut and the mobile home has deteriorated to the point where it must either be demolished or drastically refurbished. K. Kitson stated that the exterior still has some value, but the interior is uninhabitable. K. Kitson stated that the mortgage company is willing to turn the keys over to the park because they feel if they take ownership of the mobile home, they will be obligated to pay the Town taxes that are owed. K. Kitson stated that the mobile home park owner is seeking a tax abatement so that the mobile home can either be demolished or, if possible, refurbished.

Councilor W. Steere expressed concern that if the taxes are abated, the mortgage company may decide to keep the mobile home. K. Kitson replied that the mortgage company is not interested in the mobile home and is willing to turn over the keys to whomever wants them. K. Kitson stated if the Town would take ownership, it would give an opportunity to remove the home from the property and start fresh with another mobile home and a viable tenant. K. Kitson noted that the Tax Collector has filed UCC liens against this property as well as others in the park for nonpayment of taxes. Jane Steere, Tax Collector, stated that there are several other mobile homes with prior years taxes owed, and asked if these homes are found to be unfit, would we

abate their taxes also? J. Steere stated that this mobile home park has a total of \$28,000 in unpaid taxes with interest and Davis Park has a total of \$17,000.

Tim Kane explained that a UCC tax lien puts everyone on notice that the Town has a lien on the property. Kevin Kitson asked if a UCC tax sale could be conducted. T. Kane replied that he is not sure and explained that personal property taxes are not like real estate taxes. T. Kane stated that when taxes are owed on an automobile, the vehicle cannot be registered until the taxes are paid, but with a mobile home it is more difficult. K. Kitson noted that the true amount of taxes owed on this mobile home is \$10,000 with the remaining \$4,000 being interest and penalties.

K. Kitson asked if the Town will negotiate down to a figure that will allow the park owner to demolish the mobile home and replace with tenants who will pay rent and taxes. K. Kitson offered a \$3,000 stipend to the Town of Gloucester to help offset the effect on the Town. Councilor G. Steere stated that when he spoke to K. Kitson earlier, he was under the impression that K. Kitson wanted to gut out the mobile home, spend money on it and sell it for profit. K. Kitson replied that it would probably cost \$15,000 to \$20,000 to make the mobile home livable, compounded with the \$3,000 paid to the Town along with the \$8,000 loss for unpaid rent, they would probably break even.

Councilor Burlingame asked if the home can be demolished without the taxes being paid. K. Kitson replied that he has worked as a team with the Tax Collector's office and the Building Official's office to ensure that the Town gets their money one way or another. Councilor Burlingame asked if there is an ordinance which states that a building cannot be demolished if there are unpaid taxes on it. Jane Steere, Tax Collector, asked why she is filing UCC's on these homes if they can just be leveled with nobody paying the taxes. Councilor Burlingame suggested that the Town take the \$3,000 from the park owner and then level the mobile home, pointing out that the place is not worth anything and there is \$14,000 owed to the Town which will never be collected.

Councilor G. Steere stated that K. Kitson referred to the \$8,000 that is owed to the park for unpaid rent, but is only mentioning the \$3,000 that is offered to the Town, not the full \$14,000 that is owed for back taxes. Councilor Burlingame stated that the \$8,000 is the cost of doing business and should not be part of the equation. Councilor Hainsworth asked if the tax issue is resolved, would the mortgage company definitely give the mobile home to the park? K. Kitson replied that the company would be willing to forward the keys and forgive the outstanding mortgage. It was suggested that there should be an agreement in writing to that effect and an estimate should be obtained regarding bringing the structure up to code and what it could be sold for afterward. The Council directed K. Kitson to submit an economic plan a week prior to the next Town Council meeting.

K. Personnel

1. Resignation - Discussion and/or Action
Town Clerk's Office: Senior Clerk

Councilor W. Steere stated that the Council has received the resignation of Senior Clerk, Barbara Poole, from the Town Clerk's Office effective January 28, 2011. The resignation is on file in the Town Clerk's Office.

MOTION was made by Councilor Hainsworth to ACCEPT the resignation of Senior Clerk, Barbara Poole effective January 28, 2011; seconded by Councilor Reichert.

Discussion: Councilor Hainsworth commented that this is a retirement rather than a resignation, adding that Barbara Poole has been a great employee for many years. Jean Fecteau, Town Clerk, noted that B. Poole has worked for the Town for 27 years. Councilor W. Steere stated that B. Poole has always been very helpful and the Council wishes her well in her retirement.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

L. Department of Public Works - Discussion and/or Action

1. Bid Extensions
 - a. IFB #2008-09 Road Sand
 - b. IFB #2006-07 Gravel & Crushed Stone
 - c. IFB #2010-08 Single Chip Seal (primary-more than 2000 yds. delivered)

Councilor W. Steere stated that the Council has received a request from Public Works to grant extensions on three bid awards. The signed agreements from the vendors have been received.

MOTION was made by Councilor G. Steere to GRANT the Bid Extensions for the following: IFB #2008-09 Road Sand; IFB #2006-07 Gravel & Crushed Stone; & IFB #2010-08 Single Chip Seal at the original bid quotes; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

M. Ponaganset 5k Road Race - Discussion and/or Action

Councilor W. Steere stated that the Council has received a request from the assistant Principal at the middle school. The school is planning a road race during their Wellness Fair. They are asking for the town's "approval" of the course and permission to close 1 lane of traffic during the race.

Jamie LaRose, Physical Education teacher at Ponaganset Middle School, stated that the Wellness Fair is usually well-attended, adding that this year a 5K road race is planned. J. LaRose explained that this will be a fundraiser towards the construction of cross-country trails at the Middle School. J. LaRose stated that the course of the race will be on Anan Wade Road, a portion of Old Snake Hill Road, onto Route 102 and finally Rustic Hill Road. J. LaRose commented that the course will be sanctioned and certified by USA Track & Field, and the volunteers and participants will all be covered under a 2 million dollar general liability insurance policy.

J. LaRose requested that local police, EMS and Fire Department be on hand during the race to ensure safety. Councilor W. Steere asked Joseph DelPrete, Chief of Police, if he had any comment. Chief DelPrete stated that the race will take place during the commuting hours, but he will work with the organizers of the event. Councilor G. Steere asked if the State should be contacted since three of the roads are State roads. Chief DelPrete replied that he will contact the Department of Transportation.

MOTION was made by Councilor Hainsworth to move Item VIII. Department Head Reports to after Item IX.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

IX. Boards/Commissions

A. Declare Vacancies (due to elections) - Discussion and/or Action

1. Planning Board

One Five Year Term to Expire 3/2012

Councilor W. Steere explained that the Council needs to declare a vacancy on the Planning Board due to Councilor Reichert's election to Council.

MOTION was made by Councilor G. Steere to DECLARE a Vacancy on the Gloucester Planning Board, one five year term to expire 3/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

2. Recreation Commission

(Not necessary, new appt. Item VII.D)

Councilor W. Steere noted that this item was to declare a vacancy due to the election of Judy Branch as Human Services Director, but as these appointments are concurrent with the Council, her position on the Recreation Commission would expire at this point.

No action is necessary.

B. Appointments - Discussion and/or Action

1. Planning Board

One Five Year Term to Expire 3/2012

Councilor Hainsworth stated that Richard Cedor has expressed interest in serving on the Planning Board. It was noted that there are several names in the talent bank for consideration.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Planning Board for a five year term to expire 3/2012 until the next Town Council meeting; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

VIII. Department Head Report/Discussion

A. Gary Treml, Public Works Director, reported that no work has been done on the bridge project. Councilor Reichert stated that the contractor has ceased all construction work on any of their projects throughout the State because they are currently suing the State. Councilor Burlingame asked at what point do we take matters into our own hands? Councilor Burlingame suggested moving the State's equipment out of the way and installing a Bailey bridge.

G. Treml replied that the problem would be the legalities of doing this, adding that the contractor technically still has a contract with the State which would have to be released. Councilor G. Steere stated that he spoke with Rep. Mike Chippendale regarding this issue. Councilor G. Steere stated that if Shire does not move on the project shortly, the contract will be voided due to time constraints. Councilor Hainsworth stated that Senator Fogarty informed him that Director Lewis has offered to attend the next Town Council meeting to address this issue. Councilor Hainsworth noted that if a temporary bridge is installed, it would relieve Shire of everything and they may never finish the project.

G. Treml stated that he met with Resource Recovery concerning the new contract for waste disposal. G. Treml noted that there will be several changes made to the present contract.

IX. Boards & Commissions

A. George Charette of the Economic Development Commission stated that a letter of approval was received from the Department of Transportation regarding parking along

the right side of Putnam Pike from CVS to the traffic light at the former Texaco Station. G. Charette also stated that a letter of confirmation was received concerning destinations signs on major highways. G. Charette stated that destinations signs will be installed at Route 295 north and south at the intersections of Routes 44, 6 and 102.

G. Charette noted that there is a new meeting schedule for the Economic Development Commission which will be published on the Town's website.

B. Pete Skeffington of the Community Resource Commission stated that they will meet with the Sand Dam Reservoir Association on January 13th to discuss an agreement regarding control of the valve which the Commission plans to use for a turbine. P. Skeffington stated that there will be a meeting with the Chepachet Fire District on January 19th concerning an agreement for the Commission to control the penstock for the turbine at the Stone Mill.

P. Skeffington stated that the Federal Energy Regulatory Commission has indicated that they will minimize the licensing requirements for all small and micro hydro-electric stations.

C. Walter Steere, Jr., School Committee member, stated that the Regional School budget will be coming in level-funded except for debt service which will be approximately \$125,000. Due to declining enrollment, W. Steere, Jr. stated that Gloucester will pay \$104,000 less than last year.

D. Anne Ejnes, School Committee member, clarified that the Budget Sub-Committee has met but the Gloucester School Committee has not yet seen the budget. A. Ejnes stated that it is on the agenda for their next meeting.

X. Council Correspondence/Discussion

A. Councilor W. Steere stated that correspondence was received from the Department of Transportation with regard to destination signs. Councilor W. Steere thanked the Economic Development Commission for their efforts.

B. Councilor W. Steere stated that the Northern Rhode Island Conservation District is seeking a donation for the services which they provide.

C. Councilor W. Steere stated that correspondence was received from the Solicitor of the School Department concerning the history of the Regional School Charter.

D. Councilor W. Steere stated that a donation request was received from the Boy Scouts for a Camp Craft Center at Camp Yawgoog.

E. Councilor Burlingame expressed concern that Gov. Chafee has eliminated the e-verify policy. Councilor Burlingame explained that there is legislation being introduced to reinstate this policy. Councilor Burlingame recommended that the Town Council adopt a Resolution in support of this legislation at the next Town Council meeting. Councilor

Hainsworth stated that he met with the new Attorney General with regard to implementation of the Safe Community Act, which is similar to e-verify. Councilor Hainsworth suggested that the Town Council show support for this act. There was Council consensus to have a Resolution on the next Town Council agenda.

XI. Open Forum

1. Rose LaVoie noted that Eric Beltram is the last of Glennis and Henry Beltram's grandsons to achieve the rank of Eagle Scout. R. LaVoie added that all of the Beltrams' sons and grandsons have received this honor.

R. LaVoie spoke regarding fiscal responsibility and complimented Tom Mainville, Finance Director, for handling our money well.

R. LaVoie spoke regarding the meeting with DOT to discuss the bridge project, and recommended inviting our Senator and Representatives to attend.

R. LaVoie stated that a report in USA Today listed Rhode Island as having the worst roads in the country.

R. LaVoie spoke about recycling, suggesting that bins be placed at the Transfer Station for cans and bottles to be recycled by non-profit organizations such as the Boy Scouts or Girl Scouts.

R. LaVoie asked that the Council consider the taxpayers when negotiating contracts.

XII. Executive Session

MOTION was made by Councilor Reichert to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Litigation; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- A. Pursuant to R.I.G.L. 42-46-5(a)2 Litigation - Discussion and/or Action
 1. RI Dept. of Environmental Management -
Notice of Violation: Hawkins Pond
 2. Suit - Irace

XIII. Reconvene Open Session

MOTION was made by Councilor Burlingame to Reconvene Open Session Disclosure, two Votes taken in Executive Session and to Seal the Minutes of Executive Session; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:35 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 20, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **January 20, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Gary Treml, Public Works Director; Carl Riccio, Interim Part-Time Building/Zoning Official; Judith Branch, Director of Human Services; Senator Paul Fogarty, Rep. Thomas Winfield; Rep. Cale Keable; and Rep. Michael Chippendale.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aaron Dupuis. Councilor W. Steere congratulated Aaron on his appointment as a page in the Rhode Island Senate.

IV. D.O.T. Updates

Michael Lewis, Director of the Rhode Island Department of Transportation, was present to provide an update and answer questions concerning the Chestnut Hill Bridge project and the Chepachet Bridge and walkway project. Regarding the Chestnut Hill Bridge project, M. Lewis noted that the Department is dedicated to completing the project within this calendar year.

M. Lewis added that they are aware that it is a hardship for the residents who live on both sides of the bridge. M. Lewis stated that Deputy Chief Engineer Bob Smith will speak with regard to the status of the Route 44 project, and Frank Carreo, Deputy Chief for Construction will address the Chestnut Hill project.

Bob Smith gave a brief update on the Route 44 project. B. Smith explained that the project was split into two in order to expedite the bridge. B. Smith stated that the Department will be ready to advertise for bids within 2 to 3 weeks. B. Smith stated that the project should have minimal impact with regard to traffic. B. Smith stated that the larger project, the downtown Chepachet roadway improvements, is making progress as well.

B. Smith noted that the Town has entered into an agreement with the State by which the State will perform some archaeology for a Town detention basin which will be installed in the Tanyard Lane area. B. Smith stated that the project consists of resurfacing, reconstructing of sidewalks throughout the limits of Chepachet Village, as well as the Town's enhancement project. B. Smith added that there will be drainage repair in the area of Sherman Lane. B. Smith stated that he expects the larger project to go out to bid sometime about August or September of

this year. B. Smith stated that before the construction begins, the Department will review the Chestnut Hill Bridge project to ensure that sufficient progress has been made.

Michael Lewis noted that one caveat on projects which have not been bid yet is that all of the DOT's work is subject to federal funding. M. Lewis stated that there is a possibility that all States may have to take a 20% hit on their programs. M. Lewis stated that he will inform all communities if this happens.

Frank Carreo, Director of Construction, stated that the contract for the Chestnut Hill Bridge project went out to bid last year and is currently in a winter shutdown, which is a scheduled shutdown of work that is weather-sensitive. F. Carreo noted that the start-up date is March 15th and the project is expected to be completed on time. F. Carreo stated that he previously worked in Traffic Engineering and is aware that detours are an impact to a community, adding that the DOT is looking to enhance the detour to allow the motorists to maneuver through it safely and efficiently.

The representatives from the Department of Transportation stated that they will now take questions.

Councilor Reichert asked if it is true that the contractor for the project (Shire) is dragging their feet due to their litigation with the State. M. Lewis replied in the negative, stating that built into the original contract was the anticipation for a winter shutdown. M. Lewis added that there is no reason to believe that this project will not be completed successfully by September, 2011. Councilor Reichert stated that this project is 90 days behind and asked at what point does the State pull the contract. M. Lewis replied that every project must be monitored on several levels. M. Lewis added that the fact that the project is behind schedule is a concern, but he feels that the time can be made up with diligent work effort.

With regard to the Chepachet Bridge project, Councilor Burlingame asked when the bid opening will take place. Bob Smith replied that the bids will be advertised in 2 to 3 weeks. B. Smith added that the advertising usually runs about 3 weeks after which the bids are opened. M. Lewis noted that one of the concerns of the community is the impact that the bridge work will have on the July 4th celebration. M. Lewis stated that the bridge elements and sidewalks are pre-fabricated and are installed relatively quickly. Councilor Burlingame expressed concern that the Chestnut Hill Road has always been a major detour during the Fourth of July activities and will be closed due to the bridge project. M. Lewis stated that during the Chepachet Bridge project, both directions will be open at all times, with the exception of minor shutdowns.

Councilor W. Steere stated that at a recent meeting held at the Senior Center, it was stated that the Route 44 project would be completed by the Fourth of July. Councilor W. Steere asked what has led to a delay in the schedule. M. Lewis replied that the project is federally funded and must be reviewed by the historical preservation agencies. M. Lewis noted that this is for the protection of historical areas such as Chepachet Village. Councilor W. Steere stated that he feels that time is wasted due to unnecessary processes which are in place and urged the State Representatives to look into the situation.

Councilor Reichert asked what is the estimated cost of the project. M. Lewis replied 2.5 million dollars. Councilor Reichert noted that the project was supposed to be done in 1998 with an estimated cost of a half-million dollars. Councilor Reichert further stated that the Town gave the State \$160,000 for a pipe to be installed to divert drainage on Tourtellot Hill Road to the rear of the State Police Barracks, adding that this was never done.

Senator Paul Fogarty thanked Director Lewis and his staff for attending tonight's meeting to answer questions. Senator Fogarty stated that he and Representatives Winfield, Keable and Chippendale met with the Department of Transportation two weeks ago. Senator Fogarty stated that legislation is going to be introduced which will eliminate contractors who have over expenditures and a bad track record. Regarding Shire Corp., Senator Fogarty stated that they are not paying benefits to the unions which may result in the Corporation going out of business.

Senator Fogarty suggested that we have a "Plan B" in place which would include a temporary bridge ready to install to alleviate the hardships in the event that Shire Corp.'s bond is pulled. Senator Fogarty stated that two weeks ago the project was 70 days behind and there has been no activity since then. M. Lewis replied that there is a start-up date of March 15th. Senator Fogarty stated that Director Lewis told him that there would be a new plan to make up the 70 days that the project is behind. Senator Fogarty asked if Shire has submitted this new plan. Frank Carreo replied that the Department of Transportation is waiting for a recovery schedule from Shire. Senator Fogarty expressed his frustration and stated that before DOT signs a contract, they should come to the city or town for input. Senator Fogarty distributed copies of the draft legislation to the Town Council members for review.

Councilor Burlingame stated that this is the first he has heard of a winter shutdown. Councilor Burlingame commented that when this project was started, we were advised that the reason the bridge was torn down early was because work would continue through the winter. Councilor Burlingame stated that they should have left it alone until March instead of shutting everything down for four months.

Walter Steere, Jr. expressed agreement with Councilor Burlingame's comments. W. Steere, Jr. noted that the bridge was not torn down until November and asked why this occurred if the work was going to stop on December 15th. Director Lewis replied that the schedule which was submitted included a winter shutdown. Councilor Burlingame stated that he had asked the Town Planner for a detailed schedule and to his knowledge, there was no shutdown indicated. Councilor Burlingame further stated that he had requested a new schedule that showed how the project will be completed in September with the delays that are in place, but has not yet seen this schedule.

Rose LaVoie expressed concern regarding drainage from Tourtellot Hill Road which causes flooding in the Reynolds Plat area. R. LaVoie also asked what will be done about the broken culvert in front of the Gloucester Heritage Society on Main Street. R. LaVoie suggested that the Department of Transportation work with people in Town who know where the problem areas are. Director Lewis stated that the Chepachet Village project has been coordinated extensively with the Town, adding that the DOT is always open to discussion. R. LaVoie commented that we have been waiting a long time and expressed hope that it will be done right. R. LaVoie further

stated that the September issue of USA Today lists Rhode Island as having the worst, least cost-effective roads.

Senator Paul Fogarty spoke regarding the Chestnut Hill detour, stating that the increased traffic has warranted new striping on Pine Orchard Road. Senator Fogarty recommended that the DOT address this issue when extra signage is placed.

Councilor W. Steere asked if anyone else wished to speak at this time. Hearing none, Councilor W. Steere thanked Mr. Lewis and his colleagues for their attendance. There was consensus to schedule another meeting in approximately 60 days for the purpose of updating the Council.

V. Open Forum for Agenda Items
None.

VI. Resolution
A. E-Verify Support

Councilor W. Steere stated that the Council has discussed and reached a consensus to forward a resolution to our legislators supporting legislation being introduced regarding the E-Verify system. Councilor W. Steere read the following into the record:

**RESOLUTION
2011-3**

WHEREAS, most Gloucester residents, Rhode Islanders and Americans alike, are descendants of immigrants from all regions of the world. The Town of Gloucester welcomes new immigrants who legally seek the opportunities that the Town and the State, its economy and resources offer; and

WHEREAS, the Congress and the President have been unable to resolve the problem of illegal immigration, leaving the states to deal with the consequences and Rhode Island to deal with between 20,000 and 40,000 illegal immigrants; and

WHEREAS, the newly installed governor of the State of Rhode Island, Lincoln D. Chafee, has rescinded the executive order issued by former Governor Donald L. Carcieri on March 27, 2008 entitled the "Illegal Immigration Control Order;" and

WHEREAS, the result of this action by Governor Lincoln Chafee will send a message to the world that Rhode Island is now a sanctuary state for all illegal immigration; and

WHEREAS, the consequences of this action will be many jobs being lost to illegal immigrants which might have otherwise been obtained by legal residents,

increased educational costs for the children of illegal immigrants and a huge burden on the State's social and medical services; and

WHEREAS, since the rescission of former Governor Carcieri's order will now prevent law enforcement officials from actively working with ICE, there is an increased likelihood that those illegal immigrants involved in criminal activity will escape the possible deportation consequences of their illegal behavior due to the specific lack of further investigation; and

WHEREAS, when taken in summary, the lack of State Immigration Policies, such as the E-Verify Order, will result in a severe negative impact on our economic and social welfare; and

NOW THEREFORE BE IT RESOLVED that the Gloucester Town Council is requesting our Senator and local representatives to support legislation being introduced into the General Assembly to codify the E-Verify system as proposed in former Governor Carcieri's Executive Order "Illegal Immigration Control", and support Attorney General Kilmartin's Initiative Program for Safe Communities.

Walter M. O. Steere, III, President
Gloucester Town Council

seconded by Councilor Burlingame.

Discussion: Councilor Burlingame addressed Rep. Michael Chippendale regarding this Resolution. Councilor Burlingame asked Rep. Chippendale to do what he can to get this issue approved. Rep. Chippendale agreed, adding that he has co-sponsored separate legislation to authorize the sheriffs in the Courthouse to run the immigration status of defendants as they are delivered to the court room. Rep. Chippendale explained that this would eliminate the argument that there is profiling taking place on the street, since at that point the defendant would have already been arrested and processed.

Councilor Hainsworth stated that if the Attorney General's Safe Communities initiative goes through, everybody who is arrested would be fingerprinted and checked through ICE and Immigration Control, which would also be a good safeguard.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Regional School Debt Service/Requesting change to Legislation

Councilor G. Steere read the following Resolution into the record:

**Resolution
2011-4**

GLOCESTER TOWN COUNCIL RESOLUTION
REQUESTING AMENDMENT TO R.I.G.L. §16-7-23

WHEREAS, the Town of Glocester is part of the Foster Glocester Regional School District (“the District”) said District being created by Chapter 109 of R.I. Public Laws of 1958 (“the Act”).

WHEREAS, pursuant to Chapter 109 of R.I. Public Laws 1958, the Regional School Budget is determined by the taxpayers at the annual regional school district budget meeting and subsequently the Towns of Glocester and Foster must contribute their proportionate share of said budget. See also R.I.G.L. §16-3-20.

WHEREAS, Chapter 109 of the Act entitled “Budget” states as follows:
“The regional school district financial meeting shall determine the annual regional school district budget as to overall amount.”

WHEREAS, R.I. General Laws §16-3-13 states in part:
*“The regional school district financial meeting shall determine the regional school budget as to overall **amounts** ...”* (emphasis added)

WHEREAS, R.I. General Laws §16-7-23 states in part:
“...a community which experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval of the commissioner. The courts of this state shall enforce this section by write of mandamus.”

WHEREAS, the District has incurred significant debt service in relation to school construction projects.

WHEREAS, because of the budgetary procedures as stated above there exists a possibility that an overall budget may be passed at the District’s annual meeting which reflects prior year(s) debt service which is no longer on the books of the District, thereby binding the Town of Glocester to fund an expenditure which is no longer occurring.

WHEREAS, there is an inherit ambiguity and conflict in the budgetary procedures as set forth above and Title 16 of R.I. General Laws should be amended to address the ambiguity and conflict as the same applies to Regional School Districts.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council for the Town of Glocester respectfully request that the General Assembly amend R.I. General Laws §16-7-23(a) by adding the following language at the end of section (a):

Notwithstanding anything contained in Title 16 with respect to regional school districts to the contrary, debt service that is no longer carried on the books of any regional school district shall not be included in any annual regional school district budget nor shall non-reoccurring debt service be included in maintenance of effort as set forth above nor shall any non-reoccurring debt service be included in the operating budget of a regional school district.

The Glocester Town Council respectfully requests that Senator Paul W. Fogarty and Representative Michael Chippendale and Representative Cale Keeble introduce legislation to enact the proposed amendments.

Walter M. O. Steere, III - President
Glocester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Reichert

Discussion: Walter Steere, Jr., School Committee member, stated that he has spoken to Sarah Mangiarelli, Business Manager, who informed him that she is waiting for an opinion from the R.I. Department of Education regarding this matter. W. Steere, Jr. stated that a favorable opinion will give this Resolution a better standing in the legislature. W. Steere, Jr. asked if the Town of Foster will submit the same legislation. It was stated that the Council will ask Foster to do so. Tim Kane, Assistant Town Solicitor, recommended that another motion be made to forward the Resolution to the Foster Town Council along with Council President Steere's letter.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

MOTION was made by Councilor Burlingame to send a copy of this Resolution to the Foster Town Council asking for their support along with Councilor W. Steere's letter; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VII. Consent Item - Discussion and/or Action

- A. Finance Director's Report - October, November, & December 2010
- B Tax Assessor's Additions & Abatements
- C. Town Council Minutes of December 16, 2010 & January 6, 2011

MOTION was made by Councilor G. Steere to APPROVE the Finance Director's Reports for October, November & December 2010; to APPROVE the Town Council Minutes of December 16, 2010 & January 6, 2011; and to APPROVE the Abatements to the 2008 Tax Roll in the amount of \$416.86, Abatements to the 2009 Tax Roll in the amount of \$83.77; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

VIII. Unfinished Business

- A. Appointments - Terms to run concurrent with Council - Discussion and/or Action
 - 1. Deputy Town Clerk (**Con't from 1/06/2011**)

MOTION was made by Councilor Burlingame to REAPPOINT Susan Harris to the position of Deputy Town Clerk for a two year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- B. Taxation

- 1. Tax Exempt Status Request: Waterman Lake Shores Association Discussion and/or Action (**Con't from 1/06/2011**)

Councilor W. Steere stated that this item was tabled from the last meeting. Atty. Kane was to review deeds and advise as to the language of a proposed agreement.

Discussion: Tim Kane, Assistant Town Solicitor, stated that Henry Gold of the Waterman Lake Shores Association dropped off the deeds to the subject property. T. Kane explained that there clearly is a restriction in the deeds which states that the beach area is for the use of the owners of that recorded plat only. T. Kane stated that public access could not be granted. Councilor G. Steere stated that this type of tax exemption has been granted in the past, but only in exchange for allowing public access. G. Steere stated that, in this case, the Town and its taxpayers would not gain anything by making this property tax exempt.

Councilor W. Steere stated that this is his concern, also. Henry Gold noted that the Council has given tax exempt status to other groups such as the Association that owns the lake. H. Gold pointed out that there is an organization that is trying to get a tax district formed at Waterman

Lake which will mean that the property owners will pay taxes to two different entities. H. Gold stated that he will be back before the Town Council when this tax district is proposed. Councilor Burlingame asked what other associations have been granted tax exemptions. H. Gold replied that the Sand Dam Association and the Association for the Preservation of Waterman Lake were both granted exemptions. Councilor Burlingame stated that there is a sports club in West Gloucester that is tax exempt with the condition that if the organization becomes defunct, all of its properties and buildings revert to the Town. Councilor Burlingame pointed out that the Keach Pond Association pays taxes on the roads that the Association owns. H. Gold replied that the Waterman Lake Association also pays taxes on their roads, adding that they are requesting only a partial tax relief.

Councilor Reichert asked if the Association has the authority to place liens on the properties of the owners who do not pay dues. Councilor Burlingame replied that this would be extreme. H. Gold noted that this is what an organization is attempting to do at Waterman Lake. Tim Kane explained that a Dam Management District must be created by ordinance approved by the Town Council. T. Kane suggested that those who do not pay their dues should not be allowed to use the beach. H. Gold stated that his concern is that if the taxes are not paid on the property, it may go up for tax sale. H. Gold expressed appreciation for the Council taking the time to review the matter.

2. Village on Chopmist Hill Mobile Home Park
Abatement Request (Discussion only) (**Con't from 1/06/2011**)

Councilor W. Steere stated that this item was tabled from the last meeting to allow Mr. Kitson to submit an economic plan for the Council's consideration.

Discussion: Kevin Kitson, manager of the Village on Chopmist Hill Mobile Park, requested that this matter again be tabled.

MOTION was made by Councilor Burlingame to TABLE the Village on Chopmist Hill Mobile Home Park - Abatement Request; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

IX. New Business

- A. Gloucester Code of Ordinance - 1st Reading proposed amendment
OWB (Outdoor Wood Boiler) Discussion and/or Action

MOTION was made by Councilor Hainsworth to WAIVE the 1st reading of the proposed amendment to the Gloucester Code of Ordinance, Section 268, Outdoor Hydronic Heaters, Outdoor Wood Boilers; seconded by Councilor G. Steere.

Discussion: Tim Kane, Assistant Town Solicitor, explained that this Ordinance regulates Outdoor Wood Boilers and noted that it prohibits certain things from being burned, such as lawn clippings, tires and chemicals. T. Kane noted that if the Ordinance passes, it becomes effective immediately. T. Kane stated that the Ordinance is not retroactive, for the most part. Any existing boiler would need a building permit issued within four (4) months. Any new OWB would require a minimum lot size of 20,000 square feet, a 150 foot setback from any building, 50 feet from a lot line and would require a concrete apron 4 feet in front and 3 feet in width on the sides. T. Kane further stated that, where achievable, the stack height should exceed the roof peaks of buildings within 200 feet of the OWB.

Chimney height would be at least 16 feet, but no more than 35 feet. Any new boiler would have to be 30 feet from the structure that it serves and would be allowed in a rear or side yard but not a front yard. With regard to existing units, if the Building/Zoning Official receives a complaint from any person who resides within 300 feet, the property owner will receive a notice to confer with the Building Official with the intent of taking steps to mitigate the emissions. T. Kane noted that the proposed Ordinance is somewhat more liberal than some of the other Ordinances that the Council looked at.

Councilor Reichert stated that he is against this Ordinance because he feels it is very restrictive. Councilor Reichert commented that it reminds him of the Wastewater Management District Board's rules and regulations, which contained too many restrictions. Councilor Reichert questioned who will enforce this Ordinance. Councilor Reichert further stated that oil is \$3.50 per gallon and people are doing whatever they can to get by.

Councilor W. Steere replied that these concerns can be brought forth at the Public Hearing, but this vote is to waive the first reading. John Bevilacqua pointed out that since this item is on the agenda for discussion and/or action, the public can assume that this Council can take some sort of action. Tim Kane stated that he gave an overview of the proposed Ordinance which is available to anyone who wants to review it, and further stated that the first reading can be waived and a Public Hearing can be scheduled by the Town Council.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

MOTION was made by Councilor Burlingame to set a Public Hearing for the consideration of the proposed amendment to the Gloucester Code of Ordinance, to include Section 268, Outdoor Hydronic Heaters, Outdoor Wood Boilers for February 3, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

B. Police Department - Dispatch- Discussion and/or Action
Notice of Retirement

Councilor W. Steere stated that the Council has received the retirement notice from Full time Police Dispatcher, Byron Harrington. The retirement date is effective January 27, 2011 and a copy is on file in the Clerk's Office.

MOTION was made by Councilor G. Steere to ACCEPT the notice of retirement of Byron Harrington from the position of Gloucester Police Dispatcher as of January 27, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

C. Appointment - Discussion and/or Action

1. Town Clerk's Office, Clerk II

Councilor W. Steere stated that this appointment is to fill the position of Barbara Poole in the Town Clerk's Office. Councilor Hainsworth read the following request:

January 20, 2011

TO: Town Council Members
FROM: Jean Fecteau, Town Clerk
RE: Clerk Vacancy

Councilors:

As you are aware, Senior Clerk, Barbara Poole has submitted her intention to retire as of January 28, 2011.

I posted this union position internally and have accepted the application of Maureen Baxter. Maureen is currently employed as a Clerk II in the Planning Office.

I am now requesting Council consider appointing Maureen Baxter to a position in the Town Clerk's Office, Clerk II, effective January 31, 2011.

Thank you for your consideration.

Jean Fecteau
(end of memo)

Discussion: None.

MOTION was made by Councilor Hainsworth to APPOINT Maureen Baxter to the position of Clerk II in the Town Clerk's Office, effective January 31, 2011, with this lateral transfer employee retains all current seniority and benefits; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- D. Authorization - Correspondence - Discussion and/or Action
 - 1. Response to comments made by Regional School Solicitor
Valley Breeze

Councilor W. Steere stated that a letter from the solicitor of the region was published in the current edition of the Valley Breeze. Councilor W. Steere stated that the letter was derogatory to both Foster and Gloucester and suggested that we request an apology from the attorney. Councilor Burlingame agreed that this cannot go unanswered.

Councilor Burlingame stated that he has submitted a response to the newspaper for the next publication. Councilor Burlingame stated that Mr. Piccirilli was out of line in his statement that Gloucester does not understand how the region functions. Councilor Burlingame added that it is even more disturbing that Mr. Piccirilli is also the Gloucester School Committee solicitor in addition to the Regional School solicitor.

Councilor W. Steere stated that his concern is the tone of Mr. Piccirilli's comments because he is taking a shot at us unnecessarily. Councilor W. Steere stated that it is true that we don't have much control over 80% of our budget, adding that the only opportunity to voice concern is at the Regional Financial meeting, which is not well-attended.

John Bevilacqua stated that the \$212,000 which was retained was due to the cap, was a very real issue. J. Bevilacqua stated that unfortunately, the school's budget is passed before the Towns actually know what cuts the State will make. J. Bevilacqua commented that many taxpayers are experiencing financial difficulty and cannot pay their taxes. J. Bevilacqua suggested that the Towns of Foster and Gloucester join together in a show of strength in order to stop the wasteful spending.

Councilor Hainsworth commented that the Town Council has good relations with the School Committee and stated that he hopes that this letter will not jeopardize that. Councilor Hainsworth noted that there are several new members on the School Committee who seem to want to do what is right and are not in agreement with their solicitor's opinion. Councilor Hainsworth expressed his opinion that the more trouble Mr. Piccirilli causes, the more money he makes. John Bevilacqua commented that Mr. Piccirilli is not a solicitor, but a legal advisor, per the Region's charter.

Councilor W. Steere asked if the Council members wish to draft correspondence other than what has been submitted to the Valley Breeze by Councilor Burlingame. Councilor Burlingame noted that he signed his letter as a member of the Town Council, but not on behalf of the whole Council. Walter Steere, Jr., School Committee member, stated that he will place this issue on the agenda for the next School Committee meeting.

2. Complaint response: Chepachet Village parking

Councilor W. Steere asked Police Chief Joseph DelPrete for an update on the parking situation in the village. Chief DelPrete replied that the Department of Transportation assisted us in snow removal, in response to the request by Charlie Wilson, owner of the Town Trader.

E. Human Services - Discussion and/or Action

1. Van Driver- Benefit clarification

Councilor W. Steere stated that an appointment was made to the position of Van Driver for the Human Services Department with salary to be determined.

Discussion: None.

MOTION was made by Councilor Burlingame to compensate the Van Driver, Neil Salisbury, (appointed 12/16/2010, effective 12/17/2010), at an hourly wage of \$13.74; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

X. Boards/Commissions

A. Appointments - Discussion and/or Action (**tabled from 1/6/2011**)

1. Planning Board

One Five Year Term to Expire 3/2012

Discussion: Councilor G. Steere suggested that the Planning Board review the talent bank applications that have been submitted. Councilor W. Steere commented that there are at least five people who have recently expressed interest in serving on the Planning Board.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Planning Board for one five year term to expire 3/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

2. Recreation Commission to 01/2013
1 expired term

MOTION was made by Councilor Burlingame to TABLE the appointment to the Recreation Commission for a term to expire 01/2013; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

XI. Department Head Report/Discussion
Boards & Commissions - Discussion

- A. Gary Treml, Public Works Director, reported that his budget is good shape in spite of the number of snow storms we have had.

XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that Commissioner Gist has scheduled a visit to Gloucester Schools for February 16th and asked if this event will be open to the public. Walter Steere, Jr., School Committee member, replied that he was unaware of the visit but will find out more details.
- B. Councilor W. Steere stated that correspondence was received from the Department of Environmental Management regarding the requirement for posting notice of public tree removal. This will be forwarded to the Tree Warden.
- C. Councilor W. Steere stated that a letter was received from Greg Piccirilli regarding amendments to the Regional Charter.
- D. Councilor W. Steere stated that a letter was received from the Samaritans soliciting donations for their organization.

XIII. Open Forum

- A. Rose LaVoie commended Charlie Wilson for what he did on behalf of getting Main Street cleaned up after the snowfall.

Rose LaVoie stated that the Heritage Society will hold their annual gala at which time a citizen will be honored with the Thomas Wilson Dorr award. The event will take place on Wednesday, April 27th.

R. LaVoie spoke regarding road projects and expressed hope that we will be kept advised of what the State is doing. R. LaVoie noted that several years ago, she and three individuals from the Department of Transportation looked at a collapsed drain in front of the Heritage Society, but the drain has still not been repaired and water is still running into the basement of the building.

- B. Charlie Wilson, owner of the Town Trader, thanked the Chief of Police and the Director of Public Works for responding to the issues regarding snow removal in the village. C. Wilson stated that the business owners are struggling to survive in this economy and he appreciates what was done to alleviate the parking situation. C. Wilson spoke about the small parking lot on the other side of the street, asking that the “No Overnight Parking” sign be enforced. C. Wilson stated that he feels that residents are using the lot instead of shoppers.
- C. Councilor Burlingame stated that copies of the audit for 2010 will be distributed soon for the Council’s review. David Steere, Budget Board chair, noted that the audit is also available online at the Department of Municipal Affairs website. Jean Fecteau, Town Clerk, stated that there is a link on the Town’s website which will take the user directly to Municipal Affairs.
- D. Charlie Wilson noted that there is a new paper in town called “The Gloucester Advocate” which should be considered when the Council needs to advertise to the public.
- E. Walter Steere, Jr. stated that after a recent snowstorm, the driver of a State truck which was plowing Route 44 did not lift the plow when he came to most of the driveways, causing snow piles which prevented cars from getting through. W. Steere, Jr. also stated that mailboxes were destroyed because the blade was not raised. W. Steere, Jr. stated that he reported this to the foreman at the Gloucester facility.

XIV. Executive Session

- A. Pursuant to R.I.G.L.. 42-46-5(a) 2 Collective Bargaining - Discussion and/or Action

MOTION was made by Councilor G. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

XV. Reconvene Open Session
Disclosure of Votes taken

MOTION was made by Councilor G. Steere to RECONVENE Open Session; no votes were taken in Executive Session; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

XVI. Appointment
A. Police Department - Dispatch

Council has received a request from the Chief of Police:

TO: Honorable Town Council Members
From: Chief Joseph DelPrete
Date: January 18th, 2011
Subject: Police Department Agenda Item

Dear Council Members,

I would respectfully request to make the following employment appointment to the Gloucester Police Department.

Appoint **Joseph C. Cole**, of Johnston to a probationary full-time dispatcher position within the Gloucester Police Department. This appointment is needed as a replacement for full-time dispatcher Byron Harrington who will be retiring on January 26th, 2011. Joseph Cole has experience with all dispatcher functions and has been training and working at the Gloucester Police Department in this capacity part-time. His starting salary will be \$16.66 per hour.

Respectfully Submitted,
Joseph DelPrete, Chief of Police
(End of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Joseph C. Cole to the position of probationary full time dispatcher within the Gloucester Police Department at a starting salary of \$16.66 per hour. This appointment is effective on January 27, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

XVII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:52 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 3, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **February 3, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Raymond Goff, Town Planner; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie

IV. Open Forum for Agenda Items

None.

V. Resolution/Proclamation

A. Teen Dating Violence Awareness & Prevention Month, Feb. 2011

Councilor Hainsworth read the following into the record:

**Gloucester Proclamation
2011-1
Teen Dating Violence Awareness Month**

Whereas, dating violence is a reality for many teens, and an issue that many parents are unaware of as 1 in 3 young people are affected by physical, sexual, or verbal dating violence, and

Whereas, young people can choose better relationships when they understand that healthy relationships are based on respect and they can stay safe when they learn to identify early warning signs of an abusive relationship; and

Whereas, elimination of dating violence must be achieved by showing our youth the alternatives through the cooperation and participation of individuals, organizations, and communities; and,

Whereas, since 2006, February has been observed as an important time to raise awareness about the serious issue of dating violence in high schools, colleges and communities across the nation; and

Whereas, Dating Violence Awareness & Prevention Month provides an excellent opportunity for everyone to learn more about preventing dating violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims; and

Whereas, each community should coordinate events and reminders to bring the importance of this commemoration to the attention of our teens, their families, and our community; and

Now, therefore be it, RESOLVED, that the Town of Gloucester, does hereby proclaim the month of February, 2011, as Dating Violence Awareness & Prevention Month and urge all residents to support activities that champion this cause.

Walter M. O. Steere, III
Town Council President
Jean M. Fecteau, CMC - Town Clerk

seconded by Councilor G. Steere

Discussion: Councilor W. Steere stated that this is an excellent cause and an important subject. Councilor W. Steere noted that this Proclamation will be read at the Ponaganset High School on February 17, 2011 at 6:00 p.m. at a parent/Community workshop held by Mrs. Anna Burke of the Lindsey Anne Burke Memorial Fund.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- VI. Public Hearing - Discussion and/or Action
 - A. Amendment to Gloucester Code of Ordinances
 - Addition of Chapter 258:
 - Outdoor Hydronic Heaters/Outdoor Wood Boilers

Councilor W. Steere stated that this Public Hearing was advertised in the Observer on January 27, 2011 and the Bargain Buyer the week of January 24th, 2011.

Councilor W. Steere noted that the first reading of this proposed ordinance was held on January 20, 2011.

Councilor W. Steere DECLARED the Public Hearing OPEN and stated that anyone wishing to speak should come to the microphone and state their name for the record.

Discussion:

1. Dan Desautel, of 154 Douglas Hook Road, stated that he has had an outdoor wood boiler for approximately three (3) years. D. Desautel stated that the wording of the proposed Ordinance is vague with regard to "residence." D. Desautel explained that if somebody

owns 50 acres of property, a neighbor could have a boiler within 300 feet of the property, but it could be 1,000 yards from the house. Councilor W. Steere suggested that the word “dwelling” be used instead of “residence.” Tim Kane, Assistant Town Solicitor, stated that the word “dwelling” could be incorporated into the existing language to clarify the meaning.

2. Russell Gross referred to Page 3 which states that within four (4) months of the effective date of this Ordinance, the OHH shall be removed. R. Gross objected to forcing someone to move a unit which may have been there for five (5) years. Tim Kane noted that if you read the paragraph in its entirety, it states that there is a requirement to obtain a permit, and if this is not done, the OHH must be removed. R. Gross asked why coal is listed under “Prohibited Fuels.” Councilor Burlingame replied that the unit is wood-burning and is not designed to burn coal. R. Gross also questioned why salt water driftwood is not allowed. Councilor G. Steere stated that he has been directed by the Ethics Commission not to participate in this discussion.

Tim Kane stated that the prohibition of coal is a policy decision of the Council, adding that there is legislation in the Senate with regard to allowing home heating oil, natural gas or propane as starter fuel for an outdoor wood heater. R. Gross recommended that we wait until the State passes a law concerning outdoor boilers. Councilor W. Steere explained that back in January of 2009 the State had a similar act in legislation which never went anywhere. R. Gross stated that he went to look at the unit on Jackson Schoolhouse Road and noted that it looks like it was installed beautifully. Councilor W. Steere commented that the proposed Ordinance is not intended to regulate, but to give enforcement powers in the event that a public nuisance occurs.

3. Kevin LaVoie, of Pound Road, asked if only people within 300 feet can file a complaint. T. Kane replied in the affirmative. Regarding the list of prohibited fuels, K. LaVoie stated that it would be simpler to state what is allowed, such as clean wood and wood products, with all other products prohibited. K. LaVoie stated that he has had one of these units since 2005 and feels that it is not right to have to go back to pull a permit after six years.
4. Neil Esposito, 226 Tourtellot Hill Road, commented that when anyone has had a question, Tim Kane has had to interpret the Ordinance to answer the question. N. Esposito expressed concern that in five or ten years when there is a new Council and T. Kane is not here, how will the Ordinance be interpreted? N. Esposito feels that there are too many loopholes that people could get around.
5. Walter Steere, Jr. spoke regarding the disposal of ashes. W. Steere, Jr. asked if he is endangering the wetlands by spreading the ashes from his wood stove on his lawn. Councilor Burlingame replied that this is really not an issue as it is no different than ashes from a campfire. W. Steere, Jr. commented that if a neighbor complained about an outdoor wood boiler, the Building Inspector could look at this ordinance and ask what is being done with the ashes. With regard to existing units, Walter Steere, Jr. inquired about the requirement to obtain a building permit within 4 months of the passage of the Ordinance.

T. Kane stated that the Ordinance calls for this. W. Steere, Jr. asked what the owner has to do after obtaining the permit. T. Kane replied that if the inspectors saw a potential problem with the unit, it would be addressed. Councilor Burlingame noted that it is important to take out permits for mechanical or electrical work because if there is a problem which results in an insurance claim, the insurance company will not honor the claim. W. Steere, Jr. asked if a unit had to be moved due to a complaint, would the new regulations have to be complied with? Tim Kane replied in the negative. W. Steere, Jr. expressed his opinion that we should wait until DEM comes up with their rules and regulations.

6. Dan Desautel stated that when he put his burner in 3 years ago, he came to the Town Hall to obtain a permit, but was told that there were no rules governing them.
7. Kevin LaVoie stated that the rules going forward are important to put in place, but feels that owners of existing units should not be required to obtain permits. K. LaVoie asked if the units will be added to property values.
8. George Charette, 312 Chopmist Hill Road, commented that there are 10,000 people in Town and one person complaining. G. Charette stated that it is a civil matter, not a Town matter. G. Charette expressed opposition to the proposed Ordinance, stating that we have too many regulations which are killing the American freedom of rights.
9. Fred Naylor of Blackinton Drive stated that he agrees that there are enough regulations without adding this Ordinance.
10. Rose LaVoie stated that a Noise Ordinance was proposed because somebody complained about an ice cream truck, a Light Ordinance was passed because somebody had a bright light shining in their neighbor's window, and somebody in Burrillville complained about harassment at a polling place so now there is a law that a policeman must be present at the polling places. R. LaVoie expressed agreement with George Charette's opinion that this Ordinance is not necessary.
11. Scott Hearn, 129 Jackson Schoolhouse Road, stated that he put in an outdoor wood boiler several years ago after pulling the proper permits. S. Hearn stated that a couple of weeks ago it was brought to his attention that he was creating a nuisance. S. Hearn stated that if his neighbor had come to him 3 years ago, he would have corrected the problem by raising the stack or moving the boiler. S. Hearn asked if he would have to obtain another permit even though he already has one. Councilors W. Steere and Burlingame replied in the negative. S. Hearn stated that he wishes to clear this up. S. Hearn thanked the Council and apologized for any inconvenience he may have caused.
12. John Bevilacqua spoke of a case in Foster, Charrette vs. Pezza, in which the complainant was not successful. J. Bevilacqua explained that the Court ruled that there was no nuisance nor risk to public safety. J. Bevilacqua stated that there is no problem with wood burners in Foster, there was only a problem with a neighbor. J. Bevilacqua stated that he objects to the Building Inspector determining what is a nuisance, adding that he is not trained for it and there are no standards to follow. There was discussion with regard to Section 258-5

Existing Units. J. Bevilacqua stated that he feels that more experts are needed to discuss this matter in order to develop an Ordinance which will be fair and appropriate to provide for the citizens' safety.

13. Howard Frederickson stated that he sells these units and has one of his own. H. Frederickson stated that he installed one in a plat in Lincoln and when a complaint was filed for smoke, it was a neighbor with an indoor wood stove who was cited. H. Frederickson explained that the newer outdoor units generate less smoke and more heat than do wood stoves. Councilor W. Steere asked if the type of fuel used affects the type of particulate which is emitted. H. Frederickson replied that the fuel affects the density of the smoke. H. Frederickson stated that green wood and dry wood burn the same in an outdoor boiler, however, garbage, trash and plastics should not be burned. H. Frederickson noted that he feels that outdoor wood boilers are safer than indoor wood stoves.
14. George Charette spoke with regard to the ashes, stating that he throws them in his garden to protect against grubs.
15. Terry Leach of Brown School Road expressed concern that major problems are caused by outdoor wood boilers due to the fine particulate matter emitted which cannot be filtered well through the lungs. T. Leach recommended a minimum acreage requirement.
16. Councilor Reichert stated that since 1997, the Federal government has been adding red dye to fuel oil to prevent using it in vehicles. Councilor Reichert noted that we are all inhaling this chemical.
17. Fred Naylor stated that his wife is asthmatic and cannot tolerate smoke from a fireplace or campfire, but has no problem with their outdoor wood furnace. F. Naylor stated that his family has been able to benefit from the warmth of his outdoor boiler.
18. Joe Impagliazzo of 141 Jackson Schoolhouse Road stated that he is the person who brought this to the Council's attention. J. Impagliazzo stated that the purpose of his complaint was not a personal attack on his neighbor, whom he has not met. J. Impagliazzo stated that the reason he brought this to the Council's attention was for public safety, and public safety alone. J. Impagliazzo noted that he was told that the State was not going to do anything about this issue. J. Impagliazzo stated that other towns have put ordinances into place and he feels that Gloucester needs to do so in order to protect the people. J. Impagliazzo commented that his was the only formal complaint filed, but there were others where the complainant did not leave his or her name.
19. Howard Frederickson suggested that a subcommittee be appointed to work on this Ordinance during the next few months and come back with something before the next heating season. H. Frederickson stated that he would not recommend adopting an Ordinance right now, in the middle of heating season.

Councilor W. Steere asked if the Council members had any comment.

1. Councilor Reichert stated that he agrees that there are areas where outdoor wood boilers do not belong, adding that there should be restrictions in these areas. However, Councilor Reichert expressed his opinion that an Ordinance would not help the gentleman with the complaint. Councilor Reichert feels that this is a civil matter and it could be worked out by making adjustments to the boiler.
2. Councilor Hainsworth stated that he has driven around Town to look at these units and has spoken to people about them. Councilor Hainsworth stated that he has questions but the Building Inspector is not present to answer them. Councilor Hainsworth expressed concern that one person, the Building Inspector, would have all the authority, stating that this is arbitrary and capricious. Councilor Hainsworth noted that we already have regulations pertaining to outbuildings and setbacks and suggested expanding on an existing ordinance instead of adopting a new one.
3. Councilor Burlingame stated that much of the information that has come up tonight should be considered. Councilor Burlingame stated that the Council should think about the input before making a decision.
4. Councilor G. Steere reiterated that he has an advisory opinion from the Ethics Commission which prevents him from voting on the Ordinance. Councilor G. Steere stated that we need something in place regarding setbacks specific to outdoor boilers. Councilor G. Steere also stated that some fuels should be prohibited, such as plastic milk jugs and oil cans. Councilor Hainsworth stated that there was a suggestion to list only what is allowed instead of what is prohibited.
5. Councilor W. Steere stated that there have been many good points brought up, which is the reason for a Public Hearing. Councilor W. Steere stated that the purpose of this proposed Ordinance is not to be restrictive, but to protect people, including those who have these boilers. Councilor W. Steere explained that he reviewed 26 different ordinances from all over New England from which the Council is trying to achieve a balance.

There was discussion concerning existing burners and the requirement to pull permits. Councilor G. Steere stated that if the owner had already obtained a permit when the unit was installed, another permit would not be necessary. T. Kane, Assistant Town Solicitor, stated that if there is any ambiguity, a sentence could be added for clarification. Councilor W. Steere stated that there is a moratorium on new boilers which ends today and the Council must consider how to handle that. There was Council consensus not to extend the moratorium.

MOTION was made by Councilor Burlingame to CONTINUE the Public Hearing regarding the proposed Amendment to Gloucester Code of Ordinances, Addition of Chapter 258: Outdoor Hydronic Heaters/Outdoor Wood Boilers until the Town Council meeting of March 17, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

VII. Unfinished Business

A. Taxation

1. Village on Chopmist Hill Mobile Home Park - Abatement Request (Con't from 1/20/2011)
Discussion

Councilor Hainsworth stated that he received a call today from Kevin Kitson, Manager of the mobile home park, stating that he is waiting for paperwork from the bank and is not ready to proceed at this time.

MOTION was made by Councilor Hainsworth to TABLE the Village on Chopmist Hill Mobile Home Park - Abatement Request to the next Town Council meeting; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

VIII. New Business - Discussion and/or Action

A. Resident Request - Jackson Schoolhouse Road/Brandy Brook Bridge

Councilor Burlingame explained that the Town Council received a complaint from Dave Ducharme last November. This letter was briefly discussed at the first meeting of November and was to be discussed further at the next meeting. There was consensus to forward the complaint to the Safety Commission for evaluation.

MOTION was made by Councilor Burlingame to forward resident correspondence, dated November 1, 2010, regarding Jackson Schoolhouse Road and Brandy Brook Bridge to the Safety Commission for an opinion; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

B. Stone Mill Hydro Agreement

Peter Skeffington, 48 Anan Wade Road, stated that this agreement has been approved in principal by the Community Resource Commission at their meeting in January, meaning that

changes can be made, if required, by the Solicitor. Tim Kane, Assistant Town Solicitor, stated that the agreement should be reviewed by the property owners for their comments before Town Council approval.

MOTION was made by Councilor Burlingame to TABLE the Stone Mill Hydro Agreement until the Community Resource Commission obtains comments from the property owners; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

IX. Boards/Commissions

A. Appointments - Discussion and/or Action (**tabled from 1/20/2011**)

1. Planning Board

One Five Year Term to Expire 3/2012

MOTION was made by Councilor Hainsworth to APPOINT Mike DeGrange to the Planning Board for the unexpired five year term to expire 3/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Recreation Commission to 01/2013 (**tabled from 1/20/2011**)

1 expired term

MOTION was made by Councilor Burlingame to APPOINT Douglas Lovett to the Recreation Commission for a term to run concurrent with the Town Council to expire 01/2013; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

3. Gloucester Land Trust

a. Member at Large – Planning Board

Term to expire 2/6/11 – One year term.

MOTION was made by Councilor Hainsworth to REAPPOINT Russell Gross to the Gloucester Land Trust, Member at Large - Planning Board for a term to expire 2/6/2012; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

b. Member at Large – Conservation Commission

Term to expire 2/6/2011 – One year term

Councilor W. Steere stated that Roy Najecki has asked that Cheryl Cadwell be appointed to this position currently held by Dan Pearson. Dan has asked not to be reappointed to this position.

MOTION was made by Councilor G. Steere to APPOINT Cheryl Cadwell to the Gloucester Land Trust, Member at Large - Conservation Commission for a term to expire 2/6/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Economic Development - Discussion and/or Action

1. Meeting procedures

Council has received an opinion from the Solicitor regarding procedures followed at the last Economic Development Meeting.

Discussion: Tim Kane, Assistant Town Solicitor, stated that he has changed his opinion after listening to a recording of the meeting in question. T. Kane explained that the election of officers is different from normal business. In this case, there was a motion to appoint an individual as chair of the Commission. The motion was seconded.

There was a subsequent motion to appoint another person as chair, which was also seconded. T. Kane stated that the two candidates then expressed why they wished to be elected chair. T. Kane noted that the conversation became heated and the first candidate declined the nomination and left the meeting, after which no action was taken on the first motion. T. Kane stated that his opinion is that when the first individual declined the motion, it became null and void, therefore the second person was elected chair.

2. General discussion regarding the Board

Mike DeGrange, recording secretary for the Economic Development Commission, stated that it is his duty to inform the Council of multiple Open Meeting Law violations, such as acting on items which are not on the agenda and the overpowering and bullying of members. M.

DeGrange suggested that the Council members listen to the recording of the meeting and think about what should be done regarding the committee. M. DeGrange noted that the reason the first nominee refused the nomination was due to the actions and disorder which were taking place. M. DeGrange stated that the Commission members should be treated with respect and implored the Town Council to handle this matter.

George Charette stated that he is the individual who declined the nomination for the reason that he was badgered by Ray Theriault. G. Charette noted that during the short time that he served as chair, much was accomplished. G. Charette stated that he has provided copies of everything which has transpired and these documents are kept in a binder in the Town Clerk's office. G. Charette stated that several months ago, he stepped down as chair due to the fact that he is chair of the Planning Board.

. Charette pointed out that since that time, nothing has been submitted to the Clerk's office by the EDC. G. Charette stated that he is still a member of the EDC and if not for him and Mike DeGrange, there would be no meetings. G. Charette stated that the Commission requested destination signage on the highway for Gloucester and the State approved 2 of the 6 signs requested. G. Charette further stated that the Commission was successful in getting parallel parking on Putnam Pike and is attempting to utilize the Kent property for an administrative park building with restrooms. G. Charette stated that since he stepped down as chair, the Commission is not effective, noting that there is a problem with attendance

Russell Gross asked Tim Kane, Assistant Town Solicitor, if he heard on the tape that certain members were accused of having a meeting before the meeting. T. Kane replied that he heard many things which were upsetting.

Councilor Hainsworth asked if the Council could meet with the EDC in an attempt to resolve these issues. Councilor G. Steere stated that he arrived at that meeting as G. Charette was leaving, adding that he disapproved of what went on afterward in terms of procedures. Councilor G. Steere agreed that the Council should meet with the chair or perhaps the whole committee. Councilor W. Steere expressed concern over the lack of order and agreed that the Commission must be put on notice that this cannot continue.

There was discussion concerning the procedure of discharge of members from their duties. Mike DeGrange stated that according to Rules and Procedures of Boards and Commissions, any member can be brought before the Town Council for a hearing and can be removed for violating any of the articles in the procedure. M. DeGrange stated that he has recordings from every meeting and noted that with the previous chair, the meetings were conducted in an orderly fashion.

Councilor W. Steere suggested sending each board and commission a copy of their responsibilities and duties with regard to conducting meetings.

MOTION was made by Councilor Burlingame to schedule a workshop between the Town Council and the Economic Development Commission on a date to be determined; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

X. Department Head Report/Discussion
Bds. & Commissions - Discussion

A. Joseph DelPrete, Chief of Police,

B. Pete Skeffington, Community Resource Commission member,

C. Henry Gold, alternate member of the Economic Development Commission,

XI. Council Correspondence/Discussion

XII. Open Forum

A. Rose LaVoie

XIII. Executive Session

A. Pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining, Local Union 1322, Town Hall Clerks- Discussion and/or Action

MOTION was made by Councilor G. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining, Local Union 1322, Town Hall Clerks; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

XIV. Reconvene Open Session
Disclosure of Votes taken

MOTION was made by Councilor Burlingame to seal the minutes of Executive Session (no votes were taken in Executive Session); seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

XV. Appointment
A. Planning Office - Discussion and/or Action
Clerk Position

MOTION was made by Councilor Burlingame to APPOINT Denise Cadoret to the position of Clerk I in the Planning Office effective February 7, 2011; seconded by Councilor Hainsworth.

XVI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:22 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 3, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **February 17, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Susan Harris, Deputy Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Raymond Goff, Town Planner; Walter Steere, Jr., School Committee member and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

None.

V. Public Hearing - Discussion and/or Action

A. Exception to the Ordinance Regulating Building Permits

1. Owner & Applicant: Bonnie L. Clark, Trustee

Location: Assessors Plat 17, Lot 6, frontage off of Putnam Pike.

Applicant seeks an Exception to the Ordinance Regulating the Issuance of Building Permits for access to one (1) proposed dwelling off an existing right of way through Assessors Plat 17, Lot 200 from Putnam Pike.

Councilor W. Steere stated that this Public Hearing was advertised in the Observer on February 3, 2011. Councilor W. Steere DECLARED the Public Hearing Open.

Councilor Hainsworth explained that he must recuse himself from this application as he is an abutting property owner.

Councilor G. Steere read the unapproved opinion of the Planning Board into the record as follows:

JANUARY 24, 2011

Recommendation to the Town Council, Exception to the Ordinance Regulating the Issuance of Building Permits

Bonnie L. Clark, Trustee, AP 17, Lot 6, property located off Putnam Pike.

MOTION was made by Mr. Calderara for a positive recommendation to the Gloucester Town Council regarding an application for an Exception to the Ordinance Regulating the Issuance of Building Permits by Applicant and Owner Bonnie L. Clark, for property located along Putnam Pike and further described as Assessor's Plat 17, Lot 6, as shown on the plans entitled "Plan Showing Proposed Site Improvements for Clark Property on Putnam Pike in Gloucester, Rhode Island, AP 17, Lot 6", dated 12/29/10 and prepared by International Mapping & Surveying Corporation, 19 Industrial Drive, Smithfield, Rhode Island.

The applicant seeks to install a driveway off a private Right of Way for access to an existing residential lot (Lot 6). The proposed new driveway will utilize an existing shared driveway through Lot 200 and will be improved through Lots 7 and 12 to Lot 6. The subject property does abut Putnam Pike to the west, but access is impractical due to steep grade change (ledge), instead, access will be via the exiting ROW/Driveway through Lot 200 and Lot 12.

Granting this Exception will allow the owner to access Lot 6 through Lots 200, 7 and 12 as it is the only practical access to the property. In making this recommendation, the Planning Board has considered the following: 1) That the proposed access meets or exceeds the Rules and Regulations adopted by the Gloucester Planning Board; 2) The plan entitled "Plan Showing Proposed Site Improvements for Clark Property on Putnam Pike in Gloucester, Rhode Island, AP 17, Lot 6", as submitted by the applicant, dated 12/29/10, which supports the feasibility of the access request; 3) That the present condition of the improved portion of the private driveway/ROW are adequate for public safety vehicle access; 4) That the proposed improvements include a fourteen (14) foot wide travel way with two (2) foot shoulders and will provide adequate physical access to the property by the public safety vehicles; and 5) The report of the Technical Review Committee, dated January 14, 2011, that demonstrates appropriate Town staff have reviewed and support the application for access.

The proposed plan is found to be consistent with the Gloucester Comprehensive Community Plan Section 3.2.1 "To preserve, enhance and protect Gloucester's rural character and sense of place;"

Section 3.2.2 "To encourage responsible land use decisions by public officials and public bodies;" Section 4.2.1 "To maintain, protect and enhance Gloucester's desirable living attributes;"

Section 6.2.4 "To prevent the loss, destruction or misuse of natural and cultural resources in order to preserve the special character and sense of place of Gloucester;" and Section 9.2.2 "To create, maintain and preserve a safe and efficient multi-modal circulation system."

The Planning Board recommends that the following conditions be included in any approval of this application: a) That all improvements be completed to the satisfaction of the Public Works Director and the Harmony Fire District prior to the issuance of an occupancy

permit; b) That this private driveway/ROW will remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and the Director of Public Works prior to the issuance of a building permit; c) That it is the applicants sole responsibility to seek and receive all permissions, clearances and or approvals from owner (s) of the private driveway/ROW prior to making any alterations or using this road (s) or access to this property; d) creation of a driveway of 14-foot wide travel way plus 2-foot shoulders on each side, with a 15 foot cleared area on either side. e) A maintenance agreement for the Right of Way be created and approved by the Town Solicitor to include all users prior to the issuance of a building permit.

Motion was seconded by Mr. Gross.

VOTE: AYES — 6, NAYS — 0

Motion carried on a unanimous aye vote.

(End of motion)

Councilor W. Steere read the following opinion from the Fire Chief:

January 31, 2011

Chris Clark (401) 529-6387

Approval of Private Driveway -
519 Putnam Pike, Gloucester, RI

PLAT: 17 LOT: 006

Dear Mr. Clark,

I have reviewed the site plans for the proposed improvements to your property, as presented to the Town of Gloucester Planning Board on 1/24/11 and submitted to my office on 1/25/11.

These plans were reviewed under the 'Rhode Island Fire Safety Code', specifically NFPA 1 -Section 18.2 - Fire Department Access, and all referenced codes and standards. At this time they appear to be in conformance with the aforementioned sections of the Code.

Approved plans shall at all times during the construction be on the site, and available upon request of the Harmony Fire Department.

A final 'Fire Safety Code Inspection' is required prior to a Building Permit being approved by this office.

Any violation, deficiency, or requirement, which may have been overlooked in the plan review process, shall also be subject to correction under the provisions of any applicable code.

Please contact this office should you need additional assistance in this matter.

Sincerely,
Chief Stuart Pearson
Assistant Deputy State Fire Marshal

Enclosure includes: **NFPA 1 - Uniform Fire Code**
Chapter 18 Fire Department Access and Water Supply
(full text on file in the office of the Town Clerk)
(end of memo)

Councilor W. Steere stated that also included in the file is the TRC's report to the Planning Board of January 14, 2011 with a favorable opinion.

Councilor W. Steere stated that anyone wishing to speak should come to the microphone and state their name for the record.

Discussion: Bradley Steere, attorney representing the applicant, stated that the package submitted is complete and the map depicts the right of way and the lot in question. Attorney Steere explained that it would be impractical to access this property through the frontage on Putnam Pike due to severe ledge, extreme grade and drop-off into a small stream.

Kevin Kitson, abutting property owner, expressed his opinion that it would be advantageous to have the Clark family expand on their property, adding that the Town encourages this type of family development.

Councilor W. Steere again asked if anyone wished to speak. Hearing none, Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to GRANT the Exception to the Ordinance Regulating the Issuance of Building Permits for Owner & Applicant: Bonnie L. Clark, Trustee; Location: Assessors Plat 17, Lot 6, frontage off of Putnam Pike.

Applicant seeks this Exception for access to one (1) proposed dwelling off an existing right of way through Assessors Plat 17, Lot 200 from Putnam Pike. Said Grant is subject to the following stipulations: a) That all improvements be completed to the satisfaction of the Public Works Director and the Harmony Fire District prior to the issuance of an occupancy permit; b) That this private driveway/ROW will remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and the Director of Public Works prior to the issuance of a building permit; c) That it is the applicant's sole responsibility to seek and receive all permissions, clearances and or approvals from owner (s) of the private driveway/ROW prior to making any alterations or using this road (s) or access to this property; d) creation of a driveway of 14-foot wide travel way plus 2-foot shoulders on each side,

with a 15 foot cleared area on either side. e) A maintenance agreement for the Right of Way be created and approved by the Town Solicitor to include all users prior to the issuance of a building permit.

Seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS:0

ABSTENTION: 1 (Hainsworth)

MOTION PASSED

VI. Consent Items

A. Town Council Minutes: January 20 & February 3, 2011

B. Finance Director's Report January & February, 2011

C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the Town Council Minutes of January 20, 2011 & February 3, 2011; to TABLE the Finance Director's Reports for January & February, 2011; and to APPROVE the Abatements to the 2010 Tax Roll in the amount of \$26.20, and the Abatements to the 2000 Receivable Tax Roll in the amount of \$17,361.53; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VII. Unfinished Business

A. Taxation

1. Village on Chopmist Hill Mobile Home Park - Abatement Request
(**Con't from 1/20/2011**) - Discussion

Kevin Kitson, manager of the Village on Chopmist Hill, asked the Council to table this matter.

MOTION was made by Councilor G. Steere to TABLE until the Town Council meeting of 3/3/11 the Village on Chopmist Hill Mobile Home Park - Abatement Request, seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Stone Mill Hydro Agreement - Discussion and/or Action

Tim Kane, Assistant Town Solicitor, stated that the Community Resource Commission has provided the property owners with a copy of the proposed agreement and we are waiting to hear back.

MOTION was made by Councilor Burlingame to TABLE the Stone Mill Hydro Agreement until the next Town Council meeting; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

VIII. New Business - Discussion and/or Action

A. Agreement for Information Technology Products & Services
Town of Gloucester & ACS Enterprise Solutions, Inc.

This is a continuation of an existing agreement between ACS and the Town of Gloucester. This contract is for an additional 5 years with no increase in cost. This is the service for Land Records to include recording, indexes, cashing for land evidence, producing books for permanent records, and microfilming. The current agreement has been reviewed by the Town Clerk and the Town Solicitor.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Agreement for Information Technology Products & Services, Town of Gloucester & ACS Enterprise Solutions, Inc. for a five year contract period from the date of signing; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

B. Gloucester Code of Ordinance
Proposed Amendment Chapter 40 Records Retention Schedule
1st Reading - Repeal of Chapter

Councilor W. Steere stated that the Town Clerk has asked for this first reading for a proposed code amendment.

MOTION was made by Councilor G. Steere to WAIVE the 1st reading, Chapter 40 Records Retention Schedule; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Councilor W. Steere explained that some years back a portion of the R.I. Records Retention Schedule was added to the Code of Ordinances. It was only a partial representation of the State mandated schedule. It is obsolete and constantly being amended by the State. The Clerk is requesting eliminating the entire section. The current schedule for each department is being maintained in the Clerk's office and the Secretary of State's website. All departments have been informed this information is kept up to date and always readily available.

MOTION was made by Councilor G. Steere to Set a Public Hearing for March 17, 2011 for the consideration of the repeal of Chapter 40 Records Retention Schedule, Gloucester Code of Ordinance; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

C. Personnel - Discussion and/or Action

1. Finance Office
Senior Clerk Position

Councilor W. Steere read the following request from the Finance Director:

February 16,2011

To: Town Council

Re: Vacancy in Finance/Treasurer's Office

The demands on our office created by the GASB pronouncements, the Auditor General, various state agencies, and the external auditors, coupled with the volume of work that we process makes it imperative that we be able to attract a candidate with a substantial financial background who is capable of performing the duties and responsibilities listed in the position description [attached].

We must have an individual who can accurately and rapidly assemble and process data and various documentation. It is equally as important to have someone who can review 'budget vs.actual' reports and the general ledgers of various funds and recognize and correct errors without assistance.

We are requesting to fill the vacancy in the Finance/Treasurer's office with a Senior Clerk position, at the Senior Clerk rate - by-passing the step process.

Tom Mainville

(Job Description attached)
(end of memo)

Discussion: Councilor W. Steere asked if this is acceptable with the Union. Tom Mainville, Finance Director, replied that he does not anticipate any problems. Councilor Burlingame explained that several years ago, we took over the financial responsibilities of the School Department, including payroll, accounts receivable and accounts payable.

Councilor Burlingame stated that the clerk in this position must be a higher level clerk than an accounts payable or accounts receivable clerk. Councilor Burlingame stated that this position recently opened up, giving us the opportunity to address the situation. Councilor Burlingame expressed his opinion that it is time to do this and it will be well worth it. Councilor W. Steere noted that the staff in the Finance office puts in long hours which, over time, can become an unhealthy situation.

MOTION was made by Councilor Burlingame to Authorize the Finance/Treasurer Department to change a current Clerk 1 position to a Senior Clerk position and to advertise for the filling of a vacancy in this position; seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Public Works Department
 - a. Appointment
Part time Mechanic (as needed basis)

Councilor W. Steere read the following letter from the Public Works Director:

February 10, 2011
To: Honorable Town Council
From: Gary Trembl, DPW
Re: Part-time Mechanic

With only one full time mechanic, and the frequency and severity of storms this winter season, DPW was unable to keep up with needed repairs on its snow removal equipment.

In order to keep equipment running I contacted our outside vendor Dave Walsh for assistance.

Due to his heavy work load, he was unable to assist us with needed repairs. I then contacted John Tucker who was the service manager/mechanic for the former Bay Peterbilt. John is an excellent mechanic, and well versed with Peterbilt trucks.

John agreed to assist DPW with much needed repairs on an as needed basis. He agreed to work at an hourly rate of \$65.00 per hour. The hourly rate for service work at the Peterbilt dealership located in Johnston is \$120.00 per hour. I felt this was a good deal for the Town, and gave DPW the ability to have the equipment repaired, on site, in a timely manner. Due to Mr. Tucker not having an established business, he has to be compensated as a part-time employee with no benefits. His compensation will be retro- active to the month of January.

This expenditure will be covered by my current operating budget.

Respectfully submitted,
Gary S. Treml
DPW Director

(end of memo)

Discussion: Councilor G. Steere stated that he is in favor of this proposal, adding that John Tucker is a good mechanic. Councilor Reichert stated that speaking from experience, this would be a good deal. Councilor Burlingame expressed agreement. Councilor W. Steere questioned whether this would be a temporary seasonal position. Councilor G. Steere stated that he would not want to label this as seasonal because G. Treml may need J. Tucker's services year-round. It was noted that this position would be for John Tucker only.

MOTION was made by Councilor G. Steere to APPOINT John Tucker to the position of part-time mechanic, as needed, at an hourly rate of \$65 per hour retro-active to January 1, 2011. Said position includes no personnel benefits; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

D. Human Services Department- Discussion and/or Action

1. Amendment of Van Policy

Councilor W. Steere stated that the Human Services Director has requested that the current Transportation Policy regarding the Van Driver be amended.

Discussion: Councilor Burlingame stated that shopping trips will now be provided for Gloucester residents who are unable to travel on their own. Also, the requirement of 60 years of age or older will be stricken from the policy. Councilor Burlingame further stated that the requests for van service will be directed to the Human Services Director instead of the Police Department.

Councilor Burlingame stated that item (h), which states where the van will be housed, will be eliminated from the policy. Councilor Burlingame commented that these changes will give the focus of responsibility to the right area.

MOTION was made by Councilor Burlingame to APPROVE the Town of Gloucester Transportation Policy: Van Driver; with amendment to the following sections: Section III. (re: shopping trips); Section IV. b. & h.(re: contact numbers & van location); & Qualifications of Van Driver, Section J (re: the maintenance of a fill in list); seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

IX. Boards/Commissions

A. Resignations - Discussion and/or Action

1. Senior Center Board of Directors

One - 5 year term to expire 1/2014

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Richard Cedor from the Gloucester Senior Center Board of Directors effective February 2, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Appointments - Discussion and/or Action

1. Senior Center Board of Directors

One - 5 year unexpired term to expire 1/2014

Councilor Burlingame, liaison to the Senior Center Board of Directors, stated that there are several applications for the Council's review and asked that this appointment be tabled until the next meeting.

MOTION was made by Councilor Burlingame to TABLE the Appointment to the Gloucester Senior Center Board of Directors for the unexpired five year term to expire 1/1/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

2. Land Trust
One Expired - 5 year term to expire 2/2016

MOTION was made by Councilor G. Steere to reappoint Henry Gold to the Gloucester Land Trust for the expired five year term to expire 02/2016; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

X. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, submitted the following report:

The Town Clerk's office has Board of Canvassing meetings scheduled for the Regional Financial meetings. Voting machines have been ordered, and all the details are being worked on. The Town Clerk's office is also working on all the deadlines and details for the Financial Town Meeting.

Licensing is very busy right now, and we are preparing for dog licensing; rabies clinics; and fishing licensing.

Our newest member to our office, Maureen Baxter, has been an excellent addition to our staff.

2. Gary Treml, Director of Public Works, stated that he feels that his department has been doing a good job with all of the snow. G. Treml stated that they have been widening the roads cautiously to avoid causing property damage. Regarding the budget, G. Treml reported that his department is doing well and should not exceed this year's allocated funds. Councilor Burlingame commended the Public Works Department for their response to recent school bus issues.
3. Joseph DelPrete, Chief of Police, stated that the Public Works Department does a great job which makes his job easier. Chief DelPrete stated that there were no serious accidents resulting from adverse weather.
4. Ray Goff, Town Planner, stated that the Department of Transportation has informed him that the archaeological work with regard to the Chepachet River Bridge project has made it difficult for the DOT to meet the time frame of July 1st. The Department has proposed that they be allowed to work until 10:00 at night. R. Goff expressed concern

regarding the noise that this would generate and recommended that night work be allowed, but with no heavy equipment after 8:00 p.m.

Councilor G. Steere noted that when Mr. Lewis from DOT spoke about the project last month, it appeared that it would be impossible to complete the job on schedule. R. Goff replied that he has the impression that July 1st will be the deadline. Councilor W. Steere expressed concern regarding how night work will affect residents of the village. Charlie Wilson, who resides and operates a business in the village, stated that whatever it takes to get the bridge done is fine with him. Kevin Kitson, business owner in the village, agreed that night work would be acceptable if it speeds up the project.

R. Goff noted that there is a pre-bid conference scheduled for March 8th at 10:00 a.m. in the Construction Conference Room at the Department of Transportation, followed by the bid opening on March 16th at 1:00 p.m.

Boards and Commissions - Discussion

1. Henry Gold, Land Trust member, gave the Council an update on the work being performed on the Hawkins Dam. H. Gold stated that the bid was awarded to Wayne Lawton, who will begin work as soon as the weather permits. H. Gold stated that brush will be cleared from the dam and two spillways as required by DEM. H. Gold noted that the next phase will be to hire an engineer. Councilor G. Steere commended H. Gold on the way the bid process was handled.

XI. Council Correspondence/Discussion

1. Councilor W. Steere reviewed several items of correspondence, including legislation with regard to school budgets, a letter from the Department of Health concerning the MEDS Contract, and a letter regarding personal injury which occurred on a school bus.
2. Councilor W. Steere stated that he would like Mr. Lewis of DOT to attend a Town Council meeting as soon as possible to discuss the Chestnut Hill Road bridge project and needed repairs to the roadway in the village. Regarding the condition of the road in the village, Councilor W. Steere stated that he has asked the Chief of Police for statistics indicating vehicle damage and accidents caused by the deteriorating road conditions. Councilor W. Steere commented that it is a disgrace for a major east-west road to be in such disrepair. There was Council consensus to send a letter to our State and Federal Representatives regarding this matter.
3. Councilor Burlingame read the following letter into the record:

February 4, 2011
Walter M. O. Steere, III
President, Gloucester Town Council

Dear President Steere:

I would like to express my sincere appreciation for all of the efforts of the Gloucester Public Works Department. Public Works Director, Gary Treml, has brought road maintenance, snow removal and construction of town projects to a new level of professionalism. Amid one of the worst winters in recent memory, the Public Works staff have kept up with every snow storm and then had the foresight to widen the snow banks in preparation for upcoming storms.

Upgrades that were made to the Transfer Station make it look like a new facility. Every project that the Public Works Department undertakes are done with every attention to detail. Director Treml's professional attitude and work ethic has clearly made a positive impact on the Gloucester Public Works Department. The residents of Gloucester should be thankful for the dedication and professionalism that exists in their Public Works Department.

Thank you,
Jim White
40 Ada Drive
Chepachet, RI 02814
(End of letter)

Councilor G. Steere stated that he has received several similar compliments and has forwarded them to Gary Treml.

4. Councilor Hainsworth reminded all present that the 53rd Annual Regional School District Financial meeting will take place on Tuesday, March 15th at 8:00 p.m. at the Ponaganset High School auditorium. Councilor W. Steere noted that 80% of our tax dollars go toward the schools each year, so it is important to attend the meeting. Councilor W. Steere asked if there has been any progress regarding changing the meeting to an earlier time.

Walter Steere, Jr., School Committee member, replied that it has been proposed that the Charter be amended for this reason, but no action was taken. W. Steere, Jr. stated that a Public Hearing is scheduled for the School Committee meeting of March 1st and suggested that this be brought up again. It was stated that with an 8:00 p.m. start, by the time everybody is in place, it is even later before the meeting actually starts.

Walter Steere, Jr. stated that last year Gloucester had to pay \$125,000 more than Foster because Gloucester had more students. W. Steere, Jr. stated that this year, Foster has more students and will have to pay \$104,000 more than Gloucester. Since Gloucester is saving \$104,000 this year, W. Steere, Jr. suggested that the money be put into a special account to avoid raising taxes in the event that Gloucester has to pay more next year.

Tom Mainville, Finance Director, explained that we will not be able to reserve funds in the same manner as we have in the past as there is a new Governmental Accounting

Standards Board (GASB) statement (Statement # 54) which goes into effect in this current fiscal year [7/1/2010 - 6/30/2011].

T. Mainville further stated that prior to this year, for certain expense categories, we were able to transfer funds from the general fund to “Special Revenue Funds” (SRF) which could subsequently be used to smooth out spikes in expenses from year-to-year. In the year that the related or extraordinary expense took place, we would simply record the expense in the SRF or transfer the revenue from the SRF back to the General Fund. Thus, the spike would be mitigated.

T. Mainville stated that those town-created funds no longer meet the new definition of “Special Revenue Funds.” Consequently and unfortunately, it does not appear that we will be able to continue to mitigate the spikes in expenses. We will be able to reserve a portion of the “unreserved/undesignated” fund balance for these types of expenses, however, their appearance in the Operating [revenues and expenditures] financial statement will be much different than in the past. In short, we will be able to reserve funds, but not as we have in the past and we will have to take a look at how we will transition from what we’ve done in the past to the new requirements.

XII. Open Forum

1. Bill Dupuis stated that he has recently attended several hearings at the State House and encouraged others to do so.
2. Aaron Dupuis of Durfee Hill Road stated that he would like to see Gloucester “go green” by using hydro-electric and other alternative forms of energy. A. Dupuis gave an example of installing solar panels on the Town Hall to save on energy costs.
3. Rose LaVoie spoke regarding the proposal of night work by the Department of Transportation, stating that she hopes somebody will keep an eye on them to ensure that they are working.

Rose LaVoie spoke about the Kent property on Dorr Drive and expressed hope that somebody will do something to save the house.

Rose LaVoie stated that the John H. Chafee Blackstone River Valley National Heritage Corridor is in danger of losing their federal funding and suggested sending correspondence to Senator Reed and Senator Whitehouse.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:50 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 3, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **March 3, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Ray Goff, Town Planner; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Walter Steere, Jr. and Anne Ejnes, School Committee members; Elinor Tetreault, Western RI Home Repair Program director; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Open Forum for Agenda Items

None.

V. Public Hearing - Discussion and/or Action

A. Community Development Block Grant
1st Public Hearing

Councilor W. Steere stated that this Public Hearing was advertised on February 24, 2011 in the Valley Breeze/Observer and is the 1st of 2 public hearings as required for the Community Development Block Grant.

Councilor W. Steere DECLARED the Public Hearing OPEN and read the following correspondence into the record:

Gloucester Town Council
Walter M.O. Steere III, President

RE: Community Development Block Grant 2010 Program Performance and Letter of intent.

Dear Council Members,
The Town of Gloucester received \$284,550.00 in Community Development Block Grant funding for FY 10.

Awards are as follows:

Housing Program Mobile Home Replacement Program/Administration---**\$280,300.00**
Food Bank---**\$3,000.00**
Community Housing Land Trust--**\$1,250.00**

TOTAL GRANT AWARD \$284,550.00

To date the Western RI Home Repair Housing Rehabilitation Program has received 22 applications for home repairs. We funded 11 projects and completed 9 home repair projects. The completed projects include new roofs, new boilers, well pump, new floor, electrical upgrade, picture window, siding, gutters, new oil tanks, propane wall heater and replaced a firebox in a boiler.

The Mobile Home Replacement program completed the replacement of one 1973 three bedroom substandard mobile home this year. The unit is located at 52 Diamond Hill Rd. at the Village on Chopmist Hill. The new unit will count toward the Town of Gloucester's affordable housing goal. To date the program has replaced 6 substandard units. All the replaced units are monitored by Housing Network, formerly Community Housing Land Trust, and count toward the Town of Gloucester's affordable housing.

The Town of Gloucester's Western RI Home Repair Program is the first organization to offer the Mobile Home Replacement Program in the State of RI. The Program received an award in 2007 for their accomplishments from the State of RI Office of Housing and Community Development.

The Western RI Home Repair Program will continue to offer the Housing Rehabilitation Loan Program and the Mobile Home Replacement Loan Program. The Program will apply for the maximum amount of grant funding available for FY 11.

The Community Development Block Grant has provided employment opportunities for local residents and local tradesmen. The grant has provided the Town of Gloucester's low mod income residents with a safe home and has helped keep the values of these homes. The grant has provided funding to support the local food pantry located in the Gloucester Town Hall. The Grant has also provided much funding throughout the years that has benefitted the low and moderate income residents of Gloucester.

The Town of Gloucester filed its initial application in 1986. Over the years, the grant has provided well over 2.5 million in grant funds to the Town of Gloucester.

The proposed activities for FY 11 CDBG Grant will be presented to the local Planning Board on 4/4/2011 and prioritized by The Town Council on 4/7/2011

The second Public hearing for the Community Development Block Grant is scheduled for April 21, 2011. At that time the Grant will be complete and available for review and the Town Council President's will sign the application.

The application will be delivered to The State of Rhode Island before June 14, 2011.

Sincerely,
Elinor C. Tetreault
Program Manager
(end of memo)

Councilor W. Steere asked if anyone wished to speak. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

It was stated that the second Public Hearing will be held on April 21, 2011.

VI. Consent Items

- A. Town Council Minutes: January 20th, February 3 & 17th, 2011
- B. Finance Director's Report for January, 2011

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of January 20th, February 3rd, & February 17th, 2011, and to TABLE the Finance Director's Report for January 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VII. Unfinished Business

A. Taxation

- 1. Village on Chopmist Hill Mobile Home Park - Abatement Request
(Con't from 1/20/2011) - Discussion

Jean Fecteau, Town Clerk, stated that she has not received any new information with regard to this matter. It was noted that this has been tabled several times and there was Council consensus to continue this request indefinitely until more information is submitted.

MOTION was made by Councilor Burlingame to CONTINUE the Abatement Request for the Village on Chopmist Hill Mobile Home Park until a future date; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Stone Mill Hydro Agreement - Discussion and/or Action

Tim Kane, Assistant Town Solicitor, stated that he has not heard anything concerning this agreement and suggested that the matter be tabled until such time as more information is received.

MOTION was made by Councilor Hainsworth to TABLE the Stone Mill Hydro Agreement until a later date; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

VIII. New Business - Discussion and/or Action

A. Gloucester Code of Ordinance
Rules of Procedure, Boards and Commissions

Addition of Article 2., B. 9

9. No Chairman of a Board that accepts applications for consideration, per State Law or Gloucester Code of Ordinance, shall serve as Chairman of any other Town Board or Commission.

Discussion:

Councilor Burlingame stated that he asked for this item to discuss a possible addition to the Rules of Procedure for Boards and Commissions. Councilor Burlingame explained that there are several people who serve on as many as three different boards. Councilor Burlingame noted that some of these situations are acceptable, i.e. a member of a board such as the Economic Development Commission also serving on the Parade Committee.

However, Councilor Burlingame stated that if a person serves on the Planning Board or Zoning Board in addition to another board, it causes a conflict. Councilor Burlingame proposed that the Code of Ordinance be amended to state that no chairperson of a board which accepts applications for consideration could serve as chairperson of any other board or commission. Councilor G. Steere expressed agreement that it could be a potential problem.

MOTION was made by Councilor Burlingame to put on the agenda for the April 7th Town Council meeting a First Reading regarding the Addition of Article 2., B. 9 to the Gloucester Code of Ordinances; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

B. Resident Complaint, Money Hill Road

Jean Fecteau, Town Clerk, stated that Carl Riccio, interim Building Official, is not present due to a family emergency. J. Fecteau stated that C. Riccio will be speaking to the property owners next week. The complainant, Stephanie Cole of 65 Money Hill Road, spoke regarding a problem she is having as a result of work which was performed on property adjacent to hers. S. Cole explained that she has always had a little bit of water coming into her basement, but the issue has exacerbated to the point where she is running three to four drop-in pumps continually.

S. Cole stated that she surmises that the cause is the abrupt stoppage of work which was taking place at 33 Money Hill Road, the property adjacent to hers. S. Cole stated that she has spoken with DEM and was referred to the Town Council. S. Cole asked when the issues will be resolved to allow Michael Baird to complete the project.

Councilor G. Steere stated that he spoke to Mr. Cook from DEM and was told that DEM was satisfied with the work that M. Baird has done except that he did not stabilize the banks. Councilor G. Steere also noted that if the owner intended to grade the lot to drain toward the wetland, he would need a permit to do so.

Councilor Burlingame stated that he viewed the subject property and noticed that there is more water in front of the cabins on Route 102. Councilor Burlingame further stated that the water which is being pumped from S. Cole's basement is going back into the ground and will soon return to the basement because the water has no place to go. Councilor Burlingame noted that the cease and desist order was placed before the property owner was able to finish what he was trying to do.

Councilor Burlingame stated that he asked the Town Planner what could be done to alleviate Ms. Cole's problem. Councilor Burlingame expressed his opinion that the cease and desist order was not handled properly and was unnecessary. Councilor G. Steere stated that Mr. Baird asked the former Building Official to allow him to finish the grading before winter. S. Cole stated that her biggest concerns right now are her septic system, her furnace and the structural integrity of her house. S. Cole added that she is dismayed at the way this situation has been handled.

Michael Baird, of Baird Properties, asked if the Town Council acts as an agent for the Department of Environmental Management in any capacity. The Councilors answered in the negative. M. Baird stated that all he wants to do is flatten out the property. Councilor W. Steere asked when a soil erosion plan was submitted. M. Baird replied that the plan was turned in three months after the work was done because he was not told that he needed one until that time. M. Baird stated that the problem has been the Building Official's office. M. Baird stated that if Ms. Cole's septic system needs to be pumped, repaired or replaced, he will do it. M. Baird showed the Council members his site plan and explained what he intends to do with the property.

Tim Kane, Assistant Town Solicitor, stated that there are two issues at hand; soil erosion and the fact that the property is zoned residential with non-conforming commercial uses. T. Kane asked if a soil erosion plan with drainage calculations been completed and submitted to the Town. M. Baird replied in the negative. T. Kane stated that the stop-work order was issued because the

ordinance requires the soil erosion plan. T. Kane further stated that the solution is to get the plan submitted or can we do something in the interim with the caveat that the whole site cannot be developed before the applicant appears before the Planning and Zoning Boards as required by the regulations. M. Baird asked if he can just flatten out the property and fix Ms. Cole's yard by putting in berms and buffer zones. Tim Meehan, Engineer, explained the two aspects of the soil erosion control plan.

Ray Goff, Town Planner, stated that the next step is to submit a formal application. R. Goff explained that there was a pre-application meeting at which dialogue was taking place with the applicant and his engineer with regard to what the Town was looking for when Mike Baird walked out. Councilor G. Steere stated that the grading of the lot is a separate issue from the development plan. Councilor G. Steere asked if work could be conducted on the corner of the lot without running the water all the way to the wetlands area, adding that this would divert the water away from S. Cole's lot and alleviate her problem.

M. Baird spoke at length, from his seat, but was inaudible on the tape.

Councilor W. Steere stated that the reason we have an issue is because for a development of this magnitude, all of the plans should have been submitted first. Councilor W. Steere stated that at this point we are trying to find a solution. Councilor Burlingame stated that he feels that the cease and desist was an untimely issue for the wrong reasons. Councilor Burlingame further stated that there are two separate issues; the preparation of the land for a plan which will have to be approved later by Planning and Zoning. Councilor Burlingame stated that we brought this upon ourselves because there were plans in the office for two weeks before they were reviewed. Michael Baird stated that if he had been told by the Building Official's office to bring his plans to the Economic Development Commission first, he would have done so. M. Baird commented that he has \$60,000 tied up in a piece of property that he does not even own.

Tim Kane stated that anybody moving this amount of soil should know that a soil erosion plan must be filed. T. Kane stated that M. Baird was recently found in contempt in Superior Court which shows that he does what he wants without filing plans. M. Baird stated that this is not his problem and left the meeting.

Dave Cost stated that he is not party to this issue, but agreed with Councilor Burlingame that we must focus on the problem, a government caused issue which is harming a private citizen. D. Cost suggested that we get it done and figure out the rest afterwards. Councilor W. Steere respectfully disagreed, stating that it is not a government caused issue. Councilor Burlingame stated that we caused the problem by not doing what we needed to do. Councilor Burlingame added that it is a bigger problem if Mr. Baird walks away from it, because then we own it. Councilor Burlingame stated that we missed an opportunity to correct the problem. Councilor W. Steere disagreed.

Stephanie Cole stated that she sees a lot of posturing between a lot of people and meanwhile she is being flooded out. S. Cole stated that Mr. Baird should have been stopped when he started his first piece of machinery. T. Kane stated that M. Baird is responsible for what he did. S. Cole

pointed out that he does not own the property. Councilor Reichert noted that the property is in foreclosure and stated that the Town should correct the problem and place a lien on the property.

Craig Place, 24 Victory Highway, stated that he was told by Mr. Baird that there were no issues with DEM or the Town. C. Place stated for the record that the abutting property owners were misled by Mr. Baird.

George Charette, Planning Board chair, stated that the Planning Board gave a positive recommendation to the Zoning Board based on what the applicant wanted to do. G. Charette stated that once the applicant got his approval, it did not work out the way it was planned. Councilor Burlingame pointed out that the applicant was allowed to break the rules for three months before being stopped by the Building Official. G. Charette stated that he questioned the lack of a building permit for the alteration of the marsh and removal of trees. G. Charette also questioned why there was no development plan review.

G. Charette noted that when he received phone calls about the work being performed, he stepped in as both a taxpayer and chair of the Planning Board. G. Charette commented that M. Baird was not following the rules and regulations of the Town. Councilor Burlingame asked if G. Charette filed a formal complaint with the Zoning Official. G. Charette replied that he did not file a complaint, but he did inform the Zoning Official of the activity. Councilor Burlingame expressed concern that nothing was done about this violation at that time.

G. Charette stated that repairs should be made to stop the flow of water onto Mrs. Cole's property, but Mr. Baird should not be allowed to continue working on that land until he submits the proper paperwork to the Town and the State. Jay Forgue, chair of the Economic Development Commission, objected to Mr. Charette's comments. Councilor Burlingame stated that we must take care of Mrs. Cole's problem by working with Building and Zoning to allow the movement of soil to cause the water to flow away from her property.

Councilor Burlingame added that this would not be an issue with DEM because there is no citation against that property at this time. G. Charette stated that there is a way of getting through this without creating a problem, but with restrictions.

Councilor W. Steere stated that the most important issue right now is helping Mrs. Cole. Councilor W. Steere stated that he was in favor of allowing Mr. Baird to remediate what was necessary to resolve that issue without redoing the whole property at the same time.

J. Forgue stated that the quickest way to solve her problem is to get Mr. Baird back before the Town Council. J. Forgue pointed out that the subject property is in arrears and will go up for foreclosure which could take up to 120 days. J. Forgue stated that the Building Official must work with Mr. Baird and give him permission to go onto the property to do what is necessary to take care of Mrs. Cole. J. Forgue stated that the Economic Development Commission will do what they can to prevent another empty building in Gloucester going up for bankruptcy. Councilor Burlingame expressed agreement.

Councilor Hainsworth commented that the property is in the middle of Route 102 and Route 100 and wondered how this could go on for three months without anybody's knowledge. Councilor

Hainsworth stated that Mr. Baird was disrespectful by coming to the microphone, bullying the Council and leaving the room. Councilor Hainsworth stated that if M. Baird is permitted to go forward to fix the problem, somebody must be there to tell him when to stop until proper permits are obtained.

Tim Kane, Assistant Town Solicitor, recommended that the Council appoint two members as liaisons and invite Mr. Baird back to meet with the Building Official and William Bernstein, Town Solicitor. Councilor Reichert again stated that if Mr. Baird walks away, the Town could fix the problem and place a lien on the property. Councilor Burlingame offered to work with Councilor G. Steere and the Building Official on the matter.

There was Council consensus to instruct the Building/Zoning Official to lift a portion of the cease and desist order to allow work to be done to address the specifics of Mrs. Cole's problem.

Councilor W. Steere called for a five-minute recess.

- C. R.I. Economic Development Corp.
(Optional) Request for regulatory liaison
Per R.I.G.L. 42-64.13-9

Councilor W. Steere stated that the Rhode Island E.D.C. is looking for cities and towns to appoint a liaison to work with the newly created regulatory commission.

Discussion: Councilor W. Steere explained that the RI Economic Development Corp. has created this commission which allows State regulations to fast-forward through Town regulations with regard to commercial development.

MOTION was made by Councilor G. Steere to APPOINT Councilor Burlingame as the liaison to the Rhode Island Economic Development Corp., Office of Regulatory Reform; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- D. Union Contract Negotiations
Town Hall Clerks & Police Dispatch

Councilor W. Steere stated that the Council needs to appoint two members to work with the Town Hall Clerks union and two members for the Police Dispatch union. These contracts are up for renewal this summer and the bargaining unit has requested negotiations for successor agreements.

Councilors Burlingame and Hainsworth volunteered to work with the Clerk's Union and Councilors Reichert and G. Steere offered to work with the Dispatchers.

IX. Boards/Commissions

A. Appointments - Discussion and/or Action

1. Senior Center Board of Directors

One - 5 year unexpired term to expire 1/2014

MOTION was made by Councilor Burlingame to APPOINT Kathleen Spink to the Senior Center Board of Director to fill the 5 year unexpired term to expire 1/2014; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Planning Board

a. Recording Clerk

Council W. Steere read the following request from the Planning Office:

To: Town Council
From: R. Goff
Re: Planning Bd. Clerk
Date: February 25,201 1

I apologize for not getting this to you earlier.

In November 2008, Diane Patry informed me that she needed to take a break from clerking the Planning Board meeting. At the time I thought this was a temporary leave of absence. So for the interim, Maureen Baxter filled in as she had previously been clerk to the Planning Board. Diane is not interested in coming back to the position and has sent me an email indicating she is resigned in November 2008.

Although Maureen, has been doing the work since 2008, she is not officially been given the position of Planning Board Clerk. I am therefore requesting the Town Council appoint Maureen Baxter to the position of Planning Board Clerk retroactive to November 2008.

(End of memo)

Discussion: Ray Goff, Town Planner, stated that the Planning Board has had difficulty filling this position over the years and stated that M. Baxter has been filling in as needed. It was noted that the minutes and reports have been up-to-date since M. Baxter started doing the work.

MOTION was made by Councilor G. Steere to APPOINT Maureen Baxter to the position of Planning Board Clerk, retroactive back to November 2008; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- b. Two Five- year Expired Terms
 - 1. One Term to Expire 3/2/2016

Councilor W. Steere stated that this is for the expired term of David Calderara.

MOTION was made by Councilor G. Steere to REAPPOINT David Calderara to the Planning Board for a five year term to expire 3/2/2016; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- 2. One Term to Expire 3/17/2016

Councilor W. Steere stated that this is for the expired term of Lynn Furney.

MOTION was made by Councilor Hainsworth to REAPPOINT Lynn Furney to the Planning Board for a five year term to expire 3/17/2016; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that the Foster-Glocester Regional Financial meeting is scheduled for March 15th at 8:00 PM.

J. Fecteau noted that there are five Public Hearings on the March 17th Town Council agenda.

- B. Gary Treml, Public Works Director, reported that the DPW will be holding an Eco-Depot at the Town Garage on March 16th from 8:00 AM to 1:00 PM. G. Treml

explained that residents and non-residents may properly dispose of any hazardous materials at no charge.

G. Treml reported that work is continuing on the South Wing of the Town Hall and he expects to finish the Superintendent's Office by next week.

G. Treml stated that a bin will be placed at the Transfer Station for heavy plastics such as buckets, trash cans, lawn furniture, etc.

G. Treml stated that he has forwarded the new contract with Resource Recovery to the Town Solicitor for review. G. Treml commented that the language is in the contract for the 35% recycling, but he was told that this may not be enforced.

G. Treml stated that he has formulated the road list for the spring season, adding that he identified 80 roads that are in desperate need of repair, 40 private and 40 Town roads. G. Treml stated that he has chosen six private roads and four Town roads to begin the season. The private roads are Slavin Path, Gold Mine Road, Lake Harmony Avenue, Steere Road, Branch Lane and a section of Vernon Street.

These roads will require sign-offs, per policy. G. Treml noted that this list could change if residents of another private road got together and put up money for repairs. G. Treml listed the Town roads as a section of Lake View Circle, Burgate Street, Tourtellot Hill Road and a small section in Shaw's Plat.

G. Treml reported that recent renovations at the Town Hall have resulted in lower oil consumption and cost savings.

- C. Councilor W. Steere asked Ray Goff, Town Planner, if he could contact DOT to ask Mr. Lewis to attend the next Town Council meeting for an update on the two road projects in Town.
- D. Joseph DelPrete, Chief of Police, stated that he attended a meeting today regarding the Ponaganset road race which is scheduled for March 23rd. Chief DelPrete noted that the Wellness Fair will be held that evening and proceeds will go toward building cross country trails.

Bds. & Commissions - Discussion

- A. Jay Fogue, chair of the Economic Development Commission, reported that he met with the Town Planner with regard to getting water in Town. J. Fogue stated that he has contacted several colleges to see if their engineering departments would be interested in taking on a project to determine the best way to do this and what the cost would be.
- B. Walter Steere, Jr., School Committee member, stated that at their next meeting there will be discussion concerning changing the time of the Foster-Glocester Regional

Financial Meeting from 8:00 PM to an earlier time. W. Steere, Jr. stated that this would not take effect until next year as it would have to be voted on at the next Town Financial Meeting in May. It was suggested that the Regional Financial Meeting be changed to a Saturday afternoon. Jean Fecteau, Town Clerk, stated that if the Council wants to do a Resolution to be placed on the warrant for the Financial Town Meeting, it must be done by April 21st.

W. Steere, Jr. stated that Gloucester will be paying \$104,000 less this year, with Foster making up the difference. W. Steere, Jr. suggested this money be saved in a separate account to be used when Gloucester has to pay more.

- C. Tom Mainville, Finance Director, stated that the Budget Board will deliver the Proposed Budget to the Council at the next meeting of March 17th.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from a Foster resident regarding full regionalization.
- B. Councilor W. Steere stated that a request was received from a resident of Keach Dam Road for assistance in obtaining cable and internet service from Cox Communications. Councilor W. Steere stated that he will respond to this letter because he had the same issue ten years ago. Councilor Reichert suggested that the resident contact the Public Utilities Commission. Councilor G. Steere stated that letters were sent to residents of private roads stating that installation would be free up to 1500 feet per household.
- C. Councilor W. Steere stated that a letter was received from the Office of the Adjutant General concerning security of public officials in the wake of the shootings in Arizona.
- D. Councilor W. Steere stated that an invitation was received from the City of Newport with regard to their St. Patrick's Day parade scheduled for Saturday, March 12th.
- E. Councilor Burlingame commented on the retirement of Col. Doherty from the State Police. Councilor Burlingame expressed his opinion that the Governor is taking us down the wrong road with regard to enforcing illegal immigration laws.
- F. Councilor W. Steere stated that he attended the Regional School Public Hearing regarding the proposed budget. Councilor W. Steere commented that several times it was mentioned that Foster is in trouble and we should regionalize. Councilor W. Steere noted that these pleas were not made when Gloucester was "in the hole" a couple of hundred thousand dollars.

Councilor W. Steere stated his opinion that regionalization would make sense in some aspects, but unless there are real savings recognized, he would be against it. Councilor W. Steere further stated that regionalization would give control of 80 to 90 percent of each town's budget to the Regional School Committee.

Councilor W. Steere stated that another subject discussed at the meeting was binding arbitration. The Council members discussed adopting a Resolution in favor of eliminating binding arbitration altogether.

Anne Ejnes, School Committee member, stated that there are several legislative issues which have been proposed regarding notification dates, binding arbitration and contract continuation. A. Ejnes suggested that the School Committee and Town Council arrange a meeting with our legislators to urge them to push for things that are important to us.

- G. Councilor W. Steere spoke regarding the recommendation made by Walter Steere, School Committee member, to create a separate account for the funds we will save as a result of the shift in population between Foster and Gloucester. Councilor W. Steere stated that it would be a good idea to put at least a portion of that money aside to help when Gloucester's student population rises. Tom Mainville, Finance Director, spoke but was inaudible on the tape. Tim Kane, Assistant Town Solicitor, stated that he received a call from the Foster Town Solicitor who stated that Foster is working on Resolutions asking the General Assembly to pass a bill to allow 95% Maintenance of Effort.

XII. Open Forum

- A. Rose LaVoie stated that she is in favor of changing the Foster-Glocester Regional Financial Meeting to Saturday, noting that many elderly residents do not wish to drive at night.

Rose LaVoie spoke regarding recent newspaper editorials which address private and public unions.

Rose LaVoie commented on a letter from Cliff Brown which appeared in the Gloucester Advocate regarding a bridge in New York which was built in three weeks.

R. LaVoie expressed concerns regarding the Kent Property and the former Texaco Station. R. LaVoie also spoke regarding the flooding problems which occurred last year in the Reynolds Plat.

Rose LaVoie spoke regarding the property on Money Hill Road, stating unless somebody complains, nothing is done.

- B. Tom Sanzi expressed concern about the safety of the public walking over the bridge.
- C. Councilor G. Steere stated that he heard that the sidewalk project on the bridge in Town will be held up until after July 4th because DOT could not finish the project before then. Councilor G. Steere stated that the project should be started as soon as possible as the road itself will not be torn up, only the sidewalks.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:06 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 7, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **March 17, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Ray Goff, Town Planner; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; David Steere, Budget Board chair; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Tim Kane.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Support of House Bill 2011 #5327 - Discussion and/or Action

Councilor W. Steere read the following correspondence into the record:

Members of the Towns of Foster and Gloucester Government,

I want to take this opportunity to re-address this issue regarding the School Funding bill. I was approached today at the State House by an understandably disappointed Senator Fogarty relative to the Senate portion of this bill. As an act of fairness with deference to Paul, when I sent my original email out on March 8th I had stopped looking for the Senate Companion bill. Our House deadline was the 3rd of March, and the Senate deadline was the 1st of March for introduction of new bills, so I simply inferred that the bill had not been introduced without actually tracking Paul down in person to find out what the status was on his side. I simply fired off an email to Senator Kettle about submitting it, and we all know the rest of the story.

I unfairly threw Paul under the bus on this because as we now know, he introduced the Senate bill on March 10th and it included the revised language that Solicitor Kane was seeking to have added which my bill did not.

Again - I am taking full responsibility for the failure and breakdown of communication that occurred over this. I am a person who lives and breathes through my computer and my

blackberry, and as Paul pointed out to me today - he relies on good ole face-to-face communication.

I apologized to Paul in the State House and I intend to apologize to him again through this email so that he believes that I am sincere. To that extent I would also like to ask that if anyone else was sent a copy of my earlier e-mail referencing Paul that I am unaware of, may the sender please forward them a copy of this apology because it is not my intent to create friction among the Gloucester delegation - quite the contrary. I can eat humble pie when it is called for, and today is certainly one of those days.

So now what? Well, in his magnanimity Paul educated me about a mechanism for “town bills” that will not only allow his bill introduced on the 10th to be heard, but also I can re-introduce the corrected version that Paul submitted in the Senate, on the House side so that they are identical and we can push for passage this year.

Paul and I shook hands in the State House today and agreed that we will work together to ensure that this bill gets its fair consideration, and in that spirit I will ask that we all await word about when the hearings are going to be held so that we can get back to the business of getting this bill passed.

I will not only keep an eye on the House bill and its hearing schedule, but if it’s acceptable to Senator Fogarty I will also keep an eye on the Senate bill so that I can alert the towns to the hearing dates and times.

Happy St. Patrick’s Day to all, and thank you Paul for your willingness to accept my apology.

Respectfully at your service,
Mike Chippendale
State Representative
House of Representatives

(end of correspondence)

Councilor W. Steere explained that Rep. Chippendale did not see that the companion bill in the Senate had been introduced by Senator Fogarty. Councilor W. Steere stated that if there any apologies to be made by the Town Council, they offer them to Paul because he has been working hard for us for many years and continues to do so.

Councilor G. Steere stated that the bill is regarding debt service at the regional schools, adding that when the mortgage is paid off, it goes away, and the taxpayer will get a break. Councilor G. Steere further stated that this amendment is to include capital leases as well as debt service payments. Councilor G. Steere explained that a seven year capital lease was taken out for almost a million dollars to pay for some of the Building Committee’s over-expenditure, and noted that when this is paid off five years from now, it must be dropped from the budget.

Councilor W. Steere read the following Resolution into the record:

**GLOCESTER TOWN COUNCIL RESOLUTION
REQUESTING AMENDMENT TO R.I.G.L. §16-7-23
Resolution 2011-5
(to amend Resolution 2011-4)**

WHEREAS, the Town of Glocester is part of the Foster Glocester Regional School District (“the District”) said District being created by Chapter 109 of R.I. Public Laws of 1958 (“the Act”).

WHEREAS, pursuant to Chapter 109 of R.I. Public Laws 1958, the Regional School Budget is determined by the taxpayers at the annual regional school district budget meeting and subsequently the Towns of Glocester and Foster must contribute their proportionate share of said budget. See also R.I.G.L. §16-3-20.

WHEREAS, Chapter 109 of the Act entitled “Budget” states as follows:

“The regional school district financial meeting shall determine the annual regional school district budget as to overall amount.”

WHEREAS, R.I. General Laws §16-3-13 states in part:

“The regional school district financial meeting shall determine the regional school budget as to overall **amounts** ...” (emphasis added)

WHEREAS, R.I. General Laws §16-7-23 states in part:

“...a community which experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval of the commissioner. The courts of this state shall enforce this section by writ of mandamus.”

WHEREAS, the District has incurred significant debt service in relation to school construction projects.

WHEREAS, because of the budgetary procedures as stated above there exists a possibility that an overall budget may be passed at the District’s annual meeting which reflects prior year(s) debt service which is no longer on the books of the District, thereby binding the Town of Glocester to fund an expenditure which is no longer occurring.

WHEREAS, there is an inherit ambiguity and conflict in the budgetary procedures as set forth above and Title 16 of R.I. General Laws should be amended to address the ambiguity and conflict as the same applies to Regional School Districts.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council for the Town of Gloucester respectfully request that the General Assembly amend R.I. General Laws §16-7-23(a) by adding the following language at the end of section (a):

- (1) Provided, however, that notwithstanding any provision of Title 16 to the contrary, with respect to regional school districts, debt service that is no longer carried on the books of any regional school district shall not be included in any annual regional school district budget of said district, nor shall non-recurring debt service be included in maintenance of effort as set forth herein in subsection (1) above, nor shall any non-recurring debt service be included in the operating budget of a regional school district. For the purposes set forth above non-recurring capital lease payments shall also be considered non-recurring debt service. As used herein, the term “regional school district” shall refer to a regional school district established pursuant to the provisions of Chapter 16-3 (“Establishment of Regional School Districts”).

And further, The Gloucester Town Council respectfully requests that Senator Paul W. Fogarty; Representatives Michael Chippendale, Cale Keable, and Thomas Winfield introduce legislation to enact the proposed amendments. The Town Clerk will forward this Resolution, upon passage, along with a request to the Town of Foster to request their legislators to support this proposed legislation as well as copies to all thirty-nine cities and towns requesting their support.

Walter M. O. Steere, III - President Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Seconded by Councilor Burlingame.

Discussion: Councilor Burlingame explained that this Resolution addresses the long-term problem of making sure that when the mortgage is paid we will see a reduction in our tax bill. Councilor Burlingame pointed out that it does not address the issue which came up at the Regional Financial meeting where there was a motion on the floor to reduce the amount of appropriation for debt service, adding that this is a separate issue which must be dealt with in the Regional Charter. Councilor Burlingame stated that we need some form of Charter change that allows Operations and Debt Service to be addressed separately.

Councilor Hainsworth stated that if anyone wishes to track the bill, the Senate Bill number is 597 and the House Bill number is 5327.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VI. Public Hearings - Discussion and/or Action

A. Amendment to Gloucester Code of Ordinances

1. Addition of Chapter 258:

Outdoor Hydronic Heaters/Outdoor Wood Boilers

Councilor W. Steere stated that this Public Hearing was opened on February 3, 2011, all present were heard and the hearing was continued to tonight. Councilor W. Steere noted that there have been changes made to the proposed Ordinance based on public comment at that time.

Councilor W. Steere declared the Public Hearing Open and asked if anyone wished to be heard. Councilor W. Steere stated that during the Public Hearing, the Council will hear one speaker at a time.

Councilor G. Steere stated that pursuant to an advisory ruling by the Ethics Commission, he will recuse himself from the Town Council during this discussion, but will remain in the audience as a taxpayer.

Councilor Burlingame stated that the comments made by the public were taken under advisement and several changes were made, such as listing which materials are allowed instead of those that are prohibited. Also, references to residential size heaters were eliminated as well as any issues relative to existing units. Councilor Burlingame further stated that the Building Official will not have the ability to declare a nuisance, but the wood burner must be in compliance with regard to building, electrical and mechanical permits.

Councilor Burlingame stated that there is no restriction on the number of units allowed, provided that the square-footage and setback requirements are met. Councilor Burlingame noted that a bill is being introduced on the State level which would be more restrictive and costly for owners of outdoor wood boilers.

Regarding State legislation, Councilor W. Steere stated that this was proposed back in 2009 and was tabled until now. Councilor W. Steere expressed his opinion that he would not be surprised if the matter is again tabled on the State level.

Councilor Reichert stated that the proposed changes make this ordinance much less restrictive than it was originally.

Councilor W. Steere stated that he would not feel comfortable making a decision at this time and stated that copies of the new proposed ordinance will be made available to the public.

A resident of 6 Everson Drive asked if these boilers can be used year-round. Councilor W. Steere replied that, at this time, they can be burned year-round. The resident asked if existing units which were installed without a permit can be inspected by the Town, adding that his neighbor has a boiler with a stack height of 8 feet which is 10 feet away from the lot line. Councilor W. Steere recommended that the resident file a formal complaint to the Zoning Office.

George Charette, 312 Chopmist Hill Road, stated that the biggest problem with these stoves is the stack height and this should be addressed in the ordinance.

Councilor Hainsworth stated that he was not happy with the first draft of the ordinance but the changes made have addressed many of the concerns voiced at the first public hearing. Councilor Hainsworth noted that words such as "where achievable" are ambiguous and should be clarified.

Councilor Burlingame stated that there are residents present tonight who were not at the first meeting and suggested that this matter be tabled until the second meeting in April before a decision is made. Councilor Burlingame added that there is no rush since heating season is almost over.

Councilor W. Steere asked if anyone else wished to be heard.

Buster Steere commented that due to the price of oil, this subject will come up again and should be addressed at this time. B. Steere stated that he has one of these units, but his nearest neighbor is 800 feet away. However, B. Steere stated that there should be some guidelines and setbacks regarding placement of the boilers. B. Steere recommended that the subject of prevailing winds also be considered.

Councilor Hainsworth pointed out that the proposed ordinance has been reduced from seven pages to three pages, including the first page which is a list of definitions.

MOTION was made by Councilor Burlingame to TABLE the Public Hearing until the meeting of April 21, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Gloucester Code of Ordinance

1. Proposed Amendment Chapter 40 Records Retention Schedule
Repeal of Chapter

The 1st reading for this proposed amendment was held on February 17, 2011 and this Public Hearing was advertised in the Valley Breeze/Observer on March 3, 2011.

Councilor W. Steere DECLARED the Public Hearing Open and explained that some years back a portion of the R.I. Records Retention Schedule was added to the Code of Ordinances. Councilor W. Steere stated it was only a partial representation of the State mandated schedule, is obsolete and constantly being amended by the State. Councilor W. Steere stated, therefore, the Clerk is requesting eliminating the entire section as the current schedule for each department is being maintained in the Clerk's office and the Secretary of State's website. Councilor W. Steere stated all departments have been informed this information is kept up to date and always readily available.

Councilor W. Steere asked if anyone wishing to be heard on this subject. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Hainsworth to GRANT the repeal of Chapter 40, Records Retention Schedule, Gloucester Code of Ordinance; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

C. Victualing License (New)

1. DePetrillo's Pizza & Bakery, Jordan Smith

Location of Business, 1153 Putnam Pile, further described as
AP 10B Lot 35

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer on February 24th , March 3rd & March 10th , 2011.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding this application.

Discussion: Jordan Smith, applicant, stated that they are undergoing plumbing and electrical work at the proposed location and plan to open in several weeks. J. Smith added that the appropriate paperwork has been filed at the State level.

Councilor W. Steere declared the Public Hearing closed.

MOTION was made by Councilor Hainsworth to GRANT a Victualing License to: DePetrillo's Pizza & Bakery, Jordan Smith, Location of Business, 1153 Putnam Pile, further described as AP 10B Lot 35 contingent upon receipt of the following:

- 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2011;

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

D. Amendment to Gloucester Code of Ordinances

1. Zoning Chapter 350, Article IV

Planned Unit District - Tourbillon Farms

Applicant seeks to include the sales of "Horse Tack & equipment, Snow plows, & to include: "and will extend to any future activities and structures pertaining to the equine & farming community". Petition also requests to include Saturday sales.

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer on March 3rd, March 10th, and March 17th.

Councilor W. Steere DECLARED the Public Hearing Open.

NOTE: The applicant has asked the Planning Board for a few changes to his application. He needs to explain to the Council the changes he wants.

The Clerk did not change his application because it was already advertised, and available for public viewing.

Councilor W. Steere read the following unapproved motion from the Planning Board:

MOTION was made by Mr. DeGrange to forward a positive recommendation to the Town Council for the granting of a text amendment to Article 350-22, P-Districts Created regarding property located at 401 Snake Hill Road further described as AP 18, Lot 10 for applicant Julian Forgue.

The applicant seeks to amend the (1998) Town Council decision on the Planned Unit Development which allowed horse trailer sales on the property. The requested amendment would also allow for a horse tack and equipment shop, snow plows, apparel and trailers for hauling hay or the like and that this approval applies to business activities and structures in existence on the property.

Additionally, the request would extend current business hours to Saturday business hours from 9 am to 2 pm.

Mr. Forgue excused himself and asked if the Board was approving Saturday hours from 9 am to 2pm.

Mr. Calderara stated that is what the application stated.

Mr. Forgue asked if Sunday hours were requested on the application.

Mr. Goff stated that the application did not include Sunday sale hours.

Mr. Forgue stated that he would like to request Sunday hours because that is one of the biggest business days.

Ms. Pitocco asked if the Saturday hours of 9am to 2 pm were correct.

Mr. Forgue stated that his secretary submitted the hours for trailer sales.

Mr. Forgue stated that he believes it would be a 9-5 business on Saturdays and Sundays.

Mr. Forgue apologized and stated he should have looked the application over better.

Ms. Pitocco stated that the original approval stated hours would be 9 am to 5 pm, with no mention of specific days.

Mr. Calderara stated that any reference to hours should be eliminated.
Mr. DeGrange then proceeded to read the motion again.

The applicant seeks to amend the (1998) Town Council decision on the Planned Unit Development which allowed horse trailer sales on the property. The requested amendment would also allow for a horse tack, equipment shop, snow plows, apparel and trailers for hauling hay or the like.

In making this recommendation, the Planning Board suggests that the following conditions be placed on the approval:

1. That the amendment be specifically limited to horse tack, apparel and horse related equipment shop and the sale of snow plows.
2. Any future change in use of the existing structures or construction of additional structures shall be subject to Development Plan Review (Article 350-17 of the Zoning Ordinance) prior to the issuance of a building permit and;
3. Article 350-22, P-"Districts Created", of the Zoning Ordinance shall be amended to include the above conditions.

In making this decision, the Board considered the following information presented by the applicant in the submission package and presentation at the March 7, 2011 Planning Board meeting:

1. The subject property was approved for a P-District on March 6, 1998 by the Gloucester Town Council. As part of that approval, a number of conditions were placed on the decision.
2. The proposed use is consistent with the current horse related business being operated on site and may complement the existing use.
3. The current use and condition of the property and its ability to accept additional retail uses.
4. The use of an existing barn for retail sales will not alter the existing layout, access, and/or egress of the property.
5. If approved, any change of current uses, future expansion or additional structures will be subject to Development Plan Review prior to the issuance of a building permit.

This amendment with conditions is found to be consistent with the Gloucester Comprehensive Community Plan sections:

3.2.3 Take steps that will enable Gloucester to be a pleasurable place to live, work and raise a family;

3.2.4 Allow Gloucester's rural way of life to be enjoyed by future generations;

- 5.2.2 Prevent the traditional problems created by economic growth, such as environmental degradation, dramatic changes to community character, and unsightly highway strip development from occurring in the Town;
- 5.2.3 Broaden and diversify the Town's economic base to reduce the residential sector's property tax burden;
- 5.3.6 Implement and support appropriate regional economic development initiatives that complement the Town's economic development goals;
- 5.4.9 Encourage agricultural business in Town.

The Planning Board hereby recommends approval with conditions of the Zoning Text amendment to Section 350-22, P-Districts Created and forwards this recommendation to the Town Council for consideration.

Motion was **seconded** by Ms. Pitocco.

Ms. Furney stated that she would like the application to be consistent with what the Board was recommending in the motion.

Mr. Goff asked Mr. Forgue to amend the application.
Mr. Forgue said he would do that.

VOTE: AYES - 4 (Calderara, Pitocco, Furney, and DeGrange)
1-Absentee (Folcarelli) 2 Recusals (Charette and Gross)
NAYS-0 Motion carried.

(End of motion)

Councilor W. Steere also read the report from the Technical Review Committee as follows:

To: The Planning Board
From: Report of The Technical Review Committee (TRC)
Date: February 24, 2011
Subject: Application for Zoning Text Amendment - Planned Unit Development
Applicant: Jay Forgue & Tourbillon Trailer Sales
AP 18, Lot 10

The members of The TRC have reviewed the subject application and materials for a Zoning Text Amendment, regarding Article 350-22 "P-Districts Created," for property located at 401 Snake Hill Road (AP 18, Lot 10) and report the following action(s) to The Gloucester Planning Board:

Approval - Denial - Referred to Planning Board **X**

Findings/Recommendations

1. The applicant seeks to amend the (1998) Town Council decision on the Planned Unit Development which allowed horse trailer sales on the property. The requested amendment would also allow for a horse tack and equipment shop and the sale of snow

plows, as well as allow future activities and structures that relate to the equine and farming community. Additionally, the amendment requested would extend current business hours to Saturdays from 9:00 a.m. to 2:00 p.m.

2. The applicant is proposing to convert 1,700 square feet of an existing 3,774 square foot barn into a "horse tack and equipment shop."
3. Since the P-District is already created, the proposed amendment of the ordinance should mainly be considered as to how this proposed change would impact the existing regulations and the neighboring properties. There are currently mature trees which serve as a buffer to neighboring properties.
4. In addition to a Town Council approval of an amendment to the PUD, the proposed use would be subject to the Development Plan Review process. This will be handled through a separate application to the Planning Board.
5. The TRC has reviewed this application and recommends the approval of the Zoning Text Amendment as presented. The TRC makes these recommendations and forwards the application to the Planning Board for consideration at the next meeting.

Signed by: Town Planner
Building/Zoning Official
Director of Public Works

(end of report)

Discussion: George Charette, speaking as a taxpayer and not as chair of the Planning Board, stated that he recused himself from the Planning Board action on this application because he had worked for the applicant in the past. G. Charette stated that if any of the members of the Council had any involvement with Mr. Forgue's political campaign, this matter should be tabled until an opinion is rendered by the Ethics Commission.

Tim Kane, Assistant Town Solicitor, gave his legal opinion that business activity and political activity are separate and this does not prohibit anybody from voting on the application. T. Kane added that Council members may recuse or abstain if they do not feel comfortable voting on the matter.

Councilor W. Steere asked Julian Forgue, applicant, to step forward and asked if the Council members had any questions. J. Forgue explained that he plans to take a portion of the barn currently used for horses and put in an apparel and tack shop. J. Forgue noted that no new buildings will be added and the amendment will not cause any traffic issues. Councilor Reichert expressed concern regarding the findings and recommendations which refer to the "future activities and structures that relate to the equine and farming community," stating that this appears to be open-ended.

J. Forgue stated that he is in business and must flow with the way the economy goes, as long as it does not change the atmosphere of the farm. Councilor Burlingame noted that the Planning

Board recommendation reads “the amendment be specifically limited to horse tack, apparel and horse related equipment shop and the sale of snow plows.” J. Forgeue stated that he is allowed 100 stalls for boarding horses and he would be willing to give up at least 50 of those stalls for the addition of the tack shop.

Councilor Hainsworth asked if horse carriages would be sold. J. Forgeue replied in the affirmative. Councilor Hainsworth asked if this would affect the number of trailers allowed. J. Forgeue replied that the carriages would have nothing to do with the trailers. J. Forgeue added that he is allowed 35 trailers that he owns personally in addition to any trailers that are brought in for service. J. Forgeue noted that if he wanted to expand his trailer business, he would have to come back before the Town Council.

Councilor W. Steere inquired if the proposed tack shop is an existing business. J. Forgeue replied in the affirmative. Councilor W. Steere asked what kind of traffic the business currently generates. J. Forgeue replied that during weekdays, five to seven cars may come in, and on weekends perhaps ten to fifteen customers. J. Forgeue noted that the proprietor is the former owner of Bonnedale Farm who now operates Snake Hill Trading Post in Smithfield.

Councilor W. Steere expressed concern regarding traffic in a residential neighborhood. J. Forgeue asked the Council to keep in mind that he is allowed to have 100 horses boarded by individual people which could result in up to 100 cars per day. Councilor W. Steere asked if the tack shop would be open both days on the weekend. J. Forgeue replied in the affirmative, stating that these are the two biggest days for business.

Councilor W. Steere noted that the weekends are when most people are at home and would object to increased traffic in the neighborhood. J. Forgeue commented that we are trying to bring more business into Town in order to lower residential property taxes. J. Forgeue noted that if people come from other Towns to shop at the store, they may shop at other businesses in Gloucester.

Councilor W. Steere asked how the sale of snow plows relates to the operation of a tack shop. J. Forgeue replied that he was advised to include this because he provides repair service for snow plows as a convenience to his customers. J. Forgeue stated that if the snow plows are an issue, it can be removed from the application.

Councilor Hainsworth stated that he has looked at the map, but would like to view the property as well. Councilor Hainsworth asked for clarification of #5 of the Planning Board recommendations which reads, “If approved, any change of current uses, future expansion or additional structures will be subject to Development Plan Review prior to the issuance of a building permit.” Tim Kane explained that if the applicant wishes to build additional barns or change the use within the barns, he must file a plan and go through a review process.

Councilor W. Steere asked if anyone wished to be heard regarding this application.

1. Dan Glasko, abutting property owner, expressed agreement with the comments made by G. Charette regarding whether Council members should vote on this application if

they had participated in Mr. Forgue's political campaign. However, D. Glasko stated that after T. Kane's explanation, if the Council members are comfortable, they should go ahead.

2. Mike DeGrange, Planning Board member, stated that there were questions regarding the number of trailers allowed on the property. M. DeGrange stated that according to the approval of the P-District in 1998, a limit of 35 trailers was placed on that property. M. DeGrange stated that it his understanding that there is an excess number of trailers. M. DeGrange stated that the rules and stipulations should be followed.

T. Kane stated that this issue has been discussed at length and the word "unregistered" was added to the stipulation. M. DeGrange replied that there is still an excess of 35 trailers on the property. M. DeGrange expressed his opinion that the rules should be followed before anything additional is granted.

3. Bernardine Hodgkinson, 421 Snake Hill Road, asked if the information provided in an application is verified before it is accepted. Tim Kane, Assistant Town Solicitor, replied that each application is reviewed by the Building Official, Planning Board and Technical Review Committee. B. Hodgkinson asked if the Council "takes the applicant's word for it" with regard to the content of the application. Councilor W. Steere replied that the applicant must live up to what he puts in the application because if there is an inspection, he could be found in violation.

B. Hodgkinson stated that it appears that nobody has ever enforced anything. B. Hodgkinson stated that this applicant does not abide by any of the rules and yet there is no penalty. B. Hodgkinson stated that the P-District was established in 1980 strictly for the purpose of breeding, boarding and training horses, adding that it has come a long way from what it was supposed to be. B. Hodgkinson expressed concern that the wording of the Planning Board recommendation allows for future activities beyond what is requested in the application. T. Kane stated that the amendment is specifically limited to horse tack, apparel and horse related equipment and snow plows.

Councilor Burlingame explained that the Planning Board recommendations would be used as stipulations if the Council were to approve the application. B. Hodgkinson asked what would happen if the applicant went beyond the allowed uses. Councilor Burlingame replied that this would be a Zoning violation and the Zoning Official would issue a cease-and-desist order and impose fines. B. Hodgkinson stated that the applicant has historically built structures and conducted activities before asking for the Council's permission and he has never been stopped before. B. Hodgkinson further stated that he is already selling the things that he is asking permission to sell.

B. Hodgkinson asked if Mr. Forgue is renting out the barn to somebody else who is running the business. If so, B. Hodgkinson expressed concern that he may rent to more people. Councilor W. Steere replied that the applicant is renting the space just as he would rent a horse stall for somebody who is boarding their horse. Councilor Hainsworth pointed out that as the owner of the property, the Council would hold Mr.

Forgue responsible. B. Hodgkinson asked if the original P-District allowed for 100 horses, as Mr. Forgue has stated. Councilor Hainsworth stated that this would have to be verified and further stated that he will not make a decision until he has seen the property.

B. Hodgkinson showed the Council members photographs taken from her land which indicate that some of the stipulations are not being adhered to. B. Hodgkinson reported that debris is left at her property line and there is a problem with noise from the existing business. B. Hodgkinson requested that the Council not grant anything else until the applicant complies with the regulations already in place. Councilor W. Steere asked B. Hodgkinson if she has ever filed a formal complaint with the Building Official.

B. Hodgkinson replied that she was told that she should speak to the Town Council. Councilor W. Steere stated that the first step is always to file a formal complaint with the Building Official. Councilor Hainsworth asked that B. Hodgkinson forward to the Building Official a list of what she believes are violations. B. Hodgkinson stated that she is glad to see a couple of new faces on the Council because last year no one cared. Councilor W. Steere stated that he takes exception to that comment, adding that if he did not care, he would not be sitting here.

4. George Charette, speaking as a taxpayer, addressed Tim Kane, Assistant Town Solicitor, regarding the Development Plan Review procedure. Councilor W. Steere asked if this is specific to the application before the Council tonight. Councilor Burlingame stated that the Planning Board recommendation, from which Mr. Charette recused himself, stated "Any future change in use of the existing structures or construction of additional structures shall be subject to Development Plan Review (Article 350-17 of the Zoning Ordinance) prior to the issuance of a building permit and Article 350-22, P-Districts Created, of the Zoning Ordinance shall be amended to include the above conditions."

Councilor Burlingame stated that we must focus on the application and the issue before us and the procedures should have all been taken care of before the application came to the Council. Councilor Burlingame commented that we are here to listen to the people speak on the merits of the issue and not the process.

5. Susan Bridges, abutting property owner, stated that she does not anticipate any problems regarding the tack shop, but requested that signs be placed to direct customers to the western driveway as she uses the eastern driveway to access her property. S. Bridges stated that another issue which came to mind is that originally all of the utilities were put underground in the driveway, then her lot got split off from the farm.

S. Bridges noted that the electricity goes to a pump house where it gets split between her property and the barn. S. Bridges stated that the electricity for the barn is generated on her meter. S. Bridges noted that a tack shop will use more electricity and she wants to make sure that she does not have to pay for it.

6. There was discussion regarding the business hours. Councilor Hainsworth stated that the amendment requested that the current business hours be extended to Saturdays from 9:00 a.m. to 2:00 p.m. J. Forgue explained that his secretary went by the hours of operation at the trailer business, adding that he has never been restricted concerning business hours. Councilor G. Steere noted that in the Planning Board recommendation, it was stated that any reference to hours would be eliminated. Mike DeGrange, Planning Board member, concurred.

Tim Kane, Assistant Town Solicitor, advised that if a site visit is conducted, it must be posted 48 hours in advance. Councilor Hainsworth stated that it would be helpful if the Council members receive copies of all actions which have taken place since the original PUD in 1980.

MOTION was made by Councilor Burlingame to TABLE until April 7th the amendment to the Gloucester Code of Ordinance - Chapter 350, Article IV Planned Districts, Petitioner: Julian Forgue Location: AP 18, Lot 10, as proposed: seconded by Councilor Hainsworth.

Discussion: Mike DeGrange asked if the property abutters could attend the site visit to address some of their concerns. It was stated that the site visit will be a public meeting which the abutters are entitled to attend. The site visit was scheduled for Tuesday, March 22nd at 5:00 p.m.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

- E. Gloucester Code of Ordinance
 1. RLM II, LLC d.b.a. Village on Chopmist Hill
Assessor's Plat 14, Lot 91 & 92
Chapter 208 Mobile Home Parks
 - a. Expansion of allowable lots
 - b. 208 (3) f. Waiver re: construction time
 - c. 208 (4) b. Waiver of Lot size

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer.

It was stated that there is no Planning Board opinion at this time but the Public Hearing will be opened as there are people present who may wish to speak.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anybody wished to be heard regarding this application.

Discussion:

1. Joe DeSarro asked what the previous lot size was and what the new size will be, if allowed. Councilor W. Steere replied that the ordinance currently calls for 10,000 square foot lots and the proposal is to reduce the lot size by half to 5,000 square feet. J. DeSarro asked if

the existing lots will be cut in half and the trailers moved accordingly. Councilor W. Steere replied that it is his understanding that this would not affect existing trailers, only new ones.

2. Kevin Kitson, manager of the Village on Chopmist Hill, stated that he is not prepared tonight as he is waiting for the recommendation from the Planning Board. K. Kitson stated that a workshop is scheduled for March 21st to go over more details about the plan itself. In response to Mr. DeSarro's question, K. Kitson stated that there is no plan to move existing trailers at this time. K. Kitson stated that the plan is to put more trailers in to help offset the cost of running the park. Councilor Burlingame asked if the park currently has the maximum number of trailers allowed. K. Kitson replied that the license is for 78 and there currently are 73 mobile homes.

K. Kitson stated that the application asks for an expansion to 132 sites. K. Kitson noted that the park owners have spent over a million dollars on a septic system and, consequently, the park is running at a deficit. Councilor Burlingame stated that this would be similar to a property owner with twelve acres of land applying for a zone change to allow him to subdivide into twelve one-acre parcels. K. Kitson explained that back in the 1960's, the previous owner was putting mobile homes too closely to allow for safe septic disposal. At that time, the Town placed rules and regulations to require a minimum lot size of 10,000 square feet. K. Kitson pointed out that since the new septic system can handle up to 99 units, that lot size is not necessary.

Councilor G. Steere stated that in the application, there are plans to turn some trailers around to fit two on a lot which formerly held one. K. Kitson stated that this was done when a resident replaced his mobile home and wanted the new one to be positioned the opposite way. K. Kitson stated that there are no plans to disrupt anyone's lives. Councilor G. Steere asked if the septic system which can accommodate 99 homes is installed at this time. K. Kitson replied that there are currently 33 homes hooked up to the system, which can handle up to 99 trailers.

Kevin Kitson stated that a more detailed, formal presentation will be made when the Planning Board motion is available. K. Kitson noted that Senator Fogarty has introduced legislation to allow mobile homes to be counted toward the 10% mandate for affordable housing.

3. David Steere asked how mobile homes can qualify as affordable housing. D. Steere stated that typically there is a restrictive use clause on the sale of property which would make it affordable, so he does not know if the mobile homes would automatically qualify as affordable housing. K. Kitson explained that the legislation would blanket all mobile homes as affordable housing due to the nature of how much they cost which signifies them as affordable. K. Kitson further explained that the homes are on leased land for which rent is paid in the amount of \$350.00 per month. K. Kitson clarified that there is a restriction on the deed itself that the next person who gets the mobile home must meet the criteria of the income level.

4. Joe DeSarro asked if the septic system which can handle 99 homes was there in the early 1960's. K. Kitson replied in the negative, stating that the new system was installed four years ago. K. Kitson further stated that there have been no DEM or Dept. of Health violations since then. J. DeSarro expressed concern regarding the addition of 50 mobile homes, stating that it would create an eyesore.
5. George Charette, Planning Board chair, stated that there was lengthy discussion at the Planning Board level with regard to this application to expand the mobile home park. G. Charette stated that he requested documentation from Kevin Kitson which indicates monies coming in and expenses paid out. G. Charette stated that the Zoning Matrix does not allow capital gain for profit. Councilor Burlingame expressed concern with regard to the Planning Board getting involved with profits and losses to determine the validity of a plan. G. Charette replied that according to the Comprehensive Community Plan, impact to the Town must be considered by the Planning Board when applications are before them.
6. Joe DeSarro, Sr. stated that he has lived next to the mobile home park for many years. J. DeSarro, Sr. expressed his objection to the proposed expansion due to pollution issues.
7. Walter Steere, Jr. stated that he is concerned about drainage at the park. W. Steere, Jr. commented that he feels that there is contamination on the site. W. Steere, Jr. questioned whether new roads or a retention pond would be installed. W. Steere, Jr. also expressed concern that the expansion would increase the number of children in the school system, which would raise taxes.
8. Kevin Kitson spoke favorably about the owners of the mobile home park, stating that they are willing to spend money to clean up the property. K. Kitson stated that measures are being taken to alleviate the contamination problem on Mr. DeSarro's property. K. Kitson noted that there is a multitude of things which must be paid for with limited funds, causing a hardship. Councilor Hainsworth noted that since Kevin and Lisa Kitson took over the management of the park, the quality of life has improved for the residents.
9. Chris Leonard, 52 Diamond Hill Road, stated that he has been a resident of the mobile home park since 1986. C. Leonard agreed that the situation has improved over the last several years. C. Leonard noted that the water problems experienced by Mr. DeSarro are coming from Davis Park.

MOTION was made by Councilor Burlingame to CONTINUE the Public Hearing until the Town Council meeting of April 7, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VII. Consent Items

- A. Town Council Minutes of March 3, 2011
- B. Finance Director's Report for January & February, 2011
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor G. Steere to TABLE the Approval of the Town Council minutes of March 3, 2011; to TABLE the Finance Director's Report for January & February; and to Grant the Abatement to the 2010 Tax Roll in the amount of \$1,678.19; there are no Additions; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

VIII. New Business

- A. Money Hill Road - Discussion and/or Action
 - 1. Resident Complaint

Stephanie Cole of Money Hill Road asked for an update on the situation at Johnson's Farm. Councilor G. Steere stated that a meeting took place last week with Mr. and Mrs. Johnson and Mr. Baird. Councilor G. Steere stated that the property owner will be allowed to grade Ms. Cole's end of the lot to divert the water from her property. Councilor Burlingame noted that this is within the jurisdiction of the Zoning Official and the Council is awaiting his sign-off.

S. Cole stated that since she last appeared before the Council, the situation has exacerbated. S. Cole noted that her electric bill has doubled as a result of running pumps in her basement. S. Cole stated that her property is assessed at \$220,000 but feels that she could not get \$20,000 for the property at this time. S. Cole stressed that time is of the essence.

Councilor Reichert suggested that the Public Works Department install berms to get the water away from Ms. Cole's property. Councilor G. Steere stated that he asked the Johnsons if an agreement could not be reached, would they allow the Town to access the property to do what is necessary. Councilor G. Steere stated that the Johnsons responded in the affirmative.

S. Cole noted that she started with a dry basement and it has gotten to the point where she is worried about the foundation. Councilor G. Steere stated that he will follow up with Carl Riccio, Building/Zoning Official, in the morning. S. Cole suggested that the Town hire a pump company to set up equipment which does not need constant monitoring, if possible. Councilor Burlingame advised S. Cole that she would be contacted tomorrow after the Council hears from the Zoning Official.

Councilor W. Steere stated that the Town has arranged for Ms. Cole's septic tank to be pumped and the Town Council must now approve the invoice.

MOTION was made by Councilor Burlingame to pay the bill incurred from having Stephanie Cole's septic tank pumped; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

There was lengthy discussion among Council members and Julian Forgue, Economic Development Commission chair, regarding what can be done to remedy this situation. There was consensus to partially lift the cease and desist order to allow Mr. Baird and Mr. Johnson to do the necessary grading, but nothing more.

Russell Gross asked why the work was allowed to continue for three months. Councilor G. Steere replied that the former Building Official reported that wetlands were being filled in, but this was in the jurisdiction of the Department of Environmental Management and the Town could do nothing to stop the activity. R. Gross stated that the Town could have put in a complaint with DEM. Councilor G. Steere replied that calls were made to DEM, but no official citation or violation was issued.

Sara Duquette, 62 Money Hill Road, reported that she also has had water issues, though not to the extent as Stephanie Cole. S. Duquette asked if the applicant will still be allowed to purchase this property and change it to whatever he would like, and if so, what type of business will be run on the property. Councilor W. Steere replied that there have been no applications filed regarding the proposed business. S. Duquette asked why the applicant was allowed to continue cutting trees for so long when there were no plans filed. Russell Gross pointed out that there was no permit issued by the State Forestry Division which is required when a certain number of trees are to be cut.

There was consensus to lift the cease and desist order for a limited scope and give the applicant until Monday night to correct the problem before the Town goes in to do the work.

Mike DeGrange asked who will monitor the site to ensure that the applicant will only be doing what he is supposed to be doing. Councilor W. Steere replied that the Building Official and Town Council will keep track of the activity.

B. Chestnut Hill Bridge - Discussion and/or Action

Councilor W. Steere asked Gary Trembl, Public Works Director, if he had information from the State regarding the bridge project. G. Trembl replied that the contractor is bonded and if he was unable to complete the job, the bonding company would step in to ensure that all parties are paid and the job would get done. G. Trembl added that historically, the bonding company would retain the same contractor so it would not have to go out to bid. G. Trembl noted that he does not think that the State has any control over this until the end date is reached and the project has not been completed.

There was discussion regarding the possibility of the Town installing a temporary bridge. Tim Kane, Assistant Town Solicitor, stated that the contractor could sue the Town for interference with his contractual relations with the State. Councilor Hainsworth stated that he met with the State and requested that G. Trembl be named Clerk of the Works to finish the project. Councilor Hainsworth stated that he was told that this could not be done for the same reason, that Shire could file suit. It was noted that Mr. Lewis from DOT will be present at the Town Council meeting of April 21st.

IX. Boards/Commissions

A. Appointments - Discussion and/or Action

1. Senior Center Board of Directors

Recording Secretary

Councilor W. Steere read the following request from the Senior Center Board of Directors:

DATE: March 10, 2011
TO: Ted Burlingame
RE: Senior Center Board Clerk
FROM: Senior Center Board of Directors

The Senior Center Board of Directors at its last meeting, March 9, 2011, voted unanimously to recommend to the Town Council Jeanne Carcieri as their board clerk. Can you please place this item on the agenda for the Town Council meeting to be held on March 17, 2011.

If you require further information please contact me by e-mail or phone.

Respectfully,
Jaclynn M. DiPietro
(end of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Jeanne Carcieri as the Clerk to the Senior Center Board of Directors; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

2. Conservation Commission
3 year term to expire 4/3/2011

Councilor W. Steere stated that this appointment is for the expired term of John Andrade.

MOTION was made by Councilor Hainsworth to REAPPOINT John Andrade to the Conservation Commission for a 3 year term to expire 1/2014; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- B. Economic Development Commission- Discussion and/or Action
Procedures & Conduct of the Board

Councilor Reichert, liaison to the Economic Development Commission, suggested that an Executive Session be scheduled with the members of the Commission. Councilor W. Steere noted that the Council has met with the Commission in the past and stated that the Council does not have time to deal with this matter. Councilor W. Steere stated that this was a productive board until the last two or three months when there has been nothing but issues. Councilor W. Steere expressed his opinion that if these adults cannot work together, the board should be disbanded despite all of the good things it has accomplished in the past.

Councilor G. Steere stated that he feels that the members should be able to work out their differences among themselves. Councilor W. Steere stated that not only does this affect productivity, it puts the members in jeopardy for fines and penalties. Councilor G. Steere stated that it would be a disappointment if the Commission were to disband, but protocol has not been followed. Councilor Reichert stated that he does not feel it is possible for all seven members to work together. Councilor W. Steere suggested that the Economic Development Commission be given one more meeting to work things out and in they do not, it cannot go forward like this.

Councilor Burlingame stated that he does not want to meet with the members because it would start a precedent. Councilor W. Steere stated that the Commission is scheduled to meet on March 22nd and if it appears that they cannot work together to do good work for the Town, he would recommend that the board be disbanded.

- X. Department Head Report/Discussion
Bds. & Commissions - Discussion

- A. Jean Fecteau, Town Clerk, stated that a Public Hearing concerning the Budget is scheduled for March 24th at 7:00 p.m.

- B. Gary Treml, Director of Public Works, reported that street sweeping has begun. G. Treml noted that 1400 tons of salt and 2800 tons of sand were used on the roads this winter. G. Treml stated that his department will begin road repairs in April.
- C. Ray Goff, Town Planner, stated that he received a contract from DOT regarding the constructed wetlands stormwater project at Tanyard Lane and Oil Mill Lane. R. Goff expressed concern that we have agreed to a 50% contribution on this construction, but the memo from DOT is vague and does not address this. R. Goff stated that he has prepared a memo in response and asked the Council to review and authorize the Council President to sign the document.

R. Goff spoke regarding the Chepachet Bridge sidewalk project which is slated to begin on July 6th. R. Goff stated that this project will not affect the two 12-foot travel lanes and should be started as soon as possible. R. Goff stated that he has drafted a memo to DOT on behalf of the Town Council expressing this opinion.

R. Goff stated that he has asked the Department of Transportation to consider installing a right-turn lane at the intersection of Routes 100 and 44 at the site of the former Texaco Station. Councilor G. Steere stated that he and Joseph DelPrete, Chief of Police, approached the State with this idea several months ago and they did not respond favorably. There was Council consensus to allow the Town Planner to pursue this matter.

- D. Judith Branch, Director of Human Services, reported that the food pantry serves 80 families at this time, some of which include five or six children. J. Branch noted that donations of both food and money have been generous. J. Branch stated that she is attempting to become an agent for the Rhode Island Food Bank which requires attending classes.

J. Branch stated that once she becomes an agent, she can go the Rhode Island Food Bank and purchase food at \$.10 per pound. J. Branch stated that the requests for transportation are mounting and she is currently accepting applications for part-time as-needed drivers. Regarding energy assistance, J. Branch stated that her Department is currently serving approximately 60 families with oil and propane.

- E. David Steere, Budget Board chair, spoke regarding the proposed budget for FY 2011-2012. D. Steere stated that expenses have not changed since the Budget Workshop, but some of the revenues have been updated to conform with the Governor's projected budget. D. Steere noted that on page one of the Budget, there is a Special Appropriations item in the amount of \$104,244 which represents the swing amount for the Foster-Glocester Region.

D. Steere proposed that this amount be reserved and funded with surplus funds to hopefully mitigate any future swings in the Region's budget which are not favorable to Glocester. D. Steere noted that this will not increase the amount to be raised by taxes from the current year. Regarding the Capital Budget, D. Steere stated that the Budget

Board stayed within the amount of the 2% set-aside. D. Steere stated that he will go into further detail at the Public Hearing on March 24th.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter was received from the Blackstone Valley National Heritage Corridor asking for support for a Resolution regarding the creation of a national park in the Blackstone River Valley.
- B. Councilor W. Steere stated that a DEM request for water pollution abatement projects was received.
- C. Councilor W. Steere stated that a request for assistance was received from the Gloucester Light Infantry regarding building maintenance and electrical issues.
- D. Councilor W. Steere stated that Joan Hackett, Head Librarian at the Harmony Library, will be retiring on July 1st and at that time, the two Gloucester libraries will begin sharing a full-time Director and Children's Librarian. Gayle Wolstenholme, current Director of the Gloucester Manton Library, has been appointed to this position. Councilor W. Steere stated that this will promote continuity between the libraries and will also result in a financial savings. Councilor W. Steere stated that before Mrs. Hackett retires, the Council will prepare a Resolution to thank her for her many years of service.
- E. Councilor W. Steere stated that correspondence was received from James Hagerty of the RI Clean Water Finance Agency asking for a list of possible projects. R. Goff, Town Planner, stated that he will work on this.
- F. Councilor W. Steere stated that a letter was sent to Charlie Wilson, chair of the Historic District Commission, from the Department of Transportation regarding the State Police Barracks' eligibility to be on the National Register of Historic Places.

XII. Open Forum

- A. Rose LaVoie complimented the Town Council on being well-informed on issues such as the one on Money Hill Road. R.. LaVoie also commended Tom Mainville, Finance Director, for his diligence.
 - R. LaVoie expressed concern that the nobody stopped the owner of the property on Money Hill Road from cutting down all of the trees, adding that it now looks like a wasteland.
 - R. LaVoie spoke about the Blackstone Valley National Heritage Corridor, stating that it is a very worthy organization which needs our support.

R. LaVoie expressed hope that the members of the Economic Development Commission can work out their differences, noting that they have accomplished so much over the last several years.

- B. Tom Sanzi stated that he is concerned that the situation with the Chestnut Hill Bridge may be causing environmental damage due to the water flow and erosion. Councilor Hainsworth stated that the Department of Environmental Management has a supervisor assigned to the project.
- C. Councilor Hainsworth stated that there was a bill presented, Senate Bill #18, regarding confiscated property, which would allow cities and towns to use the funds for law-enforcement purposes instead of putting them into General Revenue. Councilor Hainsworth also spoke about Senate Bill #19, which addresses Open Records and would relieve school committees of the burden of funding legal advertising.

Councilor Hainsworth stated that Bill #110, which was to change the annual meeting of the West Gloucester Fire Department from the first Saturday in August to the first Saturday in June, has been passed. Councilor Hainsworth stated that Bill #554 will move the Harmony Fire Department's annual meeting to the first Saturday in June as well. Councilor Hainsworth spoke about Bill #694, which deals with sex offender registration.

XIII. Seek to Convene into Executive Session Pursuant to:

- A. R.I.G.L. 42-46-5 (a)2 Collective Bargaining Union Contracts

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining, Union Contracts, seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

XIV. Reconvene Open Session

MOTION was made by Councilor Burlingame to Reconvene and seal the minutes of the Executive Session, no votes were taken; seconded by Councilor Reichert.

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 11:30 p.m.; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 7, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **March 24, 2011**

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; and David Steere, Budget Board chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Joseph DelPrete, Chief of Police.

IV. Public Hearing

A. Budget 2011/2012

Operating & Capital Improvement Budgets

Councilor W. Steere stated that this Public Hearing was duly advertised per requirements of the Home Rule Charter.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked David Steere, Budget Board chair and Thomas Mainville, Finance Director, to present the proposed budgets.

Discussion:

David Steere, Budget Board chair, stated that he will explain the Town, School and Capital budgets, in that order, after which he will take questions from the audience. D. Steere stated that the budget calls for a 2% raise for the Police Department, non-union Town Hall workers, and DPW employees.

D. Steere noted that there are currently two (2) contracts which have not been settled; one for the dispatchers and the other for the Town Hall clerks. D. Steere stated that built into the budget is a 8% increase in health benefits and a 5% increase for dental benefits.

D. Steere stated that the proposed budget for Central Administration is \$794,369, which reflects a decrease of \$14,288 from the previous budget. D. Steere noted that the decrease is mostly from the Town Clerk's office, resulting from the retirement of a Senior Clerk with health benefits who was replaced by a clerk with lower wages and single buyback.

D. Steere further stated that there is a decrease in the budget for the Board of Canvassers due to the number of meetings anticipated this year. D. Steere noted that there is no full-time Building Official at this time and the Budget Board looked at salaries in surrounding towns of similar size and reduced the wages accordingly, subject to Town Council approval.

D. Steere stated that Financial Administration will be budgeted at \$653,440, for an increase of \$27,177, due to the hiring of a Senior Clerk in the Finance Office and budgeting a family health benefit plan. D. Steere stated that Public Safety is budgeted at \$1,882,610, an increase of \$10,386, totally due to wages and benefits. D. Steere noted that the Department of Public Works budgeted at \$1,930,444, for an increase of \$34,617 which is the combination of adding and subtracting several different operating expenses. D. Steere stated that Recreation and Senior Center is budgeted at \$254,597, for an increase of \$15,549, of which \$15,225 is at the Senior Center.

D. Steere explained that salaries and benefits at the Senior Center increased by \$8,725 and operations are increasing by \$6,500. D. Steere stated that the budget for Social Services is \$59,974 which is a small decrease in the amount of \$2,426. Other operational expenses are budgeted at \$493,738, a decrease of \$6,541. D. Steere stated that the proposed budget for Aid Requests is \$339,003, an increase of \$7,217, \$5,217 for the two libraries as well as a \$2,000 increase for the Fourth of July Parade. D. Steere noted that there is an Aid Request which is still up in the air; \$4,253 budgeted for C.A.S.T.

D. Steere stated that the total increase for Municipal Expenses is \$71,691, which is a little over 1% from the current budget year.

D. Steere noted that Tom Mainville will present the Gloucester School Budget. D. Steere stated that Gloucester's share of the Foster-Glocester Budget is \$8,121,538, for a decrease of \$137,244 from the current year. D. Steere explained that the operating expenses are the same, but the difference is the shift in student population from each town. D. Steere stated this "swing" happens every year, with Gloucester paying last year.

Debt Service is budgeted at \$1,227,539, which is an increase of \$33,000, however D. Steere noted that there will be a net savings of \$104,244 due to the student population shift. D. Steere stated that this amount will be put under Special Appropriation to be set aside, in reserve, to offset future swings.

D. Steere stated that the Capital Reserve Fund is \$490,884, which is 2% of the Operational Expenses, per the Charter. D. Steere noted that the use of those funds will be discussed when we get to the Capital Budget.

D. Steere noted that there is a decrease in Debt Service for the Gloucester Schools in the amount of \$21,771, and the Non-School Debt is \$556,119, for a slight increase of \$247.

D. Steere stated that the total proposed expenditures are \$27,188,511.

D. Steere went on to page 2 to explain the Revenues. D. Steere stated that there is a slight increase of \$10,500 projected for Non-Business Licenses and Fees and \$10,000 for Department Receipts. D. Steere stated that Public Service Corporation Tax will be \$107,709, which comes from the Governor's proposed budget. D. Steere explained that this increase is only on paper due to last year's budget of \$96,740. D. Steere noted that under State Aid, there is a decrease of \$16,778. D. Steere stated that Excise Tax is projected at \$94,919 for an increase of \$12,427, also a result of the Governor's proposed budget.

D. Steere noted that this increase is only from the prior year, adding that our current year collections will exceed the projected \$82,492. D. Steere stated that Hotels, Meals & Beverage Tax is budgeted at \$54,998, which reflects a decrease of \$2,563. D. Steere stated that regarding FM Global Phase I and II, those increases are a result of the tax treaty that is in effect, adding that Phase II in the amount of \$461,975 is staying in the budget to offset operations. D. Steere stated that Interest on Delinquent Taxes is budgeted at \$85,000 which is a decrease of \$6,880, and Interest on Investments has been poor and is budgeted at a decrease of \$12,000.

D. Steere stated that we are not budgeting anything for Insurance Dividends. D. Steere summarized that the Total Revenues is at \$6,183,293 and the amount to be raised by taxes, prior to adjustments, is \$21,005,218. D. Steere stated that after the adjustment for uncollected taxes and transfer from surplus, the amount to be raised by taxes is \$20,952,606, which is a 0% increase from the current year budget.

Thomas Mainville, Finance Director, reviewed the proposed budget for the Glocester Public Schools. T. Mainville stated that the net Town appropriation is level-funded. T. Mainville noted that there was an amount which was expected to be received for State Aid, based on projections from the RI Department of Education, but that amount was cut by \$135,089 by the Governor. T. Mainville explained that the amount taken from fund balance will have to be adjusted by that figure.

T. Mainville noted that this will be the first year that the funding formula takes effect, adding that Glocester will absorb a loss of approximately \$78,000 per year for the next ten years. T. Mainville commented that the Glocester Schools can withstand this loss for the next few years because they are in decent financial shape. T. Mainville stated that some increases in salary seem high percentage-wise, explaining that the State is rolling special revenue funds into the general fund.

T. Mainville reviewed the co-share percentages for health insurance, stating that the certified group pays 20% and the non-certified is at 10%. T. Mainville stated that there is a 2% increase for Step 10 teachers. T. Mainville stated that there is no increase for non-certified as their contract is up this year. T. Mainville stated that he will go into more detail regarding the proposed budget if anybody had any questions.

David Steere reviewed the Capital Budget on Page 19. D. Steere stated that there is a request for \$1,176,500 in Capital projects. D. Steere stated that the Budget Board kept the Capital projects within the limit of the 2% set-aside of \$490,884. D. Steere stated that for Town Hall repairs and

renovations, the Budget Board is proposing \$38,000. D. Steere noted that there is nothing funded under Planning, and under Police Department, one cruiser is funded in the amount of \$30,000.

Under Animal Control, \$55,000 was requested and \$30,000 is proposed. Under Public Works, road construction is budgeted at \$232,884 and \$140,000 is proposed for a new dump truck. D. Steere noted that a scanner system was requested for the Senior Center in the amount of \$7,500, but this was sent back for further research. Under Gloucester Schools, the only thing funded is the installation of a new well in the amount of \$20,000.

D. Steere stated that this concludes the presentation of the three budgets and questions and comments will now be taken.

Councilor W. Steere stated that anyone wishing to speak should come to the microphone and state their name and address.

1. Lynn Donnelly, resident of Foster, stated that she is a health teacher at Ponaganset Middle School and is here to represent C.A.S.T. (Citizens and Students Together). L. Donnelly stated that C.A.S.T. is a health coalition which implements alcohol, tobacco and drug prevention strategies for the communities of Foster and Gloucester. L. Donnelly explained how the schools benefit from this organization, stating that C.A.S.T. was a lead sponsor for a road race which took place recently.

L. Donnelly stated that a grant in the amount of \$500,000 was applied for, but without the task force, we will not receive the grant. L. Donnelly urged the Town Council to approve the \$4,253 requested by C.A.S.T. Councilor W. Steere asked what would happen if Foster did not fund their part. Lorraine Kaul, representative of C.A.S.T., replied that if Gloucester funds the request and Foster does not, they could renegotiate with the State to make it a one-town task force.

Councilor Burlingame asked for more details regarding the \$500,000 grant. L. Kaul explained that the grant would, over a five-year period, fund an asset building program which focuses on 9th graders coming into the High School. L. Kaul added that every teacher would be trained and a part-time coordinator would be hired to assist the teachers.

2. Steve Sette, 176 Snake Hill Road, stated that he feels very passionately about the fact that the Town Council is proposing moving FM Global Phase II money into the operating budget. S. Sette stated that he served on a previous Town Council and specifically reserved that money for the infrastructure of this Town. S. Sette stated that if the Council moves the funds this year, they will have moved \$900,000 which was earmarked to go to the betterment of this Town. S. Sette expressed his opinion that this would be a very short-sighted maneuver by the Town Council.

S. Sette stated that the Capital portion of the budget had a request for \$500,000 for road repair, but this was cut to \$200,000. S. Sette stated that the Public Works Department will be unable to keep up with necessary road repairs with this budget, especially since materials will be more expensive due to the cost of petroleum products. S. Sette pointed

out that with the reduction of the excise tax exemption, the Town has the authority to tax car owners for a higher portion of the vehicle's value. S. Sette stated that this would amount to an average of \$66.00 per car, multiplied by the number of cars in Gloucester (14,289), would calculate to over \$900,000. S. Sette pointed out that even if only 70% of these vehicles are valued at over \$6,000, it would still amount to approximately \$650,000, which the Council has available to make up for moving the FM Global money.

S. Sette pointed out that as a vehicle depreciates, the tax goes down as well. S. Sette expressed concern that if we move this infrastructure money out of the budget, at some point the Council will be asking the people of this Town for a bond to repair roads, which will eventually end up in our property taxes. S. Sette urged the Council to reconsider moving the FM Global funds into the operating budget and to find another funding source.

David Steere, Budget Board chair, noted that in the Capital Budget, the \$232,000 for road construction is proposed for next year, adding that there is actually \$455,000 in the account right now. S. Sette pointed out that certain projects at the schools were not funded, adding that school buildings are considered infrastructure as well as roads. S. Sette stated that nobody wants to see another school bond, after what we have already been through. S. Sette stated that we are paying more money in debt service than we are in education. S. Sette stated that at some point, we must start looking at what is better for the long-term future of the Town.

Councilor Reichert asked if it has been considered to reduce the car tax exemption. D. Steere replied that the exemption could be reduced an additional \$2,200 to bring it down to \$500, but it may still not make up the full \$461,000.

Councilor Burlingame stated the he is opposed to the Governor's plan to increase taxes rather than look for cost savings. Councilor Burlingame stated that the Town Council made a conscious decision at last year's Town Financial Meeting not to raise taxes, adding that they were under the impression that the car tax exemption would go no lower than \$3,000. Councilor Burlingame stated that it was explained that the lower exemption would raise the vehicle tax and not affect property owners. Councilor Burlingame stated that he does not want to raise taxes this year.

Councilor Burlingame noted that there were savings in the Public Works and Police Departments which increased our surplus by approximately \$360,000, \$160,000 of which will be used in the current budget. Councilor Burlingame stated that the Town Planner has requested \$30,000 for grant money for the park, which is a good investment. Councilor Burlingame stated that the remainder, along with another \$150,000 or \$200,000 from surplus, could be moved into the Capital account to take care of infrastructure. Councilor Burlingame stated that, looking ahead, there are bonds which will be closing out, one for the Land Trust and one for the school roof.

Councilor Burlingame stated that we receive approximately 40% reimbursement from the State for our Capital. Councilor Burlingame further stated that in a year or two, there will be an additional 20 million dollars on the books for FM Global which will generate

\$400,000 in tax revenue. Councilor Burlingame stated that if we can get through this year without raising taxes, there will be funds available in the next several years to address the infrastructure.

Steven Sette stated that the town of Smithfield is facing the same problem. S. Sette read from an article in the Observer regarding Smithfield's situation. The article quoted the Smithfield Finance Director as saying that as the Town looks to make up for reduced aid, the vehicle tax seems to be an equitable target, since it divides the additional burden among nearly all Town residents.

S. Sette pointed out that there is a percentage of residents in Gloucester who rent or lease and by not taxing their vehicles, we are not collecting any taxes from these residents. Councilor Burlingame again stated that he does not want to see a tax increase this year for anybody.

3. Russell Gross, 486 Putnam Pike, disagreed that there was no tax increase, stating that he is now paying taxes on a vehicle which was not previously taxed. It was noted that there was no increase in real estate tax. Councilor Burlingame explained that vehicle tax went up when the exemption was reduced from \$6,000 to \$2,700. Councilor G. Steere stated that many people, including himself, were affected by the vehicle tax increase, due to State guidelines. Councilor Burlingame noted that older vehicles are taxed higher than their value.
4. Walter Steere, Jr., 1318 Putnam Pike, stated that he would not mind dropping the exemption to \$500 because this would require people who do not own property to pay their fair share of taxes. W. Steere recommended taking 50% of the increased car tax revenue and apply it towards Capital and take the other 50% to lower property taxes. W. Steere further stated that when the school bonds drop off, the funds should not be used for something else in the budget, but should be used to provide relief to the taxpayers.

W. Steere asked for the Council's support regarding the \$104,000 requested for Special Appropriations. Councilor Burlingame stated that there is a consensus among Council members that this is the right thing to do.

W. Steere cautioned the Council that when negotiating with the Unions in the future, to remember that the non-union will get the same raise also. W. Steere commented that it may be time for a pay freeze. Councilor Burlingame pointed out that the Regional Superintendent is receiving a 5% increase even though the responsibilities have been diminished due to the Town taking over the financial operations for the Gloucester schools. Councilor Burlingame stated that it seems inconsistent to reward somebody with an extraordinary increase while others are getting 2% or no increase at all.

W. Steere noted that the Superintendent and Business Manager both received performance bonuses, which is in their contract. W. Steere stated that several years ago, some of the Department Heads received substantial raises because they deserved it and were underpaid.

5. Katie Franklin, Director of Development and Public Affairs of Well One Primary Medical and Dental Care, stated that public health services have been provided to Northwestern Rhode Islanders for over a century and thanked the Council for their support. K. Franklin stated that Glocester citizens account for 14% of the patients at the Pascoag facility and 10% of the patients at the Foster facility. In both cases this is the second largest user group at each of those centers. K. Franklin explained the many types of medical, dental and behavioral health care that is available.

K. Franklin stated that she is aware that these are very challenging times for Rhode Island cities and towns, adding that these are the same financial conditions that are impacting our citizens resulting in an increase in demand for the services that the program provides. K. Franklin reminded the Council that these patients are not strangers, but friends, neighbors and relatives and stated that support from the Town is vital.

David Steere, Budget Board chair, stated that he is familiar with the good work provided by Well One, adding that the Board considered increasing the amount of aid. However, after discussion, it was decided to hold all aid requests to the current budget. Councilor Burlingame asked K. Franklin if the program received stimulus funds the previous year. K. Franklin replied in the affirmative but noted that these funds cannot be applied to charity care. K. Franklin stated that Federal funds come with conditions and were used for capital investments and improvements.

6. George Charette, 312 Chopmist Hill Road, stated that he forewarned the Council several years ago that the Town would be in this situation. G. Charette spoke in favor of increasing the tax on motor vehicles, stating that people who drive fancy cars and do not own property are not paying any taxes. G. Charette stated that he owns four cars and if he cannot afford the taxes on any of them, he will not register them.
7. Charlie Wilson stated that money spent on roads should come from cars and suggested that the car tax be increased and applied directly to road repairs, noting that people could understand this and deal with it much better. C. Wilson further stated that property taxes should either go down or stay level.
8. Linda Nichols, 493 Durfee Hill Road, had several questions regarding the proposed budget. L. Nichols stated that there is no financial statement, income statement or balance sheet. L. Nichols asked where is the money coming from? David Steere replied that on Page 2 of the budget it shows the amount raised by taxes, which is \$20,952,606. L. Nichols stated that she works for a large company where there is a freeze on wages. L. Nichols commented that the Council should not be giving pay raises to the Town employees at this time. D. Steere stated that the 2% raise across the board was initiated with a contract that was negotiated between the Council and the Police Department.

D. Steere pointed out that to be equitable, the other employees should also receive the same raise. D. Steere noted that the other employees have lesser benefits that the Police Department. L. Nichols asked if the Town employees are unionized. D. Steere replied that some are and some are not. L. Nichols stated that she likes living in Glocester but cannot

afford higher taxes. D. Steere stated that the Budget Board worked hard to keep the budget at the same level as the current year, adding that the State would have allowed a 4.25% increase. D. Steere stated that if the Department Heads had a budget request, they were asked to offset it by cutting something else. L. Nichols objected to what the Town employees make, stating that the reason the State and Towns have no money is because they keep dishing it out.

Councilor G. Steere stated that the last contract for the Clerks consisted of a 0% raise the first year and 2% the second year, increased contributions to health insurance, and the buyback amount was reduced from \$8,200 to \$3,500 per year. L. Nichols asked what the employees contribute toward their health care. Councilor G. Steere replied that there is a sliding scale up to 20%, depending on the employee's salary.

Councilor Reichert commented that the Regional Schools have destroyed the taxes in this Town. L. Nichols stated that she did not attend the Regional Financial meeting. Councilor W. Steere stated that this is the most important meeting to attend. Councilor W. Steere noted that every Town employee works hard and deserve raises in a perfect world. Councilor W. Steere further stated that the employees understood the situation and took some pretty heavy hits. Councilor W. Steere stated that there have been 37 foreclosures in Gloucester since 2008 and many more property owners are just hanging on.

Councilor W. Steere noted that unemployment is at 10% in our Town and many others residents are underemployed. Councilor W. Steere stated that he cannot see how we could justify adding taxes at the local level because our Governor and General Assembly do it every year and will do it again this year. Councilor W. Steere stated that many good points have been brought up tonight and they will be considered going forward.

Councilor Burlingame stated that if there is a mechanism to allow us to reduce the exemption on the vehicle tax while lowering personal property and other taxes, he would be in favor of it. Councilor Burlingame stated that he wants to be sure that there is no net increase in the total appropriation. Councilor Burlingame expressed concern regarding the census data for Gloucester which indicates a reduction in student population, possibly as a result of young people moving out of Town to raise their families.

9. Russell Gross stated that he has the option of taking his Jeep, which is assessed at \$6,000, to the junkyard and get \$300 for it, but he cannot take a chainsaw and cut a bedroom off his house. R. Gross urged the Council to put the taxes on the cars.
10. Joseph DelPrete, Chief of Police, spoke regarding the Police Department union contract, stating that they took a 0% increase last year and 2% this year. Also, Chief DelPrete stated that many concessions were made on the part of the Police Officers, more than comparable Police Departments throughout the State. Chief DelPrete stated that managerial issues were built in allowing the Department to save a lot of money in overtime which would not have been possible due to staffing shortages.

Chief DelPrete stated that he has proposed funding for an additional Police Officer position in this budget. Chief DelPrete explained that his rationale for this request is that the Department is down to eleven officers and there has been an increase in calls for service. Chief DelPrete noted that FBI statistics recommend two police officers for every 1000 people, which would mean 20 officers for Gloucester. Chief DelPrete stated that the full impact would not be in this budget as the officer would not be at full salary until the year 2013.

Chief DelPrete stated that he has three officers who are eligible to retire, adding that if he lost two or three officers at this time, it would be a detrimental impact to the Police Department. Chief DelPrete asked the Council for their support regarding this request. Chief DelPrete pointed out that he has a list of candidates from the last recruiting process but if he waits until after July 1st, he will be required to start a whole new process, which is lengthy.

Councilor W. Steere commented that due to pension reform at the State, the three officers who are eligible to retire may decide that it is the right time to do so. Chief DelPrete stated that even if no one retires, he has proactive ideas concerning what could be done with extra help. Councilor Reichert stated that it takes a good 13 months to get an officer through training. Councilor G. Steere asked if a new officer will save money on overtime. Chief DelPrete answered in the affirmative, stating that when an officer is on probation status, he or she can be moved around to fill overtime positions.

11. Russell Gross stated that he was opposed to the addition of a police officer, but after hearing the Chief speak, he thinks that it is necessary.
12. Councilor Burlingame suggested that the amount of the appropriation stay the same with no tax increase, but that a portion of the levy be shifted to vehicles and dropped from real property. Councilor Burlingame explained that this would be achieved by reducing the vehicle exemption from \$2,700 to \$500.
13. Judy Rix, Glasko Way, stated that she can see the benefit of putting the burden on vehicles as it pertains to renters, but stated that her family has three older cars which will be taxed at hundreds more while her real estate tax will only be reduced by 1%. J. Rix stated that this will be a struggle for her and many other residents.
14. W. Steere, Jr. asked if there is a direct correlation between the amount raised in car taxes and the amount that the property tax would be lowered. Councilor Burlingame explained that based on 14,289 vehicles in Town, the difference would be approximately \$766,000, which would come off the real property value and be split between personal property and business property. W. Steere, Jr. stated that he feels that the Chief made a good argument for a new police officer.

Councilor Burlingame noted that the year after next is when we will see benefit due to less expenses. W. Steere, Jr. stated that if an officer retires, the new officer will be coming in at less money, but we will still have to find money in our budget which is tight already. There

was discussion concerning the replacement of police vehicles. Councilor G. Steere stated that they do not have to be scrapped at 100,000 miles. Councilor W. Steere that agreed, but stated that the police cars are run a lot harder than the average vehicle.

15. Regarding the School Budget, Councilor G. Steere asked if the non-certified employees pay 10% of their health care. David Steere replied that it is a sliding scale for non-certified, but teachers pay 20% across the board.

16. Councilor W. Steere asked if there is a contract in place for Gloucester Schools. W. Steere, Jr., School Committee member, replied that this will be the last year of the contract for Gloucester, but the Region does not have a contract.

17. Regarding the Capital Budget, David Steere explained that the reason there is nothing under Blackstone/Chepachet Stormwater Project is that it is fully funded, according to the Planner. Regarding the Chepachet River Park, D. Steere stated that the Budget Board looked closely at this item. D. Steere stated that the Town bought the property without doing its due diligence and it was discovered that there is hazardous waste on the property.

D. Steere stated that several years ago, the voters at a Town Financial Meeting turned down \$250,000 to develop the park, and nothing has changed. D. Steere stated that the Planner gave an estimate of \$596,000 to clean up the site, but that estimate is a year old and would probably cost more than that. D. Steere noted that the Town is not under any order from the Department of Environmental Management to clean up the area and the Budget Board is concerned that once remediation begins, you do not know what will be found and what the ultimate cost will be. The recommendation of the Budget Board is to leave the property as it is.

18. Walter Steere, Jr., 1318 Putnam Pike, agreed that we should forget about the Chepachet River Park. W. Steere, Jr. commented that the School Committee had asked for a certain amount of money and was appropriated \$20,000. W. Steere, Jr. stated that if there are any projects which must be done, they can use surplus and get reimbursed 40%.

W. Steere, Jr., reminded the Council that 3/4 of the 2% set-aside for capital projects comes from the schools. W. Steere, Jr. explained that whatever money they spend this year will be reimbursed next year. It was noted that there is \$56,000 available in the school capital improvement fund added to the \$20,000 in this budget, for a total of \$76,000 that could be spent on capital projects.

19. Linda Nichols asked if a grant could be obtained from the Department of Environmental Management for the Chepachet River Park cleanup. D. Steere responded that there is \$200,000 which has not been drawn on yet.

20. There was discussion regarding adding to the budget appropriation for road construction. Councilor Burlingame recommended adding \$250,000 to the proposed \$232,884 for a total of \$482,884. Gary Treml, Director of Public Works, stated that this would help out in areas that are in dire need of work. D. Steere asked if these roads are Town-owned or private. G.

Treml replied that they are private roads. D. Steere objected to spending that much money on private roads when there are Town roads which also need repair.

Councilor W. Steere stated that Town roads would get priority and once they are fixed, private roads would be done. G. Treml disagreed, stating that he came to the Council with a list of three private roads and four Town roads, and no one said a word about it. Councilor W. Steere stated that this was in the agreement that was put together. G. Treml again disagreed. Councilor W. Steere stated that the Road Policy will be reviewed and we will move on from there.

21. Councilor Burlingame asked for an explanation regarding the 1.2% increase in salary for the Chief of Police. David Steere stated that the budgeted amount for YE 6/30/11 was \$72,000, however the Police Chief was hired at \$71,400. D. Steere further explained that the proposed increase was based on that figure, which resulted in a 2% increase.
22. Russell Gross stated that he is in favor of spending \$28,000 for a new police car. Councilor G. Steere noted that he would agree if the cars would be run to 160,000 miles instead of 100,000. Councilor W. Steere stated that Councilor Hainsworth could not be present tonight, but had voiced his opinion regarding this item. Councilor Hainsworth stated that the make and model of the vehicle currently used by the Police Department will not be manufactured after this current year.

Some of the present equipment in the cars currently used will not be able to be transferred into a different make and model. Joseph DelPrete, Chief of Police, concurred, stating that purchasing the vehicles this year would result in a savings of a couple of thousand dollars due to the ability to transfer the cages, computer mounts, etc. Chief DelPrete noted that the cars used by the Police Department are well taken care of and usually last 7 or 8 years.

Chief DelPrete pointed out that if he does not receive an additional vehicle this year, he will have to run some cars 2 shifts at a time and in another year or two he will be asking for three cars. Councilor Burlingame asked if the Dodge Charger would be suitable. Chief DelPrete replied that this model is more expensive than the Crown Victoria and is more of a highway vehicle which would not be appropriate for the roads in Gloucester.

23. Tom Sanzi, 18 Dorr Drive, expressed agreement with Chief DelPrete's comments. T. Sanzi stated that the safety of the community is vital and he feels that the Police Department is short staffed, especially on the weekends. T. Sanzi stated that the Gloucester Light Infantry has requested funds for electrical work on their building. T. Sanzi noted that they are a non-profit organization that depends on donations. T. Sanzi stated that an estimate was received from S & S Electric in the amount of \$575 for the electrical work. Councilor Burlingame asked T. Sanzi to submit a copy of the quote with specifics and the Council will consider the request. T. Sanzi thanked the Council.
24. Councilor G. Steere stated that the Parade budget has been increased by \$2,000. Councilor G. Steere stated that he would rather see those funds put back into training for the Police Department, which was cut by almost \$4,000. D. Steere noted that the Police training was

cut based on a three-year average of what they have used. Chief DelPrete stated that training is the heart and soul of the Police Department. Chief DelPrete stated that if he has officers who wish to go back to school, State law mandates that we have to pay for their education.

Chief DelPrete stated that training reduces liability for the Town and the Police Department. Councilor Burlingame expressed agreement with Councilor G. Steere's recommendation. Councilor G. Steere stated that he spoke with the chair of the Parade Committee who said that as long as their budget is not cut, they will be okay. Councilor W. Steere stated that he has attended some of the Police training sessions and feels that it is invaluable.

25. There was discussion regarding the C.A.S.T. program. Councilors W. Steere and Burlingame stated that they are in favor of leaving the appropriation in. D. Steere pointed out that if C.A.S.T. is not funded by the Town of Foster, they will have to go to the State to determine if the State will give them money with only Gloucester contributing. D. Steere noted that two-thirds of C.A.S.T.'s budget goes toward overhead and only one-third goes to programs, which is another concern that the Budget Board had. Councilor Burlingame stated that the risk is not that high and the benefit could be good, therefore he is in favor of putting it in the budget.

Councilor W. Steere asked if anyone else had questions or comments regarding the proposed budget for Fiscal Year 2011-2012. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

It was stated that the Budget will be on the agenda for the Town Council meeting of April 7, 2011 for adoption. There was Council consensus to reduce the exemption on motor vehicles to \$500 from \$2,700. After discussion, there was Council consensus to move \$400,000 from surplus into the Capital Budget for road construction. Regarding the addition of a Police Officer and a car, Councilor Burlingame stated that he will work with the Finance Director on this.

V. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:45 p.m.; seconded by Councilor G. Steere..

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 5, 2011 Town Council Meeting.

At a meeting of the Town Council holden in an
for the Town of Gloucester on **April 7, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Ray Goff, Town Planner; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; David Steere, Budget Board chair; Dr. Michael Barnes, Foster-Glocester Regional School Superintendent; Sarah Mangiarelli, Regional School Business Manager; W. Steere, Jr., School Committee member; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

None.

V. Resolution - Discussion and/or Action

A. Opposition of Binding Arbitration

Councilor G. Steere read the following Resolution in opposition to binding arbitration legislation being proposed in the House of Representatives:

**Resolution 2011-06
In Opposition of House Bill 2010-7581**

WHEREAS; School districts and cities and towns have seen staggering reductions in state aid and payroll costs remain the largest single expenditure in most school budgets; and

WHEREAS; cities & towns must comply with RIGL 44-5-2, that caps the property tax levy imposed by municipalities and RIGL 16-2-9 which states: (d) "The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt." and;

WHEREAS; current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and if passed into law mandatory binding arbitration would take away from

locally elected officials the ability to control this component of local budgets; and

WHEREAS; taxpayers are already over burdened by high property taxes mainly largely due to our school systems; and;

WHEREAS; the proposed mandatory binding arbitration legislation being advanced by its proponents does not take into account student welfare, existing property tax caps, recognition of management responsibilities, the cost of implementing education programs and the numerous unfunded mandates passed along to all cities and towns, both educational and town wide; and

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Glocester respectfully requests the Rhode Island General Assembly to oppose 2010 - H 7581 and reject any and all binding arbitration legislation currently being considered for teachers and other school employee contracts; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every Rhode Island Municipality, our State Senator and our State Representatives with a request for their support.

Walter M. O. Steere, III President Glocester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Reichert.

Discussion: Councilor W. Steere stated that this is a follow-up requested by the Foster-Glocester Regional School Committee, who also sent a similar Resolution to our Representatives.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

B. Support: Creation of a National Park in the Blackstone River Valley
Councilor W. Steere stated that we have been asked by the Blackstone River Valley Commission to support the concept of a the commissioning of a National Park with the Blackstone River Valley.

Councilor Hainsworth read the following Resolution into the record:

Resolution 2011-07
SUPPORT FOR BLACKSTONE RIVER VALLEY

Whereas; In 1986, by Public Law 99-647, Congress established the Blackstone River Valley National Heritage Corridor in Rhode Island and Massachusetts to preserve and interpret the unique and significant contributions of the Valley's resources and history to our nation's heritage; and

Whereas; Congress created the Corridor Commission to work with the National Park Service, the two states, cities and towns within the Corridor and other partners to develop and implement integrated cultural, historical and community programs to retain, enhance and interpret the Corridor's heritage values; and

Whereas; The Corridor Commission's work with the National Park Service and many public and private partners has had an extremely positive impact throughout the Corridor to achieve preservation, stewardship, recreation and community educational goals; and

Whereas; The Town of Gloucester has enjoyed significant benefits from its association with the Commission, the National Park Service, other Corridor cities and towns, and public and private partners; and

Whereas; The Corridor Commission continues to be an important partner of the municipalities in carrying out regional and local programs to protect and enhance historical, cultural and natural resources for the education and enjoyment of citizens; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GLOUCESTER, RHODE ISLAND AS FOLLOWS:

We request that our Congressional delegation introduce and strongly support legislation to (1) establish a new unit of the National Park System with five core sites in Rhode Island and Massachusetts and (2) identify a community-based partner to work with the National Park Service to develop a management plan for the park, protect and interpret heritage sites and landscapes throughout the Blackstone Valley, and promote existing visitor facilities and River Greenway recreational amenities.

Walter M. O. Steere, III
President Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor G. Steere.

Discussion: Peter Skeffington, of the Community Resource Commission, asked if this would preclude any installation of hydro-electric turbines. Councilor W. Steere responded that he does not believe so.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- VI. Public Hearings - Discussion and/or Action
 - A. Gloucester Code of Ordinance
 - 1. RLM II, LLC d.b.a. Village on Chopmist Hill
 - Assessor's Plat 14, Lot 91 & 92
 - Chapter 208 Mobile Home Parks
 - a. Expansion of allowable lots
 - b. 208 (3) f. Waiver re: construction time
 - c. 208 (4) b. Waiver of Lot size

Councilor W. Steere stated that this Public Hearing was duly advertised and opened on March 17, 2011, at which time all present were heard and the public hearing was continued to this evening.

Councilor W. Steere asked if anyone wished to speak regarding this application.

Discussion: Raymond Goff, Town Planner, stated that this matter is still before the Planning Board, adding that there has been discussion concerning reducing the number of units requested by the applicant. R. Goff recommended that the Town Council continue the application at this time.

Councilor G. Steere asked if the application can be changed without readvertising. Tim Kane, Assistant Town Solicitor, replied in the affirmative, stating that the application has been scaled down. T. Kane advised the Council to continue the matter until the first meeting in May to allow the Planning Board to discuss the application at their next meeting and workshop.

MOTION was made by Councilor G. Steere to CONTINUE the Public Hearing to May 5, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- B. Amendment to Gloucester Code of Ordinances
 - 1. Zoning Chapter 350, Article IV
 - Planned Unit District - Tourbillon Farms
 - Applicant seeks to include the sales of "Horse Tack & equipment, Snow plows, & to include: and will extend to any future activities and structures pertaining to the equine & farming community." Petition also requests to include Saturday sales.

Councilor W. Steere stated that this Public Hearing was duly advertised and opened on March 17, 2011, at which time all present were heard and the public hearing was continued to this evening.

Councilor W. Steere noted that the public hearing is still open and asked if anyone wished to speak regarding this application.

Discussion:

1. Jay Forgue, applicant, of 401 Snake Hill Road, stated that when the Council members visited the site, there was concern regarding creating more of a buffer between his property and that of his neighbor. J. Forgue stated that he is in favor of doing that. Councilor Hainsworth asked when the buffer would be completed. J. Forgue replied that he will discuss the matter with his neighbor and will begin the planting as soon as possible.
2. Bernardine Hodgkinson, abutting property owner, stated that she feels that the application should be limited to one acre, adding that it is at least two acres presently. B. Hodgkinson stated that when this was originally approved, it was for one acre. B. Hodgkinson stated that after it was approved, J. Forgue bulldozed the paddock and added more trailers, noting that this was not part of the plan.

Councilor G. Steere stated that there is no doubt that J. Forgue is using over an acre with trailers parked on it. Councilor G. Steere noted that it is a natural progression for businesses to grow to a certain degree, and asked if it will always be limited to one acre. Councilor G. Steere further stated that the older trailers on the property are 12 to 14 feet long, but there are new trailers which are 36 feet long, stating that there is not enough room to put 35 of these on the same square footage.

Councilor G. Steere expressed agreement with the neighbor with regard to the addition of a buffer. Councilor Hainsworth read from the 1998 decision which stated, in part, that a year-round green foliage screen must be planted between the commercial area and the surrounding residential property. Councilor Hainsworth asked if the Council could work with Mr. Forgue to clear up any violations. Councilor W. Steere replied that any violations would have to be resolved before a decision is made.

Councilor Hainsworth stated that his concern is that when the Council visited the site, it was obvious that more than one acre is being used for trailers and there are more trailers than anticipated as well as boats and a trailer truck which may not belong on that one acre. Councilor Hainsworth further stated that there was no greenery planted as was agreed upon in 1998. Councilor Hainsworth stated that once these issues are rectified, the Council can address the new application for a tack shop.

3. Bob Lyons stated that as a taxpayer in Town he wished to express his support regarding Mr. Forgue's application. B. Lyons noted that there is very little business in Town to help offset the property tax burden.
4. Jay Forgue pointed out that his property is a horse farm consisting of close to 70 acres of land. J. Forgue stated that if he was in the boarding business, there would be no restriction with regard to the number of trailers that could be parked on the property. J. Forgue stated that restrictions were placed in 1998 when he asked to open a trailer business. J. Forgue

further stated that he does not want to put this on the back burner because this is the season for a tack shop as opposed to the winter months. Regarding violations on his property, J. Forgue stated there are more violations on neighboring properties. J. Forgue noted that his property is secluded and kept clean. J. Forgue again stated that if he was not in the trailer business, he could park 100 trailers on the property.

Councilor W. Steere stated that the Council could say no right now, but they are trying to work with Mr. Forgue. J. Forgue stated that he is looking for direction tonight and does not wish to wait three weeks. Councilor W. Steere stated that the Council is looking at a business which has grown over the years, adding that the one acre that was stipulated in the original agreement may no longer be sufficient.

Councilor Hainsworth stated that Mr. Forgue agreed to all of the stipulations in 1998. Councilor Hainsworth stated that if J. Forgue wishes to go beyond what he has now, he must go back to Zoning to apply for an expansion of use.

Councilor W. Steere stated that, although the property is in a planned district, it is in a residential neighborhood and the Council has to take into account the effect this would have on the neighbors. Councilor W. Steere stated that this is a complex issue. Councilor W. Steere commented that it is a good business which employs many people in Town, but he still has concerns about the neighbors. Councilor W. Steere expressed his opinion that a horse tack business would be a suitable business for the property as there is adequate parking, access and egress. With regard to the sale of snow plows and the open-ended request to do other things, Councilor W. Steere expressed strong concerns.

Councilor Burlingame stated that the horse tack equipment shop is specific to one of the barns and is a separate business apart from the trailer sales. Councilor Burlingame suggested that J. Forgue give up any future construction of additional barns as a trade-off. Councilor Burlingame further stated that since J. Forgue has gone beyond the one acre allowed, he has infringed upon his neighbor and should install the buffer. T. Kane, Assistant Town Solicitor, stated that the buffer could be included as a condition of approval.

5. Roy Najecki, of Reynolds Road, spoke about the wording of the application “extend to any future activities and structures pertaining to the farming community”, stating that this language is vague. R. Najecki asked if this would override any other restrictions in the Code of Ordinance. Councilor Burlingame agreed that this wording could be problematic in the future and suggested that the application be confined to horse and tack equipment. R. Najecki recommended that the language be more precise.

Tim Kane stated that the recommendation of the Planning Board was specifically to allow the sale of horse tack, horse related equipment and apparel. Councilor W. Steere stated that more wording was added after the Planning Board meeting. T. Kane stated that as he recalls, the application was scaled back by the Planning Board because they felt that it was too wide-open.

6. Bernardine Hodgkinson, abutting property owner, stated that the applicant was given approval for the same number of trailers as he has stalls for boarding, which at this time is eighteen. B. Hodgkinson asked why the trailers are not displayed along the road instead of hidden in the back along her property line. B. Hodgkinson also pointed out that as a business becomes successful, it should be moved to a larger commercial location instead of a residential area. B. Hodgkinson stated that if the Council approves this application before the violations are corrected, they will not be corrected.

Councilor Burlingame stated that we must stay focused on the issue of the tack and equipment shop, not the trailer sales. Councilor Burlingame stated that this is an opportunity to bring business back to Town.

7. Rose LaVoie expressed agreement with Bob Lyons with regard to businesses being an important asset to the Town. R. LaVoie stated that economic development and small business go hand in hand. R. LaVoie expressed hope that the Council can come to an agreement with the applicant which will allow him to stay in business.
8. Councilor G. Steere commented that Bonniedale Farm was located a mile down the road and operated without any problems until the business was relocated. Councilor G. Steere stated that he is concerned that if this is not allowed, the applicant may build additional horse stalls in the space intended for the tack shop. Councilor G. Steere noted that he does not foresee any problems with traffic or parking.
9. Tim Kane, Assistant Town Solicitor, asked the applicant what the dimensions of the tack shop would be. Jay Forgue replied that the building is 110 feet long by 32 feet wide, half of which will be used for the tack shop.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to APPROVE an amendment to the Gloucester Code of Ordinances, Zoning Chapter 350 Article 4, Planned Unit Districts created for property located at 401 Snake Hill Road, AP 18 Lot 10, Applicant Julian Forgue, to allow and be specifically limited to the sale of horse tack, horse related equipment and apparel. Said retail shop shall be housed in approximately 1600 square feet of the existing 3,200 square foot barn as depicted on the plans submitted with the application, subject to the installation of a green screen buffer with a uniform minimum height of five (5) feet along the property line of the Hodgkinson property AP 17 Lot 21, said green screen buffer to be installed by April 30, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

- VII. Consent Items - Discussion and/or Action
- A. Town Council Minutes of March 3rd & 17th , 2011
 - B. Pole Grant
 - 1. Old Quarry Road - Joint Pole P. 17 & 18

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of March 3rd and March 17th, 2011; and to GRANT the Pole Grant for Joint Pole P. 17 & 18 Old Quarry Road; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- VIII. New Business - Discussion and/or Action
- A. Adoption of Budget Fiscal year 2011/2012

Councilor W. Steere stated that the Council has received a budget that reflects changes discussed during the Public Hearing of March 24, 2011.

Discussion:

Councilor Burlingame explained that there is no increase in the amount to be raised by taxes, but recommended that the automobile exemption be reduced from \$2,700 to \$500. Councilor Burlingame stated this action will result in an approximately \$300,000 credit to the real property tax base and transfer that amount to that of personal property. Regarding surplus, Councilor Burlingame stated that we were able to run a surplus last year of 15.3%, compared to the 12% required by Charter. Councilor Burlingame stated that if we take \$350,000 from the general surplus and \$50,000 from the existing capital that was in the Senior Center project, that would give us \$400,000 for the Public Works Department to repair roads.

Councilor Burlingame also stated that we have \$104,244 as a result of a shift in student population at the Region which will be set aside in a separate account to be used when the population swings back against Gloucester. Councilor Burlingame pointed out that we have some debt falling off locally within the next year as well as Phase III of FM Global which will put another 20 million dollars on the tax rolls, giving us another \$400,000. Councilor Burlingame noted that although the amount to be raised by taxes is not going up, the tax rate may be higher due to lower property values.

Walter Steere, Jr., School Committee member, stated that at the Public Hearing there was discussion regarding an additional police officer and car. W. Steere, Jr. asked if these items are in the budget and if so, where will the money come from? Councilor Burlingame replied that the officer is in the budget for the amount requested by the Police Chief, but the vehicle is not budgeted. Councilor Burlingame further stated that the funds for the police officer will come from surplus. Councilor G. Steere stated for the record that he was not in favor of the addition of a police office because the Police Union did not give the same concessions as the other Unions

and Town employees. W. Steere, Jr. asked if the number of police officers will increase by one going forward, or is this temporary in the event that any of the current officers retire. Councilor Burlingame replied that he views it as a defensive move because he feels that we will lose at least one officer due to retirement. Councilor G. Steere reiterated that he is not in favor of this but will probably vote to approve the budget because it is the only issue he has with it. Councilor Hainsworth pointed out that there is a minimum manning clause in the police contract, adding that if an officer did retire this year, it would create the need for more overtime.

Regarding the Capital Budget, Walter Steere, Jr. asked if the Chepachet River Park will be funded. Councilor W. Steere replied that the request was for \$30,000 but the Town was going to put in \$5,000. W. Steere, Jr. asked if the Capital projects are voted on as part of the budget at the Financial Town Meeting. Councilor Burlingame replied that the Capital Budget is voted on separately.

Councilor Reichert stated that he and Councilor Burlingame were on the Town Council when the Town purchased the 17 acres of land for the Chepachet River Park. Councilor Reichert asked if the contamination would come under the errors and omissions part of the title insurance. Tim Kane, Assistant Town Solicitor, stated that he will research the matter.

Russell Gross stated that he thought it was explained very well at the budget hearing why it was advantageous to purchase two police vehicles at this time. R. Gross further stated that what the police officers did or did not give back should not affect anything else, adding that if the Town Council did not like the contract, they should not have agreed to it.

David Steere, Budget Board chair, asked why the Council added \$5,000 for the River Park. Councilor W. Steere replied that the State has put a lot of money into this project and could direct the Town to clean up the site at any time. D. Steere asked how much money the State has invested. Ray Goff, Town Planner, replied that the State has done the Phase I and Phase II site assessment up to approximately \$350,000. D. Steere asked what is the timeline on the construction and will the Town put \$5,000 away each year? D. Steere expressed concern that when digging begins and we find out what is out there, it may cost millions. D. Steere feels that this is a waste of money which could be used for another police car.

Rose LaVoie spoke about the Chepachet River Park plans which were drawn up by Gates-Leighton, stating that everything was fine until the Department of Environmental Management got involved.

MOTION was made by Councilor Burlingame to ADOPT the Proposed Operating Budget, including debt service, in the amount of \$27,599,359 for Fiscal Year 2011-12 for presentation at the Town Financial Meeting on May 7, 2011.

This amount includes Special Appropriations as follows: \$104,244 to be reserved for proration adjustments [assigned to the Town of Gloucester] in the Foster-Glocester Regional School District budget due to student population fluctuations/changes between the towns of Foster and Gloucester; and \$350,000 as an additional transfer from the Unreserved/Undesignated Fund Balance of the Town's General Fund to the Capital Improvement Budget for the purpose of road

construction; and to move the Motor Vehicle Exemption from \$2,700 to \$500.00; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

MOTION was made by Councilor Burlingame to ADOPT the Proposed Capital Improvement Budget in the amount of \$898,940 for Fiscal Year 2011/12 for presentation at the Town Financial Meeting on May 7, 2011. This amount includes \$357,000 (\$350,000 from a special appropriation from the general fund to be used for road construction plus \$7,000 in additional funds generated in the 2% set-aside by the \$350,000 special appropriation) to be used for road construction; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

MOTION was made by Councilor Burlingame to MOVE \$5,000 from the road construction amount of \$283,940 to the Chepachet River Park cleanup; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

**B. Police/Fire/Rescue Emergency Response Communication and PMS
Cell Tower - Monthly Expenses - Discussion and/or Action**

Councilor W. Steere stated that there is a question regarding the bill for the installation of the electric meter and all electricity usage at the tower located at the middle school. Councilor W. Steere stated that he has conferred with Matt Floor who manages the other towers in Town and stated that each of the towers must have public safety communication equipment. Councilor W. Steere added that the Town maintains that equipment and pays for the electricity for that equipment only.

Discussion: Dr. Michael Barnes, Foster-Glocester Regional School Superintendent, explained that the Regional School District agreed to fully purchase the equipment with the understanding that going forward, the Town would maintain that equipment. Dr. Barnes noted that the specific electric bill that is in question is only for the fire and rescue equipment and has nothing to do with the remainder of the cell tower.

Councilor G. Steere commented that this project was started so the School Department could save \$12,000 a year. Dr. Barnes stated that as part of the regional building project, there was a requirement for a level of emergency communications which was accomplished by the installation of a phone line which ultimately resulted in a \$1,000 charge per month. Dr. Barnes stated that adding the equipment to the cell tower was a win-win situation for the Town as well as for the School Department.

Councilor Hainsworth asked if the Town would pay for the maintenance and the School Department pay for the electricity. Dr. Barnes replied that with regard to the other three towers, the Town maintains the equipment and also pays the monthly electric bill. Dr. Barnes stated that the School Department wishes to be treated in a consistent manner. Dr. Barnes pointed out that anything other than public safety equipment would not be covered by the Town. Councilor G. Steere noted that the other towers do not save the School Department \$12,000 a year.

Councilor G. Steere read from the minutes of a Town Council meeting at which Sarah Mangiarelli, Business Manager, stated that there would be no other maintenance expense unless there was an act of God which damaged the equipment. Councilor G. Steere stated that as far as he is concerned, since the Region is saving \$12,000 per year, they should pay the \$50 a month electric bill. Dr. Barnes replied that the School Department incurred the up-front costs with the goal of removing the monthly costs entirely, adding that the equipment was a gift to the Town. Councilor G. Steere stated that there was no discussion regarding a monthly electric bill. Dr. Barnes stated that from his perspective, it was inferred that the Town would pay the bill.

Councilor Hainsworth commented that the other three towers were servicing the Town satisfactorily, but the Fire Department required that the equipment be moved to enhance communications with regard to both school buildings. Therefore, Councilor Hainsworth stated that he feels that the Region should be responsible for the cost of electricity.

Sarah Mangiarelli, Regional School Business Manager, commented that while it is a financial benefit to the Region, it is also a safety issue. S. Mangiarelli stated that the Region was paying \$12,000 annually for a system which was not working properly. S. Mangiarelli stated that she recalls mentioning a minimal electrical cost as well as an optional monthly maintenance plan of \$130.00. Councilor Hainsworth pointed out that Gloucester should not be responsible for the whole bill, adding that Foster should pay their fair share. S. Mangiarelli noted that School Districts cannot fund certain things and this may fall in that gray area.

David Steere, Budget Board chair, asked if the tower generates any money to the Region. S. Mangiarelli replied that the cell tower portion does generate money if carriers sign on. S. Mangiarelli stated that as of right now, there are two carriers who each pay \$800 per month, however, Anthony Builders owns the tower, therefore they receive most of the profits.

S. Mangiarelli further stated that the portion received by the Region is placed in a restricted fund to be used as matching funds for school projects. Councilor W. Steere asked if Anthony Builders pays rent for the land. S. Mangiarelli replied in the negative. Peter Skeffington, who previously served on the School Committee, stated that they were told by the School Building Committee that this tower would generate \$40,000 per year.

Councilor Burlingame expressed his opinion that the Region is receiving revenue and should pay the electric bill, adding that the benefits will be split between Foster and Gloucester. It was stated that there is Council consensus to that effect and no vote is necessary.

C. Comp Time - Public Works

Councilor W. Steere explained that this is a request from Councilor G. Steere regarding compensation for the Public Works department due to Town Hall snow days.

Discussion: Councilor G. Steere stated that he put this on the agenda after discussion with Gary Treml, Director of Public Works. Councilor G. Steere explained that the Town Hall employees had two days off with pay due to snow days while the Public Works employees worked around the clock many times during the winter season. In the interest of keeping the employees on an even keel, Councilor G. Steere suggested that the Public Works employees receive two comp days at the discretion of the Director. Councilor G. Steere added that he is not concerned with the Police or Dispatchers, as they did not make the same concessions as the other Town employees.

Councilor W. Steere noted that Town Hall employees do not have the opportunity to work overtime as the DPW employees do. Gary Treml replied that his employees worked and the others got the day off with pay. David Steere, Budget Board chair, stated that it is the DPW employees' job to plow the roads and they receive time and a half for doing so. D. Steere stated that giving them comp time would make it unfair for the Town Hall employees and would be a bad precedent. Councilor G. Steere stated that he is trying to prevent unionization of Public Works employees.

Councilor Burlingame stated that there is no policy in place to address this situation and suggested that the Council establish one going forward. In the meantime, Councilor Burlingame expressed agreement that the Public Works employees who worked during those two days should receive comp time. Councilor Hainsworth pointed out that the State has a policy by which if the Governor declares a state of emergency, employees have the day off with pay, but otherwise, those who do not report to work must use a vacation or personal day.

Councilor W. Steere stated that he can see both sides of the argument, however he feels that sometimes the Council refers to Town employees as the same and other times they refer to them as different. Councilor W. Steere stated that this is inconsistent. Councilor G. Steere noted that the employees received a reduction in their buyback but they still come to work every day.

MOTION was made by Councilor G. Steere to give the Public Works employees who worked the snow days a comp day for each of those days, at the discretion of the Director of Public Works; seconded by Councilor Reichert.

Discussion:

It was clarified that there were two (2) snow days for a total of 16 hours of comp time. Councilor W. Steere stated that he will vote for this, but would like to have more time to think about the matter and create a policy for the future. Gary Treml stated that his employees are

there when he needs them and should be compensated. Councilor W. Steere agreed that all Town employees work hard and deserve everything we can give them, but feels that the employees should be treated uniformly. G. Treml stated that there is no difference between giving some people a day off with pay and giving his employees a comp day.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
 NAYS:0

MOTION PASSED

D. Authorization: IT Services Agreement

Councilor W. Steere stated that the Council has received a request from T. Mainville:

April 6, 2011

To: Town Council

Re: Information System services extension of agreement.

The Town bid out a contract for Information Services in October 2004 (RFP 2005-1).

Three bids were received. All amounts noted are on a per hour basis.

	Maintenance, repair, installation	Cons- ulting	Remote terminal services	Tele - phone <u>services</u>	Nights, week- <u>ends</u>	<u>Travel</u>
E & PJ Enterprises, Inc. Glocester, RI	\$ 70.00	\$ 35.00	\$ 70.00	\$ 35.00	\$ 70.00	\$ 0.00
Fuss & O'Neill Technologies, LLC Manchester, CT	85.00	125.00	70.00	70.00	125.00	85.00
Cadance Corporation Cumberland, RI	120.00	120.00	120.00	120.00	120.00	0.00

The bid was awarded to low bidder E & PJ Enterprises, Inc. (Ed Juairé, proprietor).

The RFP contained the following paragraph:

The Town reserves the right to extend any contract issued (based on this specification) under the same terms and conditions for one or more years from date of expiration provided such extension is mutually agreeable for both agency and contractor.

As we have received satisfactory services and the pricing has not changed, we have not re-bid our information services, but continued with E & PJ Enterprises, Inc. since October 2004.

In September 2007 it was necessary to recruit an on-site (as needed) IT services technician as Ed Juairé relocated to Georgia. At the September 7, 2006 Town Council meeting,

Matthew Floor was appointed to the position of IT Specialist (at \$45 per hour) and it was noted that Steven Gorriaran, Genesys Consulting, would respond (as an expert in this field) on an as needed basis. Since that time, E & PJ Enterprises, Inc. has continued to resolve issues remotely. Any Town Hall IT problems (computers, phones, etc.) that cannot be resolved remotely, are responded to by Matthew Floor or Genesys Consulting (Steven Gorriaran, proprietor).

The following has been spent for service (only) since July 1, 2004:

	<u>E & PJ Enterprises</u>	<u>Matthew Floor</u>
FY 7/1/2004 - 6/30/2005	\$ 20,248	\$ 0
FY 7/1/2005 - 6/30/2006	21,686	0
FY 7/1/2006 - 6/30/2007	8,289	10,890
FY 7/1/2007 - 6/30/2008	15,618	11,130
FY 7/1/2008 - 6/30/2009	11,874	8,211
FY 7/1/2009 - 6/30/2010	15,041	13,540
FY 7/1/2010 - 6/30/2011 [ytd]	7,263	

In comparison, as I have noted in the past, our neighboring Town of Burrillville employs two full time IT employees. We have managed to meet our IT needs with part-time help. In my opinion, I believe both Ed Juare and Matthew Floor have done an admirable and professional job for the Town.

I am requesting that the Town Council re-affirm our present arrangement with E & PJ Enterprises and Matthew Floor through June 30, 2013, noting that it has worked out certainly cost effectively (prices will not change) and I believe satisfactorily regarding service received.

Tom Mainville
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to EXTEND the terms of RFP 2005-1 between E & PJ Enterprises, Inc. & the Town of Gloucester through June 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

E. Money Hill Road - Discussion and/or Action
1. Resident Request for Assistance

Councilor W. Steere read the following request for assistance from Stephanie Cole, Money Hill Rd.:

I would to request that the discussion on the property at 33 Money Hill Road is again on the agenda for the next council meeting as to what is going to be done going forward about the progress or lack there of in restoring some kind of privacy to my property on 65 Money Hill Road, etc.

Thank You
(end of memo)

Discussion:

Stephanie Cole, 65 Money Hill Road, stated that she still has one sump pump running with a hose out the window. S. Cole spoke regarding the neighboring property, stating that it still looks horrible and until something is planted, the issue will not be resolved. Councilor W. Steere stated that the property is still owned by Deborah Johnson and no plans have been submitted to the Planning Office by the owner or Mr. Baird. Councilor Burlingame stated that the Building Official had spoken with Mr. Baird's engineer and was told that a plan must first be submitted to DEM who will then respond with regard to what can and cannot be done concerning the soil erosion and sediment.

Councilor Burlingame stated that those plans were supposed to have been filed last week. Stephanie Cole stated that because the fences and posts have been removed, she does not know where her property lines are located. S. Cole stated that she would like assistance from the Town to place something within her boundaries to restore some privacy to her property. Councilor G. Steere explained that no grading can be done until DEM gives approval to run the water into the wetland. S. Cole asked if Mr. Baird would be able to finish the stone wall to improve the appearance of the property.

Councilor G. Steere again stated that no work will be allowed until DEM approval is granted. S. Cole asked what will happen if the property defaults. S. Cole noted that her concern is not only as an abutting property owner, but as a lifelong Gloucester resident, stating that the property is an eyesore. Councilor W. Steere stated that the Council will request that the acting Building Official contact Mr. Baird's engineer, Tim Behan, to ask that stakes be placed where the property lines are, at Mr. Baird's expense. S. Cole thanked the Council members for their efforts in this matter.

F. Ratification
1. Chepachet River Bridge Sidewalk Repairs
Correspondence to R.I.D.O.T.

Councilor W. Steere stated that the Town Planner requested this correspondence be signed at the Council meeting of March 17, 2011. This letter now needs to be ratified.

MOTION was made by Councilor Reichert to RATIFY Town Council correspondence to R.I.D.O.T. dated and signed March 17, 2011 regarding the Chepachet River Bridge Sidewalk repairs; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

G. Authorization

Amendments to Contract

Improvements to Route 44-Contract 3C:

Tourtellot Hill Rd. to Route 44/Route 102 Intersection

RIFAP #F-0044(007) RI Contract #84109 Construction & Maintenance Agreement

“Town Constructed Wetland-Detention Basin

Councilor W. Steere explained that due to time constraints the Maintenance Agreement for Improvements to Route 44-Contract 3C was signed at the last Council meeting and now needs to be ratified.

MOTION was made by Councilor G. Steere to RATIFY the Construction & Maintenance Agreement “Town Constructed Wetland-Detention Basin for Improvements to Route 44-Contract 3C, Tourtellot Hill Rd. to Route 44/Route 102 Intersection, RIFAP #F-0044(007) RI Contract #84109; seconded by Councilor Reichert.

Councilor

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

H. Waterman Lake Dam Association

1. Volunteers requested

Councilor W. Steere stated that this should be Lake Washington Dam Association therefore, the matter cannot be discussed until the next meeting.

I. Main Street Initiative Program

1. Council Discussion and/or Action

Councilor W. Steere stated that a meeting was held with the State Economic Development Commission, Senator Fogarty and Representative Keable on April 4th.

Discussion: Councilor W. Steere stated that Keith Stokes of the RI Economic Development Commission spoke at the meeting with regard to the Main Street Initiative Program and what type of assistance is available to help the Town move forward with an economic development plan. Councilor Reichert stated that he was in attendance at the meeting and felt it was very informative.

Councilor W. Steere stated that it was made clear to Mr. Stokes that the biggest issue which is hurting the village is the condition of the roadbed, the bridge and the sidewalks. Councilor G. Steere expressed his opinion that our legislators should be putting pressure on the Department of Transportation with regard to the condition of the village.

Rose LaVoie pointed out that some of the things discussed at the meeting were talked about ten years ago, stating that there is no continuity from administration to administration.

IX. Boards/Commissions - Discussion and/or Action

A. Resignations

Councilor W. Steere stated that the Council has received five resignations from members of the Economic Development Commission.

1. Economic Development Commission
 - a. Four Regular members
Three year terms to expire 5/17/2012

At the request of Russell Gross, the following resignation was read into the record by Councilor W. Steere:

March 17, 2011
To the Gloucester Town Council

Effective 3-17-11, I am resigning from the Gloucester EDC. I feel that in the last months of 2010, the few meetings that we had amounted to very little. After the meeting of 1-25-11 the way it was conducted I personally feel that this board is going nowhere. I also feel that there is no getting these people to be able to work together for the good of Gloucester. My recommendation would be to form a new committee 6 to 12 months from now with new members. Our new liaison has spent endless hours trying to resolve this situation - to him I give my personal thank you. I am requesting that this letter be read into the minutes of this meeting.

Russell Gross

MOTION was made by Councilor Reichert to ACCEPT the resignations of George Charette, Christopher Labutti, Michael DeGrange, & Russell Gross from the Economic Development Commission for three year unexpired terms to expire 7/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- b. One Alternate member
One year term to expire 5/17/2011

MOTION was made by Councilor Reichert to ACCEPT the resignation of Henry Gold from the Economic Development Commission as Alternate for a one year unexpired term to expire 5/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0
MOTION PASSED

- B. Economic Development Commission
 - 1. Status of Commission
 - 2. Council Action re: Economic Development Commission

Discussion: Councilor W. Steere stated that it is unprecedented to have this many members resign from a commission at one time and signifies that there is an issue. Councilor W. Steere expressed concern that there may be Open Meeting violations which would put the Town in jeopardy. Councilor W. Steere recommended that the operation of the Commission be suspended until the Council can determine what is causing the problems.

Councilor G. Steere agreed and stated that the Council should review the possible conflict regarding people serving on two different boards or commissions. Councilor G. Steere stated that for the Planning Board, Zoning Board and Economic Development Commission, there should be guidelines.

Councilor W. Steere explained that a joint meeting was held between the Town Council and the Economic Development Commission at which time it was stated that if the members did not begin working together toward one goal, the group would be disbanded. Councilor W. Steere stated that since that time, nothing has been resolved and five members are resigning. Councilor W. Steere pointed out that for a year and a half, the Commission members worked together and were very productive.

Jay Forgue, chair of the Economic Development Commission, noted that of the members who resigned, three are members of the Planning Board and the fourth member was absent from EDC meetings 75% of the time. J. Forgue stated that there are still four people who wish to work on this board, adding that he feels that they are going in the right direction. J. Forgue explained several projects which are pending. J. Forgue stated that there are people who wish to be appointed to the Board and pleaded with the Council to do so and give them a fresh start.

Councilor W. Steere stated that the Council's concern is how the meetings are run, adding that there are serious problems which cannot continue. Councilor W. Steere referred to a letter sent to the Town Council which included the names of four EDC members, which could be construed as a quorum. J. Forgue replied that he was advised to do this by a member of the Town Council. J. Forgue asked the Council to keep in mind that the EDC is a group of people trying to do something positive for the Town. J. Forgue stated that eliminating the board would take something good away from the residents of Gloucester.

Councilor G. Steere stated that he does not feel that the fact that three of the members were also on the Planning Board contributed to the problem at hand. However, Councilor G. Steere stated that moving forward, the Council may want to look at that. Councilor Hainsworth asked how will the Commission proceed with only four members remaining. Councilor Hainsworth suggested that the Council interview the interested parties and carefully choose new members. Councilor W. Steere stated that he feels that the Council should not go forward at this time because the group has demonstrated that they cannot resolve issues among themselves.

George Charette, former chair of the Economic Development Commission, stated that he resigned as chair because he was concerned that also serving as chair of the Planning Board would create a conflict. G. Charette stated that prior to that the Commission had been working on many projects without any difficulties. After his resignation, G. Charette stated that he nominated Jay Forgue to take over as chair.

G. Charette stated that shortly thereafter the EDC began to fall apart because proper procedures were not taken with regard to open meetings. G. Charette stated that letters were sent out on behalf of the EDC without the knowledge of all of the members. G. Charette stated that the members who resigned did so reluctantly. G. Charette urged the Council to dissolve the Commission. Councilor W. Steere stated that there are two sides to a story and cautioned G. Charette with regard to his comments.

Michael DeGrange, former member of the Economic Development Commission, stated that typically the Town Council reads resignation letters aloud. Councilor W. Steere stated that this is not always the case, but if M. DeGrange wishes, his letter will be read into the record. Regarding the letter which was received by the Council, M. DeGrange expressed interest in its content.

Councilor G. Steere stated that M. DeGrange will be provided a copy of the letter. M. DeGrange noted that he did not wish to resign, but felt he had to because rules were not followed, adding that every member of the Commission is culpable, as is the Town. M. DeGrange commented that the Council just accepted the resignations of the "heart and soul" of the Commission.

Rick DiGiacomo, Vice-Chair of the Economic Development Commission, stated that it is obvious that there are problems, one being a personality clash between members. R. DiGiacomo stated that the remaining members are working hard and noted that J. Forgue has made several calls to Johnson & Wales University to arrange for a presentation at the next meeting. R. DiGiacomo stated that there is also an issue with the Open Meetings Law, adding that there was some confusion but no violations were made. R. DiGiacomo stated that he has taken on the

responsibility of posting agendas and minutes on the Secretary of State's website. R. DiGiacomo stated that the remaining members wish to continue and asked the Council to appoint additional members.

Councilor G. Steere stated that he attended several meetings of the EDC and feels that there were violations. Councilor G. Steere stated that he also feels that the letter sent to the Council was a violation. Councilor G. Steere stated that George Charette walked out of a meeting because it was not conducted according to legal procedure.

Councilor G. Steere stated that the timing is unfortunate due to the pending projects, but he feels that the Economic Development Commission should be suspended for a month or two to regroup. Councilor G. Steere stated that while he does not feel there was a conflict due to the three Planning Board members, he feels that this issue should be considered in the future.

Councilor Reichert pointed out that there is a meeting of the EDC scheduled for next week at which representatives from Johnson & Wales will be in attendance. Councilor W. Steere stated that they may not have a quorum, which would pose a bigger problem. J. Forgue stated that he has contacted Greg Gabel, who indicated that due to the importance of the meeting, he would attend if no new members are appointed.

Councilor G. Steere recommended that the EDC be allowed to convene their meeting next week, then work with the Planner during a period of suspension. Councilor W. Steere stressed the importance of having a quorum at the meeting. J. Forgue asked if the Council will appoint anybody tonight. Councilor W. Steere replied in the negative. Jean Fecteau, Town Clerk, suggested that the Town Planner meet with the people from Johnson & Wales. Mike DeGrange suggested that the meeting be postponed until the Commission is organized.

After further discussion, Councilor W. Steere asked the Council members what action they wish to take.

MOTION was made by Councilor W. Steere to suspend the Economic Development Commission until further notice, effective immediately; seconded by Councilor Hainsworth.

Discussion: Councilor Hainsworth stated that the Council should interview the members who wish to stay on the Commission after which potential new members would be interviewed. Councilor Burlingame concurred.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

It was stated that the EDC meeting scheduled for next week will be cancelled and the representatives from Johnson & Wales will be notified. It was further stated that the Town Planner should keep in contact with them.

C. Appointments - Discussion and/or Action

1. Conservation Commission

One Alternate One-Year term to expire 2/2012

MOTION was made by Councilor G. Steere to REAPPOINT Jacob Bailey to the Conservation Commission as an Alternate, one year term to expire 2/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Economic Development Commission

a. Four Regular members

Three year terms to expire 5/17/2012

MOTION was made by Councilor Hainsworth to REMOVE FROM THE TABLE the appointment of four regular members of the Economic Development Commission, three-year terms to expire 5/17/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

b. One Alternate member

One year term to expire 5/17/2011

MOTION was made by Councilor Hainsworth to REMOVE FROM THE TABLE the appointment of one alternate member of the Economic Development Commission; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has received a request from Senator Fogarty regarding Senate Bill 773 which is to be heard at the rise of the Senate on April 14th. J. Fecteau explained that this bill would amend the Affordable Housing Law to allow the inclusion of mobile homes in our calculation toward the 10% requirement. J. Fecteau stated that she has prepared a Resolution of support if that is the Council consensus.

J. Fecteau noted that a rabies clinic will be held on April 16th at the Chepachet Fire Station from 10:00 am to 1:00 pm.

J. Fecteau stated that she has received an update from Senator Fogarty's office with regard to the bridge project .

J. Fecteau stated that at the School Committee meeting a motion was made to forward a Resolution to the Town Councils of Foster and Glocester with regard to amending the Charter to change the time of the Regional Financial Meeting from 8:00 pm to 7:00 pm. J. Fecteau stated that this will be on the next agenda.

J. Fecteau stated that the Zoning and Planning Departments have expressed a desire to relocate their offices to a room and a half which is available in another part of the building. J. Fecteau stated that this would free up space for the financial offices to spread out. J. Fecteau stated that the room could be used for things such as meetings about assessment issues or to view assessors maps.

B. Joseph DelPrete, Chief of Police, stated that he has been approached by the Foster Police Chief with regard to possible consolidation of services such as Animal Control. Chief DelPrete stated that Glocester would take over the housing of any animals impounded by the Town of Foster. Chief DelPrete stated that the animals are presently housed at the Clayville Pound in Scituate, but there are ongoing issues and the Town of Foster wishes to relocate them. Chief DelPrete stated that he has also been working on a project with Foster for possible consolidation of dispatch services. Chief DelPrete noted that there are technical, financial and legal issues which must be addressed, but stated that there would be cost benefits for both departments.

C. Gary Treml, Director of Public Works, stated that a three-way stop sign will be installed tomorrow at Salisbury Road and Jackson Schoolhouse Road.

G. Treml gave an update concerning the Chestnut Hill Bridge project, stating that excavation is about to begin for the spillway.

G. Treml stated that his Department has been sweeping the roads and as soon as the asphalt plants are open, road paving will begin.

Councilor W. Steere commended the Public Works Department for doing an excellent job this winter keeping the roads plowed during snow storms.

Bds. & Commissions - Discussion

A. Pete Skeffington, Community Resource Commission, reported that he, along with the Town Planner and other members of the Commission, attended a House hearing on a Resolution to eliminate Federal Energy Regulatory Commission controls over small and micro hydro-electric installations. P. Skeffington stated that his comments were well-received and the Resolution will be brought out of committee and voted on.

P. Skeffington stated that the Public Utilities Commission has allowed National Grid to reduce the price paid per kilowatt hour by 16% which will affect any green energy project.

- B. Roy Najecki, chair of the Conservation Commission, thanked the Council for reappointing Jacob Talley, adding that he is a valuable member of the Commission. R. Najecki stated that he has received word that Cheryl Cadwell will be resigning from the Conservation Commission.

R. Najecki stated that May 7th will be the 37nd annual tree giveaway at which 1,200 seedlings will be distributed to the public on the front lawn of the Town Hall.

R. Najecki stated that in October, the Town Council agreed to pursue an offer for the Chelmsford parcel and asked what is the status of this matter. Tim Kane, Assistant Town Solicitor, replied that there are title issues which must be addressed.

R. Najecki asked who is the Council liaison to the Conservation Commission. It was noted that Councilor W. Steere is the liaison.

- C. Bruce Payton, Land Trust chair, reported on the Kwadrans timber sale, stating that the logs have been removed and the Land Trust members will walk the property to make sure that everything is cleaned up. B. Payton stated that most of the income from the sale was used to restore the school house, adding that the Land Trust tries to make their properties self-sufficient.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere noted that a request was received from Braking the Cycle with regard to a three-day bicycle ride which will travel through Gloucester.
- B. Councilor W. Steere stated that a complaint was received from a resident of First Road concerning a problem with drainage. Councilor G. Steere stated that he went to the property and it appeared that the problem was caused by snow banks which were preventing the water from running off.
- C. Councilor W. Steere stated that an invitation was received from the Gloucester Light Infantry regarding the Memorial Day Parade. Councilor W. Steere encouraged everyone to attend.
- D. Councilor W. Steere stated that correspondence was received from the Governor's office with regard to a Transportation Forum at the Convention Center.
- E. Councilor W. Steere stated that an invitation was received from Senator Whitehouse regarding the 2nd annual Rhode Island Energy and Environmental Leaders' Day to be held on May 4, 2011 in Washington, D.C.

- F. Councilor W. Steere stated that correspondence was received from the Adjutant General with regard to the upcoming hurricane season.
- G. Councilor W. Steere commented that Mr. Lewis, of the Department of Transportation, will be present at the next Town Council meeting. Councilor W. Steere read an update submitted to Senator Fogarty with regard to the Chestnut Hill Bridge project. Councilor W. Steere noted that Shire Corp. has entered bankruptcy proceedings and asked how they can continue to work on the project. Gary Treml, Public Works Director, replied that the bonding company has taken over the financing of the project and it is in their best interest to have the same contractor because it limits their liability.
- H. Councilor G. Steere read a letter from Jim Burrill, former Animal Control Office employee with regard to the recent death of his father. J. Burrill commented that Lt. Matt Fague and Patrolman Chuck Bianchi were very professional and compassionate to his family during this difficult time. J. Burrill stated that he did not want this to go unnoticed by the Gloucester Police Department. Councilor W. Steere noted that this is another example of the employees of this Town and what they do on a daily basis. Councilor W. Steere stated that the employees make the Town run very efficiently, making the Council's job easier.

XII. Open Forum

- A. Rose LaVoie commended the Budget Board for their hard work. R. LaVoie also stated that she is glad that the Council is supporting national parks.
- B. Walter Steere, Jr., School Committee member, spoke about several recent newspaper articles regarding the cost of education. W. Steere, Jr. stated that he was disappointed that Foster and Gloucester were listed as the two highest towns. W. Steere, Jr. also expressed concern that the U. S. Census indicates that the 18 year old and under group in Gloucester dropped 20.2%.

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 11:33 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 5, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **April 21, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Ray Goff, Town Planner; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Anthony Parrillo, Recreation Director; Carl Riccio, Acting Building Official; David Steere, Budget Board chair; W. Steere, Jr., School Committee member; Judith Branch, Director of Human Services; Senator Paul Fogarty; Representatives Michael Chippendale and Cale Keable.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris, Deputy Town Clerk.

IV. Open Forum for Agenda Items

None.

V. Rhode Island D.O.T. Update

Councilor W. Steere explained that representatives from the Department of Transportation are present tonight to provide an update on several projects which are ongoing in Town. Councilor W. Steere stated that the Council will then bring questions forward and members of the audience will be allowed to speak. Councilor W. Steere noted that there has been angst among the citizens of the Town and thanked the DOT representatives for their attendance.

Michael Lewis, Director of the Rhode Island Department of Transportation, stated that they, too, are frustrated with regard to the progress of the Chestnut Hill Bridge project. M. Lewis stated that this will be addressed by Engineer Steve Ricci, as well as an update on the Elephant Bridge and the Route 44 design. M. Lewis noted that the contract for the Route 44 bridge has been awarded to Cardi Construction, adding that the project will be done as quickly as possible in advance of the July 4th holiday.

Steve Ricci spoke regarding the Chestnut Hill Bridge, stating that he understands that it is frustrating for the people in the local vicinity as well as the general public. S. Ricci stated that in the week since he was assigned to this project, the diversion pipes have been extended, which is monumental to the job. S. Ricci stated that the contractor is being held to a completion date of

September 9th, however the contractor has forecasted completion to be sometime in mid-December.

S. Ricci stated that he will do all that he can to expedite the completion of the project by Sept. 19th. Councilor W. Steere commented that he would strongly push the contractor, especially since they are in bankruptcy, to complete the job by September 9th, adding that December is unacceptable. Councilor W. Steere questioned when does public safety take precedence over construction contracts.

Councilor W. Steere noted that since the bridge was closed last September, there have been safety issues as well as inconvenience and frustration. Councilor W. Steere stated that he is often asked why the bridge was torn down if no work was to be performed all winter. Councilor W. Steere again stated that a December completion date is unacceptable and urged that the original date of Sept. 9th be adhered to.

Councilor Burlingame stated that the Council was told that the bridge was torn down because they were planning to work through the winter. Councilor Burlingame stated that this was clearly wrong information. Councilor Burlingame noted that the Council was then advised that the work would commence in March, which is the beginning of the construction season.

Councilor Burlingame asked why, if there was a planned winter shutdown as we were told, how can the project now go three months later? S. Ricci responded that there was a winter shutdown period which would be accounted for in the schedule, and construction did start up again in March. Councilor Burlingame echoed Councilor W. Steere's comments that we cannot wait until December for the completion of the project. Councilor Burlingame was contacted about somebody who had an emergency situation and the detour added ten or fifteen minutes of travel time.

Councilor Reichert spoke about the Round Top Road bridge project which was completed in six months. Councilor Reichert commented that the Chestnut Hill Bridge is much smaller and wondered why it is taking so long to complete. Councilor Reichert also expressed concern regarding the contractor's track record.

Mike Lewis, of DOT, stated that his department is also frustrated with the progress of this project. M. Lewis stated that they will, within what the contract allows, hold to the date of the contract which is a September completion. M. Lewis noted that there are penalties in the contract for not completing that are at the cost of the contractor. M. Lewis stated that he agrees that this is not a complex bridge and can be done, given the right resources. M. Lewis assured the Council that Steve Ricci and the rest of the team will do whatever they can to insure that the contractor lives up to the terms of the contract.

M. Lewis agreed that a December completion date is not acceptable. Councilor Reichert asked if the bonding company is paying for the project. M. Lewis stated that there is representation from the surety company on the site. M. Lewis commented that it is in the bonding company's interest to save money, adding that time is money. Councilor Reichert asked why, when the contract was awarded, nobody realized that a year was too long. M. Lewis explained that this contract was put together many years ago but could not be done at the time because funding was not available. M.

Lewis stated that the Round Top Road bridge project was a result of new contracting techniques for accelerated construction. M. Lewis pointed out that the DOT recognizes that having a community road out of service for a stretch of time is an impact and stated that S. Ricci will do whatever he can to see that the bridge is open on the contract date. M. Lewis stated that this is DOT's responsibility.

Senator Paul Fogarty expressed the frustration felt by himself and Representatives Chippendale, Keable and Winfield regarding this project. Senator Fogarty stated that they were told three months ago that Shire Corp. was 70 days behind schedule and would submit a plan to make up the 70 days, but now they stand at 150 days behind. Senator Fogarty stated that, as far as he is concerned, Sept. 9th is a drop-dead date.

(Tape malfunction)

Rep. Keable stated even though this bridge is not in his representative district he will do whatever he can to help Senator Fogarty and Rep. Chippendale.

Rep. Chippendale stated it was good to see a point person put on this project. Rep. Chippendale also stated he has received many emails from frustrated residents (over this matter). There was discussion about how any "hiccup" could push this completion into another winter. Rep. Chippendale stated he would continue to apply political pressure.

Mr. Lewis asked the members present of the General Assembly to introduce legislation regarding Rhode Island becoming a pre-qualified bid state, as currently the state does not pre-qualify bidders for these jobs.

Councilor Hainsworth asked about the striping of the detour route. Frank Corrao III, of D.O.T. stated that within two weeks the striping would be done.

W. Steere, Jr. stated that a lot of work was done to keep the area dry and there was wash out. Mr. Steere questioned if the contractor was responsible.

Mr. Lewis replied in the affirmative.

Councilor Burlingame questioned if the current contractor was in Chapter 11. Mr. Lewis stated there is a pending suit with the contractor.

Councilor G. Steere stated that he has spoken with Mike Volpe regarding the bonding company and it was stated it was in their best interest to finish on time. The suggestion was made to invite the surety company and the contractor to come talk to council.

R. Lavoie questioned the lack of review of contractors appointed by the state. R. Lavoie stated, as a Town, we go through so much to award a contract and it appears the state just hands them out.

Roy Najecki suggested the progress checks that the contractor submits to DOT be monitored before the submittal to D.O.T. to expedite the process.

Mr. Ricci reassured that the Shire Corp people are good people.

Jean Fecteau asked if there would be supervision to ensure the contractor does not cut corners, thereby affecting safety, to complete the job by the date originally promised.

Mr. Ricci stated there was supervision at every step of the way.

Tom Sanzi questioned who would be responsible for any environmental damages if they should occur and who would inspect when the bridge is completed.

Councilor W. Steere stated that D.E.M. is involved in this process.

Councilor W. Steere asked if there were any further comments. Walter Steere, Jr. urged the Town Council not to leave the Town open to an open-ended contract concerning the archaeological study. W. Steere spoke about the turning lane at the intersection of Routes 44 and 100, stating that when a trailer truck is turning west onto Route 44, there is no way they can stay in their own lane.

Councilor W. Steere thanked Mr. Lewis for his updates and expressed hope that now that Mr. Ricci has been assigned to supervise the Chestnut Hill Bridge project, the lines of communication will improve.

Kazem Farhoumand, Chief Engineer of RIDOT, was present to discuss the Chepachet Bridge project. Councilor W. Steere questioned if the project was moving along. It was stated the bids were opened on March 18th, and the bid award is today.

There was discussion about the pending sidewalk repairs to be done in the village.

VI. Proclamation
A. Earth Day

Councilor Hainsworth read the following Proclamation for Earth Day:

**PROCLAMATION
2011-2**

WHEREAS, the Town of Glocester recognizes that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation. As a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, as well as superfund legislation putting a lasting framework for our future in place; and

WHEREAS, Rhode Islanders, and Gloucester residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected sound environmental action from their leaders; and

WHEREAS, in observation of Earth Day, April 22nd, the Conservation Commission is planning a “roadside” and parking area clean-up of the 132 acre Williams Mills Conservation area in West Gloucester, cleanup at the Cutler Brook watershed area in Harmony, and will assist the Gloucester Community Resource Commission in preparing land for planting a community garden at the town owned Shady Oak Brook Orchard in West Gloucester; and the Gloucester Land Trust will celebrate on April 30, 2011 with a clean up at Hawkins Farm and Clarksville Schoolhouse property in West Gloucester;

WHEREAS, Earth Day on April 22nd will be recognized in Rhode Island by activities that will take place statewide all month. The Town Council supports the activities of the 41st year of Earth Day in Gloucester, statewide, nationally, and on a global level and we encourage our youth and adults alike to take a pledge to keep Rhode Island Clean and Green; and

NOW THEREFORE BE IT RESOLVED: that the Town Council and Town Clerk encourages Gloucester residents to participate in neighborhood cleanups, as well as our Conservation Commission, Land Trust, and Community Resource Commissions efforts and celebrations of Earth Day.

Walter M.O. Steere, III President, Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Dated this 21st, day of April 2011

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Arbor Day

Councilor Reichert read the following Proclamation for Arbor Day:

PROCLAMATION
2011-3 Arbor Day

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was

first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, clean the air, produce oxygen and provide habitat for wildlife. Trees are also a renewable resource of wood for our homes, and fuel for our fires. Trees in our Town enhance our property, beautify our community and are a source of joy and spiritual renewal, and

WHEREAS, in observation of Arbor Day, April 30th, the Conservation Commission will give tree seedlings to all the students at the Learning Place Pre-School in Chepachet on May 6th and on Saturday, May 7th they will give away 1200 Eastern White Pine, Spicebush, Serviceberry, and Sweet Crabapple tree seedlings to Glocester residents on the front lawn of Glocester Town Hall; and the Land Trust will observe this day by a planting a Sugar Maple tree on Steere Hill; and

WHEREAS, in Rhode Island an event will be held at Ninigret Park, Charlestown, on May 7, 2011 at which the Rhode Island Tree Council and National Grid will be planting up to 100 trees to create a green canopy at the entrance of Ninigret Park. The Tree Council invites all to come plant trees and they will provide participants the knowledge of how to plant, mulch and the proper watering techniques; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Glocester do hereby proclaim April 30th as "Arbor Day" in the Town of Glocester, and urge all citizens to celebrate by supporting efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees and promote this celebration of nature for future generations.

Jean M. Fecteau, CMC, Town Clerk
Walter M.O. Steere, III, President, Glocester Town Council

Dated this 21st Day of April, 2011

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VII. Resolution

A. Ratification: Support of Senate Bill 2011- S0773

Councilor W. Steere stated that the Council reached a consensus at the last meeting to authorize this resolution due to time constraints, and it now is on the agenda for ratification.

Councilor G. Steere read the following Resolution into the record:

**Resolution 2011-08
In Support of Senate Bill 2011- 0773**

WHEREAS; Rhode Island General Law 45-53 entitled “Low and Moderate Income Housing” was created to address the need for affordable housing in our cities and towns; and

WHEREAS; as part of this Law, a formula has been established which results in a mandate to all Rhode Island communities to create and maintain 10 percent (10%) of its year-round housing units as affordable housing; and

WHEREAS; based on this formula, the Town of Glocester is mandated to have 279 units of affordable housing and currently has only 85 units that qualify as affordable; and

WHEREAS; this mandate, under the current formula, does not recognize existing mobile and manufactured homes within a mobile home park as a form of affordable housing; and

WHEREAS; The Town of Glocester currently has three mobile home parks that contain approximately 140 housing units; and

WHEREAS; proposed Senate Bill 2011-0773 would allow the Town of Glocester to include mobile and manufactured homes within a mobile home park in the calculation, bringing the Town to 225 units or 8 percent (8%) toward our goal of ten percent (10%) affordable housing; and

WHEREAS; this Bill would provide recognition to mobile and manufactured homes within a mobile home park as existing, affordable housing that has stood the test of time and will remain affordable for future residents;

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Glocester, respectfully support Senate Bill 2011-0773 and;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to all cities and towns with a request for their support.

Jean M. Fecteau, CMC, Town Clerk
Walter M. O. Steere, III, President Glocester Town Council

seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

VIII. Public Hearings - Discussion and/or Action

A. Community Development Block Grant (2nd Public Hearing)

Councilor W. Steere stated that this is the second public hearing as required for the CDBG 2011.

Councilor W. Steere DECLARED the Public Hearing OPEN and read the following recommendation from the Program Manager, Elinor Tetreault:

4/19/2011

Town Council Members

RE: 2011 CDBG Proposed Activities

The Western RI Home Repair Program has completed the Community Development Block Grant application and made the following recommendations for the FY 11 Community Development Block Grant.

The activities were reviewed by the Planning Board on 4/4/2011. The activities were found to be consistent with Town of Gloucester's Comprehensive Community Plan.

Please prioritize the proposed activities as follows:

Housing Program:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement	\$176,000.00
Food Bank	\$ 4,000.00
Community Housing Land Trust	\$1,500.00
Community Housing Land Trust-Monitoring	\$6,000.00
Administration/Operating	\$50,000.00
Total Proposed Activities	\$337,500.00

The CDBG grant application will be delivered to the Office of Housing and Community Development department of Administration One Capitol Hill, Providence, RI before June 13, 2011.

Sincerely,

Elinor C. Tetreault, Program Manager

(end of memo)

April 21, 2011

8 of 25

Councilor W. Steere stated that the Planning Board has met and has sent their opinion as to consistency with the comprehensive community plan, which reads as follows:

MOTION was made by Chairman Charette and seconded by Mr. Calderara to forward a positive recommendation to the Gloucester Town Council for a Community Development Block Grant Application, dated 3/24/2011, submitted by Elinor Tetreault, Program Manager, for the Western Rhode Island Home Repair Program.

The application includes housing programs for the Western Rhode Island Home Repair Program, housing rehabilitation, a mobile home replacement program, public service program, Gloucester Food Pantry and planning activities, and community housing. The application is found to be consistent with the Gloucester Comprehensive Community Plan.

VOTE: YES – 6 (Charette, Calderara, Folcarelli, Pitocco, Gross, DeGrange)

NAYS – 0

Motion carried on a unanimous aye vote.

(End of motion)

Discussion: Councilor Burlingame asked why the amount requested for Mobile Home Replacement is significantly higher than that for Housing Rehabilitation. Elinor Tetreault, Program Manager, replied that this is based on the replacement costs for three (3) units.

E. Tetreault stated that the Program has replaced six (6) units so far, noting that they will be counted toward the 10% requirement for affordable housing. E. Tetreault explained that when she put the application together this year, the total of \$337,500.00 includes extra funding for Mobile Home Replacement program, as allowed by the State.

Councilor W. Steere asked if anyone from the public wished to be heard. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Burlingame to APPROVE the 2011 Community Development Block Grant Application, as prepared by Western Rhode Island Home Repair, for submittal to the State of Rhode Island, Department of Administration, with aid requests as prioritized as follows:

Housing Program:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement	\$176,000.00
Food Bank	\$ 4,000.00
Community Housing Land Trust	\$1,500.00
Community Housing Land Trust-Monitoring	\$6,000.00
Administration/Operating	\$50,000.00
Total Proposed Activities	\$337,500.00

;seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

B. Amendment to Gloucester Code of Ordinances

1. Addition of Chapter 258:

Outdoor Hydronic Heaters/Outdoor Wood Boilers

Councilor W. Steere stated that this Public Hearing was opened on February 3, 2011, at which time all present were heard and the hearing was continued to March 17th. At that time there was more discussion and the hearing was then continued to tonight.

Councilor G. Steere recused himself (as previously) for this hearing.

Discussion:

Tim Kane, Assistant Town Solicitor, explained that he added language to the Ordinance stating that if stack height cannot exceed the roof peaks within 200 feet, the outdoor boiler is not allowed. T. Kane stated that the subject of prevailing winds was discussed at the first meeting and asked the Council if they wanted to address the matter in the Ordinance.

Councilor G. Steere, speaking as a taxpayer, asked how there can be a requirement for stack height to exceed the peak of a neighbor's roof, but a chimney does not have to be that high. G. Steere expressed his opinion that this requirement would be unachievable. G. Steere further stated that in every instruction manual from any manufacturer, it states that prevailing winds should be taken into consideration. As the owner of an outdoor wood boiler, G. Steere stated that he can attest to the importance of prevailing winds.

With regard to stack height, T. Kane suggested alternate language to read, "in the event that the topography is such that it is not possible for the height of the chimney to exceed the height of roof peaks as set forth above, then the height of the chimney shall be at least a minimum of 35 feet from ground level." G. Steere stated that this makes sense if you take into account the prevailing winds.

Carl Riccio, acting Building Official, stated that the prevailing wind could be added to 258-3 Permit Requirements. C. Riccio stated that a sketch would have to be submitted with the application and prevailing wind direction could be indicated on the sketch. With regard to stack height requirement, C. Roccio stated that he is in favor of the phrase "where achievable" because it is common sense.

Councilor W. Steere noted that the Public Hearing is still open and asked if anyone wished to be heard.

Roy Najecki pointed out that there is an incomplete sentence in the Ordinance which should read "the OHH must be a minimum of 30 feet."

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made to APPROVE the Ordinance with the changes recommended this evening; seconded by Councilor Hainsworth.

Discussion: It was noted that this Ordinance will be effective twenty (20) days from the date of advertisement.

VOTE: AYES: W. Steere, Burlingame, Hainsworth and Reichert
RECUSAL: G. Steere
NAYS: 0

MOTION PASSED

IX. Consent Items - Discussion and/or Action

- A. Town Council Minutes of March 24th & April 7th , 2011
- B. Finance Director's Report: January, February, & March 2011
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the Approval of Town Council minutes of March 24th & April 7th ;to TABLE the Finance Director's Report of January, February, and March 2011; and to APPROVE the Abatements to the 2010 Tax Roll in the amount of \$1,226.49, (No additions to the 2010 Tax Roll); seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

X. New Business

- A. Lake Washington Dam Association - Discussion and/or Action
 - 1. Volunteers requested

Councilor Steere stated that the Association approached the Council last year regarding State requirements concerning the dam. Councilor W. Steere asked for a Council member to volunteer to work with him in researching the Town's responsibility concerning these requirements. Councilor Reichert offered his assistance.

- B. Gloucester Little League - Discussion and/or Action
 - 1. Acotes field & Concession booth maintenance

Councilor W. Steere stated that there has been some discussion about whether the Town is obligated to take care of trash and landscaping at the Little League field. Gary Treml, Director of Public Works, stated that this is a private piece of property rented by a private organization, yet his department maintains the field, picks up the trash and provides picnic benches. G. Treml

expressed his opinion that the Town should not be responsible for these tasks and asked the Council for their position on the matter.

Anthony Parrillo, Recreation Director, stated that he has not heard from the Little League, but noted that he thinks that Acotes allows the League to use the field without charge. Councilor Burlingame stated that the Town is technically out of it. A. Parrillo agreed, stating that it is not Town property. Councilor W. Steere stated that over the years, the Town has performed these tasks in good faith as a favor, but it is now expected by the League. Councilor Burlingame stated that he was involved in this back in 1995 at which time the Council took the position that the Town would not mow or maintain the property due to the question of liability.

Councilor Hainsworth asked if the Town has enough fields without Acotes. A. Parrillo replied in the negative, stating that the program has grown over the years. A. Parrillo stated that the League raises money by charging kids to play, fund-raising and subsidies, but they also have expenses such as paying umpires, purchasing equipment, etc. A. Parrillo asked who mows the cemetery property. It was stated that the owners of the property do it themselves.

Councilor G. Steere suggested that the Town send a notice to the Little League stating that the Town will no longer pick up the trash at the fields this year and will consider not mowing the fields next year. Councilor W. Steere recommended that the Council meet with the Director of the Little League to explain the situation. A. Parrillo noted that the League has a new president who may not be aware who is responsible for mowing and trash pick-up.

There was discussion regarding the liability of the Town if Public Works maintains the property. Tim Kane, Assistant Town Solicitor, stated that the Town is insured under the Trust, but there are still liability issues if somebody gets injured and sues the Town. Anthony Parrillo stated that he can set up a meeting with Mike Martone, Little League President, to discuss these matters.

MOTION was made by Councilor Burlingame to send the Little League a notice of intent that the Town plans to discontinue picking up the trash this year and discontinue the mowing next year; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Anthony Parrillo asked if there is an effective date for the discontinuation of trash pick-up. Councilor W. Steere replied that the Town will continue picking up the trash until the Council meets with the Little League.

C. Gloucester Memorial Park - Discussion and/or Action

1. Concession booth - Licensing & restrictions

Councilor W. Steere stated that it has been brought to the Council's attention that the Little League may not be following the law with regard to the licenses we have to provide refreshments at the concession stand at Gloucester Memorial Park.

Anthony Parrillo, Recreation Director, stated that he spoke with a volunteer parent working in the stand and informed him that they cannot use fryolators or sell foods that are not prepackaged, as the license requires. A. Parrillo noted that there is also a slush machine and pretzel warmer in the building, but does not know if these are allowed.

Councilor W. Steere stated that this creates a hazard for people working in the building and also presents a liability to the Town and possible loss of the license. Jean Fecteau, Town Clerk, stated that she called the State and was told that the sale of this type of food must stop immediately.

J. Fecteau stated that she will check on whether the slush and pretzel machines are allowed. A. Parrillo stated that he will send a letter to the Little League directing them to remove any fryolators and/or grills immediately. Gary Treml, Director of Public Works, stated that there are also problems with trash at the concession stand. There was Council consensus to discuss this matter when the Council meets with the Little League President.

- D. 2011/2012 Financial Town Meeting Warrant - Discussion and/or Action
 - 1. Amendment to F/G. Regional Charter re: Time of Annual meeting

Councilor W. Steere stated that the Regional School Committee has forwarded the following:

Ms. Jean Fecteau, Town Clerk
Dear Jean:

At their meeting on April 5, 2011 the Foster-Glocester Regional School Committee voted unanimously to seek the following change in the regional charter:

"The Foster-Glocester Regional School District Financial Town Meeting shall be held annually on the third Tuesday of March at 7:00 p.m."

This change in the start time of the meeting must be approved by the taxpayers in Foster and Glocester. Therefore, the committee requests that this be voted on at the Glocester Financial Town Meeting on May 7, 2011.

Please let me know if you need additional information.

Kathryn Ritter-Smith, Clerk
Foster/Glocester Regional School Committee
(end of memo)

Councilor W. Steere read the following:

Per the Regional Charter, Section XII. Amendments

A proposal for amendment may be initiated by a majority vote of all the members of the Regional District School Committee or by a petition signed by 10% of the registered voters of any one of the member towns. The town council of each member town shall include in

the warrant for the next annual financial town meeting or a special financial town meeting called for the purpose an article stating the proposal or the substance thereof.

Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote of the voters present at a town financial meeting as aforesaid.

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE the proposal of an amendment to the Foster/Glocester Regional Charter be included on the Warrant for the Town Financial Meeting to be held on May 7, 2011, thereby calling for a vote of the Glocester residents in attendance; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. Resolution regarding budgetary issues

Councilor W. Steere stated that the Finance Director has requested the addition of an annual resolution to the warrant of the Town Financial meeting. The addition is due to the language in the new Governmental Accounting Standards Board Statement # 54.

Discussion: Councilor Burlingame explained that this pertains to the GASB rules whereas we want to set aside funds for a possible shift in student population in the future. Councilor Burlingame further stated that there has been discussion regarding setting aside a portion of the revenue derived from the metals project at the Public Works Department. Councilor Burlingame stated that this resolution could be a mechanism to allow us to transfer those funds to the General Fund.

MOTION was made by Councilor Burlingame to ADD the following Resolution to the annual Warrant for the Glocester Financial Town Meeting:

Resolve, the Town Treasurer be and hereby is authorized during fiscal year 2010-2011 and the ensuing period ending June 30, 2012 to transfer funds/resources from Restricted, Committed, and Assigned Fund Balances to the General Fund in an amount necessary to cover expenditures incurred/related to the purposes for which those fund balances were created and incurred for the specific purposes pursuant to the constraints imposed on the use of those fund balances.

Seconded by Councilor Hainsworth

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

E. Building/Zoning Official Position - Discussion and/or Action

1. Extend part time hours
2. Benefits

Councilor Hainsworth stated that Carl Riccio, part-time Building/Zoning Official, is presently working 16 hours a week with no benefits. Councilor Hainsworth stated that this allows C. Riccio to deal with building inspections, but does not allow time for zoning matters such as enforcement. Councilor Hainsworth also stated that it appears “customer unfriendly” to have someone there only two days per week.

Councilor Hainsworth recommended that C. Riccio’s position be expanded to four days per week. It was suggested that the salary be set at 4/5 of the budgeted salary for the position. There was discussion regarding benefits. T. Mainville stated that the budget includes family health and dental for which C. Riccio would pay a percentage (13%) based on his salary.

Carl Riccio stated that the zoning matters have accumulated, but he feels that with four days, he could handle both building and zoning. Regarding his qualifications, Carl Riccio stated that he has been in the system since 2005, starting as a Certified Eligible Building Inspector. Once he was hired by the Town of Foster, he became a Certified Building Inspector and was told that he needed several more credits to become a CBO (Certified Building Official).

Carl Riccio explained that the only thing he cannot do is sign a building permit or certificate of occupancy. C. Riccio stated that he falls into a new category of an ICC test which is a five-hour test that he is in the process of right now. C. Riccio again stated that he can do everything except those signatures according to the State, but that is still under review.

Councilor Hainsworth asked when C. Riccio will be considered a Building Official. C. Riccio replied as soon as he sends certification of the test and another minimum of 30 days. Carl Riccio suggested that he work Monday, Tuesday, Thursday and Friday, stating that this would allow him to pick up anything that happens on Wednesday the following day.

Councilor Hainsworth asked if there are any other benefits other than health care and dental that come with part-time employment. Tom Mainville, Finance Director, replied that pension is also included.

MOTION was made by Councilor Hainsworth to APPOINT Carl Riccio as regular part-time Building/Zoning Official limited to 30 hours per week at 4/5 of the budgeted salary, with a full-time health care and dental package, at a stratified rate; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

F. Bid Awards

1. IFB 2011-01 – Full Depth Pavement Reclamation

Councilor W. Steere read the following into the record:

April 21, 2011

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Awarding of **IFB 2011-01** ~ Full depth pavement reclamation

I. IFB 2011-01 was advertised in accordance with current rules and procedures.

II. Six (6) companies bid.

III. In reviewing the bids, the low bidder advised DPW Director Treml that he had made a gross error in calculating his bid and asked to be removed from the bid process. DPW Treml removed his bid from the bid process.

Of the next two low bidders, All States Asphalt was low by \$.01 per sq. yd. on the reclamation portion and the other bidder, Murray Paving & Reclamation Inc. was low by \$.19 per sq. yd. on the calcium chloride portion. In calculating the total estimated cost of the work to be completed, Murray Paving and Reclamation, Inc. was determined to be the lower bidder by approximately \$2,926.

The Board recommends the bid be awarded to:

Murray Paving & Reclamation Inc. 508-429-9400 Tele
55 Whitney Street 508-429-9401 Fax
Holliston, MA 01746

Bid price: \$ 1.13 per sq. yd. for full depth pavement reclamation
0.71 per sq. yd. for liquid calcium chloride

Respectfully submitted,

Jean M. Fecteau - Town Clerk

Ray Goff - Town Planner

Thomas P. Mainville - Director of Finance

(end of memo)

MOTION was made by Councilor W. Steere to AWARD IFB 2011-01 – Full Depth Pavement Reclamation to Murray Paving & Reclamation, Inc., 55 Whitney Street, Holliston, MA 01746 for the bid price of \$1.13 per sq. yd for full depth pavement reclamation and \$0.71 per sq. yd. for liquid calcium chloride; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

2. IFB 2011-02 – Hot Mix Asphalt

Councilor W. Steere read the following into the record:

April 21, 2011

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Award of **IFB 2011-02** ~ Hot mix asphalt

I. IFB 2011-02 was advertised in accordance with current rules and procedures.

II. Seven (7) companies bid.

III. The Hot mix asphalt bid consisted of separate bids:

- Primary bid: for hot mix asphalt > 500 tons, and a
- Secondary bid: for hot mix asphalt < 500 tons

Regarding the primary bid:

The Board recommends the bid be awarded to the lowest qualified bidder.

Cardi Corporation
400 Lincoln Avenue
Warwick, RI 02888

Primary bid only: Bid price for hot mix asphalt > 500 ton:
\$ 9.94 per sq. yd. in place (includes fine grade, compaction and driveway aprons)
.75 per lineal ft. construct Cape Cod berm (asphalt)
.25 per sq. yd. for tack coat
1.50 per lineal ft. for asphalt cuts
150.00 each to reset manhole frames and covers and gutter grates to grade

Regarding the secondary bid:

The Board recommends the bid be awarded to the lowest qualified bidder:

Cardi Corporation
400 Lincoln Avenue
Warwick, RI 02888

Secondary bid only: Bid price for hot mix asphalt < 500 ton:
\$ 11.35 per sq. yd. in place (includes fine grade, compaction and driveway aprons)
.75 per lineal ft. construct Cape Cod berm (asphalt)
.25 per sq. yd. for tack coat
1.50 per lineal ft. for asphalt cuts
150.00 each to reset manhole frames and covers and gutter grates to grade

Respectfully submitted,
Jean M. Fecteau - Town Clerk
Ray Goff - Town Planner
Thomas P. Mainville - Director of Finance
(end of memo)

MOTION was made by Councilor G. Steere to AWARD IFB 2011-02 Hot Mix Asphalt to Cardi Corporation, 400 Lincoln Avenue, Warwick, RI 02888; seconded by Councilor Burlingame.

Discussion:

Councilor Reichert stated that he must recuse himself from this vote.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS:0
RECUSED: 1 (Reichert)

MOTION PASSED

3. IFB 2011-03 – Town Hall Flooring

Councilor W. Steere read the following into the record:

April 21, 2011
To: Town Council
From: Board of Contracts & Purchase (Board)
Re: Award of: **IFB 2011-03** ~ Town Hall flooring

I. IFB 2011-03 was advertised in accordance with current rules and procedures.

II. Two (2) companies bid.

Total bid amount	Company
\$ 31,475.00	Vee-Jay Floor
32,343.00	Ruggieri Flooring

It was noted that \$30,000 was budgeted for flooring in the 2010-11 capital budget. Part of the flooring that will be replaced is in the South Wing. The flooring for the South Wing was not included in the estimate for the Capital Budget for 2010-11.

It will be most cost effective to do all the flooring at once. There are more than enough savings from the work done in insulating the attic and replacement of windows [in the South Wing] to cover the overage on this bid.

III. The Board recommends the bid be awarded to the lowest qualified bidder.

Vee-Jay Floor 401-404-4496 phone
7 Commerce Street
Smithfield, RI 02828

Bid price: \$31,475.00 for flooring work per IFB 2011-03 specifications in the Main Hall and Entrance, Lower Hall in the South Wing, Upper Hall in the South Wing, Council Chambers, and the Mens and Ladies Restrooms

Respectfully submitted,

Jean M. Fecteau ~ Town Clerk
Ray Goff ~ Town Planner
Thomas P. Mainville ~ Director of Finance

(end of memo)

MOTION was made by Councilor G. Steere to AWARD IFB 2011-03 Town Hall Flooring to Vee-Jay Floor, 7 Commerce Street, Smithfield, RI 02828 for a bid price of \$31,475.00 for flooring work per IFB 2011-03 specifications in the Main Hall and Entrance, Lower Hall in the South Wing, Upper Hall in the South Wing, Council Chambers, and the Mens and Ladies Restrooms; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

G. Gloucester Code of Ordinance

1. 1st Reading, Proposed amendment
Rules of Procedure, Boards and Commissions
Addition of Article 2., B. 9

Councilor W. Steere stated that this was discussed previously and consensus was to hold a first reading to amend the Rules of Procedure for Boards & Commissions by adding:

Addition of Article 2., B. 9

9. No Chairman of a Board that accepts applications for consideration, per State Law or Gloucester Code of Ordinance, shall serve as Chairman of any other Town Board or Commission

Discussion:

There was discussion regarding the language of this amendment which states that it only applies to the chair of a Board and not regular members. Councilor G. Steere commented that there should be discussion at a later date regarding whether some of these Boards conflict with each other. Councilor Burlingame agreed, but stated that this paragraph should be added for now until further review.

MOTION was made by Councilor Hainsworth to set a Public Hearing for May 19, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS:0

MOTION PASSED

XI. Boards/Commissions

A. Land Trust - Discussion and/or Action

1. Questions re. Boards oversight, practices & responsibilities

Councilor W. Steere noted that the individual who requested this discussion has asked that it be removed from the agenda. Councilor Burlingame stated that the enabling legislation for the Land Trust states that there should be written rules and regulations which have been approved by the Town Council. Councilor Burlingame asked if this was ever done. Henry Gold, Land Trust member, replied that there are rules which were approved by a prior Council.

Councilor Burlingame asked H. Gold to provide a copy of the rules. Roy Najecki, former member of the Land Trust, stated that the Board adheres to the Town's rules of procedure. Jean Fecteau, Town Clerk, noted that the rules of procedure apply to all Boards and Commissions. R. Najecki replied that in addition to these rules, the Land Trust was following the Finance Director's rules regarding contracts, bids and acquisitions.

Councilor G. Steere asked Henry Gold about a recent situation regarding a bid for timber cutting in West Gloucester. Councilor G. Steere stated that the person awarded the bid was in default and had not finished the job. H. Gold replied that he was also under the assumption that the job was in default but the Chairman had said the contract had not been cancelled.

T. Mainville stated that the gentleman made good on his checks which had bounced and has made a deposit to be returned if the work becomes satisfactory. T. Mainville noted that his office keeps the financial records of the Land Trust and serves as an advisory group, but does not tell them what to do. T. Mainville stated that the Land Trust is aware that if proper purchasing policies are not followed, there are certain repercussions or consequences.

B. Resignations - Discussion and/or Action
1. Planning Board Recording Clerk

Councilor W. Steere stated that the Council has received the resignation of Maureen Baxter from the position of Planning Board Clerk after the meeting of May 2, 2011. The resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Maureen Baxter from the position of Planning Board Clerk effective May 3, 2011; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

C. Appointments - Discussion and/or Action
1. Planning Board Recording Clerk

Councilor W. Steere stated that the Council has received one letter of interest for this position on April 15th. It was stated that the Council also received an e-mail from Ray Goff, Town Planner, stating that another individual has expressed interest in the position. R. Goff stated that Karen Emond has agreed to catch up on the Planning Board minutes that are behind and is interested in the position if it is available. R. Goff further stated that K. Emond has held that position in the past as well as Zoning Board clerk and is familiar with the job. Councilor Burlingame noted that the Council only received one letter from an interested candidate, adding that she is qualified for the job.

MOTION was made by Councilor Burlingame to APPOINT Sandra Bell to the position of Planning Board Clerk effective May 3, 2011.

There was no second.

Councilor W. Steere stated that the Board usually comes forward with a recommendation, but this is not always the case. R. Goff stated that he and K. Emond just heard about this resignation several days ago and stated that the Council is moving pretty quickly if they intend to vote on this appointment tonight. R. Goff requested that the Council allow K. Emond to submit a letter of interest.

MOTION was made by Councilor W. Steere to TABLE the appointment to the position of Planning Board Clerk; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

XII. Department Head Report/Discussion

- A. Joseph DelPrete, Chief of Police, reported that there has been no further contact with the Town of Foster with regard to consolidation of services. Chief DelPrete stated that more information will be available after the Financial Town Meeting.

Chief DelPrete stated that on May 10th, there will be an Iron Man Triathlon traveling through Gloucester.

- B. Tom Mainville, Finance Director, stated that he did not intend to sound critical of the Land Trust when he spoke earlier, adding that 99% of the time things have gone very well. T. Mainville stated that the cost of the land acquired by the Land Trust amounts to approximately 27% of its value. There was discussion regarding the procedures followed by the Land Trust with regard to record-keeping and finances.

Bds. & Commissions - Discussion

- A. Henry Gold, Land Trust member, spoke regarding the Hawkins Pond dam project, asking the Council members to come out to look at the job. H. Gold stated that the next step will be the engineering. H. Gold stated commented that this is a beautiful piece of property and the Land Trust will do everything possible to preserve it.
- B. George Kain stated that the Resource Commission has completed an energy study at the Town Hall.
- C. Walter Steere, Jr., School Committee member, stated that the payments are up to date with regard to space rented to Foster at the school. W. Steere stated that National Grid is going to conduct a complete energy audit at the schools at no charge.

XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from Community Action concerning their reduction of funding.
- B. Councilor W. Steere stated that a letter was received from the Department of Revenue indicating that our Notice of Proposed Property Tax Rate Change has been approved.
- C. Councilor W. Steere expressed concern regarding correspondence from the Department of Health pertaining to our preparedness for any type of medical emergency or epidemic. The letter indicates that Gloucester has not completed any of the deliverables of the contract for the last several years.

- D. Councilor W. Steere stated that correspondence was received from Mr. Lewis of the Department of Transportation regarding the Chepachet River Bridge Sidewalk repairs.
- E. Councilor W. Steere read the following letter into the record, at the request of William Healy:

Glocester Town Council
Glocester Town Hall
1145 Putnam Pike
Chepachet, RI 02814

April 11, 2011
Gentlemen:

What a shame.

While I understand the need for all committees to follow rules, I believe that dissolving the EDC at this time was a big mistake. There should be a provision in law to allow a Council member to sit in for a meeting as important as the one previously scheduled for Monday, April 11, 2011 with 3 universities willing to provide a valuable service to the town of Glocester for FREE. Is the system so rigid that multiple boards are unable to cooperate for the good of the town?

The EDC is the only board or committee in town whose goal is to offer assistance and say “yes” to people trying to open or expand businesses and make improvements to our town. It is the only committee that does not have the power to reject or approve progress. It is the only board that, in my view, is designed to work as a think tank, an incubator to generate new ideas, promote our town, encourage new businesses, and in general, make Glocester a better place to live and work.

The demise of the EDC should rest squarely on the shoulders of the previous town council, who allowed members of other boards with the power of “NO” to serve on a committee whose goal was to move the town forward and to welcome and assist new and expanding businesses. Without forward thinking people advocating for economic development and expansion of the business base, the town of Glocester will see more shuttered businesses resulting in an even greater dependence on property owners to fund diminishing services.

As some of you know, I was and am still interested in serving on the EDC, having reached a point in my life with the time and inclination to make a contribution in town. I am still frustrated watching long-time agenda-ridden board members resort to extortion and deal-making while dribbling out diminished approvals and stifling growth.

I respectfully request that this letter be read into the minutes of the next meeting.

Regards,
William E. Healy, Taxpayer
547 Tourtellot Hill Road
Chepachet, RI 02814

(end of letter)

- F. Councilor W. Steere stated that several items of correspondence were received regarding funding analysis vs. self insured costs.
- G. Councilor W. Steere read the following into the record:

Dear members of the Gloucester Town Council:

I wanted to formally let you know what a great job the DPW did plowing our road this winter on Elmwood Terrace. With snow the likes we have never seen before, and in hearing how other towns were having so many snow removal problems, I was proud to be from Gloucester. The plow operators took great care in placement of the 14 foot piles and when we needed to call due to a neighbor violating the parking ban, within 24 hours our road was re-plowed beautifully. Please let all involved know that we truly appreciate their job well done.

Sincerely,
Christine Hannon
20 Elmwood Terrace

(End of letter)

- H. Councilor W. Steere stated that a letter was received regarding a lawsuit in Superior Court by the Irace family.
- I. Councilor W. Steere stated that the Council members received a request from a resident with regard to obtaining broadband internet service.
- J. Councilor W. Steere stated that an e-mail was received from a resident asking that the stop signs at the intersection of Jackson Schoolhouse Road and Salisbury Road be removed.

XIV. Open Forum

- A. Rose LaVoie stated that during the Department of Transportation presentation, it was said that federal regulations are holding up projects. R. LaVoie urged the Council members to contact our legislators and tell them that there are too many federal regulations. R. LaVoie also spoke about the traffic light in Town and the trash situation at Gloucester Memorial Park.
- B. Tom Sanzi invited the Council members to the annual Memorial Day Parade on May 30th at 10:00 a.m.

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 11:25 p.m.; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 19, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **May 5, 2011**

I. Call to Order

The meeting was called to order at 7:35 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Walter Steere, Jr., School Committee member; Bruce Payton, Land Trust chair; Peter Skeffington, George Kain and Matthew Salisbury, Community Resource Commission members; and George Charette and Russell Gross, Planning Board members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Matthew Salisbury.

IV. Open Forum for Agenda Items

None.

V. Public Hearings - Discussion and/or Action

A. Gloucester Code of Ordinance

1. RLM II, LLC d.b.a. Village on Chopmist Hill
Assessor's Plat 14, Lot 91 & 92
Chapter 208 Mobile Home Parks
 - a. Expansion of allowable lots
 - b. 208 (3) f. Waiver re: construction time
 - c. 208 (4) b. Waiver of Lot size

Councilor W. Steere stated that this Public Hearing was duly advertised and opened on March 17, 2011. All present were heard and the public hearing was continued to April 7th, 2011. Again, that Public Hearing was continued to this meeting.

Councilor W. Steere noted that the applicant is not present. Councilor W. Steere stated that the Public Hearing is Open and asked if anyone wished to speak.

Discussion: George Charette, Planning Board chair, stated that at the May 2nd meeting of the Planning Board, Kevin Kitson, representing RLM II, requested that the application be further extended. G. Charette stated that the Planning Board gave a deadline of June 6th for the filing of the necessary paperwork. At that time, if the paperwork has not been submitted, RLM II will have to file a new application. It was noted by Councilor W. Steere that this was the fifth time that this application was continued on the Planning Board level.

MOTION was made by Councilor Burlingame to CONTINUE the Public Hearing for RLM II, LLC d.b.a. Village on Chopmist Hill, Assessor's Plat 14, Lot 91 & 92 to the June 16th Town Council meeting; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes of March 24th, April 7th, & April 21, 2011

B. Pole Grant: Waterman Lake Drive, P.4-1

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of March 24th & April 7th, 2011, to TABLE the minutes of April 21, 2011, and to APPROVE the Pole Grant: Waterman Lake Drive, P.4-1; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. New Business

A. Resignations - Discussion and/or Action

1. Public Safety Department

a. One full time dispatcher

Councilor W. Steere stated that Chief DelPrete has notified the Clerk's office that the resignation of Michael Sarah has been filed and is to be effective May 9, 2011.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Michael Sarah from the position of Full-Time Dispatcher effective May 9, 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- B. Appointment - Discussion and/or Action
 - 1. Human Services Department
 - a. Two (2) Temporary Part-time Drivers

Councilor W. Steere read the following request from the Human Services Director:

Walter M. O. Steere, III, President
From the desk of: Judith A. Branch
Director of Human Services

Re: Request for approval of temporary part/time medical transportation drivers

Date: May 2, 2011

Dear Mr. Steere and Council Members,

After careful consideration, I am requesting your approval for appointments for (2) two temporary part/time medical transportation drivers for the Department of Human Services. The appointments are to be given to the following appointees, Robert Lapierre and Michelle Buxton. Both parties have submitted their applications, each has had their medical reports completed and are waiting for your approval.

Is it possible to obtain these approvals on or before Monday, May 9, 2011? Thank you for your consideration.

Yours truly,
Judith A. Branch, Director
(end of memo)

Discussion: Tom Mainville, Finance Director, has informed the Clerk that the individuals have passed the physical. T. Mainville has also stated these individuals, if appointed, will work "as needed" and generally in the absence of the regular part-time driver, therefore they will not impact or increase the budget.

MOTION was made by Councilor Burlingame to APPOINT Robert Lapierre and Michelle Buxton to the position of temporary part-time "as needed" transportation drivers for the Gloucester Department of Human Services, at the hourly rate of \$13 per hour, effective May 6, 2011; seconded by Councilor G. Steere.

Discussion: Councilor W. Steere stated that his only concern is that these remain temporary positions and do not become permanent.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

C. Energy Audit- Discussion and/or Action

Councilor W. Steere stated that the Council has received the results of an Energy Audit report from RISE from George Kain, Community Resource Commission.

Discussion:

George Kain, Community Resource Commission member, explained that an electricity audit was conducted at the Town Hall and Highway Garage, copies of which have been forwarded to the Council. G. Kain stated that an audit was done today at the Police Station and the report will be available in approximately ten days. Councilor W. Steere stated that the audit has positive aspects for the Town. Joseph DelPrete expressed agreement.

Matthew Salisbury, Community Resource Commission member, stated that the primary reasons for doing this are to save money and use our resources, which is the mission of the Resource Commission. M. Salisbury noted that not only will the Town Hall be more energy efficient, but also more aesthetically pleasing. M. Salisbury stated that he does not see a down side to this project.

Councilor W. Steere asked if there were any questions regarding the energy audit. Councilor W. Steere stated that he feels that this is an excellent effort by the Resource Commission and recommended that we move forward with this project as soon as possible. Councilor W. Steere stated that the cost would be approximately \$7,500, which could come out of the Capital Budget.

Councilor Burlingame stated that there is also enough in the Contingency Fund to cover the expense. Councilor W. Steere agreed, but stated that he would like to see the contract first. There was Council consensus that the approval will be contingent upon the Town Solicitor's review of the contract.

MOTION was made by Councilor Burlingame to APPROVE the energy project contingent upon approval of the contract by the Town Solicitor and Town Council President; the cost of which is to be taken from a funding source as recommended by the Finance Director; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere thanked the Community Resource Commission for their work on this project.

D. Bid Award - Discussion and/or Action
1. 2011-01 Town Hall Geothermal Heating System

Councilor W. Steere stated that this bid award is still being worked on and needs to be tabled to the next Council meeting.

MOTION was made by Councilor G. Steere to TABLE the Bid Award- 2011-01 Town Hall Geothermal Heating System to the May 19th Town Council Meeting; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

E. RI Department of Health Medical Emergency Distribution System (MEDS)
1. Point of Contact appointments - Discussion and/or Action

Councilor W. Steere stated that the Council has received a request from the Rhode Island Department of Health regarding our contacts for the current contract. Councilor W. Steere state the letter acknowledges our EMA Director, Charlie Miller as first contact and states they are looking for additional contacts to be named. Councilor W. Steere stated the recommendation is for Harmony Fire Chief Stu Pearson and Jason Rhodes (Burrillville EMA and MEDS Director). Councilor W. Steere noted that the Clerk has talked with Charlie Miller, our current EMA Director, and he welcomes the help.

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT: Charles Miller, Chief Stuart Pearson, & Jason Rhodes as Points of Contact for the 2011 Emergency Medical Distribution System contract between the Town of Gloucester & the RI Dept. Of Health; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jason Rhodes, Burrillville EMA and MEDS Director, stated that he represents the Town of Burrillville, but he is a Gloucester resident. J. Rhodes stated that this is a very effective system for the Town.

VIII. Boards/Commissions

A. Appointments - Discussion and/or Action

1. Planning Board Recording Clerk (**con't from 4/21/2011**)

Councilor W. Steere stated that the Clerk has received two letters of interest: Sandra Bell and Karen Emond which Council now has.

Discussion: Councilor W. Steere stated that since this is a paid position, his recommendation is to advertise to make sure that nobody is left out of the process. Councilor Burlingame expressed his concern that it may be perceived that full-time employees at the Town Hall have an inside track for this type of job. Councilor Burlingame agreed that the position should be advertised.

MOTION was made by Councilor Reichert to advertise the position of Planning Board Recording Clerk; seconded by Councilor Hainsworth.

Discussion: Councilor Hainsworth stated that he feels that the Planning Board should conduct interviews and make a recommendation to the Council. Councilor Hainsworth feels that this should be done in all cases. Councilor Burlingame stated that it is the Council's responsibility to appoint.

George Charette, Planning Board chair, stated that if the position is advertised, he would like Karen Emond and Sandra Bell to resubmit their applications for consideration.

Russell Gross, Planning Board member, commented that the Personnel Board should be involved in the hiring of the Recording Clerk.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has received House Bill H-5739 and Senate bill S-0624 which would put uniform bid processes in place where the actual bidders used by State agencies would have to be qualified. J. Fecteau stated that she is working on a Resolution supporting these bills, adding that the Resolution could be ratified at the next meeting. J. Fecteau stated that in the weekly update submitted by the Department of Transportation, it was requested that the Town support this legislation.

Jean Fecteau reported that Betty the Elephant has been placed at the schoolhouse behind the Town Hall.

J. Fecteau stated that the Financial Town Meeting is Saturday, May 7th at 1:00 PM.

- B. Gary Treml, Director of Public Works, provided an update on the bridge project, stating that they are working every day, but the project is progressing slowly.

- C. Joseph DelPrete, Chief of Police, stated that the application deadline for the dispatcher position is May 13th after which interviews will begin.

Bds. & Commissions - Discussion

- A. Pete Skeffington, Community Resource Commission member, read the following:

“The Resource Commission is still working to eliminate Federal Energy Regulatory Commission control over small and micro sized hydro electric projects.

“Our leader, Chairperson, Linda Nichols, journeyed to Washington and met with the Director of FERC and his policy advisor, Shana Murray, in an attempt to reinforce the idea that it is effectively impossible to amortize costs of studies and installation of any small hydro project in any rational amount of time that would satisfy bank investment return requirements, let alone the three to five year licensing process.

“Whitehouse Policy Advisor, Kate Konschnik made the following statement:

“Shana Murray gave an impassioned speech about needing to help small dam owners cut through the red tape that has historically been in place to license hydro.

“Shana understands that there are too many hurdles to getting this clean energy source in place and she is young and energetic and trying to reform FERC from the inside so long as FERC has jurisdiction over these dams.

“Shana was instrumental in brokering the deal with Colorado, where FERC has turned over the pre-application process to the state. That is actually the most time-consuming and often most expensive part of the process, because it’s where the dam owner has to consult with all of the state and federal agencies that have an interest in the river. Getting the state involved can be a good way to help small dam owners meet with all interested agencies at once.

“We have been working with Rhode Island and FERC to make this happen in the Ocean State, and I’m pleased to say it is moving forward. In fact, Rhode Island state officials are meeting today with FERC on this very topic. Linda asked Shana many pointed questions. At the end of the panel, Shana gave Linda her card and pledged to help you get hydro in Gloucester. I look forward to working with all of you on this important issue.

“On another issue, I heard a rumor that Land Trust was considering breaching the Hawkins Dam rather than repairing it. I must tell you that I believe this to be a grave error as this dam, if powered, will pay off repair costs as well as all other associated costs, in a reasonable amount of time based on preliminary energy assessments.

“I am not at liberty to say what those readings are until validated by actual measurements. The dam withstood last years 500 year rain storm without damage and, in my view, there is absolutely no reason to destroy it without some long and hard consideration by all stakeholders.”

(End of report)

Councilor W. Steere stated that it is his understanding that breaching is one of the options with regard to the dam, however the Land Trust is working on corrective measures to repair the dam. Councilor Burlingame asked why breaching would be considered an option. Councilor W. Steere replied that all of the options were put out there so that it would not be a surprise later on. Councilor G. Steere stated that when the Land Trust purchased the property, part of the agreement was to maintain the dam.

- B. George Kain, Community Resource Commission member, stated that there was discussion regarding conducting an energy audit for the schools. Councilor W. Steere stated that this is a good idea, but would have to be approved by the School Committee.
- C. Henry Gold, Land Trust member, reported that the Department of Environmental Management is satisfied with the progress of the Hawkins Dam project. H. Gold stated that the Land Trust will be hiring an engineering firm within the next several weeks. Councilor Burlingame asked who reviews the contracts. H. Gold replied that the Finance Director reviews the contracts. Tim Kane, Assistant Town Solicitor, stated that he will review them also, if necessary.

Bruce Payton, Land Trust chair, stated that there is a lot of misconception regarding the Hawkins Dam. B. Payton stated that the Land Trust does not have a price for the dam which is why they are hiring an engineer. B. Payton further stated that the Land Trust is also looking into the installation of hydro power. B. Payton stated that breaching the dam is the very last resort. B. Payton noted that the RFP was voted on by the members and if there were any issues, they were not brought up at the time.

Bruce Payton expressed concern regarding e-mails transmitted between members, adding that he wonders if open meeting laws are being violated. B. Payton stated that he has decided that he will only e-mail announcements and agenda items to the Secretary of the Land Trust, who will then send them to the other members. B. Payton stated that he wished to publicly thank Henry Gold for his hard work with regard to the dam.

There was discussion concerning the minutes of the Land Trust meetings. B. Payton stated that approval of minutes is the first order of business after roll call on the agenda. The minutes are then filed in the Town Clerk's office by the recording secretary. B. Payton stated that he has worked for the Town for 22 years, and in the last several years, every move he makes seems to be questioned.

Discussion took place concerning policies for Boards and Commissions in general and the Land Trust specifically. Russell Gross stated that he was accused in an e-mail of

feeding information to Councilor G. Steere regarding projects. R. Gross stated that this was untrue and objected to having lies about himself out there.

- D. Walter Steere, Jr., School Committee member, stated that National Grid will be doing a complete energy audit at the Middle School and High School at no cost.

Councilor Reichert stated that he heard that water keeps getting into the fuel tank at the middle school. W. Steere, Jr. replied that he is not aware of this but will speak to Joe McGovern about it.

W. Steere, Jr. stated that there was discussion at a recent School Committee meeting with regard to full regionalization. W. Steere, Jr. stated that there are more Foster residents interested in this matter due to the town's financial difficulty. Councilor Burlingame commented that there has been too much money spent on unnecessary administration. Councilor Burlingame stated that since we have turned over the financial operations to the Treasurer's Office, information has been more accurate, timely and less costly to put together. Councilor Burlingame stated that if we go with full regionalization, we would give up that control.

Councilor Reichert asked if there are any plans to replace the back up electrical system at Fogarty Elementary School. W. Steere, Jr. replied that he does not remember seeing this on the School's capital projects plan. Councilor Reichert stated that there is the opportunity to purchase a large Caterpillar generator for \$16,000. W. Steere, Jr. stated that he will look into it.

X. Council Correspondence/Discussion

- A. Councilor W. Steere stated that the Council received letters from the towns of Bristol and Cumberland with regard to the opposition of binding arbitration.
- B. Councilor W. Steere stated that correspondence was sent to the Gloucester Little League from the Recreation Director with regard to the type of food which is being sold at the concession stand at Gloucester Memorial Park.
- C. Councilor W. Steere read the following update from the Department of Transportation, which was received today:

Walter M. O. Steere, III
President
Gloucester Town Council
358 Chestnut Hill Road
Chepachet, RI 02814

Dear Mr. Steere:

Thank you for welcoming me and members of my staff to the Gloucester Town Council Meeting on Thursday, April 21, 2011. Below you will find several topics that were discussed during the meeting and our status on each:

Chestnut Hill Road Bridge Replacement Project

As you may recall, we introduced project manager Mr. Steven Ricci, Sr. and provided an estimated project completion date of Fall 2011. Although the contractor anticipates the final completion date for December 2011, we will continue working with him toward a Town-preferred date of September 2011.

Striping on Town Roads

The Department striped Chestnut Hill Road, Pine Orchard Road, and Snake Hill Road from Anan Wade Road to Chestnut Hill Road, as requested.

Resolution

I understand that you will send a Town Resolution to the Rhode Island General Assembly in support of the contractor responsibility legislation (S 0624 and H 5739) that allows RIDOT to prequalify bidders. This legislation is currently pending in the House and Senate.

Chepachet River Bridge Sidewalk Replacement Project

The contract completion date for this project as scheduled by Cardi Corporation is December, 2011. Our preconstruction meeting was held on Thursday, April 28. Based on subsequent discussions with the contractor, they recognize the importance of the project to the Town. As such, they anticipate starting the sidewalk demolition before the end of the month. As indicated, the Department will continue to coordinate with Cardi Corporation to arrive at a completion date earlier than December 2011.

William G. Schanck, Jr./Chepachet River Bridge #100

Thank you for notifying us of the Town's decision to name the Chepachet River Bridge in honor of fallen Vietnam veteran William G. Schanck, Jr. If you would like to pursue this on the State level, you would need to contact the Permanent Joint Committee on naming All New Buildings, Bridges, Edifices and Other State Constructions at the Rhode Island General Assembly.

Improvements to Route 44 in Chepachet Village

RIDOT plans to advertise these improvements this Fall. We anticipate that construction will begin in Spring 2012, with final completion in 2014. An agreement was forwarded to the Town for review and signature regarding the basin that the Town will be constructing. As discussed with Town Solicitor Tim Kane, your immediate attention to this would be appreciated. In addition, we will continue working with Mr. Kane to resolve any other outstanding issues.

Intersection of Routes 102 and 44 at the Two Ends of the Village

Paving of both intersections is being included in a RIDOT Statewide Traffic Signal Improvements Contract that has been advertised. Our Traffic engineers have reviewed the traffic signal timings and found that there are no further adjustments that can be made to improve the congestion at this intersection. As has been discussed with the Gloucester Police, there are no short-term solutions to improve the operation at peak times other than putting the signal on flash during those time periods. We plan to initiate a study for a right turn lane as indicated in our previous letter.

Project Managers and Schedules

RIDOT will work with the Town and the perspective contractors to bring these construction projects to completion. We will provide weekly updates to the Town and we ask that you share the information with your residents by placing it on the Town's website.

<u>Project</u>	<u>Manager</u>	<u>Phone Number</u>
Chepachet River Bridge	Steve Ricci, Jr.	641-5763
Chestnut Hill Road Bridge	Steve Ricci, Sr.	265-0714

Sincerely,
Michael P. Lewis
Director
(End of letter)

- D. Councilor W. Steere stated that correspondence was received from the Federal Communications Commission with regard to the January 1, 2013 deadline for conversion to "narrowband" operation.
- E. Councilor W. Steere read the following into the record:

May 3, 2011
Gregory P. Piccirilli
Sciacca & Piccirilli
121 Phenix Avenue
Cranston, RI 02920

RE: Foster-Glocester Regional School District v. Town of Foster

Dear Greg:

As you probably know the Town of Foster currently faces severe financial problems and cannot pay any more to the Regional School District than what it is currently paying. The Town of Foster asks that the Regional School Committee vote to call a special meeting of the Foster-Glocester Regional School District Financial Meeting so that the voters of both towns can, for the first time, consider

and vote on the five percent (5%) reduction in apportions allowed by R.I.G.L. §16-7-23 which was intended to assist the cities and towns of this State balance their strained budgets during this difficult financial time.

The Town of Foster also is willing to consider other ways of resolving this dispute however, a lump sum payment is not a viable option given the Town of Foster's financial situation. During the interim, the Town of Foster intends to file a notice of appeal to preserve its legal rights.

Please contact me to discuss this matter at your earliest convenience.

Very truly yours,
Ryan C. Hurley, Esq.
(end of letter)

- F. Councilor W. Steere stated that correspondence was received from the engineer for the property at 33 Money Hill Road which was responded to by the Town Planner.
- G. Councilor W. Steere stated that a letter of concern was received from a person who resides on the Smith & Sayles Reservoir with regard to the property value due to the ongoing Chestnut Hill Road bridge project.
- H. Councilor Reichert stated that he has received several calls concerning the house on Chopmist Hill Road which has a collapsed roof. Councilor Reichert stated that it is a safety issue and he has spoken to the Building Official regarding what action can be taken. Tim Kane, Assistant Town Solicitor, stated that a lien can be placed on the property or it can be condemned.
- I. Councilor Hainsworth stated that he has heard from several of the abutting property owners to Jay Forgue's property on Snake Hill Road and will meet with them and the Building Official.
- J. Councilor W. Steere spoke regarding the signs on Route 295 which indicate where Glocester is. Councilor W. Steere noted that additional signs will be placed on Route 102 and Route 6. George Charette, former chair of the Economic Development Commission, thanked the Council for allowing him to pursue this effort. G. Charette noted that there was an article and photo in the current issue of the Glocester Advocate. G. Charette commented that it was a group effort on the part of the Economic Development Commission and asked that all of the members' sitting at that time be mentioned in a future article.
- K. Councilor W. Steere stated that he has asked Tim Kane, Assistant Town Solicitor, to draft a reminder to all Boards and Commissions as well as the Town Council with regard to communication by phone, e-mail or in person. Tim Kane explained that extreme caution must be used to avoid constituting a quorum as this would be an open meetings violation. Councilor W. Steere stated that e-mails are impersonal in the

respect that tone of voice or body language cannot be determined and this may cause something to be taken the wrong way. Councilor W. Steere further stated that when a Board or Commission communicates to the Town Council, they should go to their liaison first.

- L. Councilor W. Steere noted that the Town Financial Meeting is Saturday, May 7th and urged all to attend.
- M. Councilor W. Steere stated that he wished to recognize the work of the volunteers in Town. Councilor W. Reichert noted that in the past, there was an annual award for Volunteer Recognition. Jean Fecteau, Town Clerk, stated that she will advertise for nominations for this award.

XI. Open Forum

- A. Rose LaVoie thanked all those who attended the Heritage Society's Gala, noting that the event was very successful.

Rose LaVoie expressed concern regarding the house on Chopmist Hill Road which was discussed earlier. R. LaVoie stated that she hopes that the taxpayers will not have to bear the cost of tearing the building down. Councilor Reichert stated that a lien would be placed on the property prior to demolition.

R. LaVoie stated that she is glad that Betty the Elephant has been placed at the Evans Schoolhouse and recommended that signs be placed at the Town Hall directing visitors to the schoolhouse.

- B. Walter Steere, Jr., School Committee member, spoke regarding a hearing on Binding Arbitration.
- C. Joseph DelPrete, Chief of Police, spoke regarding the Town of Foster sharing our animal shelter. Chief DelPrete explained that an agreement will be drawn up in the near future.
- D. George Kain suggested that the three fire companies be recognized for their volunteerism. J. Fecteau, Town Clerk, stated that each fire department is honored with a Resolution at their annual banquet.

XII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining Discussion and/or Action

MOTION was made by Councilor Hainsworth to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session

Disclosure of Votes taken

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:50 p.m.; seconded by Councilor Reichert.

Jean M. Fecteau, Town Clerk

Approved at the May 19, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **May 19, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Walter Steere, Jr., School Committee member; Fran Ballou, Senior Center Manager; David Steere, Budget Board chair; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Open Forum for Agenda Items

A. Patricia Lawrence, member of the Senior Center Board of Directors, stated that she will speak when the agenda item is addressed.

B. Rose LaVoie stated that she wished to speak about State pensions, but will wait until the matter is addressed.

V. Resolution 2011-09

In Support of House Bill 2011--H 5739 & Senate Bill 2011--S 0624
Councilor W. Steere stated that the Council has agreed to support bills currently being considered that would mandate "pre-qualification" for bidders on state jobs. Councilor Hainsworth read the following Resolution into the record:

Resolution 2011-09
In Support of House Bill 2011--H 5739 & Senate Bill 2011--S 0624

WHEREAS; our Legislators have proposed laws that would simplify, clarify, and modernize the law governing purchasing by the State of Rhode Island and its agencies; and

WHEREAS; if passed this legislation could:
Provide for increased public confidence in the procedures followed in public procurement;
Insure the fair and equitable treatment of all persons who deal with the procurement system of the state;

Provide increased economy in state and public agency procurement activities by fostering effective competition;

Provide safeguards for the maintenance of a procurement system of quality, integrity and highest ethical standards;

Ensure that a public agency, acting through its existing internal purchasing function adheres to the general principles, policies, and practices as set forth in Rhode Island General law; and

WHEREAS; a need exists for the pre-qualification of those that bid on State projects, especially for those projects that are to be preformed in our cities and towns to ensure timely, safe, quality work on all the projects funded by our tax dollars whether in our Town or others and

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Gloucester ; and the Town Clerk SUPPORT House Bill #**2011-H 5739** and **Senate Bill 2011--S 0624**

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every Rhode Island Municipality, our State Senator and our State Representatives with a request for their support.

Jean M. Fecteau, CMC, Town Clerk
Walter M. O. Steere, III, President Gloucester Town Council

Seconded by Councilor G. Steere.

Discussion: Councilor W. Steere explained that this Resolution is important to Gloucester as well as all other cities and towns.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Public Hearing

- A. Gloucester Code of Ordinance
Rules of Procedure, Boards & Commissions
Addition of Article 2., B.9

Councilor W. Steere stated that a first reading was held on this proposed amendment on April 21, 2011 and this Public Hearing was duly advertised.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding this proposed amendment to the Code of Ordinance.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

Councilor Burlingame stated that he brought this up because he feels that a conflict could occur if a member of a Board has to rule on an issue which has gone before another Board on which the individual serves.

MOTION was made by Councilor Burlingame to AMEND the Gloucester Code of Ordinance, Rules of Procedure, Boards & Commissions, with the addition of Article 2.,B.9, as follows:

“No Chairman of a Board that accepts applications for consideration, per State Law or Gloucester Code of ordinance, shall serve as Chairman of any other Town Board or Commission.”

Seconded by Councilor Hainsworth.

Discussion: Councilor G. Steere noted that this is a simple matter that just makes sense.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

- A. Town Council Minutes of April 21st & May 5th, 2011
- B. Pole Grant: Cooper Road: New joint pole location P.89 ¾
- C. Finance Director’s Report - Jan., Feb., March, April 2011
- D. Tax Assessor’s Additions & Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of April 21st & May 5th, 2011; to ISSUE the Pole Grant: Cooper Road, New joint pole location P. 89 ¾; to ACCEPT the Finance Director’s Reports for January, February, & March 2011; to TABLE the Finance Director’s Report for April, 2011; and to APPROVE the Abatements to the Tax Roll as follows: 2008 Tax Roll in the amount of \$1,466.29, the 2009 Tax Roll in the amount of \$1,255.06, the 2010 Tax Roll in the amount of \$7.31; and to state there are no additions to the tax roll for May 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Bid Award - Discussion and/or Action

1. 2011-01 Town Hall Geothermal Heating System

Councilor W. Steere stated that this item is still being reviewed and should be tabled to the June 2nd meeting. Councilor W. Steere asked Ray Goff, Town Planner, if he had any further information. R. Goff replied in the negative.

MOTION was made by Councilor G. Steere to TABLE the Bid Award, 2011-01 Town Hall Geothermal Heating System to June 2nd, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. Resignations - Discussion and/or Action

1. Administrative Aide- Building/Zoning Department

Councilor W. Steere stated that the Council has received a notice of resignation from Karen Emond, Building/Zoning Office Administrative Aide. The notice is on file in the office of the Town Clerk.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Karen Emond effective June 17, 2011; seconded by Councilor Burlingame.

Discussion: Councilor W. Steere mentioned that Ms. Emond has served the Town for almost 25 years and wished her well in her retirement. Councilor Hainsworth echoed Councilor W. Steere's comments, adding that he has known Ms. Emond since before her employment with the Town and has enjoyed working with her. There was Council consensus to send a letter of appreciation to Ms. Emond.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Appointments - Discussion and/or Action

1. Appointments for Recreation (Summer 2011) Positions

Tennis Instructor (1)

Arts & Crafts Instructor (1)

Water Safety Instructors (2)

Water Safety Aides (6)

Lifeguards (8)

Tennis Aides (6)

Parks & Grounds - Maintenance (2)
Parking Lot Attendants (6)

Councilor W. Steere stated that the Council has received a recommendation from the Recreation Director, Anthony Parrillo.

Anthony Parrillo stated that one of the candidates now lives in Foster, but has previously worked for the Town as a swimming instructor. A. Parrillo stated that there were no other applicants with the necessary qualifications.

There was discussion concerning one of the applicants in the lottery for the position of parking lot attendant. A. Parrillo stated that the age requirement for this position is 16 but this applicant is in middle school. Councilor G. Steere stated that the name should remain in the lottery and if it is selected, the candidate's date of birth will be looked into.

MOTION was made by Councilor G. Steere to APPOINT the following:

Tennis Instructor: Richard Lawrence at an hourly wage of \$19.00

Arts & Crafts Instructor: Sara Martin at an hourly wage of \$10.00

Water Safety Instructors: Justyna Barlow and Julie Barrows at an hourly wage of \$14.00

Water Safety Aides: Emma Nadeau
Fiona Beltram
Alexander Powers
Richard Lancia,
Krista Shuckerow
Taylor Bigwood
at an hourly wage of \$8.25

Lifeguards (8) Benjamin Boisclair
Dan Sherman
Eric Beltram
Ethan Walsh
David Shuckerow
Jesslyn Boisclair
at an hourly rate of \$11.00

Katelyn Loisel at an hourly rate of \$10.25
Justyna Barlow, substitute at an hourly rate of \$10.25

Tennis Aides (6) Alexandra Lawrence
Meryl Lawrence
Kaitlin Lennon
Ashley Winsor
Caitlin Coleman
Kyle Butler
at the hourly rate of \$8.25

Parks & Grounds - Maintenance (2)
Corey Leonhardt & Samuel Tridenti at an hourly wage of \$8.75

seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

Councilor W. Steere noted that there were 15 names in the lottery for six positions as Parking Lot Attendant.

It was suggested that all names be pulled and numbered as pulled to have in order in case other names are needed.

Lottery: Caitlin Paquin, Kristin Strickland, Carrie St. Jean, Danielle Cataldo, Devin Butler, Christina Smith, Meghan Smith, Adam Jaques, David Jaques, Andrew Burns, Jared Recorvitz, Jesse White, Rachel Smith, Aaron Dupuis, Matthew Desnoyers

MOTION was made by Councilor to APPOINT Parking Lot Attendants (6)

1. Meghan Smith
 2. Caitlin Paquin
 3. Adam Jaques
 4. Andrew Burns
 5. Matthew Desnoyers
 6. Kristen Strickland
- at an hourly wage of \$ 7.40

The following alternates' names were drawn in the following order: David Jaques, Jesse White, Rachel Smith, Jared Recorvitz, Carrie St. Jean, Danielle Cataldo, Devin Butler, Aaron Dupuis, and Christina Smith.

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Financial Impact, State Pension revisions - Discussion and/or Action

Councilor Burlingame referred to an article in the Providence Journal regarding pensions which cited a 8.9 billion deficit with regard to unfunded liabilities. Councilor Burlingame noted that we have been paying exactly what we should have been paying every year, according to the State Pension Board. As a result, when looking at the audit last year, we were above the 80% threshold requirement for funding both the Police pension and Town pension.

Councilor Burlingame stated that when the Pension Board reduced the amount of expected return from 8½% to 7½%, it dropped us down to 70% from 72%. Councilor Burlingame stated that we have already taken care of the current year's budget, however we are nowhere near the level of increase which will occur a year from now. Councilor Burlingame noted that the Region had a percentage of pension requirement of 12.37%, adding that this will increase to 21.35% for the year 2013.

Councilor Burlingame stated that, according to the Regional Business Manager, the total impact over the current year is a \$640,000 increase. Councilor Burlingame stated that added to the increases to the Town budget, the result will be approximately \$900,000. Councilor Burlingame stated that the Town cannot withstand this and recommended that we urge our legislators to find a way to work through this.

Councilor Burlingame stated that we are in negotiation for contracts right now and these percentage increases amount to the same as a pay increase. Councilor Burlingame noted that we are not in imminent danger for the current year, but we must watch out for the future.

Jacky DiPietro asked if the Region has been asked to use the savings which was guaranteed with regard to the ESCO project. Councilor Burlingame stated that he had asked the Business Manager, but she did not have any numbers. Walter Steere, Jr., School Committee member, stated that there is no way that the Region could save that amount of money.

Rose LaVoie stated that she has read all of the articles and has made calls to the Governor's Office and the Treasurer's Office and has been told that there would be no pension reform this year. R. LaVoie urged everybody to call our senators and representatives to ask that they push for pension reform. Councilor Burlingame agreed, stating that this is the reason he brought it up.

Councilor Burlingame stated that one of the problems is the 3% COLA (Cost of Living Adjustment) which is compounded annually. Jacky DiPietro clarified that not every pension is compounded. J. DiPietro explained that for some Town employees in the pension system the COLA is 3% the first year and does not go up. R. LaVoie stated that this is not a Town issue because we have always managed our affairs. R. LaVoie stated that if the State does not fix this problem this year, they never will.

Councilor Hainsworth suggested sending a letter asking for the legislators to seek alternatives. Councilor Burlingame stated that he sent letters to Rep. Winfield and Treasurer Gina Raimondo with specific recommendations. Councilor W. Steere urged everyone to contact their legislators because this will impact everybody one way or another.

MOTION was made by Councilor Burlingame to send a letter to our legislators urging them to act on pension reform this year; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

D. IFB2001-10 Gas and diesel bid extension - Discussion and/or Action

Councilor W. Steere stated that the Council has received a request from Public Works to extend the terms of IFB 2001-10 as follows: Low sulfur diesel and gasoline (89 octane) at a price of \$.085 gallon over cost which is due to expire May 31, 2011. The agreement signed by Reichert & Sons Fuel would extend the terms to May 31, 2012.

Discussion: Councilor Reichert recused himself from this matter.

MOTION was made by Councilor G. Steere to GRANT the bid extension for IFB 2001-10 Low sulfur diesel and gasoline at a bid price of \$.085 a gallon over cost, said extension shall expire May 31, 2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS: 0
RECUSED: Reichert
MOTION PASSED

E. Water feasibility study for village (JWU & URI)
Discussion and/or Action

Councilor W. Steere stated that both of these entities have offered to work on a feasibility study for Chepachet Village, free of charge. Councilor W. Steere asked Ray Goff, Town Planner, to explain. R. Goff stated that John Cronin, Executive Director of Johnson & Wales Small Business Development, contacted him to express interest in conducting a study to determine if there is any potential of developing a water system in the village. Mr. Cronin stated that he had contacts with both URI and Johnson & Wales.

R. Goff stated that a committee would be set up with the Town and students from the universities would help facilitate the project. R. Goff noted that there would be no cost to the Town. R. Goff stated that

the project would start in September and would conclude at the end of the semester. R. Goff stated that all that the universities are looking for is a commitment of some sort from the Town and suggested that the Council draft a Resolution to that effect. Councilor G. Steere inquired what type of commitment. R. Goff replied that they would like the Town to commit to the project and not back out.

Councilor W. Steere expressed his opinion that this is a good idea and asked that Mr. Cronin appear before the Council to answer any questions they may have with regard to the project. Councilor Burlingame stated that he is familiar with Mr. Cronin's work and offered to serve as liaison to the project. Councilor Burlingame agreed that this project would be worthwhile.

MOTION was made by Councilor Burlingame to draft a Resolution to support the activities of Johnson & Wales and URI with regard to a water feasibility study for the village; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

F. Senior Center

1. Operations - Discussion and/or Action
2. Use of Building Policy - Discussion and/or Action

Councilor Burlingame stated that when the Senior Center was built, there was concern that the septic system may be unable to handle the level of activity, subsequently, an evaluation was conducted by Tom D'Angelo to determine if there were any limitations that we should be aware of. Councilor Burlingame stated that lately, the Senior Center is being used almost every night of the week for various activities. Councilor Burlingame noted that the Senior Center hours are normally 9:00 am to 4:00 pm, but if you include the current evening hours, it adds another 2½ hours daily per week.

Councilor Burlingame commented that these groups are not local non-profit organizations. Councilor Burlingame stated that there is an extra conference room at the Town Hall which could be used, adding that there would not be as much risk from a facilities point of view. Councilor Burlingame proposed that the Council establish regulations pertaining to the use of the Senior Center building, and for the time being, allow the Center to be open for regular business between the hours of 9:00 to 4:00. Councilor Burlingame noted that \$2,000 was added to the budget this year partly due to the air conditioning and heat running in the evening.

Doris Villandry stated that the theater group offered to pay for the use of the Senior Center. Councilor Burlingame stated that the Senior Center is not there to generate revenue as a rental.

Jacky DiPietro commented that if the air conditioning is turned off at 4:00, the custodian will not have air conditioning while he is there working.

Councilor Reichert stated that caution should be taken regarding overuse of the septic system. Councilor G. Steere concurred, noting that whatever fee is collected will not go a long way toward a new septic system.

Fran Ballou, Senior Center Director, stated that when a building use form is presented to the Board of Directors, it is always approved. F. Ballou noted that she would not want to see the Korean War Veterans get thrown out. J. Fecteau, Town Clerk, replied that they would be welcome to hold their meetings at the Town Hall. F. Ballou stated that if there is a problem with the septic system, nobody should be allowed to use the building, without exceptions.

Jacky DiPietro asked for clarification regarding the Building Use Policy. J. DiPietro asked if building use would only be allowed between 9:00 and 4:00, not after 4:00. J. DiPietro pointed out that the only day the building is not in use is Tuesday.

Marie Plante stated that she was involved with the Senior Center when it first opened. M. Plante stated that the original policy was that the Center could be used during the day and occasionally on a Saturday for pancake breakfasts and blood drives, which are non-profit. M. Plante commented that the Senior Center needs money to operate. Councilor Reichert stated that we are not in the rental business.

Patricia Lawrence, Senior Center Board of Directors, spoke regarding the proposed policy, stating that if nobody will be allowed to use the building during the evenings, then the Gloucester Lions should not be allowed to have their pancake breakfast because they use the dishwasher and restrooms which affects the septic system. P. Lawrence pointed out that the groups that meet at night are usually small groups who do not use much water. P. Lawrence stated that there is no room for community groups between 9:00 and 4:00 because the Senior activities are going on at that time.

Rose LaVoie stated that the Lions' breakfast is once a year on a Saturday, allowing the rest of the weekend for the effluence to trickle down. R. LaVoie stated that the center should not have been built at that location due to the wetlands, but now we are stuck with it there. R. LaVoie expressed her opinion that there could be exceptions to the policy.

Councilor Burlingame stated that blood drives could be held here at the Town Hall on a Saturday and groups such as the Keach Pond Association could use the conference room for its meetings. Councilor Burlingame stated that it is not necessary for the Senior Center to be used when we have other public facilities available.

Pat Lawrence stated that the Gloucester Lions previously used the Grange for their events, but were no longer allowed to because they left a mess. P. Lawrence commented that after last year's pancake breakfast at the Senior Center, the kitchen was a disaster.

Dave Fecteau stated that any group that uses the Senior Center is handled by a member of the Executive Board, not the Town. D. Fecteau stated that in the case of the Lions, they were walked through the building and would sign off that this is how the building would be left after the event. D. Fecteau noted that the group had caused some damage in the past, but paid for the repairs. D. Fecteau stated that he feels that the Lions should still be able to use the building. Councilor

Hainsworth stated that wording should be added to the policy that a member of the Board must sponsor the organization.

MOTION was made by Councilor Burlingame to ADOPT the proposed Gloucester Senior Center Use of Building Regulations, effective July 1, 2011, and to advise the groups that currently use the facility on a regular basis that they have one month to make other arrangements; seconded by Councilor G. Steere.

Discussion: Fran Ballou asked who will open and close the building on a Sunday for the Lions? Councilor W. Steere replied that this would be up to the Board of Directors.

Pat Lawrence stated that a previous Council voted that flu clinics and blood drives would be allowed at the Center as a community service. Jean Fecteau, Town Clerk, noted that the policy refers to community groups that hold fund-raising breakfasts, not just the Gloucester Lions.

Councilor Reichert pointed out that the theater group is meeting ten times in May, while the Korean War Veterans meet only once a month.

Doris Villandry stated that the grease pit in the kitchen should be emptied monthly but it had not been cleaned out and the Gloucester Lions were blamed for it. D. Villandry noted that the Lions bring in pre-cooked food and only heat it up on the stove. D. Villandry expressed her opinion that the Lions are a good group and should be allowed to use the facility. Fran Ballou stated that the custodian cleans the grease trap every Friday. Regarding the Lions, F. Ballou stated that it took two hours to clean the stove and the kitchen after their breakfast last year.

David Steere, Budget Board chair, stated that federal funds were involved in the construction of the Senior Center and suggested that the Council review the grant agreement regarding who can use the building. Councilor Burlingame pointed out that the membership of the Senior Center incorporates people from outside of Gloucester.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

G. Gloucester Little League

1. Acotes Field Maintenance - Discussion and/or Action

Councilor W. Steere stated that he met with the Recreation Director and Mr. Martone, president of the Gloucester Little League. Councilor W. Steere stated that Mr. Martone will be present at the Council meeting of June 2nd to discuss the issue.

2. Gloucester Memorial Park Concession Stand - Discussion and/or Action

Councilor W. Steere stated that he discussed the concession stand issue with Mr. Martone and was informed that the Little League has an outside vendor running the stand due to the lack of volunteers.

Councilor W. Steere stated that we are waiting for information from the Trust with regard to possible liability and how it would affect licensing.

Councilor Burlingame stated that he and Tom Mainville, Finance Director, spoke with a representative of the Trust concerning the issues of Acotes Field maintenance and the GMP concession stand. Councilor Burlingame explained that in the beginning, the Town rented the ball field at Acotes from the Cemetery Association for \$1.00 per year and allowed the Little League to use it. Councilor Burlingame stated that this was done for liability reasons and we were not involved in any maintenance whatsoever.

Councilor Burlingame pointed out that if we go in and grade the field and somebody gets injured, the Town may be liable. Councilor Burlingame stated in regard to Gloucester Memorial Park, we need a certificate from the Little League which indicates their insurance for the concession stand as well as the use of the ball field. Councilor Burlingame added that the vendor serving the food must also be insured. Councilor G. Steere noted that the vendor is also serving food which is not on the Department of Health's list of allowed foods. Councilor Burlingame stated that this is another issue.

Councilor W. Steere stated that the Little League will be able to submit many of the required certificates. Anthony Parrillo, Recreation Director, stated that he is also confident that the League has the necessary insurance. A. Parrillo questioned whether the food vendor's license supercedes the victualing license held by the Little League. Jean Fecteau, Town Clerk, replied that the Department of Health is not concerned with who is selling the food, but rather the facility from which it is sold. J. Fecteau pointed out that the vendor is operating under the Town's license.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, to draft a memo to the president of the Gloucester Little League informing him what is needed with regard to the concession stand at Gloucester Memorial Park.

There was discussion regarding the liability issue at Acotes Field. A. Parrillo pointed out that the Recreation Department basketball program uses the middle school which is a non-town facility. A. Parrillo added that he presents the Town's insurance certificate to the School Department. A. Parrillo asked how this is different from the Acotes field situation.

Tim Kane stated that he is not sure that the middle school is non-town property. Councilor W. Steere stated that Mr. Martone can discuss this with the Council and state his point of view. Councilor W. Steere stated that the Little League organization does a lot for the Town and he expressed hope that something can be worked out.

Gary Treml, Public Works Director, spoke regarding the building at Gloucester Memorial Park, stating that fryolators cannot be used without fire inspection. Councilor W. Steere asked if the fryolator is still being used. A. Parrillo replied that they were told to remove the equipment but stated that he will check.

H. Public Safety

1. Gloucester & Foster Animal Control Agreement- Discussion and/or Action

Councilor W. Steere explained that the Police Chief and Solicitor are working on an agreement whereby Gloucester would handle Foster's Animal Control matters. Joseph DelPrete, Chief of Police, stated that the agreement calls for \$10,000 starting sometime this fiscal year for us to house all of Foster's animals, and dispose of them or adopt them out. Tim Kane, Assistant Town Solicitor, stated that he is still working on the agreement.

MOTION was made by Councilor Burlingame to have the Town Solicitor draft an Animal Control agreement between the Town of Gloucester and the Town of Foster; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Boards/Commissions

A. Appointments - Discussion and/or Action

1. Planning Board Recording Clerk (**con't from 4/21/2011**)

Councilor W. Steere stated that this position is currently being advertised with a closing date of May 27th, and should be tabled until after that end date.

MOTION was made by Councilor Reichert to TABLE the appointment of a Planning Board Recording Clerk to the meeting of June 2nd, 2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Conservation Commission

One Unexpired three year term to expire 1/2013

MOTION was made by Councilor Reichert to TABLE the appointment to the Conservation Commission to fill the unexpired three year term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XI. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, reported that concrete was poured this week at the Chestnut Hill bridge. Councilor W. Steere stated that it is rumored that Cardi Corp. will be taking over the work and asked G. Treml if he has noticed anything different. G. Treml replied in the negative.
- B. Joseph DelPrete, Chief of Police, stated that there are 41 applicants for the position of full-time dispatcher. Chief DelPrete stated that interviews will begin next week and hopefully the position will be filled in June.

Chief DelPrete noted that the F.O.P will be having a breakfast on Saturday from 6:00 to 11:00 a.m. to benefit the Special Olympics.

Chief DelPrete stated that earlier in the evening, he attended a ceremony recognizing three (3) Police Officers for an outstanding narcotics investigation in April. Councilor W. Steere recommended that a letter of commendation be sent to the Officers.

Bds. & Commissions - Discussion

- A. Pete Skeffington, Community Resource Commission member, reported that with the assistance of Ray Goff, Town Planner, a Resolution was passed in the House to eliminate Federal Energy Regulatory Commission regulations regarding small hydro-electric installations. P. Skeffington commented that this does not carry the weight of law, but is a step in the right direction.
- B. Edna Kent, Town Historian, spoke regarding a ceremony which will be held on Saturday at a cemetery on Putnam Pike near the Kitchen 44. E. Kent explained that the oldest stone in the cemetery had been crushed by a tree and Karen Sprague from Scituate, who is a stone-cutter, has made a replica which will be reset.
- C. Walter Steere, Jr., School Committee member, spoke regarding capital improvement projects pertaining to the tennis courts and the track at the high school.

Regarding pensions, W. Steere Jr. stated that approximately \$100,000 of the \$641,000 is in the 2011-2012 budget. Councilor Burlingame stated that the Business Manager stated that is more like \$200,000.

XII. Council Correspondence/Discussion

- A. Councilor W. Steere read the weekly update from the Department of Transportation regarding the Chestnut Hill Bridge project.
- B. Councilor W. Steere stated that the Council received a letter from the City of Providence with regard to taxing non-profit organizations such as colleges and hospitals.

- C. Councilor W. Steere stated that the Community Resource Commission has arranged for energy audits at a minimal cost for the Town Hall, the Highway Department and the Police Station which will result in substantial savings. Councilor W. Steere explained that the improvements at the Police Station will cost \$2,500 and will result in a savings of \$1,300 annually. Councilor W. Steere congratulated the Resource Commission for their efforts.
- D. Councilor W. Steere stated that the Council received a letter from Rep. Michael Chippendale concerning the FERC resolution which was passed in the House, as Pete Skeffington mentioned earlier.
- E. Councilor W. Steere stated that a complaint was received regarding Jay Forgue's property on Snake Hill Road.
- F. Councilor W. Steere stated that correspondence was received from the Gloucester Light Infantry regarding the Memorial Day Parade.
- G. Councilor W. Steere stated that a violation was received from the Department of Environmental Management with regard to the Johnson property on Money Hill Road.
- H. Councilor Reichert referred to correspondence he had received regarding individuals operating excavating or hoisting equipment for the Land Trust must have R.I. Hoisting Engineer licenses and that those individuals that are caught operating without a valid R.I. Hoisting Engineer license will be subject to a fine as well as the employer or equipment owner. or concerns that you may have. Councilor Reichert will provide the Clerk with this memo to distribute to the Council.

XIII. Open Forum

- A. Rose LaVoie commented that New York has nine pension plans for the whole state, while Rhode Island has 177 different plans.

R. LaVoie spoke about the water feasibility study in the village, stating that she hopes it does not go the way of the Raber Plan for Chepachet Village several years ago. R. LaVoie stated that she feels that Gloucester does not have a "sense of place" due to the condition of several properties in the village.
- B. Lorraine O'Connors, of Waterman Lake Shores, stated that when she moved to the area, there were four ways to exit the property, but now one of the fire lanes is gated. L. O'Connors stated that there are 120 houses with one entrance and one egress. L. O'Connors expressed concern that if there was flooding or a brush fire, there would be no way out.
- C. Walter Steere, Jr. inquired about the Route 44 project. Councilor W. Steere stated that there is an agreement with DOT that the archaeological work on Oil Mill Lane will not be open-ended.

Walter Steere, Jr. asked if there is still a cease and desist order on the Johnson's Farm property. Councilor W. Steere replied in the affirmative. It was stated that both the owner of the property and Baird Properties have been fined by DEM.

Regarding the Little League, Walter Steere, Jr. stated that we support the league. Councilor Burlingame stated that just because the Town makes a monetary contribution, it does not make us responsible. Councilor Burlingame noted that the Town gives donations to several organizations, but it is up to the organization to decide what to spend it on.

XIV. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action

MOTION was made by Councilor Hainsworth to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a)2 - Collective Bargaining; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:13 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 16, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **June 2, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Walter Steere, Jr., School Committee member; Judith Branch, Director of Human Services; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

None.

V. Resolution - Discussion and/or Action

A. Joint Resolution of the Town Councils of the Towns of Burrillville, Gloucester, North Smithfield & Smithfield Re: Interlocal Equipment Sharing and Personnel Interchange Contract

Councilor W. Steere stated that the Solicitor has drafted a Resolution for resource sharing between four towns. Each Town is being asked to adopt this resolution.

Councilor G. Steere read the following into the record:

**Joint Resolution of the Town Councils of the
Towns of Burrillville, Gloucester, North Smithfield & Smithfield
relative to an Interlocal Equipment Sharing and Personnel Interchange Contract**

WHEREAS, the Towns of Burrillville, Gloucester, Smithfield and North Smithfield (the "Towns") have entered into an Interlocal Equipment Sharing and Personnel Interchange Contract ("Interlocal Contract") which said Interlocal Contract is incorporated herein by reference; and

WHEREAS, the Towns are desirous of implementing said Interlocal Contract upon certain terms and conditions consistent with the Interlocal Contract.

NOW, THEREFORE, in furtherance of said Interlocal Contract and in order to implement the same, the Towns hereby resolve as follows:

1. Commencing July 1, 2011 the Towns shall make their equipment and personnel available to provide labor and services to the other Towns subject to the applicable provisions of the Interlocal Contract.
2. For the period commencing July 1, 2011 through June 30, 2013, the cost to the requesting Towns for equipment, wages and/or salary for personnel shall be in accordance with the schedules attached hereto as Exhibits "A" and "B". Shared personnel shall be paid by their own employing Town and both the providing Towns and requesting Towns shall keep track of and account for hours worked by shared personnel.
3. Regular and overtime wages shall be paid in accordance with the shared services wage worksheet attached hereto as Exhibit "B."
4. During the course of each fiscal year all costs for shared personnel and equipment shall be accounted for and banked by the respective Towns and said Towns shall credit each other on a continuing basis with respect to the costs of shared personnel and equipment.
5. Prior to the expiration of each fiscal year, costs for shared personnel and equipment shall be reconciled and any balance due shall be paid by a requesting Town to the providing Town or may be continued forward by mutual agreement of the providing and requesting Towns.
6. Should any instance arise with respect to damaged or malfunctioning equipment, misconduct by shared personnel, injury to any shared personnel or any event which could result in possible loss or liability to a providing Town then the requesting Town shall immediately notify the providing Town verbally and in writing of such event or occurrence.
7. This resolution shall be in effect from July 1, 2011 through June 30, 2013 subject to the provision that rates for shared personnel and equipment may be reviewed by the respective Towns in March of each year and may be modified for the subsequent fiscal year by mutual agreement and subject also to the right of a participating Town to revoke its future obligations hereunder upon 60 days written notice to the other participating Towns.

To be Adopted by the Burrillville Town Council; the Gloucester Town Council; the North Smithfield Town Council; and the Smithfield Town Council

Seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS:0

MOTION PASSED

B. Water Feasibility Study for Chepachet Village (JWU & URI)

Councilor Burlingame read the following Resolution which was requested by the Town Planner at the last council meeting:

**Town of Gloucester
RESOLUTION # 2011-11
Chepachet Village Water Feasibility Analysis**

WHEREAS, “The Gloucester Town Council hereby resolves to improve the business opportunities in the Village of Chepachet, and

WHEREAS, Potable water in the Village of Chepachet is considered a constraint to further business opportunities; and

WHEREAS, The Town endeavors to determine if a water system can be developed and installed in the Village; and

WHEREAS, The Johnson and Wales University Small Business Development Center (JWU SBDC) is available to assist local communities to seek methods to improve the economic climate in their towns; and

WHEREAS, The Gloucester Town Council is hereby requesting assistance from the JWU SBDC to conduct a Chepachet Village Water System Feasibility Analysis – Student Project.”

Walter M.O. Steere, President - Gloucester Town Council

Seconded by Councilor G. Steere.

Discussion: Councilor W. Steere explained that this project was initiated by the Economic Development Commission and will help us identify sources for potable water in the village area. Councilor W. Steere noted that the work will be done by students at no charge to the Town.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS:0

MOTION PASSED

- VI. Consent Items - Discussion and/or Action
 - A. Town Council Minutes of May 19, 2011
 - B. Finance Director's Report - April 2011

MOTION was made by Councilor Reichert to TABLE the Town Council minutes of May 19, 2011 and to TABLE the Finance Director's Report of April 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere stated that a representative from the Department of Transportation is present but is not on the agenda and asked Tim Kane, Assistant Town Solicitor, how the Council should proceed. T. Kane replied that a motion can be made to add this discussion to the agenda, noting that no votes can be taken.

MOTION was made by Councilor Reichert to AMEND to the agenda to add discussion with Senator Paul Fogarty and Mr. Gamino of Shire Corporation; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

Senator Paul Fogarty spoke concerning the Chestnut Hill Bridge, stating that he has asked Mr. Gamino of Shire Corporation to attend this meeting to answer questions from the Council. Senator Fogarty stated that he has Mr. Gamino's word that the project will be completed on schedule in September. Senator Fogarty further stated that the two main intersections on Route 44 will be paved by the end of August.

Tom Gamino, of Shire Construction Corp., stated that they are accelerating the project to ensure that it is completed on time. T. Gamino noted that the planting of grass and trees may not be completed at that time, but residents will be able to travel over the bridge. Councilor W. Steere expressed that he is glad to hear that because many people, including himself, have been inconvenienced by this project. Councilor G. Steere stated that he visits the site frequently and noted that much progress has been made in the last couple of weeks.

T. Gamino stated that work is being done on Saturdays and if necessary, a second crew will be added. Councilor Burlingame commented that this is a welcome change from what we heard at one point that it would be December before the project would be finished. Councilor Burlingame stated that he is encouraged by Mr. Gamino's commitment. Councilor G. Steere asked if there would be a weight limit on the bridge. T. Gamino replied that he does not believe so. The Council members thanked Mr. Gamino for his attendance. Councilor W. Steere thanked Senator Fogarty for his time and effort in pushing things forward.

VII. Unfinished Business

A. Bid Award - Discussion and/or Action

1. 2011-01 Town Hall Geothermal Heating System

Councilor W. Steere stated that the Board of Contracts and Purchases has met and have submitted a recommendation to the Council. Councilor G. Steere read the following into the record:

June 2, 2011 Page 1 of 2

To: Town Council

From: Board of Contracts & Purchase (the Board)

Re: **Award of RFP 2011-01 ~ Town Hall Geothermal Heating System - Design/build**

I. RFP 2011-01 was advertised in accordance with current rules and procedures.

II. Five proposals were received and evaluated by Town Planner Ray Goff and the Board.

<u>Bid amount</u>	<u>Name of vendor</u>
1. \$160,568	Southcoast Greenlight
2. 281,990	Achieve Renewable Energy, LLC
3. 394,500	EarthCoupler Geothermal
4. 418,631	C&S Mechanical/Unlimited Heating
5. 423,800	Innovative Construction & Design Solutions, LLC

R. Goff reported to the Board that the lowest bidder did not bid the South Wing of the Town Hall building and was therefore deemed not to be in compliance with the specifications. The second lowest bidder, Achieve Renewable Energy, LLC, was deemed to be qualified to perform the work required by the specifications, has complied with all the specs, and has excellent references. There were changes to the bid amount which were reviewed with Achieve Renewable Energy, LLC:

\$ 281,990.00	Original bid
<u>42,965.00</u>	Add for kitchen and basement [not in the specifications]
<u>\$324,955.00</u>	Total for a turn-key design/build service of a geothermal heating and cooling system
\$ 6150.00	Heat recovery ventilators for the restrooms (optional)
<u>12,875 .00</u>	Individual zoning for each room in the original part of the Town Hall (optional)
<u>\$343,980.00</u>	Total including all options

Note: the \$343,980 amount is \$50,520 less than the next lowest bidder.

6. Project funding:

\$306,974.00	ARRA grants
<u>20,000.00</u>	Matching funds in the capital projects fund for energy projects
\$326,974.00	Total funds available
<u>343,980.00</u>	Total cost of project including options
<u>\$ 17,006.00</u>	Difference needed

There have been positive variances in other capital projects [attic insulation, re-setting the Town Hall windows, and the hydraulic truck conveyor] completed in fiscal 2010-11 which will cover the \$17,006 difference.

III. The Board recommends the bid be awarded to the second lowest bidder for the bid price of

\$343,980 to:

Achieve Renewable Energy, LLC	(508) 673-1100 Tel
527 Wilbur Avenue	(508) 678-2542 Fax
Swansea, MA 02777	

Bid price:

\$281,990	Original bid amount for a turn-key design/build service of a geothermal heating and cooling system for the Gloucester Town Hall building.
42,965	Add for kitchen and basement [not in the specifications]
6150	Heat recovery ventilators for the restrooms (optional)
<u>12,875</u>	Individual zoning for each room in the original part of the Town Hall (optional)
<u>\$343,980</u>	Total including all options

Respectfully submitted,
Jean Fecteau - Town Clerk
Thomas P. Mainville - Director of Finance
Gary Treml - Director of Public Works

Discussion: None.

MOTION was made by Councilor Burlingame to TABLE the motion until later in the meeting; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to AWARD 2011-01 Town Hall Geothermal Heating System to Achieve Renewable Energy, LLC for the bid award price of \$343,980; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Gloucester Little League

1. Concessions/maintenance of fields - Discussion and/or Action

Acotes Field

Gloucester Memorial Park

Councilor W. Steere stated that he met with Anthony Parrillo, Recreation Director and Michael Martone, president of the Gloucester Little League, to discuss several issues regarding the baseball fields. Mr. Martone was present at the meeting and stated that the League is a non-profit organization that utilizes two softball fields at GMP and one field at Leja. M. Martone noted that most of the work, other than grass-cutting, is done by volunteers of the Little League who donate their time and money. M. Martone stated that enrollment has started to dwindle and something must be done to attract more players.

M. Martone commented that other towns supply fields to their Little League organizations and all he is asking for is to maintain the agreement that goes back as far as he can determine, that the fields be maintained by the Town. Councilor W. Steere stated that the main concern is liability. Tim Kane, Assistant Town Solicitor, stated that he has reviewed the insurance policy and noted that the Town is listed as an additional insured; however, paragraph #2 states that the Town is excluded from coverage because they maintain the field at Acotes.

Tom Mainville, Finance Director, stated that he spoke with Russ Godin of the Trust and was told that the Town's liability would be limited to anything that is caused by the functions performed by the Town. T. Mainville gave an example that if a player steps in a hole in the field and is injured, the Town would not be responsible because the hole was not caused by cutting the grass.

Tim Kane stated that he would like something in writing, acknowledged by the Little League, that the Town's obligations are simply mowing and weed eating, not grading, filling holes, etc. M. Martone commented that if this is the way we are going to go, the Town should look at their own fields. M. Martone stated the League has been grading the fields at GMP and Leja Field. M. Martone stated that at a recent game at Leja Field, the players could not find the ball because the grass was so high.

T. Kane stated that we have an odd situation where the Cemetery Association allows the Little League to use the field but the Town maintains it, creating a liability for the Town. T. Kane noted that regarding GMP, the Town is protected in Rhode Island under the recreational use statute.

Gary Treml, Director of Public Works, responded to the Leja Field incident, stating that if the grass is wet, the mowers will get stuck and the field cannot be mowed. G. Treml stated that his department does the best they can, but that field is definitely wet. G. Treml indicated that he would not risk damaging the mowers.

Tom Mainville stated that he also spoke with the Trust concerning the concession stand at GMP. T. Mainville stated that the Trust recommended that the vendor have a minimum of a million dollars of insurance for liability. Also, T. Mainville stated that the building should be insured for its property value. T. Kane stated that Cagney Food Service must amend their policy to name the Town as an insured.

Councilor W. Steere asked if the Trust had any information regarding whose license supersedes whose with regard to the type of foods allowed. Jean Fecteau, Town Clerk, stated that the Department of Health has limited the types of foods which can be sold, regardless of who holds the license. J. Fecteau added that if the League wished to sell other items, the State would have to indicate what building modifications would be necessary. There was discussion regarding whether the Town should keep the license or have Cagney Food Service apply for it.

Councilor W. Steere stated that there are several issues which must be resolved. Regarding maintenance at Acotes Field, Councilor W. Steere expressed his opinion that the Town could do a few things and the GLL could take responsibility for a few other things. Councilor W. Steere recommended that the Town continue to cut the grass for the remainder of the season, provided that the trash is picked up by the Little League. With regard to the concession stand, Councilor W. Steere stated that something could be worked out.

M. Martone stated that the reason they have an outside vendor is due to the lack of volunteers. M. Martone stated that the proceeds of the concession stand offset some of the Leagues expenses. M. Martone explained that the added expenses will result in an increase of \$41.88 per player, which does not include the added cost of equipment, training classes, etc. M. Martone commented that there are some families that cannot afford the increase.

Councilor Reichert asked if any effort is made to have people from the League pick up their trash. M. Martone stated that he has brought this up numerous times to the managers but we cannot control the public. Councilor W. Steere pointed out that by cutting the grass, the Town is saving the Little League approximately \$12,000 in addition to Town grant of \$4,200.

M. Martone pointed out that some other leagues have sponsors' advertisements on their fences, but this is not allowed in Gloucester because the fields are located in the Historic District. Councilor W. Steere stated that he hopes to find some middle ground to help the League. It was stated that it is already difficult for some families to afford the registration fees, and the Council members agreed that they do not want the fees to increase.

Tim Kane recommended that, if the Council is inclined to continue maintaining the field, a Motion be made for the record. After Council discussion, it was decided that the Town will not provide grading nor trash pick up, and that the time frame be left open.

MOTION was made by Councilor Reichert to continue mowing the grass at Acotes Field until further notice; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

Regarding the liability at the concession stand, Tim Kane stated that he does not see a problem for this year as the Little League season is almost over. However, T. Kane suggested that the vendor obtain his own license next year. It was stated that the Town would also be licensed at the GMP concession stand.

Anthony Parrillo, Recreation Director, stated that he has two summer employees who pick up trash weekly at all of the Town's recreation facilities and asked if he should not allow them to pick up trash at Acotes Field. Tim Kane replied that he does not see a liability issue if these employees empty the barrels on a weekly basis.

Councilor W. Steere stated that Acotes will not be available forever and other options should be considered.

C. Public Safety - Discussion and/or Action

1. Gloucester & Foster Animal Control Agreement

Councilor Reichert read the following agreement to be utilized by the Towns of Gloucester and Foster for animal control:

INTERLOCAL ANIMAL CONTROL CONTRACT

AMONG THE TOWNS OF GLOUCESTER AND FOSTER

1. The Towns of Foster and Gloucester ("the Towns") have entered into this Interlocal contract for the purpose of consolidating animal control services. The contract shall support and enhance the capabilities of the Towns to provide cost effective and efficient animal control services. The Contract is made pursuant to the authority as set forth in R.I. Gen. Laws §45-40.1-8 as well as any applicable provisions of the respective Home Rule Town Charters of the Towns.
2. Commencing July 1, 2011 Gloucester shall accept domestic animals from the Foster Animal Control Officer (Foster ACO) at the Gloucester Animal Shelter. Gloucester shall be responsible for all costs associated with room, board, and adoption of any animals in accordance with all applicable provisions of Rhode Island General Law and Gloucester Code of Ordinances. Gloucester shall make all good faith efforts to adopt out animals. Gloucester's obligations under this contract include providing administrative services associated with the housing and adoption of animals. The Town of Gloucester shall be entitled to all fees

collected from owners of animals seeking return of their animals. Any veterinarian costs and euthanizing costs for animals delivered by Foster shall be paid directly by Foster and Foster shall indemnify and hold harmless Gloucester for the same.

3. The term of this contract shall be for the fiscal year 2011/2012 meaning and intending that Gloucester's obligation to accept domestic animals from the Foster ACO under this Contract shall be for a one (1) year period commencing July 1, 2011 and terminating on June 30, 2012.
4. Foster shall pay Gloucester an annual fee in the amount of Ten Thousand (\$10,000.00) Dollars in consideration for the services to be performed by Gloucester under this Contract. Said payment shall be made in two installments, namely, \$5,000.00 on or before July 31, 2011 and \$5,000.00 on or before January 31, 2012.
5. Foster shall be responsible for maintaining a part-time ACO to handle its own animal service calls, which shall not be the responsibility of Gloucester.
6. Foster shall be responsible for all animal transports to the Gloucester Animal Shelter unless mutually agreed to by both ACO's.

IN WITNESS WHEREOF, the respective municipalities have caused these presents to be signed and their seals to be duly affixed on the 3rd day of June, 2011.

TOWN OF GLOCESTER
Walter M.O. Steere III
Town Council President

TOWN OF FOSTER
Gordon Rogers
Town Council President

(end)

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Gloucester & Foster Animal Control Agreement dated June 2, 2011; seconded by Councilor Burlingame.

Discussion: Councilor W. Steere asked what would happen if the Town of Foster cannot make the \$5,000 payment due to their financial situation. Tim Kane replied that this would constitute a breach of contract and Gloucester could terminate the agreement.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Special Event License - Discussion and/or Action

Knight's Farm, LLC, 1 Snake Hill Road also known as AP 19, lot 161

Councilor W. Steere stated that the Clerk's office has received a Special Event Application for a car show at Knight's Farm.

Discussion: Councilor W. Steere noted that the Chief of Police has signed off and there are no outstanding issues with this establishment in their license folder. Joseph DelPrete stated that similar events were held last year with no problems with parking or otherwise.

Councilor W. Steere read from the minutes of July, 2010 as follows:

Special Event License - Discussion and/or Action

Knight's Farm, LLC, 1 Snake Hill Road, AP 19, lot 161

Councilor Walsh stated that the Clerk's office has received another request from Knight's Farm to hold a second car show on July 3, 2010.

Discussion: Joseph DelPrete, Police Chief, noted that there were no problems or complaints during the previous event at this location. Councilor Carroll stated that he drove by on the day of the car show and the parking lot was only about half full. Councilor W. Steere asked how many times this type of event would be allowed before a zone change would be needed. Tim Kane, Town Solicitor, replied that three or four times would be considered special events, but if the applicant wishes to continue having the events for an extended period of time, a zone change may be required.

MOTION was made by Councilor W. Steere to GRANT a Special Event license to Knight's Farm, LLC, 1 Snake Hill Road, AP 19 Lot 161; said event to be held at above address on Saturday, July 3, 2010 from 12:00 p.m. to 3:00 p.m.; said event will be limited to uses as described on application. The Police Chief may stop the event at any time with due notice; seconded by Councilor G. Steere.

Discussion: There was consensus to inform the applicant that any more than four (4) special events of this nature will require a zone change application.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

(END OF MINUTES)

Councilor W. Steere stated that his only concern with this application is that it was received at the last minute, as was the case last year. Councilor W. Steere stated that the applicant was told last year that the Council would need more time in the future. Jean Fecteau, Town Clerk, stated that the applicant noted on the application that he wishes to hold another such event on July 2nd. It was noted that the applicant is not present at the meeting. Councilor G. Steere commented that last year, the

applicant was told that he could have up to four events, one per month, without requiring a zone change. J. Fecteau noted that since the applicant owns a business in Town, an application must be filed for each event.

MOTION was made by Councilor Burlingame to GRANT a Special Event license to Knight's Farm, LLC, 1 Snake Hill Road, AP 19 Lot 161; said event to be held at above address on Saturday, June 4, 2011 and July 2, 2011, from 12:00 p.m. to 3:00 p.m. both days; said event (Car Show) will be limited to uses as described on application. The Police Chief may stop the event at any time with due notice; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Transfer Station/Animal Control- Discussion and/or Action
Water Line/Well

Councilor G. Steere stated that the water line which serves the dog pound is broken. Gary Treml, Director of Public Works, explained that the well is located in front of the Transfer Station which measures 500 feet from the dog pound. G. Treml stated that replacement of the water line would entail digging four feet deep for a length of 500 feet. G. Treml stated that installing a new well near the dog pound would be more economical at a price of \$4,000. Tom Mainville stated that the funds could be taken out of the Maintenance and Small Construction account.

MOTION was made by Councilor Burlingame to AUTHORIZE the Public Works Director to have a well drilled at the Transfer Station/Animal Control area; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

C. Authorization - Discussion and/or Action

1. Public Works

Auction: Dump Truck

Councilor W. Steere stated that an auction is going to be taking place and the Director of Public Works is seeking to purchase a dump truck.

Discussion: Gary Treml, Director of Public Works, explained that his department previously purchased a used dump truck which has been very useful in hauling asphalt from the plant. G. Treml noted that the vehicle required minimal repairs and was reasonably priced. G. Treml stated that a newer vehicle could possibly be obtained at the auction for half of what it is worth. G. Treml stated that it is an opportunity to add to the fleet and save money. G. Treml stated that the auction is in New

Hampshire and he would need a bank letter to authorize the purchase. Councilor G. Steere stated that this is a good opportunity because there are many trucks available.

Tom Mainville, Finance Director, stated that the funds could be taken out of the General Fund as was done with the last truck. T. Mainville further stated that if two trucks are available at a good price, it might be a good idea to purchase both. T. Mainville stated that he spoke to somebody at the auction house and was told that a bank letter would not be necessary, but a letter of authorization to bid on the Town's behalf would be required.

MOTION was made by Councilor Reichert to AUTHORIZE the Director of Public Works to purchase a dump truck at auction;

There was discussion regarding whether to set a limit on how much could be spent on the vehicle(s). Tom Mainville stated that if the funds are taken from the General Fund, it will impact our net contribution to the Fund Balance this year. There was Council consensus to limit the purchase to \$80,000.

Councilor Burlingame AMENDED the motion to set a limit of \$80,000; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

Vote on Main Motion:

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

D. Community Development Block Grant - Discussion and/or Action
Contract Agreement Signatory Sheets

Councilor W. Steere explained that per Ellie Tetreault, Program Manager for Western Rhode Island Home Repair, these are standard contracts between the program and the community groups that received funding through Western Rhode Island. These two groups were included in this year's Block Grant application.

Discussion: None.

1. Community Housing Land Trust of RI, Inc.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Town of Gloucester, Community Development Block Grant, Contract Agreement between the Town of Gloucester and the Community Housing Land Trust of RI, Inc. for the contract authorization dates 9/1/2010-8/31/2011, said grant amount is \$1,250; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

2. Echo Lake Water District

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Town of Gloucester, Community Development Block Grant, Contract Agreement between the Town of Gloucester and the Echo Lake Water District for the contract authorization dates 9/1/2009-8/31/2010, said grant amount is \$20,000; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

E. Appointments - Discussion and/or Action

1. Police Dispatcher -

One Full Time Position

One Part Time Position

Councilor W. Steere stated that the Chief of Police is requesting the appointment of Police Dispatchers to fill vacancies:

TO: Honorable Town Council Members
From: Chief Joseph DelPrete
Date: May 31, 2011
Subject: Police Department Dispatcher Positions

Dear Council Members,

I would respectfully request to make the following employment appointments to the Gloucester Police Department:

Appoint **Paul Desnoyers**, age 47, of Chepachet, to a probationary full-time dispatcher position within the Gloucester Police Department. This appointment is needed as a replacement for full-time dispatcher Michael Sarah who resigned on May 9th, 2011. Paul Desnoyers has had previous experience with dispatcher functions and a fire fighter while a member of the Smithfield Fire Department.

He is retired from Smithfield Fire Department after 20 years of service and is a former Captain on Chepachet Rescue. He is currently working part-time on Chepachet Rescue and based on his training and experience he is extremely qualified for this position. His starting probationary

base salary will be \$16.66 per hour at the current contract rate. I would request this appointment become effective on Monday June 6th, 2011.

Appoint **Michael Kitson**, age 19, of Chepachet, to a part-time dispatcher position within the Gloucester Police Department. He would be incorporated in the part-time dispatcher pool and utilized when other dispatchers are on vacation, personal time, or sick leave status.

Michael Kitson is currently working as part-time dispatcher for six months with the Foster Police Department and is familiar with both police and fire dispatch functions. His salary would be at a \$14.00 per hour per diem rate. I would request this appointment become effective on Monday June 6th, 2011.

Respectfully Submitted,
Joseph DelPrete
Chief of Police
(end of memo)

Discussion: Regarding the first recommendation in his memo, Joseph DelPrete, Chief of Police, stated that he would like to change the position to a part-time position, effective Monday, June 6th, at a per diem rate of \$14.00 per hour. Chief DelPrete stated that both candidates can be trained in a week and readily available within two weeks.

MOTION was made by Councilor G. Steere to APPOINT Paul Desnoyers to the position of probationary part-time dispatcher at an hourly rate of \$14.00 per diem, effective June 6th, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

MOTION was made by Councilor G. Steere to APPOINT Michael Kitson to the position of part-time dispatcher at an hourly rate of \$14.00 per hour per diem; effective June 6th, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

2. Recreation
 - Parks & Grounds Position
 - Water Safety Aide Position

Councilor W. Steere stated that the Recreation Director has asked for additional appointments. He is requesting Danille Rouleau be appointed to Water Safety Aide and David Jacques be appointed to Parks & Grounds Maintenance.

Discussion: Anthony Parrillo, Recreation Director, stated that summer employees were appointed at the last meeting, but two of the appointees refused because they were employed elsewhere. A. Parrillo stated that David Jacques had been selected as a parking lot attendant and will be moved up to Parks and Grounds, a position he has held in the past.

Regarding the Water Safety Aide position, A. Parrillo noted that Danille Rouleau held that position for the last two seasons at Marion Irons Beach. Councilor W. Steere stated that Danille is not a Gloucester resident, but is the most qualified candidate for the position. A. Parrillo concurred, adding that Danille grew up in Gloucester and has volunteered at Marion Irons where her older sister is the swim instructor. A. Parrillo further stated that the other applicant had no experience in swim programs.

MOTION was made by Councilor G. Steere to APPOINT Danille Rouleau as a Water Safety Aide for the 2011 summer season at the hourly wage of \$ 8.25 and David Jacques to the position of Parks & Grounds-Maintenance at the hourly wage of \$8.75; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

F. Finance Department - Adoption of Fund Balance Policy - Discussion and/or Action

MOTION was made by Councilor Burlingame to TABLE the Adoption of Fund Balance Policy to the June 16th, 2011 meeting; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

G. Safety Commission Recommendation - Discussion and/or Action

1. Jackson Schoolhouse Road - guardrail request

Gary Treml, Director of Public Works, stated that a guardrail was requested by a resident who was concerned that there would be accidents at the Jackson Schoolhouse Bridge. G. Treml noted that, to his knowledge,

there have been no accidents in that area. G. Treml stated that the price of the guardrail would be \$11,400 to install 150 feet on each side of the causeway. G. Treml commented that this would dangerously narrow the road to the width of the bridge. G. Treml stated that the recommendation of the Safety Commission is to place additional signage on the road to slow down drivers. Councilor Burlingame stated that a copy of the recommendation should be sent to the resident who made the request.

H. Chepachet Drainage Retention Basin DOT Agreement - Discussion and/or Action

Tim Kane, Assistant Town Solicitor, stated that we had entered into a contract with the Department of Transportation with regard to the Route 44 drainage project. T. Kane stated that the contract states that DOT agrees to conduct Phase 2 and Phase 3 archaeological site investigations, the cost of which shall not exceed \$242,000. The contract further stated that any costs in excess of this amount shall be the responsibility of the Town.

T. Kane stated that this caused concern that we would be signing a “blank check” if the project exceeded the \$242,000. T. Kane stated that he crossed that out and Councilor W. Steere initialed it in his capacity as Council President. The contract was sent back to DOT with a request for an addendum to confirm that the Town would equally share in the cost of the constructed wetland.

T. Kane stated that he and Councilor W. Steere met with representatives from DOT who indicated that the cost of the archaeological work may cost up to \$400,000, which they have agreed to incur. With regard to the detention basin, the Town has \$310,000 in funding for construction. T. Kane stated that the State wishes to be clear that the Town will spend up to \$300,000, with the State paying the difference.

Councilor W. Steere stated that the State wants the Town to maintain a drainage swale which will go behind the convenience store through the back to the river. Councilor W. Steere stated that he questioned what the maintenance would entail, but the State was vague in their response. Gary Treml stated that the drainage problem was caused by sand which comes from the road and runs into the wetlands. G. Treml stated his opinion that if this is not corrected, it will be difficult to maintain the swale.

Ray Goff, Town Planner, stated that the State never maintained the swale and as a result were sued by an abutting property owner. R. Goff stated that the State is trying to get the Town involved in the maintenance and cautioned the Council not to do so. R. Goff expressed concern regarding the liability that comes with the maintenance. Councilor G. Steere commented that we do not know what the maintenance would entail or whether equipment could be brought in.

Councilor G. Steere stated that the Council should tell DOT that they do not want anything to do with it. Tim Kane suggested that the Council ratify the contract and grant the Town Council president authority to execute an amendment stating that the Town shall spend up to \$310,000 to construct the detention basin, and to make it clear that the State is responsible for the cost of the archaeological work.

MOTION was made by Councilor G. Steere to RATIFY the contract entitled:

**TOWN CONSTRUCTED WETLAND - CHEPACHET
and IMPROVEMENTS TO ROUTE 44 - CONTRACT 3C
TOURTELLOT HILL ROAD TO MONEY HILL ROAD (ROUTE 100)
GLOCESTER, RHODE ISLAND
RI CONTRACT NO.: 84109, RIFAP NO.: F- 0044(007)
CONSTRUCTION AND MAINTENANCE AGREEMENTS
by and between
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
and the TOWN OF GLOCESTER**

signed by the Town Council President on June 5, 2011; and to grant the Town Council president the authority to execute an amendment that the Town shall spend up to \$310,000 to construct the detention basin and the State shall be liable for Phase 2 and 3 archaeological; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

- I. Gloucester Community Septic Program - Discussion and/or Action
Exception Debt to Income Ratio

Councilor W. Steere stated that the Council has received a correspondence from Rhode Island Housing regarding a loan for the Gloucester Community Septic Loan Program. Rhode Island Housing is requesting that the Town Council waive a bankruptcy which was discharged in 2/2011.

Jean Fecteau, Town Clerk, stated that Tom Mainville has stated the debt to income ratio is fine, only the bankruptcy needs to be waived.

MOTION was made by Councilor Burlingame to Waive the bankruptcy being discharged in 2/2011 on property located at 16 New Road, Gloucester, RI; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

IX. Boards/Commissions

A. Resignation - Discussion and/or Action

1. Conservation Commission

One 3-year term unexpired term to expire is 1/2013.

Councilor W. Steere stated that the Clerk has received the resignation of Cheryl Cadwell from the Conservation Commission. Said resignation is on file in the Clerks office.

Councilor G. Steere stated that the Council has previously accepted this resignation. No action necessary.

2. Western Rhode Island Home Repair
Executive Board Position

Councilor W. Steere stated that the Clerk has received the resignation of Monique Desormier from the Western Rhode Island Home Repair Board.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Monique Desormier from the Western Rhode Island Home Repair Executive Board to become effective at the completion of the term to expire July 1, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action

1. Local Board of Appeals for Building Code

One expired 5 year term to expire June 2016

Councilor W. Steere stated that this is for the expired term of Gregory Laramie.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Codes for one 5 year term to expire June 2016; seconded by Councilor Burlingame.

Discussion: Councilor G. Steere expressed his opinion that Mr. Laramie should not be reappointed to the Local Board of Appeals because he was a contributor to the problems experienced with the Regional School Building Project. Councilor G. Steere recommended that the Council table this matter and seek other candidates. Councilor Burlingame agreed

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

2. Planning Board Recording Clerk (**con't from 05/19/2011**)

MOTION was made by Councilor Burlingame to TABLE the appointment to the position of Planning Board Recording Clerk; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

3. Conservation Commission

One 3-year term unexpired term to expire is 1/2013.

MOTION was made by Councilor Burlingame to APPOINT Peter Skeffington to the Conservation Commission for an unexpired 3-year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

4. Western Rhode Island Home Repair

Executive Board Position

MOTION was made by Councilor G. Steere to TABLE the appointment to the Western Rhode Island Home Repair, Executive Board for a 2 year term to expire 7/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

C. Community Resource Commission - Discussion and/or Action
Donation Request

Councilor W. Steere stated that the Community Resource Commission has been doing commendable work and has been soliciting donations. Councilor W. Steere stated that there must be clear rules regarding whose responsibility it will be to handle these funds.

X. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, thanked Gary Treml & Public Works for all their hard work at the Town Hall. The Clerk also thanked Bob Dauphinais for the work on the flower beds for Memorial Day and George Charrette for the planting at the Gloucester sign flower bed.

2. Gary Treml, Public Works Director, reported that his department is currently working on Vernon Drive road improvements.

G. Treml also stated that all homeowners on Lake Drive have signed waivers and work will begin on that road some time this summer.
3. Chief Joseph Delprete stated the Special Olympics Torch Run will begin at St. Eugene's tomorrow at 10:00 a.m.
4. Tom Mainville, Finance Director, stated the town has a vehicle replacement program and that we are currently behind on the replacement of vehicles. T. Mainville reiterated that he felt the truck auction was a good idea.
5. Anthony Parrillo, Recreation, stated the 4th of July Road Race had been rerouted and agreed to forward that information to the Clerk to post on web site.

Bds. & Commissions - Discussion

1. George Kain, Community Resource, questioned the energy audit progress. The Finance Director & Solicitor will work on the contract approvals.
2. Bruce Payton, Land Trust, stated that he has received correspondence regarding the need for a hoisting licence by members who work on Land Trust properties. B. Payton stated the Land Trust no longer mows a persons lawn. B. Payton stated the Land Trust has a liaison and Councilor Reichert stated he had brought up the issue of the hoisting license because a letter was sent to him. Discussion followed on whether this license was needed. B. Payton stated he will get an email stating the Land Trust is exempt.

B. Payton stated June 11th, 2011 is Get Outdoors Day and invited all to Steere Hill.
3. Henry Gold, Community Resource, stated he is working on gaining permission to place American flags on telephone poles along Route 44 for the summer. The Town Clerk will assist.
4. Edna Kent, Heritage Society, updated the Council on events and highlights during the Dorr Rebellion to be held on June 18th & June 19th.
5. Anne Ejnes, School Committee, informed all that Lorraine Bowen will be retiring at the end of this school year.

XI. Council Correspondence/Discussion

1. Councilor W. Steere commended Gary Treml and his crew for their work on Vernon Drive.
2. Councilor W. Steere noted some of our police officers received commendations from Scituate and felt the Town should issue commendations. W. Steere also noted there will be a swearing in for two new police officers at the next meeting.

3. There was a consensus to support the No. Smithfield School Committee with their request to the Rhode Island General Assembly to oppose 2011 - S 413 & H 5943 that mandates expired teacher contracts must continue at the existing terms and conditions.
4. A request for financial assistance with the costs of electrical work was received from the Gloucester Light Infantry. Consensus to add to next agenda for discussion and/or action.

XII. Open Forum

XIII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action

MOTION was made by Councilor G. Steere to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Collective Bargaining; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED/FAILED

XIV. Reconvene Open Session

MOTION was made by Councilor Burlingame to seal the minutes of Executive Session (no votes were taken in Executive Session); seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, and Reichert
NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:55 p.m., seconded by Councilor Reichert

VOTE: AYES: W. Steere, G. Steere, Burlingame, and Reichert
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 16, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **June 16, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Walter Steere, Jr., School Committee member; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Charlie Wilson.

IV. Open Forum for Agenda Items

None.

V. Public Safety - Police Department

A. Oath of Office - 2 Officers

Councilor W. Steere stated that we have two Gloucester Police Officers to be sworn in tonight; Timothy M. Heston and Jeremy J. Gaucher. Councilor W. Steere welcomed the families of the two officers as well as representatives from the Gloucester Police Department.

Jean Fecteau, Town Clerk, administered the oath of office to both new officers. Joseph DelPrete, Chief of Police, welcomed Officers Heston and Gaucher to the Police Department. On behalf of the Town Council, Councilor W. Steere offered congratulations to the new officers.

B. Service Commendation

Councilor W. Steere stated that the Chief of Police and the Council would like to present a Service Commendation to:

Sgt. Entwistle and Patrolman Jenison

Joseph DelPrete, Chief of Police, stated that it is not often that we have an opportunity to recognize people in Public Safety, especially the police and firefighters. Chief DelPrete stated that it gives him pleasure to recognize two officers, Sgt. Entwistle and Patrolman Jenison.

Chief DelPrete stated that these officers are being commended for capturing a dangerous burglary suspect who was attempting to escape the Gloucester area, for recovering the stolen

property and for securing a confession from a career criminal for three housebreaks in the Town of Gloucester. Chief DelPrete further stated that the quick action of the officers reflects the high standards and traditions of the Gloucester Police Department.

Councilor W. Steere stated that this is an example of the hard work that is put in by all of the officers of the Gloucester Police Department and thanked the officers for their service.

VI. Resolution - Discussion and/or Action
A. Retirement - Librarian Joan Hackett

Councilor G. Steere read the following Resolution for retiring Harmony Librarian Joan Hackett:

**Town of Gloucester
RESOLUTION # 2011-12
Joan Hackett**

WHEREAS; Joan Hackett, M.L.S., Director and Children's Librarian of Harmony Library, retires on June 30, 2011, after completing outstanding service to the Town of Gloucester since 1981; and

WHEREAS; Joan began her career at Harmony Library in 1981 serving on the Board of Trustees as an officer and as a volunteer in the library, her volunteer duties included the start of something very special in Joan's life: story time and children's services. Soon she would come to be known by all as "Miss Joan;" and

WHEREAS; Joan has always gone the extra mile to improve library services to the residents of Gloucester. It is not unusual to find her at the library on Sunday rearranging furniture and bookshelves to achieve a better use of space or painting a desk to spruce up the look of the library; and

WHEREAS; Joan has earned the admiration and respect of the library patrons and staff of the library for her dedication, enthusiasm, professionalism, sense of humor and hard work; and Joan has provided excellent leadership and service to the Harmony Library by serving as Director making a number of significant contributions to the library including the 1996 addition to the library and the development of a successful children's program; and

WHEREAS; Joan has always been ready to tackle new things, from automating her collection to securing private funds for the addition and maintenance of 15 public use computers; creating the Tot Lot playground to the rear of the library for parents and preschoolers to use after library programs and developing and implementing many programs designed to foster a love of reading in the young and old which is evidenced by the circulation of well over half of a million items during Joan's service; and

WHEREAS; Joan has been Awarded the Chepachet Grange Community Service Award recognizing her service to the community overall, a distinction well deserved; and

WHEREAS; The Gloucester Town Council and the Town Clerk join all our residents to thank Joan for her dedication and service, to congratulate Joan on the achievement of a successful career that truly enriched all our lives, and to wish Joan a retirement full of health, happiness, and as much enjoyment as “Miss Joan” has given to us.

Walter M.O. Steere, President - Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Seconded by Councilor Reichert.

Discussion: Councilor W. Steere stated that he will present this resolution to Miss Joan at a gathering at the Harmony Library on June 30th between 4:00 & 7:00 p.m.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

VII. Public Hearings

A. Gloucester Code of Ordinance - Discussion and/or Action

1. RLM II, LLC d.b.a. Village on Chopmist Hill (**cont'd from 3/17/2011**)
 - Assessor's Plat 14, Lot 91 & 92
 - Chapter 208 Mobile Home Parks
 - a. Expansion of allowable lots
 - b. 208 (3) f. Waiver re: construction time
 - c. 208 (4) b. Waiver of Lot size

Councilor W. Steere stated that this application was duly advertised and the public hearing was opened on March 17, 2011. After all were heard the hearing was continued to April 7, 2011, then to May 5th. At that time the hearing was again continued to this evening.

Councilor W. Steere read the following a letter received from the applicant:

To the members of the Town Council,

On behalf of Bob Laughlin and myself, I am writing this letter to the Town Council requesting the approval to withdraw without prejudice our pending application for expansion of the VILLAGE ON CHOPMIST HILL. This withdrawal is based on our response to the guidance put forward by the various members of the Planning Board. In order to accomplish our common goals and to achieve the planning process we have altered our approach to address the questions we ourselves have and those of the Board. I have had

a very good conversation with Ray Goff and we will continue to work with him over the next year. We hope at that time we will be able to revisit the matter.

Thank you for the Town's assistance in this matter.

Sincerely,

RLM II
Richard A. Meffert
(end of memo)

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to WITHDRAW without prejudice the application of RLM II, LLC d.b.a. Village on Chopmist Hill, Assessor's Plat 14, Lot 91 & 92, for the amendment to the Gloucester Code of Ordinance, Chapter 208 Mobile Home Parks for the a. Expansion of allowable lots; b.208 (3) f. Waiver re: construction time; c.208 (4) b. Waiver of Lot size; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Town Council Licensing Board - Discussion and/or Action

1. Expansion of Service Area of a Class B-V Victualer Beverage License:

RMZ, LLC d/b/a Shakerz

Location of Business: 2461 Putnam Pike

Councilor W. Steere stated that this application was duly advertised. Councilor W. Steere DECLARED the Public Hearing OPEN.

Councilor W. Steere explained that this applicant is applying to use the same outdoor space for service as was previously granted to the former owner. The Police Chief and the Fire Chief have signed off on the application.

Discussion: Joseph DelPrete, Chief of Police, stated that after discussion with the owner, it was decided to limit the outdoor service to 11:00 p.m. Chief DelPrete stated that if no complaints are filed, the applicant may reapply to extend the service until 12:00 a.m.

Councilor W. Steere asked if anyone wished to be heard regarding this application.

1. Russell Carpentier, of 10 Richardson Clearing Trail, stated that he is a direct abutter to the establishment. R. Carpentier stated that he is not opposed to the business expanding but asked that, if granted, there be a quick mechanism in place to shut it down if there is a noise problem. R. Carpentier stated that if it is well-controlled, he has no objection.
2. Dennis Waters, 25 Richardson Clearing Trail, congratulated the owner for opening a business in 2011, stating that this is not an easy task. D. Waters stated that he would like to see the business flourish and be an asset to the neighborhood, but expressed concern that the noise may become an issue. D. Waters stated that there already is noise coming from the establishment which can be heard from his house with the windows closed.
3. Mark Zalewski from Webster, Massachusetts, representing the owner of Shakerz, stated that the outdoor service area would not be used for entertainment, but for a smoking area for the customers. M. Zalewski stated that he does not anticipate any problems with regard to noise. Councilor W. Steere noted that the plan indicated that picnic tables would be placed and asked if food would be served outdoors. M. Zalewski replied in the affirmative.
4. Heather Busald, assistant manager of the establishment, stated that there have been no problems with regard to fighting or noise and there is always a staff member present at the door seven days a week until closing. H. Busald noted that Bob Zalewski, owner of the business, does not wish to disturb the neighbors.
5. Rose LaVoie, from Chepachet, stated that she has always been in favor of outdoor dining and hopes that the Council will allow this expansion of service.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere CLOSED the Public Hearing.

Councilor W. Steere asked what the process would be if a neighbor filed a complaint regarding the outdoor service area. Timothy Kane, Assistant Town Solicitor, explained that the Council sits as the Licensing Board and would schedule a show-cause hearing to address the matter with the owner of the establishment.

MOTION was made by Councilor Burlingame to GRANT the **Expansion of Service Area** of a Class B-V Victualer Beverage License: RMZ, LLC d/b/a Shakerz, Location of Business: 2461 Putnam Pike with the following stipulations:

- 1) The outdoor area shall be completely contained and have no less than two (2) exits with the appropriate mechanism to allow individuals to go through in the event of an emergency.
- 2) The combined indoor and outdoor capacity, at any one time, shall be no more than the legal capacity as sited for the interior of building, per fire code.
- 3) There shall be no sale or storage of any alcoholic beverages within the outdoor enclosure.
- 4) Service & consumption shall be permitted in outdoor area. No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage.

- 5) The licensee shall provide sufficient monitoring of the outside area and must submit to the licensing authority and the Chief of Police his plan indicating the supervision that will be provided for the entrance into the establishment to maintain the capacity and also supervise the outside area.
- 6) The granting of the outdoor service of alcohol is not transferable in the event that this business is sold or transferred to any other person and/or entity.
- 7) Live outdoor entertainment is prohibited in the patio area except for piped music.
- 8) Outdoor service will be limited to 11:00 p.m.

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VIII. Consent Items - Discussion and/or Action

- A. Town Council Minutes of May 19th, June 2, 2011
- B. Finance Director's Report - April & May 2011
- C. Tax Collector's Additions & Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of May 19th & June 2, 2011; to TABLE the Finance Director's report of April & May 2011; to state there are no Additions or Abatements to the 2010 Tax Roll for May, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Finance Department - Discussion and/or Action
Adoption of Fund Balance Policy (**con't from 6/2/2011**)

Councilor W. Steere stated that the Finance Director has submitted a policy to the Council for adoption, but due to the length of the policy it won't be read.

Discussion: Tom Mainville, Finance Director, explained that the Governmental Accounting Standards Board, which assesses accounting standards for certain entities, issues statements from time to time. T. Mainville stated that GASB wishes to restate how the Fund Balance is presented in our financial statements. T. Mainville noted that there are five (5) new categories of Fund Balance which have been created. T. Mainville explained each category. T. Mainville stated that

the proposed policy has been reviewed and accepted by the Governmental Accounting Standards Board in Connecticut as well as the GFOA in Chicago.

MOTION was made by Councilor Burlingame to ADOPT the Fund Balance Policy presented to the Town Council by the Finance Director, dated upon adoption 6/16/2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Appointments - Discussion and/or Action

1. Local Board of Appeals for Building Code (**con't from 6/2/2011**)

One 5-year term to expire June 2016

Councilor W. Steere stated this item was tabled last meeting and asked if anyone has expressed interest in this appointment. Councilor G. Steere replied that there have been no applicants and recommended that this item be tabled until the next meeting.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Local Board of Appeals for Building Codes for one 5 year term to expire June 2016; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

2. Planning Board Recording Clerk (con't from 4/21, 05/19 & 6/02/2011)

Discussion: Councilor W. Steere stated that the Planning Board Chair and the Planner have both recommended Karen Emond for this position.

MOTION was made by Councilor G. Steere to APPOINT Karen Emond to the Planning Board Recording Clerk position effective 5/2/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

3. Western Rhode Island Home Repair - Discussion and/or Action
Executive Board Position (**con't from 6/2/2011**)
One 2-year term to expire July 2012

Councilor W. Steere stated that no recommendations have been received from Western Rhode Island at this time. Councilor W. Steere noted that the Town Clerk has passed on the latest talent bank applicants to the Home Repair Manager.

MOTION was made by Councilor G. Steere to TABLE the appointment to Western Rhode Island Home Repair Executive Board for one 2-year term to expire July 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

X. New Business

- A. Safety Commission Recommendation - Discussion and/or Action
Absalona Hill Road - Speed Tables

Discussion: Gary Trembl, Director of Public Works, stated that Chief Pearson of the Harmony Fire Department has requested that the speed tables on Absalona Hill Road be removed. G. Trembl stated that the speed tables pose a problem for fire trucks traveling on the road. G. Trembl noted that the bumps also cause damage to snow plows.

Joseph DelPrete, Chief of Police, stated that if the speed tables are removed, he will receive complaints from residents of Absalona Hill Road who are concerned about speeding vehicles. Chief DelPrete stated that his Department will handle the complaints as they do with regard to other roads in Town.

Councilor W. Steere asked if the Safety Commission has recommended the removal of the speed tables. G. Trembl replied in the affirmative. Councilor Burlingame stated that he is not in favor of speed bumps in Town because they cause problems. Councilor G. Steere concurred.

MOTION was made by Councilor G. Steere to remove the speed tables on Absalona Hill Road; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

- B. Appointment - Public Works Department - Discussion and/or Action
1. Litter Crew Supervisor 2011 & Litter Crew 2011 Lottery

Councilor W. Steere read the following request from the Public Works Director:

June 16, 2011
To: Town Council
From: Gary Trembl
Public Works Director
Re: Appointment Litter Crew Supervisor

I am requesting that Marie Howard be appointed to the position of Litter Crew Supervisor. Marie worked on the litter crew 5 summers ago and has been the supervisor for the last 4 summers.

She has done a great job working with the crew cleaning up the sides of roads throughout town. Marie will be working 16 hours per week at a rate of \$11.00/hour starting June 27, 2011. The program will run from 6/27/11 - 8/5/11.

Gary
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT Marie Howard to the position of Litter Crew Supervisor for the 2011 season at the hourly rate of \$11; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

Councilor W. Steere stated that there is also to be a lottery for the crew members. There are four applicants, the first two chosen will be hired and the other two applicants will be listed as alternates.

MOTION was made by Councilor G. Steere to APPOINT Anthony Placido & Lauren Caduto to the 2011 Litter Crew at the hourly rate of \$8; and Adam Fague & Dylan Longwill to the Litter Crew as Alternates, in that order, at the hourly rate of \$8; seconded by Councilor Reichert

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

- C. Request for Appointment - Human Services Department
1. Temp. Part-time Transportation Driver - Discussion and/or Action

Councilor W. Steere read the following request from the Human Services Director:

Walter M.O. Steere III, President
June 2, 2011

Dear Mr. Steere and Council Members,

After careful consideration, I am requesting your approval for (1) one temporary, part-time transportation driver for the Department of Human Services. Consideration is requested to be given to the applicant Nancy Blessing. Nancy submitted her application and has had her medical report completed and is waiting for your approval. Approval for this applicant would be supportive to the department and graciously appreciated. In addition, the approval for this position on or before June 16, 2011 would be greatly respected. Thank you for your time and consideration.

Sincerely,
Judith A. Branch
Director of Human Services

(end of memo)

Discussion: Judith Branch was present to answer questions, if necessary. Mark Rechter asked if this position has been posted to the public. J. Branch replied that it was advertised in the newspaper. M. Rechter asked how a job could be advertised before it has been approved by the Council.

T. Mainville, Finance Director, explained that this is not an additional position, but would be to fill in for the regular driver when he is not available. T. Mainville noted that the position will not incur any additional expense. M. Rechter again asked how can a position be posted if it does not yet exist. M. Rechter stated that if there is a pool of fill-in drivers, he would like the opportunity to be included. Mr. Rechter was advised to submit an application.

MOTION was made by Councilor G. Steere to APPOINT Nancy Blessing to the position of Temporary Part-Time Transportation Driver; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

D. Gloucester Senior Center

Amendment to Use of Building Regulations - Discussion and/or Action

Councilor Burlingame explained that there are some minor amendments to the first paragraph being proposed. Councilor Burlingame stated that the idea is to allow for exceptions to the use, with Council approval, but to also require a “sponsor,” (a person from either the Board of Directors or Council, that is willing to monitor, open and close building, etc.)

Councilor Burlingame stated that the point is NOT to incur the cost of compensating someone to come in after hours. Councilor Burlingame gave examples such as Fran Ballou sponsoring the Korean War Veterans and the former Building Official sponsoring the Gloucester Lions and taking responsibility for securing the building after the event. Councilor Burlingame further stated that some meetings, for groups of 25 to 30 , can be held in the Town Hall if the calendar permits.

Councilor W. Steere asked what is the role of the Board of Directors. Councilor Burlingame replied that the Board is responsible for the day-to-day operations, and the serving of meals.

Discussion: Rose LaVoie stated that she spoke to some members of the Board of Directors who were unsure of what was going on regarding the use of the Senior Center. R. LaVoie stated that the policy should be presented to them so they are aware of what they can and cannot do. Councilor Burlingame stated that it was made very clear at the last meeting.

Kathy Rechter, member of the Senior Center Board of Directors, stated that the Board was working on a building use policy when they were informed that the Center could not be used after hours. K. Rechter stated that 20 hours of the janitor’s salary are paid by the Senior Center, but the Board has no say as to when he works those hours.

Councilor Burlingame stated that the Public Works janitor’s responsibility is to keep the Senior Center clean, but not necessarily during the evening to lock the building after any scheduled activities. Discussion followed regarding the building now being used five nights a week putting a strain on the septic system. Councilor Burlingame stated that it was good intentions on the part of the Board to allow the groups to use the facility, but it was never meant to be a community center.

Kathy Rechter stated that the Town is looking for revenue and suggested charging a rental fee for the use of the building. K. Rechter pointed out that limiting the hours to 8:00 to 4:00 rules out many groups, such as the Girl Scouts and Boy Scouts. K. Rechter expressed hope that there could be exceptions to this policy.

MOTION was made by Councilor Burlingame to AMEND the Gloucester Senior Center, Use of Building Regulations to add the allowance of exceptions with approval by the Town Clerk upon request of a sponsor, (a member from the Senior Center Board of Directors or the Council liaison to the Senior Center) to eliminate the cost of oversight when these events are allowed; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

E. Request for Financial Assistance - Discussion and/or Action

1. Gloucester Light Infantry

a. Electrical work

Councilor W. Steere stated that the Light Infantry has requested financial support with electrical work done to their facility.

Discussion: Councilor W. Steere stated that the bill for the electrical work is in the amount of \$800.00. Tom Sanzi of the Gloucester Light Infantry was present at the meeting. Councilor Burlingame stated that, to his recollection, the Town gives \$1,000.00 per year to the Gloucester Light Infantry for their Memorial Day Parade and incidental expenses.

T. Sanzi stated that the parade this year required 6 buses for participants and cost close to \$1,200.00. T. Sanzi stated that the Light Infantry keeps a tight budget and the electrical repairs were unexpected. Councilor Burlingame recommended giving the Light Infantry \$200.00 toward the parade and \$800.00 for the electrical work.

MOTION was made by Councilor Burlingame to take the amount of \$1,000.00 from the Contingency Fund for the Gloucester Light Infantry to cover excess parade costs and the cost of electrical work; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

b. Memorial Day Parade

Councilor Walter Steere stated that this was addressed with the previous matter. Councilor Burlingame stated that in the future, the Council should make sure to appropriate enough funds for the Gloucester Light Infantry's Memorial Day Parade.

2. Heritage Society

a. Fees pertaining to renovations at Dr. Reuben Mason House

Councilor W. Steere stated that the Council has received a request from Edna Kent of the Heritage Society.

Discussion:

Edna Kent, Town Historian, explained that when work is done on the Dr. Reuben Mason House, the contractors pay the permit fees and pass the cost on to the Heritage Society. E. Kent noted that the Heritage Society is a non-profit organization attempting to create a museum for the Town. E. Kent further stated that they have not asked for money from the Town for the past two years.

E. Kent asked for relief from the assessment of permit fees. In addition, the Heritage Society is also asking for \$1,000.00 toward the ongoing renovations. Councilor W. Steere asked Mrs. Kent if she knows approximately how much has been spent on permit fees. E. Kent replied that she does not, adding that they are now getting into major renovations such as electrical and plumbing.

Councilor W. Steere stated that certain fees are waived for the Gloucester Land Trust due to their non-profit status. There was Council consensus to do the same for the Heritage Society. Mark Rechter suggested that the Heritage Society be reimbursed for fees that have already been paid.

Councilor Burlingame pointed out that the contractors have paid the fees and have been reimbursed by the Heritage Society. Councilor W. Steere stated that the fees could be reimbursed in lieu of the \$1,000.00 request by the Heritage Society. Councilor Reichert pointed out that any Fire Department fees cannot be waived because the Fire Departments are separate from the Town.

MOTION was made by Councilor Reichert to waive any Town fees regarding the Gloucester Heritage Society; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

F. Interlocal Risk Management Trust - Discussion and/or Action
Amendments to "Agreement for Joint Negotiations & Purchase of Health Coverage"

Councilor W. Steere stated that the Council has received correspondence from the Interlocal Trust regarding amendments to a contract between the Trust and the Town of Gloucester.

Discussion: Tom Mainville, Finance Director, stated that there is no need to sign anything, adding that the board for the health pool is just looking for comments from the Town Council after they have reviewed the agreement.

- G. Authorization of Contract - Discussion and/or Action
 - 1. Between RI Resource Recovery Contract & the Town of Gloucester

Councilor W. Steere stated that the Public Works Director has received the renewal of the Resource Recovery Contract which needs to be signed by Council.

Discussion: Gary Treml, Director of Public Works, stated that this is a basic contract which requires 35% recycling. G. Treml noted that we are now at approximately 26%.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the renewal Contract between the Town of Gloucester and the RI Resource Recovery for the period July 1, 2011 to June 30th, 2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

- XI. Boards/Commissions
 - A. Resignation - Discussion and/or Action
 - 1. Board of Canvassers

One 6-year unexpired term to expire 3/2014

Councilor W. Steere stated that the Town Clerk, Clerk to the Board of Canvassers, has received the resignation of Barbara Kelly from the Board of Canvassers effective June 30, 2011. The Resignation is on file in the Clerk's Office.

Councilor W. Steere noted that Barbara Kelly has served on the Board of Canvassers for 17 years, and has seen the Town of Gloucester through 9 election cycles and 17 years of Financial and Regional meetings.

Discussion: None.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Barbara Kelly from the Board of Canvassers effective June 30, 2011; seconded by Councilor Burlingame.

Discussion: Councilor W. Steere expressed thanks to B. Kelly for her years of service.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

2. Recreation Commission
One 2-year unexpired term to expire 1/2013

Councilor W. Steere stated that the Council received the resignation of Joseph Branch from the Recreation Commission on April 25, 2011, but the resignation was never officially accepted.

MOTION was made by Councilor G. Steere to ACCEPT the Resignation of Joseph Branch from the Recreation Commission effective April 25, 2011; seconded by Councilor Reichert.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

- B. Appointment - Discussion and/or Action
 1. Conservation Commission - Amend Board appointment
 - a. One 3-year term unexpired term to expire is 1/2013.
 - b. One 1- year term (Alternate) unexpired term to expire 2/2012

Councilor W. Steere explained that at the last Council meeting a new member was appointed to the Conservation Commission. Councilor W. Steere stated that there is now a question as to whether that appointment should have been to the alternate position, moving the current alternate member to a regular position.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, for his opinion. Tim Kane replied that it is up to the Council to appoint whomever they wish to whatever position they choose. Jean Fecteau, Town Clerk, noted that historically, the only boards on which the alternates move up automatically are Planning and Zoning because the alternates have sat in on previous meetings.

J. Fecteau added that with the other boards and commissions, the alternates do not always want the full-time commitment. There was Council consensus to leave the Conservation Commission appointment as made on June 2, 2011.

2. Board of Canvassers
One 6-year term to expire 3/2014

Councilor W. Steere stated that the Town Clerk is recommending Joel Wrona for the Board of Canvassers position, adding that Joel has worked elections in the past and is very interested in filling this position. Councilor W. Steere noted that there are no other names in the talent bank for this position and that per the Home Rule Charter, this position is appointed by the Town Council.

Discussion: None.

MOTION was made by Councilor Burlingame to APPOINT Joel Wrona to the Gloucester Board of Canvassers, effective July 1, 2011 for the unexpired six year term to expire 3/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

3. Recreation Commission
One 2-year term to expire 1/2013

MOTION was made by Councilor G. Steere to TABLE the appointment to the Recreation Commission for a 2 year unexpired term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

XII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has been working with Henry Gold to obtain approval to place flags on the telephone poles in the village.

J. Fecteau stated that she has been in contact with the Town's insurance provider with regards to starting a Farmers' Market.

J. Fecteau reported that her office is currently working on 2 State-mandated projects with regard to the Board of Elections; the NCOA (National Change of Address) program and redistricting.

- B. Councilor W. Steere addressed Joseph DelPrete, Chief of Police, stating that the swearing in of the new officers as well as the commendation ceremony was a very proud moment for Gloucester.
- C. Gary Treml, Director of Public Works, reported that the auction in New Hampshire was successful as the Town was able to purchase a new truck for his department.

G. Treml gave an update regarding ongoing and future road projects.

- D. Judith Branch, Director of Human Services, was asked by Councilor G. Steere if she has been able to get set up for purchasing food by the pound from the Rhode Island Food Bank. J. Branch replied in the negative, stating that she found out that there was much more involved than she had thought. Councilor W. Steere stated that his company has a program whereby donations are made to community organizations and asked J. Branch to get a request to him which he will forward to the company.

Bds. & Commissions - Discussion

- A. Henry Gold, member of the Gloucester Land Trust and the Community Resource Commission, spoke regarding the planting of a pumpkin patch. H. Gold also mentioned the flags which will be placed on the telephone poles, adding that donations have been made toward this project. Councilor W. Steere commended the Resource Commission for their recent efforts.
- B. Councilor Burlingame stated that he attended the School Committee meeting at which a second assistant principal was appointed. Councilor Burlingame expressed his disappointment that there was no objection on the part of the School Committee and stated that this was an opportunity for the School Department to save money. Councilor Burlingame stated that he does not understand why the bureaucratic costs keep increasing at the School Department. Walter Steere, Jr., School Committee member responded but was inaudible on the tape.

XIII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter was received from the US Department of Commerce thanking us for our efforts with regard to the 2010 Census. Councilor W. Steere noted that there is a website, <http://factfinder2.census.gov>, where a profile of general population and housing characteristics can be found.
- B. Councilor W. Steere read an update from Stephen Ricci of the Department of Transportation with regard to the replacement of the sidewalks in the Village.
- C. Councilor W. Steere stated that correspondence was received from Rhode Island Housing regarding Low and Moderate Income Housing.

XIV. Open Forum

- A. Rose LaVoie (inaudible)
- B. Tom Sanzi thanked the Council for their financial assistance with regard to the Gloucester Light Infantry. T. Sanzi noted that the Dorr Rebellion Re-enactment is scheduled for June 18th and 19th.

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:52 p.m.; seconded by Councilor Burlingame.

Jean M. Fecteau, Town Clerk

Approved at the July 7, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **July 7, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Carl Riccio, Building/Zoning Official and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor G. Steere.

IV. Open Forum for Agenda Items

None.

V. Consent Items - Discussion and/or Action

A. Town Council Minutes of June 16, 2011

B. Finance Director's Report - April & May 2011

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of June 16, 2011 and to TABLE the Finance Director's Report of April & May 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Local Board of Appeals for Building Code (**con't from 6/2/2011**)

One 5-year term to expire June 2016

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Code for a 5 year term to expire June 2016; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

2. Western Rhode Island Home Repair - Discussion and/or Action
Executive Board Position (**con't from 6/2/2011**)
One 2-year term to expire July 2012

Councilor W. Steere read the following request from the Home Repair Manager:

After speaking with Lori Michailides of 884 Reynolds Rd. Chepachet, I am recommending that the Town of Glocester Town Council appoint her as an Executive Board Member for the Western RI Home Repair Program. I have spoken with her and she has expressed extreme interest in participating with the Western RI Home Repair Program.

Thank you
Elinor C Tetreault

(end of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Lori Michailides to the Western R.I. Home Repair Executive Board for the two year term to expire July 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

3. Recreation Commission
One 2-year term to expire 1/2013

Councilor W. Steere stated that the Clerk has asked the Recreation Director for a recommendation, but has not received a response.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Recreation Commission for one 2-year term to expire 1/2013; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VII. New Business

A. Public Safety

1. Appointment R.I. Municipal Police Academy

Councilor W. Steere read the following request from the Chief of Police:

To: Honorable Town Council
From: Chief Joseph DelPrete
Date: July 1st, 2011
Subject: Police Officer Appointment

Dear Council Members,

I would respectfully request to make the following appointment to the Rhode Island Municipal Police Academy.

Appoint Donald J. Sousa III, of Pawtucket to the Rhode Island Municipal Police Academy commencing on July 25th, 2011. After successful completion of the municipal police academy on December 14th, 2011 he will be granted a one year probationary police officer position with the Gloucester Police Department with a salary of \$43,787.35. His training academy salary will be \$500.00 per week until December 14th, 2011.

Respectfully Submitted,
Joseph DelPrete
Chief of Police

(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT Donald J. Sousa III to the Rhode Island Municipal Police Academy commencing on July 25, 2011 at a weekly rate of \$500 until December 14, 2011; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

B. Recognition of the Achievement of Accounting Performance Award

Councilor W. Steere read the following correspondence into the record:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended June 30, 2010 qualifies for a Certificate of Achievement for Excellence in Financial Reporting.

The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Thomas P. Mainville, CPA, Director of Finance under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association
Stephen J. Gauthier, Director
Technical Services Center

(end of memo)

Councilor W. Steere congratulated Tom Mainville on this accomplishment followed by a round of applause from the audience. T. Mainville noted that this is a team award and gave recognition to his staff. Councilor W. Steere commented that it is a reflection on all Town employees.

- C. Western Rhode Island Home Repair Program
 - 1. Completion Certificate June 2011- Grant #09 12 23

Councilor W. Steere read the following request from the Program Manager of Western Home Repair:

Jean,

Please ask Council to authorize the signing of the Small Cities Community Development Block Grant Completion certification for grant #09/12/23. This is a standard certification filed at the end of a grant cycle. It will then be forward to the State. Thank you

Elinor C. Tetreault
Program Manager
The Western RI Home Repair Program

(End of request)

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the Completion Certificate June 2011 - for Grant #09 12 23; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

D. Appointment

1. Bldg./Zoning Office - Clerical position

Thomas Mainville, Finance Director, stated that 27 or 28 applications have been received and reviewed by the Building Official and the Town Planner. T. Mainville stated that the field will be narrowed down and interviews will be conducted prior to the next Town Council meeting. Councilor G. Steere noted that correspondence was received today from Carl Riccio, Building/Zoning Official, but added that he does not feel that the Council is ready to appoint at this time. There was Council consensus to continue this matter until the meeting of July 21st.

MOTION was made by Councilor G. Steere to TABLE the appointment of the Building/Zoning Office clerical position; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions

A. Appointment - Discussion and/or Action

1. Gloucester Housing Authority
One 5-year expired term to expire July 2016

Councilor W. Steere noted that this is the expired 5 year term of David Palmisciano. Councilor W. Steere stated that the Clerk's Office has spoken to Ruth Cole, Housing Authority, and she has stated David is still interested.

MOTION was made by Councilor G. Steere to APPOINT David Palmisciano to the Gloucester Housing Authority for a five year term to expire July 2016; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion
Bds. & Commissions - Discussion

- A. Jean Fecteau, Town Clerk, stated that the law pertaining to Civil Unions has been passed and her office is ready to issue licenses.

J. Fecteau stated that the first Farmer's Market will be held on July 23rd from 9:00 a.m. to 12:00 p.m. behind the Town Hall. J. Fecteau stated that an advertisement will appear in the Bargain Buyer with details. Councilor W. Steere thanked J. Fecteau for her work in bringing this idea forward.

- B. Joseph DelPrete, Chief of Police, stated that he had requested the appointment of Paul Desnoyers to a full-time dispatcher position. Chief DelPrete stated that the matter was tabled and Paul Desnoyers has been part-time ever since and again requested that the position be increased to full-time. Councilor G. Steere suggested that since the new fiscal year has begun, the Council could give a consensus to increase the position to full-time. The Council members concurred and a formal motion will be presented at the next council meeting.

Chief DelPrete stated that the 4th of July Road Race was a success as well as the Parade, adding that there were no incidents. Councilor W. Steere commended the Police Department for their efforts.

- C. Carl Riccio, Building/Zoning Official, expressed hope that a clerk will be appointed at the next meeting, adding that his office needs help as soon as possible.

- D. George Kain, member of the Community Resource Commission, stated that the RISE energy audit must be signed by July 12th in order for the Town to realize the energy savings. It was stated that this has already been approved by the Council, but the revised audit will result in an additional 10% savings.

- E. Pete Skeffington, Community Resource Commission member, stated that the Commission is working on several projects, but their first true accomplishment was the energy savings plan for the Transfer Station, Police Station and Town Hall, completed by George Kain and Matt Salisbury. P. Skeffington stated that these gentlemen are owed a debt of gratitude from every taxpayer in the Town of Gloucester.

P. Skeffington stated that he would also like to thank the members of the Commission and Councilor Buster Steere for their efforts in placing flags on the telephone poles along the parade route. P. Skeffington stated that a motion was passed unanimously at the last Resource Commission meeting that any donations to the "Flag Fund" will be funneled into a special account to be drawn upon for that purpose only.

P. Skeffington thanked all those involved in the planting of the pumpkin patch. P. Skeffington also noted that raised bed gardens have been constructed at the Senior Center and filled with tomato and pepper plants.

P. Skeffington expressed his frustration regarding his attempts to establish hydro-electric power in Gloucester. P. Skeffington stated that he was told by DEM's Information Director that we should have an ecological engineering assessment conducted. P. Skeffington responded that the Resource Commission does not have the funding to pay for engineers or scientists. P. Skeffington stated that he complained to several legislators who advised him to appeal directly to DEM Director Janet Coit. P. Skeffington noted that he has tried to make contact with the director, to no avail.

- F. Russell Gross, member of the Gloucester Land Trust, stated that he and Mark Karmozyn, also a member of the Land Trust, are looking out for the welfare of the taxpayers. Councilor G. Steere stated that he has attempted to get the special Land Trust meeting changed from Monday night to avoid a scheduling conflict with the Planning Board.

Councilor Burlingame stated that there are communication problems within the Land Trust. Councilor Burlingame stated that he has been told that the Hawkins Dam has been cited by DEM because it is classified as a high risk dam which jeopardizes the properties down stream. Councilor Burlingame stated that the Land Trust is separate from the Town, but pointed out that it was the Town Council who authorized the half-million dollar referendum to purchase the property. R. Gross stated that at first he was told that there would be a \$10,000 fine, but now he is told that a fine is not definite and is only in the fee schedule as what could be assessed.

- G. Walter Steere, Jr., School Committee member, stated that the Town of Foster lost their lawsuit regarding the funds that were withheld from the Region, but they have filed an appeal. W. Steere, Jr. stated that the School Committee was willing to allow Foster to pay back the money over a couple of years, but Foster has added a stipulation which the School Committee will not support.

X. Council Correspondence/Discussion

- A. Councilor W. Steere expressed thanks to all involved in the parade, stating that the event defines Gloucester and puts us on the map.
- B. Councilor W. Steere noted that construction has begun this week on the Chepachet River Bridge, which will cause additional traffic issues. Councilor W. Steere stated that the Town was unaware that DOT is authorized to close one lane on the bridge between the hours of 9:00 AM and 3:00 PM.

Councilor W. Steere read the following correspondence from Stephen A. Ricci, II of the Department of Transportation:

Walter M. O. Steere, III
Town Council President
Gloucester Town Hall
1145 Putnam Pike/ PO Box B
Gloucester, RI 02814

Subject: R.I. Contract #2011-CB-021
F.A.P. #BHO-1000(004)
Sidewalk Repairs Chepachet Bridge No. 100
Glocester

Dear Council President Steere:

Please be advised that work on the above mentioned project will begin on July 5, 2011 by Cardi Corp. and the estimated completion date is December 14, 2011.

The project consists of the replacement of the existing bridge sidewalk and railing system on both sides of the bridge. A cantilevered reinforced concrete sidewalk with an integral continuous reinforced concrete moment slab counterweight in the roadway fill above the arch will be constructed along with a steel four-bar ornamental railing. Other work will include rebuilding the top portion of the stone masonry spandrel walls and retaining walls, the removal of trees, the removal and replacement of bituminous pavement and concrete base, modifications to an existing drainage manhole, temporary traffic control using concrete barrier to protect the work space, and restoring pavement markings.

The field office for this project is located at 1184B Putnam Pike, Chepachet, RI 02814. The office phone number is (401) 371-2680 and my work cell phone number is (401)641-5763. The contact person for the contractor Cardi Corp. is John Colapietro at (401)275-2575.

If you have any questions or concerns, please do not hesitate to contact me by phone or by e-mail at sricci@dot.ri.gov.

Very Truly Yours,
Stephen A. Ricci, II, Resident Engineer

(End of letter)

- C. Councilor W. Steere stated that correspondence was received from George Kain of the Community Resource Commission concerning energy improvements at the Town Hall and Town Garage which will result in a savings of 10%. Councilor W. Steere thanked the members of the Commission for their efforts.
- D. Councilor W. Steere stated that a letter was sent to the resident of Jackson Schoolhouse Road regarding his request for guardrails on the bridge. Councilor W. Steere noted that the Safety Commission recommendation is to place additional signage on the road to slow down drivers as the installation of guardrails would dangerously narrow the bridge.
- E. Councilor W. Steere read the following update from the Department of Transportation regarding the work on the Chestnut Hill Road Bridge as of June 17, 2011:

Work completed week ending Friday, June 17, 2011 is as follows:

1. Double and Single Notch Piers Construction Completed.
2. Scour Pad Construction Complete.

Work started and ongoing week ending Friday, June 17, 2011 is as follows:

1. Begin Form Work for the Southeast and Southwest Retaining Wall Stems.
2. Begin Form Work for the Northeast and Northwest Wingwall Stems.

Work planned for next week ending June 25, 2011 is as follows:

1. Complete concrete placement for the Scour Pad.
2. Complete placement of the Downstream Rip-Rap.
3. Begin outfitting the Spillway Structure.
4. Complete construction of Southeast and Southwest Retaining Wall Stems.
5. Complete construction of Northeast and Northwest Wingwall Stems.
6. Begin excavation and formwork for abutments.

Rework required by and at Contractor's expense.

1. None at this time.

Job site photo(s) are attached for your review and use.

(End of update)

- F. Councilor W. Steere stated that he sent an e-mail to Stephen Ricci with regard to the traffic delays caused by the work on the Chepachet River Bridge. Councilor W. Steere read the following response:

Council President Steere:

I am well aware of the traffic impact caused by the Chepachet Bridge #100 project. I assure you I am doing everything possible to keep traffic delays to a minimum. However, the contractor has the contractual right to take one lane of traffic between the hours of 9:00 AM and 3:00 PM Monday through Friday per our approved Traffic Management Plan.

Currently we are working on the east side of the bridge. We will complete this side in full then open it to traffic (pedestrian and vehicular), at that point the process will repeat for the west side of the bridge. Please feel free to contact me with any questions or concerns regarding the Chepachet River Bridge project.

Regards,
Stephen Ricci II, Civil Engineer

(End of memo)

Councilor Burlingame took exception to the response, stating that it is a typical answer which we cannot live with.

Councilor W. Steere read his letter to which S. Ricci responded:

Mr. Ricci:

My name is Walter Steere, President of the Gloucester Town Council. I was hoping that we could receive a schedule of the work being performed on the Chepachet Rt. 44 Bridge. Hopefully the lane closures that have been occurring the last two days are temporary due to it being the start of the project.

They are causing huge inconveniences to our residents and business people alike as well as safety issues at it is difficult for responders to reach the Chepachet Fire Station to be able to respond to emergency calls. In all of our conversations with DOT we were quite clear that it will be unacceptable to have lane closures as the work progresses because of the volume of traffic that has to go through the village, especially with the lack of a detour because of the Chestnut Hill Bridge construction.

Our town employees are receiving several phone calls with people very frustrated by the situation. And to be quite frank, I am one of them as I am not only inconvenienced by the Chestnut Hill Bridge closure, now I am forced to sit through delays in the village on Rt. 44. I am available to be reached at this e-mail address and my cell phone at 401-523-9950. I am looking forward to discussing this subject with you.

Sincerely,
Walt Steere
(End of letter)

- G. Councilor W. Steere stated that correspondence was received from HHFRI (Hardest Hit Fund - Rhode Island).
- H. Councilor W. Steere stated that a Resolution was received from the West Warwick School Committee with regard to layoff notices.
- I. Jean Fecteau, Town Clerk, congratulated Aaron Dupuis, Senate Page, stating that he is now a registered voter.
- J. Councilor W. Steere read the following correspondence into the record:

July 5, 2011
Town Council
Council Chambers
Gloucester RI

RE: 33 Money Hill Road
AP 10A Lot 30 a/k/a Johnson's Farm

Honorable Members of the Council:

Some of the members of this Honorable Council have been made aware of the destruction of land, trees, topsoil, and habitat at the above lot. This destruction has changed the underlying aquifer causing damage to abutting and nearby properties. The Town Planner last fall advised the undersigned that the owners of the above lot did not need any permits and could do anything they wanted unless they were putting up permanent structures.

DEM was advised of the destruction of wetlands and fined Mike Baird (the party who did the actual damage) and the owner (Debbi Johnson) for disrupting existing wetlands.

When advised of the destruction, the Town issued a cease and desist order but to date no remediation has been done by any party. The undersigned abutting landowners have suffered and will continue to suffer damage to their well water which has caused and will continue to cause large monetary expenditures in an attempt to restore potable water to their home.

Accordingly, the undersigned request this Honorable Council to cause the remediation or order the proper parties to remediate the damage to the above lot and make the abutters damaged by said actions whole, return the water to its prior pristine state and compensate the undersigned for all sums required by them to be expended to make their well water safe. Legal counsel is being sought.

Very truly yours,
Craig A. Benison - owner AP 10A Lot 34
Craig Place - owner AP 10A Lot 35

(End of memo)

XI. Open Forum

- A. Aaron Dupuis, of Durfee Hill Road, asked who controls the traffic light in the village, the Police or DOT. A. Dupuis commented that the light was set on flashing the Friday before the 4th of July holiday, causing a traffic backup. Joseph DelPrete, Chief of Police, replied that due to the bridge project, the traffic light has been set on flash, adding that this has been an ongoing challenge.
- B. Lorraine O'Connors commended the Resource Commission with regard to the flags on the poles, stating that they add a nice touch of patriotism to our community.

L. O'Connors also expressed appreciation to the Highway Department for resurfacing Lake Harmony Drive. L. O'Connors stated that she is aware of the new process by which roads are prioritized for improvement, but asked if the welfare of elderly citizens is considered. L. O'Connors stated that she has elderly neighbors who are in their 80's and in reasonably good health, but driving on Tucker Street causes them physical pain due to

the condition of the road. L. O'Connors stated that she would like to see this as one of the criteria which determines which roads get repaired. Councilor G. Steere stated that he will speak to Gary Treml, Director of Public Works, when he returns from vacation.

- C. Charlie Wilson, owner of the Town Trader, stated that businesses are being adversely affected by the bridge work in the village and requested that the Public Works Department install a temporary sign indicating that parking is available at the mini-park.
- D. Russell Gross, of the Land Trust, referred to Chapter 350-53 of the Gloucester Code of Ordinance, which states that any proposed wetlands impacts are required to be authorized by the Gloucester Town Council. R. Gross stated that this pertains to the Johnson Farm property on Money Hill Road. Timothy Kane, Assistant Town Solicitor, stated that on a formal wetlands application to DEM, the Town Council has veto authority.
- E. Craig Place, abutting property owner to Johnson's Farm, stated that the water from his dug well has an sewer-like odor to it. Craig Berntson, another neighbor, stated that when he bought his property twenty years ago, he had his well tested and again in 2004 with no problems, other than slight acidity. C. Berntson stated that this past spring he began to notice an odor and had the water tested. It was determined that his filter system will have to be upgraded at a cost of several hundred dollars.

Mr. Berntson showed Council a jar of water that appeared rusty. Mr. Place showed his pool thermometer which has changed color due to the water. C. Berntson stated that he was also advised to install an additional filter to deal with the iron in the water, at a cost of \$1,700.00 plus installation. C. Berntson stated that pending the results of further testing, he may need a new well. Craig Place stated that he believes this is caused by stumps which have been buried on the Johnson's property.

Councilor W. Steere asked Tim Kane what recourse does the Town have in this case. T. Kane replied that the Town Council could schedule an open session to issue a restoration order and a closed session to address potential litigation. Councilor Reichert asked if the Town could place a lien on the property. T. Kane replied that a court order would be required. T. Kane stated that the cease and desist order should be recorded in Land Evidence. T. Kane also stated that a restoration order should be issued by the Building/Zoning Official. There was Council consensus to place this matter on the agenda for the Town Council meeting of July 21, 2011.

- F. Walter Steere, Jr. spoke about the bridge project, stating that we should have been told by DOT that there would be lane closures. W. Steere stated that this construction is a major inconvenience and could result in the businesses in town suffering.

W. Steere, Jr. also mentioned that Binding Arbitration legislation has been stopped so far, but he is afraid that it will come back in the Fall.

- G. Councilor G. Steere spoke regarding a bill introduced by Rep. Chippendale concerning debt service. Councilor G. Steere suggested that we keep pressure on Sen. Fogarty and Rep. Keable to get this bill passed.

XII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action
1. Town of Gloucester Clerks #1322
 2. Police Dispatchers #1322

MOTION was made by Councilor G. Steere to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 - Collective Bargaining, 1. Town of Gloucester Clerks & 2. Police Dispatchers; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

XIII. Reconvene Open Session

MOTION was made by Councilor Burlingame to Seal the Minutes of Executive Session (no votes were taken); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:50 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 4, 2011 Town Council Meeting.

At a Town Council meeting holden in and
for the Town of Gloucester on **July 21, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Carl Riccio, Building/Zoning Official; Gary Treml, Director of Public Works; and Joseph DelPrete, Chief of Police

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Open Forum for Agenda Items

None.

V. Consent Items - Discussion and/or Action

A. Town Council Minutes of July 7, 2011

B. Finance Director's Report - April, May, & June 2011

C. Tax Collectors Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the Town Council minutes of July 7, 2011; to ACCEPT the Finance Director's report for April & May, 2011, to TABLE the Finance Director's report for June, 2011; and to state for the record there are no Additions or Abatements to the 2010 Tax Roll for the month ending June 30, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Local Board of Appeals for Building Code (**con't from 6/2/2011**)

One 5-year term to expire June 2016

MOTION was made by Councilor G. Steere to APPOINT Kevin LaVoie to the Local Board of Appeals for Building Code for one 5-year term to expire June 2016; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Recreation Commission

One 2-year term to expire 1/2013

Jean Fecteau, Town Clerk, stated that there are no candidates at this time and asked if the Council wishes to advertise for volunteers to serve on the Town's Boards and Commissions.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Recreation Commission for a 2 year term to expire 1/2013, and to advertise for volunteers to serve on Boards and Commissions; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Appointment

1. Bldg./Zoning Office - Clerical position

Councilor W. Steere asked Councilor Hainsworth, liaison for the Building/Zoning Office, for an update on this matter.

Discussion:

Councilor Hainsworth stated that he met with Councilor Burlingame, Tom Mainville, Finance Director, and Carl Riccio, Building/Zoning Official to review 28 applications which were narrowed down to four (4) candidates. T. Mainville stated that C. Riccio has made a recommendation, adding that he agrees with the recommendation. T. Mainville noted that none of the candidates have experience in a Building and Zoning Office, but several have governmental experience.

Councilor W. Steere asked if the candidates are Gloucester residents. T. Mainville replied that one of the four resides in Gloucester. T. Mainville noted that the recommended candidate is a non-resident. Councilor W. Steere asked if there is a pool of applicants from Gloucester. T. Mainville replied that he has received 103 applications for the clerical position in the Treasurer's Office, 42 of which are Gloucester residents.

Councilor Hainsworth stated that if there is a qualified candidate from Gloucester, he would support that appointment. Councilor G. Steere stated that one of the four candidates is from Gloucester and is qualified for the position. Councilor G. Steere concurred with Councilor Hainsworth that the position should be given to a Gloucester resident. Tom Mainville noted that

the candidate recommended by C. Riccio possesses the closest qualifications to the job description. T. Mainville stated that if the Council wishes to hire somebody from Town, they should look at the other group of applications.

Councilor W. Steere stated that this is an entry-level position, adding that this should be made clear to applicants. Councilor W. Steere stated that with a 10% unemployment rate in Gloucester, he would like to hire from within the Town, if possible, but we want what is in the best interest of the Town. Councilor Reichert pointed out that Karen was very knowledgeable about zoning matters but the position is a clerical job which is not difficult to pick up on.

Councilor Burlingame expressed his opinion that rather than narrow down the field, it would be prudent to look at other Gloucester residents who have submitted applications. Councilor Burlingame suggested that T. Mainville and C. Riccio go through the resumes again and speak to qualified applicants. Councilor Burlingame stated that since 140 applications have been filed, there is no need to re-advertise.

Carl Riccio, Building/Zoning Official, stated that he does not have the time to physically go through that number of applications. Councilor Burlingame explained that T. Mainville would go through them and take the Gloucester residents for consideration. Regarding the level of entry, C. Riccio stated that his office has only one (1) clerk position, not two (2) or three (3) as some other offices have.

C. Riccio asked the Council to keep this in mind when deciding the level of clerk for the position. Councilor Hainsworth stated that he was absent for several meetings and asked if the position is Clerk 1 or Clerk 2. T. Mainville replied that this would depend on the qualifications of the applicants.

MOTION was made by Councilor Hainsworth to TABLE the appointment of the Building/Zoning Office Clerical Position until the meeting of August 4, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII New Business

A. Personnel

1. Public Safety

a. Ratification - Part time Dispatcher to Full time Dispatcher

Councilor W. Steere explained that due to rising overtime costs Council agreed by consensus to authorize the Chief to bump a part time dispatcher to full time at the last Council meeting. This decision needs to be ratified by a vote of the Council.

Councilor W. Steere stated that this is not a new position, noting that there was a vacant full-time position which was filled with a part-time dispatcher. Councilor G. Steere stated that this would be a full-time probationary position.

Councilor Burlingame noted that the Dispatchers' contract has not been resolved and asked what the terms and conditions of employment would be. T. Mainville replied that the Dispatchers' contract would revert back to July 1st, which is prior to the effective date of this appointment. Councilor Burlingame stated that he wanted that to be properly documented.

MOTION was made by Councilor G. Steere to APPOINT Paul Desnoyers to the position of Police Department Full-time Dispatcher at an hourly rate of \$16.66 effective July 8, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

2. Senior Center
 - a. Employee coverage
Salary differential approval

Councilor W. Steere read the following request from the Senior Center Board of Directors Chair, Dave Chace:

Date: July 7, 2011

Fran Ballou notified me this week that she will be going in for knee surgery on August 8, 2011. She will be out of work for at least one month.

In the past, whenever Fran was out of work, Jackie Aellig, the other full-time employee at the Center, would cover for Fran. Also, Jackie's wage rate would be raised from \$10 to \$12 while she covered for Fran.

Jackie DiPietro in the Finance Office has told me that this is not budgeted for this year. If we go ahead with the rate increase, we may go over budget.

I am asking you to put this on the agenda for July 21st. It needs to be addressed, and the Finance Office needs to be notified.

Thank you!

P.S. Personally, I approve of the wage increase.

(End of memo)

Discussion: Councilor Burlingame stated that although this amount (approximately \$1,400) is not in the budget, it could be taken out of the Council's contingency fund, which is what this fund is intended for. Councilor W. Steere expressed concern that the letter states that Fran Ballou will be out of work for at least one month, but noted that because she is having surgery, it could be a prolonged period. Councilor Burlingame recommended that for the purpose of approval, the first month be taken out of the contingency fund and if it goes over one month, it will be readdressed.

MOTION was made by Councilor Burlingame to APPROVE the request for compensation for Jackie Aellig from the rate of \$10.00 per hour to \$12.00 per hour while she is covering for Fran Ballou; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. 9/11 Remembrance Ceremony
Discussion and/or Action

Councilor W. Steere stated that the 10th anniversary of 9/11 is fast approaching and asked for suggestions of ways to, for lack of a better word, commemorate the date. Councilor G. Steere stated that he was contacted by a member of the Free Will Baptist Church regarding a ceremony that is planned, asking if the Town wished to be involved. Councilor W. Steere stated that this is an option and asked the Council members to contact other groups and bring their ideas forward at the next meeting of August 4th.

VIII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that a Zone Change application has been filed by Navigant Credit Union and forwarded to the Planning Office. J. Fecteau noted that the Public Hearing will be advertised for the August 18th Town Council meeting.

J. Fecteau stated that also on August 18th, there will be a Public Hearing for an expansion of service area for Cady's Tavern. J. Fecteau stated that this will be advertised and abutters will be notified. J. Fecteau added that a patio has been built at the establishment where no entertainment will be held, but the owners wish to allow smoking and alcohol consumption.

J. Fecteau stated that at the meeting of August 4th, a Special Event request from Stick's Tavern will be on the agenda. J. Fecteau explained that the request is for an event with outdoor sound amplification.

J. Fecteau noted that the first Farmers' Market will be held on Saturday from 9:00 a.m. to 12:00 p.m. behind the Town Hall.

B. Gary Treml, Director of Public Works, reported that a new well has been installed at the dog pound.

G. Treml stated that Tourtellot Hill Road has been chip-sealed and is in good shape. G. Treml further stated that Lake Drive, First Road, Second Road, Kearns Road, Centre Road, Salisbury Road and Middle Road will all be repaved beginning on Monday.

G. Treml spoke regarding the Chestnut Hill Bridge project and the closure of the landfill.

Councilor W. Steere stated that there are several spots on Pinecrest Drive that are in need of patching. G. Treml stated that his department has put down 50 tons of hot patch to repair potholes, in addition to installing berms. G. Treml stated that they are now busy repaving the roads mentioned earlier, but as soon as they are able, they will be back out patching.

Bds. & Commissions - Discussion

A. Bruce Payton, chair of the Gloucester Land Trust, stated that they had a meeting concerning the dam. B. Payton stated that the meeting went well and thanked Jean Fecteau for arranging for the use of the Council Chambers and the recording system. B. Payton also thanked the Council members who attended the meeting.

B. George Charette, Planning Board chair, stated that the Town Planner will send another letter to the Department of Transportation regarding destination signs on Routes 102 and 6 in Scituate.

G. Charette stated that the Planning Board has been discussing the possibility of mixed-use businesses in the outer limits of the historic district while protecting the center of the village. G. Charette stated that this will be addressed at the Planning Board meeting of August 1st and urged the Council members to attend, stating that it is important to the taxpayers as well as the businesses in Gloucester. J. Fecteau, Town Clerk, noted that our Senator and Representatives are planning a meeting to discuss RIPTA transportation on August 1st. G. Charette stated that the Planning Board could wait until their workshop of August 15th or the regular meeting in September.

C. Linda Nichols spoke, regarding the Wastewater Management Board, stating that they are having difficulty getting a quorum for their meetings. L. Nichols suggested that the Board be combined with the Community Resource Commission. L. Nichols pointed out that the Wastewater Board no longer issues permits, therefore nobody shows up at their meetings.

Jean Fecteau, Town Clerk, stated that the Wastewater Management Board was created by Ordinance. Tim Kane, Assistant Town Solicitor, stated that the Ordinance would have to be deleted and the charge for the Community Resource Commission would have to be changed to include the education offered by the Wastewater Management

Board. Councilor Burlingame commented that this makes sense because the Wastewater Management Board has been changed to an education board which is a type of resource commission.

Councilor Burlingame stated that it is not on tonight's agenda to authorize the Town Solicitor to proceed, but suggested that it be placed on the agenda for August 4th. Tom Lemos, of the Wastewater Management Board, agreed that it would be a good idea to incorporate the Board into the Resource Commission as opposed to dissolving it completely because residents will still have someplace to go with questions regarding septic issues. Councilor Burlingame agreed, stating that the Town Solicitor will review the charge to redefine the Board's responsibilities.

IX. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from the Lake Washington Association expressing opposition to the Expansion of Service Area application submitted by Cady's Tavern.
- B. Councilor W. Steere stated that a letter was received from the Gloucester Business Association with regard to the work being done on the Chepachet River Bridge. The GBA asked that construction not take place on Saturdays.
- C. Councilor W. Steere read the following letter into the record:

July 9, 2011
Gloucester Town Council
Town Hall
Main Street
Chepachet, RI 02814

RE: Gary Treml, Director of Public Works
and the employees that work under his direction

Dear Council President and Members:

Please allow me the opportunity to address you by means of this correspondence.

My late husband, Richard S. Steere and I, along with our son and daughter, have lived here on Edgemere Drive (renamed Vernon Drive) for a little over 50 years. During this time there have been many changes with property improvements, new homes, and population increases.

Along with these changes some of the families that moved into the neighborhood on Highland Lake Shore Drive (presently posted as Highland Lake Drive) had taken it upon themselves to close off the road to through traffic. As a result of their action, everyone living down in the back of these roads, need to use Vernon Drive to get to Highland Lake Drive. This has caused a steady increase in vehicle usage.

However, in keeping with the topic being addressed, I want to sincerely thank the Gloucester Town Council for approving the repairs for a large section of Vernon Drive, and Gary Treml and his team of very hard working laborers. A professional job has been accomplished. This road has never, not ever, looked this good, nor has it ever been made as safe for vehicle travel and walking/playing. There is great excitement in the neighborhood once again as the children are delighted to be able to play safely together, ride their bikes, roller-skate, skateboard, etc., without getting hurt.

I don not want to overlook thanking Gary's very efficient and helpful secretary, Beth. She is always kind and courteous, gets messages to him and returns calls in a timely manner. When I contacted her recently regarding the posting of signs on the street (regarding traffic yielding, and children at play), this was done without delay.

In closing, I would also like to express my thanks to one of your other town workers. This young man works at the landfill. His name is Bobby (not sure of his last name). He is one of the most helpful people there. No matter when I have been there and he is working, he is always pleasant and comes to assist with the disposal of my trash. He does this for many other people as well.

Thanking you very much, in advance, for the time and attention you have given me by means of reading this letter.

Sincerely,
Mrs. Bea Steere

(End of letter)

- D. Councilor W. Steere stated that Braking the Cycle is asking the Town for permission for their bicycle race to travel through Gloucester on September 16th. This will be placed on the agenda for the next Town Council meeting.
- E. Councilor Burlingame stated that there are specific things which need to be addressed with regard to the Employee Handbook. Councilor Burlingame stated that there are several inconsistencies between the handbook and the Union contracts. Councilor Burlingame stated that this has a bearing on the progress of the contract negotiations and should be on the agenda for the next Town Council meeting.
- F. Councilor Burlingame stated that he was contacted regarding demolition of property located in the Historic District. Councilor Burlingame referred the matter to the Historic District Commission.
- G. Councilor W. Steere reiterated that the first Gloucester Farmers' Market will take place on Saturday and urged all to attend and support our local farmers.

X. Open Forum

- A. George Charette, of Chopmist Hill Road, stated that he attended Tuesday's meeting of the Land Trust and spoke with regard to the Hawkins Dam. G. Charette expressed objection concerning the open contract, stating that this situation could become like the middle school, with the taxpayers having to come up with the money to pay the bills for the Land Trust.

G. Charette noted that there was a \$500,000 grant approved by the taxpayers. G. Charette stated that he observed disagreement among members of the Land Trust. Regarding the school project, G. Charette stated that the proper people were not in place to do that process, adding that the taxpayers are now paying for it dearly and will continue to do so for a long time.

- B. Tom Sanzi spoke regarding the 10-year anniversary of 9/11, stating that the Gloucester Light Infantry is willing to assist in any planned activities. Councilor W. Steere thanked T. Sanzi for his offer. T. Sanzi stated that the National Park Service has funds available for different areas of each state to be used for reconstruction of downtown areas to make them open for tours.

- C. Walter Steere, Jr., School Committee member, stated that the Foster-Glocester Region will receive approximately \$25,000 over four (4) years, \$10,000 of which will be used for evaluating teachers. Councilor G. Steere asked if the School Department had to sign up for "Race to the Top" or could they have declined. W. Steere, Jr. replied that they were told that the Region would receive \$100,000 if they signed up.

W. Steere, Jr. stated that the Superintendent added a paragraph that stated that if no funds were received, the School Department would not be under any obligation. Councilor G. Steere asked if any school district in Rhode Island declined involvement. W. Steere, Jr. replied that he thinks the Chariho School District declined.

W. Steere, Jr. commented that the retention pond on Putnam Pike is becoming overgrown and looks worse every day. W. Steere, Jr. suggested contacting the Department of Transportation.

- D. Bruce Payton, 26 Lake Washington Drive, spoke with regard to the application filed by Cady's Tavern. B. Payton stated that he has not seen any building permits for the work that is being done on the building. B. Payton stated that a fence was put up, a door was installed and now umbrellas have been placed outside, adding that people are already utilizing the area.

B. Payton noted that when the abutters previously appeared before the Council regarding this issue, the Council rejected the application. B. Payton stated that this is a "back end move" by the applicant. B. Payton asked the Council to consider the letter of objection sent by the Lake Washington Association. Carl Riccio, Building/Zoning Official stated that the applicant obtained a permit for the door, but the patio and fence did not require a permit.

XI. Seek to Convene to Executive Session

MOTION was made by Councilor G. Steere to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining for discussion and/or action for the following:

1. Town of Gloucester Clerks #1322
2. Police Dispatchers #1322
3. Police IBPO Local 638

and R.I.G.L. 42-46-5(a) 2 Potential Litigation; discussion and/or Action for: Michael Baird, Baird Properties, Deborah Johnson/ 33 Money Hill Road seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XII. Reconvene Open Session

A. Disclose Votes taken in Executive Session

There was one (1) vote taken in Executive Session.

B. Baird Properties, Deborah Johnson

33 Money Hill Road

Discussion and/or Action

MOTION was made by Councilor G. Steere to EXPLORE hiring special legal counsel relative to potential legal issues at Johnson Farm property located at 33 Money Hill Road, also known as AP 10A, Lot 30; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIII Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:46 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 4, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **August 4, 2011**

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and Jamie A. Hainsworth

Member Absent: William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Susan Harris, Deputy Town Clerk; Gary Trembl, Director of Public Works; and Joseph DelPrete, Chief of Police

III. MOTION was made by Councilor G. Steere to Convene to Executive Session Pursuant to R.I.G.L. 42-46-5 (a) 2

Potential Litigation,

Michael Baird, Baird Properties, Deborah Johnson, 33 Money Hill Road;
seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

MOTION was made by Councilor G. Steere to RECONVENE OPEN SESSION;
seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

For the record, Councilor W. Steere stated that a vote was taken in Executive Session to approve special counsel to research possible litigation with regard to the Johnson property on Money Hill Road.

IV. Pledge of Allegiance

The Pledge of Allegiance was led by Aiden Steere.

V. Open Forum for Agenda Items

Stephanie Cole, of Money Hill Road, asked what is being done about the situation at the Johnson property. Councilor W. Steere replied that the Council is not aware of the ownership situation but they are working towards rectifying the issue of restoring the property.

Stephanie Cole asked if the Council needed her to supply any documentation with regard to damage to her property. Councilor Burlingame replied that the Council has retained legal counsel to advise on a course of action and Ms. Cole may be contacted at a later date. Stephanie Cole thanked the Council.

VI. Public Hearing

A. Special Event License

Request for Special Event with outdoor amplification.
Putnam Properties, Inc. d/b/a Sticks Tavern
417 Putnam Pike, Glocester, RI
Discussion and/or Action

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze and abutters have been notified.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding the application for a Special Event License.

Discussion:

Vincent Iannuzzi, owner/applicant, stated that the Rhode Island Chapter of Rolling Thunder is using his establishment on September 11th and wishes to have a disc jockey outdoors for several hours. V. Iannuzzi noted that the building is up to code and he is not asking for an increase of capacity. Councilor Hainsworth asked what time the DJ would be present. V. Iannuzzi stated that the event would take place in the field behind the building from 1:00 p.m. to 6:00 p.m.

V. Iannuzzi stated that approximately 100 people are expected to attend. Councilor G. Steere asked if a program would be followed. V. Iannuzzi replied that awards will be given after which music will be played. Councilor Hainsworth asked if the group advertises or has a website. V. Iannuzzi replied that he does not believe so. Joseph DelPrete, Chief of Police, stated that he spoke to the president of the Rhode Island Chapter of Rolling Thunder, noting that it is a legitimate organization which includes POW's and veterans. Chief DelPrete stated that there are no outlaw motorcycle clubs associated with this group, therefore he has no issues concerning the event.

Councilor W. Steere stated that the only concern he has is with regard to the length of time (5 hours) on a Sunday afternoon, especially on September 11th. After discussion, Councilor G. Steere asked the applicant if the music could cease at 5:00 p.m. instead of 6:00 p.m. V. Iannuzzi was agreeable to this change.

Councilor W. Steere asked if anyone else wished to be heard.

Bill Dupuis, of Durfee Hill Road, commented that the Council has allowed antique cars at Knight's Farm which included a DJ, adding that he is in favor of the special event license application for Stick's Tavern. Councilor Hainsworth pointed out that Stick's Tavern has a liquor license and comes under different scrutiny. Councilor Burlingame noted that the only issue that the Council has pertains to the hours of the event.

Councilor W. Steere DECLARED the Public Hearing Closed.

Discussion: None.

MOTION was made by Councilor Hainsworth to GRANT the request for a Special Event License, Request for outdoor amplification from 1:00 p.m. to 5:00 p.m., Putnam Properties, Inc., d/b/a Sticks Tavern, location 417 Putnam Pike for an event to be held on September 11, 2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS: 0

MOTION PASSED

- VII. Consent Items - Discussion and/or Action
 - A. Town Council Minutes: July 7th & 21st, 2011
 - B. Finance Director's Report - June 2011

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of July 7th and July 21st, 2011; to TABLE the Finance Director's Report for June 2011; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS: 0

MOTION PASSED

- VIII. Unfinished Business
 - A. Boards/Commission Appointments - Discussion and/or Action
 - 1. Recreation Commission
 - One 2-year term to expire 1/2013

Jean Fecteau, Town Clerk, stated that she has placed an advertisement for volunteers to serve on Town Boards and Commissions, but has not received any responses at this time.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Recreation Commission for one 2-year term to expire 1/2013; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action
1. Bldg./Zoning Office - Clerical position

MOTION was made by Councilor Burlingame to TABLE the appointment of a clerk in the Building/Zoning Department; seconded by Councilor Hainsworth.

Discussion: Councilor Burlingame explained that the Council is not yet ready to appoint this position. Councilor W. Steere noted that a decision must be made in the near future. Councilor Burlingame commented that we want to make sure that the appointment goes to a qualified Gloucester resident.

Councilor Burlingame stated that all applications have been reviewed again, including those submitted for the Financial Clerk position. Councilor Burlingame stated that three candidates will be chosen for interview. Councilor Burlingame reiterated that the position will be filled by a qualified Gloucester resident.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth
NAYS: 0
MOTION PASSED

C. 9/11 Remembrance Ceremony - Discussion and/or Action

Councilor W. Steere stated that several local organizations have planned events to commemorate 9/11, including a Mass at 10:15 a.m. at St. Eugene's Church and a flag-raising ceremony at Town Line Farm, Route 100. Councilor W. Steere stated that he still feels that it would be a good idea for the Town to sponsor an event. Councilor W. Steere stated that part of what 9/11 did was to bring us together as a country, but we are now becoming fragmented once again.

Councilor Hainsworth stated that he would like to have a day-long tribute on the Town Hall lawn, adding that he would be willing to contribute his own money toward the event. Councilor Hainsworth explained that this would allow people to stop by at any time to pay their respects. Councilor Burlingame suggested having a book for people to write their comments. J. Fecteau, Town Clerk, stated that when John Chafee passed away, a book was placed in the Town Hall for visitors to express their thoughts.

There was discussion regarding placing a remembrance plaque or stone in front of the Town Hall. Russell Gross mentioned that the Bowen family has a grist mill stone and stated that he will speak to them regarding possibly donating the stone for this event. The Council members felt that this is a good idea. Councilor W. Steere noted that there are two (2) more Council meetings before 9/11 at which time plans could be finalized.

IX. New Business

A. Recycling Program (options to meet State mandates)
Discussion and/or Action

Discussion: Gary Trembl, Public Works Director, spoke regarding Gloucester's contract with Rhode Island Resource Recovery, specifically our cap and recycling rates. G. Trembl noted that

the cap is the amount that the Town can dump at the rate of \$32.00 per ton. G. Treml stated that over the past seven (7) years, the Town's cap has been reduced by 900 tons. G. Treml stated that our recycling rate this year according to the contract is 35%. G. Treml stated that signs and message boards have been used in an attempt to educate residents about recycling. G. Treml stated that once we go over the cap, the price to dump increases to \$54.00 per ton.

G. Treml stated that this year's cap is close to what we have dumped and pointed out that the cap may be reduced further in subsequent years. G. Treml stated that the problem is that our recycling rate is between 26% and 28%.

G. Treml listed four (4) options;

- 1) do nothing and hope for the best,
- 2) hire additional personnel at the Transfer Station to monitor waste disposal and basically "nag" residents into recycling more,
- 3) close the Transfer Station and hire a private contractor for curbside pickup, or
- 4) implement a "pay as you throw" program.

G. Treml noted that this program (4th option) has a proven track record, stating that Middletown has increased their recycling rate to 43% under this program. G. Treml stated that there is a cost to residents, but those who do the right thing will have the least expense. G. Treml further stated that this program would allow the Transfer Station to be open six (6) days a week providing the same services as in the past.

The only thing to be paid for will be the trash going into the compactor; everything else will be no charge. G. Treml expressed his opinion that this is the right fit for our town to solve our contractual obligations with Resource Recovery while continuing to provide services to the residents.

Councilor Burlingame commented that nagging does not work. Councilor Burlingame stated that other communities have had success with the "pay as you throw" program. Councilor Hainsworth noted that many communities in Massachusetts have implemented similar programs. Councilor W. Steere stated that we have tried the educational approach and have realized a slight increase in recycling percentage, but not enough to reach the 35% level. G. Treml stated that this program will also prevent people from out of town using our Transfer Station.

Councilor Burlingame agreed, adding that we will see a reduction overall. Councilor G. Steere stated that we had a presentation from one company and asked if there are other similar companies. Gary Treml replied that he does not know if Wastezero holds the rights to the program.

Councilor G. Steere suggested that the Town have the bags manufactured to eliminate a third party making a large profit. G. Treml replied that if that is the case, his department would not be able to handle the collection of money. Councilor Burlingame stated that it would be better to subcontract rather than hiring somebody to handle the collection duties relating to the program.

MOTION was made by Councilor Burlingame to have the Public Works Director proceed with the investigation of the “pay as you throw” program and to report back to the Town Council; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

B. Authorization - Braking the Cycle

Discussion and/or Action

Councilor W. Steere stated that the Clerk’s office has advised this group to get State approval as this event is taking place on state roads. They are still looking for Gloucester to sign the “Notification & Approval of Event” form. Councilor G. Steere noted that the event is to take place on a State highway and expressed concern that if the council signs the form, the Town will be blamed for closing the road. After discussion, there was Council consensus that since this event is to take place on State roads only, the form does not need to be signed by the Town. No action taken.

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, requested that Hunting Rules and Regulations be placed on the agenda for the next Town Council meeting. J. Fecteau stated that the Land Trust and Conservation Commission have both stated that they will have their proposals ready at that time.

J. Fecteau stated that the Code of Ordinance has recently been updated and is current through 5/18/11.

J. Fecteau stated that she and another person from her office will be attending a Board of Elections seminar concerning Statewide Redistricting. J. Fecteau stated that she was able to do the last redistricting in 2002 with the help of Ed Juairé and is hoping that she can do so again without paying for outside assistance.

J. Fecteau reported that the second Farmers’ Market will be held on Saturday at the Town Hall.

B. Joseph DelPrete, Chief of Police, reported that Patrolman Paul Houle, who was injured in a motorcycle accident last weekend, is now home from the hospital.

C. Gary Treml, Director of Public Works, stated that repaving has been completed on Lake Drive and other roads in the Pascoag Lake Shores area. G. Treml noted that his crew will be going back to finish details such as backing up berms and fixing lawns.

Bds. & Commissions - Discussion

- A. George Charette, chair of the Planning Board, noted that at the workshop on August 15th, the Board will be reviewing the final paperwork concerning the Overlay District. G. Charette stated that on September 12th or September 19th, a memo will be sent to the Town Clerk and Town Council from the Planning Office with regard to the Overlay District.

G. Charette reported that representatives from Navigant Credit Union appeared before the Planning Board at their last meeting. G. Charette noted that the Planning Board members were amazed at how organized the group is. G. Charette also thanked all those who assisted the applicants in following the proper steps of the application process.

- B. Walter Steere, Jr., School Committee member, reported that the kindergarten classes at West Gloucester Elementary School are at 22 students, which is the maximum. W. Steere, Jr. noted that some of the parents have voluntarily agreed to transfer their children to Fogarty Elementary School, where there are fewer students.

W. Steere, Jr. stated that the Regional School Committee has terminated their contract with Con-Ed, noting that the reports sent to the Committee from Con-Ed have been useless and they do not return phone calls. W. Steere, Jr. stated that the Committee will try to get another company to do the work at a lower cost.

Councilor Burlingame commented that the Building Committee that selected Con-Ed did not do their due diligence. Councilor G. Steere noted that he read in the paper that one of the Con-Ed principals was arrested for accepting bribes. Councilor Burlingame questioned whether we need to hire somebody to monitor the equipment. W. Steere, Jr. replied that some of the equipment is sophisticated and we want to keep it maintained properly.

W. Steere, Jr. stated that estimates are being sought for repair work on the high school track and tennis courts.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere read the following report from the Department of Transportation with regard to the on-going projects in Town:

Work completed on Chestnut Hill Bridge project week ending Saturday July 30, 2011 is as follows:

1. The abutment footings are completed.
2. Spillway Structure, the installation of the stop logs, railing and slide gate is complete, catwalk to be completed week ending August 6, 2011.
3. Project site is cleaned up and ready for the bridge construction.
4. Backfilled upstream side of the SE & SW retaining walls.

Work planned for next week ending Saturday August 6, 2011 is as follows:

1. Complete the outfitting for the Spillway Structure.
2. Backfill the abutment footings.
3. Form, reinforce and place both abutment stem and return walls.

Milestone: I expect that the Porta-Dam and Diversion Pipes will be removed and the Spillway will be placed in service by Saturday August 6, 2011.

Rework required by and at Contractor's expense:

1. Pending Review.

Job site photo(s) are attached for your review and use.

(End of memo)

Councilor W. Steere stated that the Council has not received any updates regarding the Chepachet River Bridge project. Charlie Wilson reported that work is continuing every day and progress is being made.

- B. Councilor W. Steere stated that correspondence was received from the National Park Service with regard to public meetings scheduled concerning the Blackstone River Valley Study. Councilor G. Steere asked if Gloucester is included in the study, adding that he is concerned about the wording of the letter which reads "the need for National Park Service management". Councilor W. Steere replied that Gloucester is considered part of the Blackstone Valley.
- C. Councilor Burlingame stated that he was contacted by the president of the Smith and Sayles Association with regard to work being done on the dam by the Department of Transportation. Councilor Burlingame stated that he has spoken to Rep. Mike Chippendale about the situation.
- D. Councilor W. Steere congratulated Jean Fecteau, Town Clerk, regarding the success of the Farmers' Market.

XII. Open Forum

- A. Tom Sanzi, of Dorr Drive, spoke regarding the correspondence from the National Park Service, stating that this is a good opportunity which will bring in tourism and help local businesses. Regarding the Chepachet River Bridge, T. Sanzi requested that trash barrels be placed on each side. T. Sanzi stated that the Gloucester Light Infantry is available to assist in any events planned for the anniversary of 9/11.
- B. Bill Dupuis, of Durfee Hill Road, asked why Betty the Elephant has been placed in the back of the Town Hall instead of out front. Dave Fecteau explained that the elephant was moved to the schoolhouse because it is known as "Betty the Learned Elephant". Jean Fecteau, Town Clerk, noted that when the elephant was on the front lawn,

residents would decorate it and leave behind debris, and when the lawn work was done it was decided that may be a better location.

- C. George Charette spoke regarding recycling, stating that there are bins at the Transfer Station which are clearly marked, but many residents do not pay attention. G. Charette noted that when they have to pay for each bag they dispose of, they will begin to pay attention.

G. Charette spoke regarding what is going on in Washington, D.C., stating that we will all be affected by government mandated tax increases.

- D. Walter Steere, Jr. spoke regarding fuel oil contracts for the Town and schools. W. Steere, Jr. stated that we will probably have to pay market price until a contract is in place for this year. Jean Fecteau, Town Clerk, noted that the contract was extended for another year.

There was discussion regarding locking in while the price is down.

W. Steere, Jr. expressed concern that the pay as you throw program will result in fewer recyclables being brought to the Transfer Station as residents dispose of their trash elsewhere. W. Steere, Jr. stated that a Public Hearing should be held to allow residents to offer their ideas and opinions. Councilor Burlingame stated that we must do the right thing and provide an incentive for residents to recycle.

- E. Russell Gross spoke regarding the fluctuating price of oil.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:20; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 18, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **August 18, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Ray Goff, Town Planner; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Judith Branch, Director of Human Services; Susan Harris, Deputy Town Clerk; and Jane Steere, Tax Collector

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. **LIQUOR LICENSE - EXPANSION OF SERVICE AREA**

Existing Class B-V Victualer Beverage License:

Tyo-Ristaino Corp, d/b/a Cady 's Tavern

Location of Business: 2168 Putnam Pike, Gloucester, RI

Councilor W. Steere stated that this Public Hearing was advertised and abutters have been notified.

Councilor W. Steere DECLARED the Public Hearing Open. Councilor W. Steere noted that the Council has received letters from concerned residents, both for and against the application, which will be read into the record.

1) 8/15/11

Gloucester Town Council

I own property located at 2184 Putnam Pike which is right next door to Cady's Tavern. Although I do not live there, I have three apartments in that building. In the several years that Steve and Robin have been running Cady's I have never had a complaint from a tenant about noise or other activities going on at Cady's nor has it ever been an issue when it came to renting an apartment.

Because they have been good neighbors and are active supporters of many groups and organizations in Town, I am in favor of the Council allowing for expansion of their service area.

Thank you
Kevin LaVoie

- 2) July 12, 2011
Dear Mr. Steere:

It has been with growing concern that the Lake Washington Association has watched ongoing construction at Cady's Tavern. To wit: a new concrete pad attached to the west side of the building which has recently had fence added around it, as well as two picnic tables with umbrellas within the fenced in area.

We have two concerns. First, the enclosed area is accessed by a side exit door of Cady's Tavern. We believe that it is against current fire code for an exit from an establishment to open into an enclosed area. If this is true then the current construction is a hazard to public safety.

Secondly and more importantly, the new construction is an expansion of Cady's business of which the Association is strongly opposed. A few years ago the owners of Cady's sought permission to expand their business to include an outside seating area. It was their expressed intent to provide an outdoor eating and drinking area for their patrons, with the possible addition of live acoustic music.

The Association was opposed to that expansion, and showed up at the Town Council hearing to voice our opinion, citing, among other things, noise emanating from patrons outside disturbing residents' peaceful use and enjoyment of their property. The owner then offered to scale down the project to include only eating and drinking, then only eating. We objected to any such expansion then, and the Council sided with us, unanimously denying the proposed change.

The Council specifically stated that Cady's was a non-conforming use in a residential neighborhood, and that the Council shared the Association's concerns as noise easily carries over water. They counseled Cady's then that their business needed to remain within the confines of the existing establishment.

It was obvious that the owners of Cady's have little regard for the Town Council, and are bent on doing what they want one way or another. The Association asks that the Council order Cady's to immediately cease and desist from any further construction, and immediately remove the fence and picnic tables. The Association would also suggest punitive sanctions against Cady's for their blatant disregard of the Council's past decisions.

If Cady's should move forward with yet another request for an expansion of business outside their existing footprint, rest assured that the residents of Lake Washington will show up in numbers once again at any hearing related to said proposal to voice their opposition.

With all due respect,
Paul M. Ricard, President
Lake Washington Association
PO Box 579
Chepachet, RI 02814

- 3) August 18, 2011
Jean Fecteau
Town Clerk
Town of Glocester
Via e-mail to Jeanfecteau@glocesterri.org
RE: Town Council Meeting August 18, 2011
Issue: Cady's Tavern outdoor patio

Jean,
Please submit this letter to the Town Council regarding the issue stated above.

To the Honorable Glocester Town Council:

My name is Alan Reedy. I own three separate properties on Lake Washington Drive, all within one thousand feet (1,000 ft.) of the subject Cady's Tavern. It has come to my attention that Cady's Tavern has applied for a permit to serve alcohol on an outdoor patio that they have recently constructed.

Let this letter serve as notice to the Council that I fully support the request of Cady's Tavern, and have no problem with them serving alcohol on their patio. My desire of the Glocester Town Council is that the Council vote in favor of granting the permit to Cady's Tavern.

Thank you for your consideration in this matter.
Alan Reedy
Cell #401-487-0638

- 4) July 13, 2011
Our Neighbors,

As you may have noticed some construction has occurred at Cady's Tavern, we would like to take this opportunity to inform you as neighbors as to what IS going on.

First and foremost: We are NOT asking for any capacity expansions.

(As most of you know) When we first approached the Town Council in July 2009, for a Liquor License Expansion Permit it was to include a smoking and dining area, however there were several objections. Since then we have taken into consideration and consulted many of the area residents in regards to the objections and concerns. The area that would be included in the Liquor Expansion is:

- 1) Located in the furthest North West area of the building.
- 2) The 16 x 20 area is properly fenced in with a 6' fence and is equipped with an alarmed emergency exit gate leading to the West Park Lot.
- 3) Will be closed at 10:00 pm at night and closed during ANY live music performances (no outside radio speakers also).
- 4) Will be monitored by our staff and also security camera monitored.

The area was opened on July 14 for smoking customers.

We have approximately a month to ensure that your quality of lake life is not changed by the area. Please do not hesitate to contact us if you have any concerns or have any issues. We would like to take this time now to correct them immediately if there are any.

Thank you

Steve & Robin Tyo
Cady's Tavern

- 5) August 16, 2011
Tammy L. Bacon
Manuel Beato
315 Lake Washington Drive
Glocester, RI

This letter is in support and approval for the liquor license extension for Cady's Bar & Grill. I can say we order from them at least 2 times per week. The food is always excellent, consistent and we have never been disappointed. We would love to have the chance to eat and enjoy our drinks in an outside setting there.

Sincerely
Tammy L. Bacon

- 6) August 17, 2011
Mr. George "Buster" Steere
Glocester Town Council
Glocester Town Hall
Chepachet, RI 02814

Dear George,

I am writing this letter to you in reference to Cady's Tavern and their request to allow outside drinking on their patio. I have personally known the owners Robin and Steve now for over a year. They have worked really hard to turn this establishment around from the way it was run over previous years.

I also reside on Lake Washington Drive and have never been bothered by noise or any activity going on at Cady's. I hear more noise from Thompson Speedway on Thursday nights than anything ever emitting from Cady's.

Furthermore more and more establishments across the state are offering outdoor patio use for their patrons. I fully support Cady's Tavern and their petition to allow alcohol consumption on their deck.

If you would like to discuss this issue with me further please do not hesitate to call me at 714-7611.

Sincerely,

Charles "Chas" Armstrong
465 Lake Washington Drive
Chepachet, RI 02814

7) August 17, 2011
Dear Council Members,

My name is Deene Hips. I am writing this letter on the behalf of Cady's Tavern. I am a Territory Manager for Agar Supply Company, a food distributor based out of Taunton, Massachusetts. As well as a member of the community in Glocester, Rhode Island for over 44 years.

Steven and Robin Tyo, the new owners of Cady's Tavern, have brought back to life an establishment that has a history in our town. Some of its past history and reputation was tarnished. But Steven and Robin have worked diligently to polish and change the business to become a full service tavern with great food as well as drink. I have witnessed this first hand as their food representative.

Cady's Tavern's food business has grown over the last two years. What once was a bar that just focuses on drink; Robin and Steve have changed that image and focused on the quality and consistency of the food they present. By doing so, they have grown their weekly sales volume with my company over 500%. Accomplishing this in this economy is no easy task and they are to be commended as good business people.

Change takes time and effort. Steve and Robin have invested their time, effort and financial resources to make these changes possible. As a result, Cady's Tavern's image and reputation are starting to change. Cady's Tavern has become a destination to listen to blues and have a buffalo bleu burger on a lazy Sunday afternoon.

As a member of this community I feel that the changes being made at Cady's Tavern are beneficial and offer our town another business to enjoy.

Sincerely,

Deene Hips
159 Money Hill Road
Chepachet, RI

Councilor W. Steere noted that the Clerk's office has the sign off by Police, Fire and Building Office and all fees are paid. Councilor W. Steere asked if the applicant wished to speak to the Council regarding this application.

Discussion:

Steve Tyo, president of Tyo-Ristaino Corp. d/b/a Cady's Tavern, stated that over the last several years, they have accomplished many of their goals at the tavern. S. Tyo commented that they have attracted some of the best blues artists due to the clientele of the establishment. S. Tyo stated that they understand that they have neighbors, adding that as a resident of Bowdish Lake, he is aware of how noise travels over the water.

S. Tyo commented that the patio only accommodates a dozen or so patrons and is not intended to be a "party area". S. Tyo further stated that there would be no bands, speakers or radio in the outdoor patio area. S. Tyo stated that the patio would be closed at 10:00 p.m. and would not be open during live music events. S. Tyo noted that noise would not be tolerated. S. Tyo stated that the proper permit process was followed and the area has been inspected by both the Building Official and the West Gloucester Fire Department.

S. Tyo explained that they chose to construct the patio closer to the road and plan to install six 12-foot arborvites to provide a noise barrier. S. Tyo stated that he has consulted many of the lake residents and has received the support of some. S. Tyo asked the Council to approve the use of the patio for food and beverage consumption in addition to smoking, even if on a trial basis.

Councilor W. Steere asked if any of the Council members had any questions. Hearing none, Councilor W. Steere asked if anyone in attendance wished to be heard.

1. Teresa Martino, of 2184B Putnam Pike, stated that she has lived next door to Cady's Tavern for the past four (4) years. T. Martino stated that she has had no issues with the establishment since Steve and Robin Tyo took over. T. Martino expressed her opinion that the Tyos should be awarded the same opportunity to prosper as other business owners in Town. Regarding the residents of Lake Washington Drive, T. Martino pointed out that many of them use fireworks and play loud music at night, causing her to shut her windows. In closing, T. Martino stated that she is in favor of the outdoor liquor license for Cady's Tavern.
2. Rose LaVoie stated she has always been in favor of anything which helps businesses in Town, adding that they need all the help they can get. R. LaVoie pointed out that the Town

receives 1% of the money which is spent at the tavern. R. LaVoie commented that people enjoy dining outdoors, especially by the lake.

3. Kevin Nerny, 295 Lake Washington Drive, stated that the difference in Cady's since the time he moved in is "night and day". K. Nerny stated that they have been good neighbors and expressed his support.
4. Paul Ricard, 1 Larry Bird Drive, stated that he represents the Lake Washington Association. P. Ricard stated that when there is live entertainment at Cady's, the sound emanates across the pond to the far end of the water. P. Ricard noted that it is good music and they serve good food, but we are not here to talk about the quality of the music and food. P. Ricard stated that we are here to talk about the quality of life for the residents of Lake Washington.

P. Ricard stated that the Association has long been opposed to an expansion of service at Cady's Tavern, adding that this is nothing against the Tyos or the neighbors who are in favor of the expansion. P. Ricard stated that despite the best efforts of the Tyos, they cannot control human behavior and the outside area would attract a nuisance. P. Ricard noted that in 2009 when the applicants sought a similar expansion, a Council member stated that unfortunately, Cady's is a commercial enterprise located in a residential neighborhood and therefore keep their business inside.

5. Capt. Brian McKay of the West Glocester Fire Department stated that he performed all of the inspections at the establishment. B. McKay noted that the maximum occupancy of the building is 142 persons, but the owners have never allowed that many patrons. B. McKay stated that he does not have an issue with the granting of the expansion. B. McKay presented a letter to the Town Council and stated that if they had any questions to feel free to call him.

Councilor W. Steere read the letter into the record as follows:

August 17, 2011.

To: President Town Council

This letter is to inform you and members of the town council that Cady's Tavern meets all required Fire Codes that fall under the LSC 101, UFC 1, and RISFC. Also the small patio area that was added to the west side of the building was inspected and approved using the following Fire codes listed above. By adding the patio this adds another Fire Exit to the first floor which in turn makes it safer for the patrons and staff that are inside during business hours.

At this time there are six (6) staff members that have attended the crowd managers training which is given through the RI Fire Academy. At this time the max occupancy is 142 persons which are to be kept to the first floor area only. By adding the patio area this does not increase the occupancy of the posted area located inside the building. If

you have any questions feel free to contact me at 401-568-2422 between the hours of 8 am - 4 pm Monday- Friday.

Sincerely
Captain Brian McKay
Chief of Inspections

6. Tony Giglio, of 2206 Putnam Pike, stated that he lives 2 houses away from the side of the tavern where the patio is located and stated that he has never heard any noise from Cady's. T. Giglio commented that there have never been any problems in the ten (10) years that he has lived there. Regarding noise, T. Giglio stated that he doesn't feel that music is "noise". T. Giglio also stated that Cady's has put Gloucester on the map and should be allowed the expansion.
7. Bruce Payton, 26 Lake Washington Drive, stated that he has spoken out against Cady's in the past, but admitted that in the past year or so the situation has improved. However, B. Payton stated that there is still a problem with the doors opening and closing while music is being played. B. Payton also pointed out that patrons who are on the patio will not be able to view the lake due to the fence.

B. Payton stated that he appreciates that the owners are willing to cut back on the hours of the outdoor patio but stated that 10 p.m. is still late. B. Payton spoke about the stipulation that the patio would be closed during all live music events and asked if this would be enforced. B. Payton expressed hope that the Council will not approve this application, but if they do, he hopes that all of the limitations will be recorded on the license.
8. Mike Bickoff stated that he lives directly across Lake Washington from Cady's Tavern. M. Bickoff stated that he has lived there for eight (8) years and did not go into Cady's until Steve and Robin Tyo took over. M. Bickoff stated that they have done a great job to bring the tavern back to the community. M. Bickoff stated that he is not aware of any issues and stated that it is a controlled environment where people just enjoy themselves. M. Bickoff stated that he is in favor of the outdoor pavilion.
9. Ray Laliberte, of 2234 Putnam Pike, stated that he is employed as a doorman at Cady's and noted that he has never had occasion to remove anybody from the premises. R. Laliberte stated that the establishment has become more family-oriented. R. Laliberte stated that he and the other doormen as well as the security cameras will prevent any incidences from occurring.
10. Jackie Giard, of 566 Lake Washington Drive, expressed agreement with Bruce Payton, stating that she is opposed to the expansion. J. Giard noted that the residents of Lake Washington Drive pay high taxes for waterfront property and cannot enjoy it due to the noise generated by Cady's Tavern.
11. Antonio Montefusco stated that he resides at Cady's Tavern and is also employed as a doorman. A. Montefusco stated that the only noise he hears is from fireworks on the lake

and traffic on Route 44. A. Montefusco stated that he supports this application wholeheartedly.

12. Donald Poons, of 22 Cady Lane, stated that he is opposed to the proposed expansion due to the noise from motorcycles in the parking lot after the tavern closes. D. Poons stated that he owns a motorcycle, but he does not sit and rev the motor. D. Poons stated that he cannot sit in his yard on the weekend because there is constant noise and people using foul language. D. Poons noted that he has nothing against the owners, but if they are granted this expansion he feels that they will come back to expand further.
13. Rose LaVoie stated that Cady's was there long before any of the houses around Lake Washington. R. LaVoie stated that the owners bought the houses knowing that Cady's was there and pointed out that the tavern had a different reputation in the past. R. LaVoie noted that noise is a part of life and a little bit does not hurt anybody.
14. Paul Ricard again spoke, stating that years ago the land around the lake was made up of camps where people would vacation, but now there are permanent residents who must get up and go to work. P. Ricard stated that the Association is not asking Cady's to shut down. P. Ricard stated that he has been a resident for twenty (20) years and noted that things have improved since the Tyos took over, but expressed concern regarding the future. P. Ricard stated that if this expansion is approved, the burden will be on the residents to complain if restrictions are violated.
15. Judy Murphy, of Putnam Pike, stated that she does not live near the tavern, but pointed out that there is noise all along Putnam Pike. J. Murphy agreed with Rose LaVoie that Cady's has been there forever and the residents moved there knowing what to expect. J. Murphy noted that a lake environment attracts noise, especially during the summer, and Cady's should not be blamed for that.
16. Bruce Payton stated that when he bought his property in 1985, Cady's did not feature live entertainment and motorcycles were not as common as they are today. B. Payton stated that there are sometimes up to 60 motorcycles at one time in the parking lot resulting in 15 minutes of noise when they leave. B. Payton stated that the tavern was a rough place back then and has been cleaned up considerably, but this has resulted in more people and more noise.
17. Teresa Martino stated that many of the motorcycles are participants of charity bike runs to benefit causes such as breast cancer and muscular dystrophy. T. Martino noted that there is other noise in the neighborhood from parties and fireworks.
18. Frank Anderson stated that Cady's Tavern has come a long way in the past 20 years. F. Anderson noted that the proposed expansion is a small area and would enhance the establishment. F. Anderson expressed support for the application.

Councilor W. Steere asked if anyone else wished to speak. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

Councilor Hainsworth asked why the patio was built before the applicants appeared before the Town Council. Councilor Hainsworth questioned how permits were issued for the construction prior to approval by the Licensing Board. Councilor G. Steere stated that this was a risk that the owners took and asked if they wished to comment. Steven Tyo stated that the patio was built to provide a smoking area for his patrons.

Councilor G. Steere stated that when the last application was before the Council, he voted against it because the expansion was for a different area and live entertainment outside which would result in noise traveling across the lake. Councilor G. Steere noted that the application has since been scaled back. Councilor G. Steere stated that he feels they have done a good job and he has listened to all comments made both for and against the application, adding that he does not see a negative impact.

Councilor G. Steere noted the Council can place restrictions on the license with regard to hours of operation, outdoor speakers, & live entertainment. Councilor G. Steere commented that the application has been signed off by the Fire Department and Building Inspector and the owners are working on video surveillance. Councilor G. Steere stated that he does not see a problem, and if any problems occur, they can be addressed at that time.

Councilor Burlingame stated that he voted against the previous application because it included outdoor music. Councilor Burlingame stated that this application is not really an expansion since the area was built for smoking. Councilor Burlingame stated the walls in place should mitigate noise traveling to some extent. Councilor Burlingame stated there will be no glass bottles brought outside. Councilor Burlingame commented that there were many people in favor of the application which indicates that the owners are making improvements.

Councilor Hainsworth reiterated the use would be no outside alcohol or food “service” and that the patrons would have to carry things out. Councilor Hainsworth Councilor Hainsworth discussed the Association’s request to limit the hours of operation of the outdoor area. It was noted that another establishment in the area has a limit of 11:00 p.m. Steven Tyo pointed out that the patio would be closed on Friday and Saturday nights when there is live entertainment inside.

Councilor Reichert stated that the applicant has indicated that he would be willing to have the expansion on a temporary basis to see how it goes. Councilor Hainsworth stated that he agrees with this idea.

Joseph DelPrete, Chief of Police, stated that no incidents have been reported in the time that he has served as Chief. Chief DelPrete further stated that the owners have complied with all regulations regarding serving alcohol and hours of operation.

Councilor W. Steere asked Steven Tyo how he plans to control any issues that may arise. S. Tyo replied that there will be a monitor at the front register. If a noise issue occurs, S. Tyo stated that the offenders will be asked to leave. S. Tyo noted that the establishment has been very quiet and he is proud of that.

Councilor W. Steere stated that he also voted against the previous application, but this is a different situation. Councilor W. Steere agreed with comments made by Councilors Burlingame and G. Steere, but stated that outdoor expansion should be addressed on a case by case basis.

Regarding the complaints about noise from motorcycles, Councilor W. Steere stated that this noise emanates from the area itself. Councilor W. Steere expressed that 10:00 is late for week nights and suggested amending the time to 8:00 or 9:00 p.m. Councilor W. Steere noted that the area would be closed during live entertainment, but asked if the area would still be used for smoking during these events. Steve Tyo replied in the negative.

Councilor Hainsworth commented that he is in favor of a 60-day trial basis and a curfew of 9:00 p.m. Councilor G. Steere recommended keeping the time to 10:00 for the remainder of the season. Councilor Burlingame agreed, stating that the Council could revisit the matter at that time. Councilor G. Steere stated that the owners of the establishment are hands-on and responsible. Councilor G. Steere further stated that he does not feel that 10:00 is a problem and if any issues arise, the Council will handle it.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, if he has any concerns. T. Kane replied that all of the conditions suggested are reasonable and recommended that the word "live" be removed from the stipulation regarding entertainment.

Councilor W. Steere stated that while he understands the concerns of the residents who are opposed to the license expansion, this is an opportunity for the business owners to prove themselves one way or the other with a temporary 60-day trial period. At that point the license will be revisited and it will be determined if it will continue as such.

Councilor Burlingame stated he would like to see this go to the end of October, and Councilor G. Steere questioned what the owners have to do at that time. Councilor Burlingame stated we wouldn't have another hearing we would just discuss whether there were issues or not.

Regarding the hours of operation, Councilor W. Steere stated that he would prefer 9:00 during the week, stating that kids will be going back to school soon. Councilor Burlingame stated that he does not agree, noting that the area will still be open for smoking. Councilor W. Steere explained that a cigarette takes only a few minutes while eating and drinking takes longer. Councilors Burlingame and G. Steere stated that they do not agree with 9:00 p.m. After further discussion, there was Council consensus (majority) to change the time to 9:00, to be reviewed after the 60-day trial period.

Paul Ricard asked what is the procedure for review after the trial period. Councilor W. Steere explained that the license holders will appear before the Council on November 3rd, adding that the matter will be discussed in open forum. Councilor Reichert urged P. Ricard to let the Council know if any problems occur during the trial period.

MOTION was made by Councilor G. Steere to APPROVE the Liquor License - Expansion of Service area for an existing Class B-V Victualer Beverage License for Tyo-Ristaino Corp, d/b/a Cady 's Tavern; Location of Business: 2168 Putnam Pike, Gloucester, RI to include:

- 1) An updated diagram of the service area must be submitted to the Town Clerk's Office.
 - 2) The outdoor area shall be completely contained and have no less than two (2) exits with the appropriate mechanism to allow individuals to go through in the event of an emergency.
 - 3) The combined indoor and outdoor capacity, at any time, shall be no more than the legal capacity as sited for the interior of building, per fire code.
 - 4) There shall be no sale or storage of any alcoholic beverages within the outdoor enclosure.
 - 5) No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage.
 - 6) The licensee shall provide sufficient monitoring of the outside area and must submit (if requested) to the licensing authority and the Chief of Police a plan indicating the supervision that will be provided for the entrance into the establishment to maintain the correct capacity and/or the plan for the supervision of the outside area.
 - 7) The granting of the outdoor service of alcohol is not transferable in the event that this business is sold or transferred to any other person and/or entity.
 - 8) Outdoor entertainment is prohibited in the patio area, including outside speakers for radio, juke box or other recorded music.
 - 9) Outdoor use will be limited to 9:00 p.m.
 - 10) This approval is subject to review at the Town Council meeting of November 3, 2011.
- Seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. GLOCESTER ZONING MAP - PROPOSED AMENDMENT TO MAP

Petition to the Town Council by:

Robert M. & Caroline E. DeRita, owner and James Drake,

Navigant Credit Union, applicant;

To re-zone a R-2 (Residential 2 acre) parcel to B-2 (Highway Commercial) zone to accommodate a Credit Union with Drive-In window & a Residential lot. The property is located on Putnam Pike, further described as AP 10 C, Lots 35 & 43.

Councilor W. Steere stated that this Public Hearing was duly advertised and abutters were notified.

Councilor W. Steere DECLARED the Public Hearing Open.

Councilor W. Steere stated that the Planning Board has reviewed the application and has forwarded their recommendation:

A. Advisory Opinion to the Town Council

Applicant seeks an advisory opinion regarding a Zoning Map Amendment to re-zone Lots 35 and 43 from R-2 (Residential) to B-2 (Highway Commercial) zone.

Vice-Chairman Calderara made a **MOTION** to forward a positive recommendation to the Town Council for the granting of a Zoning Map Amendment to 350 - Attachment 3: 1, Official Zoning Map, regarding properties located at 1038 & 1042 Putnam Pike, further described as Assessor's Plat 10C, Lots 35 and 43, respectively, for applicants, James Drake and Navigant Credit Union.

The applicant seeks to amend the Official Zoning Map for the aforementioned parcels from R-2 (Residential 2 acre) to the B-2 (Highway Commercial) Zoning District. The rezoning of these properties is depicted on the Future Land Use Map (Map 11-2) of the Gloucester Comprehensive Community Plan by the use of arrows which indicate expanding the B-2 Zone to these parcels.

In making this decision, the Board considered the following information presented by the applicant in the submission package and presentation at the August 1, 2011, Planning Board meeting: Plans entitled "Navigant Credit Union, Proposed Branch, 1042 Putnam Pike, Gloucester, Rhode Island" prepared by Vanasse Hangen Brustlin, Inc., dated July 18, 2011 for property located at 1042 Putnam Pike;

Testimony by the applicants' representatives, Bradley Steere, Attorney, Brian Brosnan, PE, of Vanasse Hangen Brustlin, Inc., Michael D. Cassidy, Planning Consultant, and Robert J. Clinton, Project Manager in VHB's Providence Transportation Systems Group.

This amendment is found to be consistent with the Gloucester Comprehensive Community Plan sections:

- 5.2.1 Allow for future economic development to occur that does not conflict with or degrade the desirable attributes of the Town and that help to sustain the Gloucester Vision;
- 5.2.2 Prevent the traditional problems created by economic growth, such as environmental degradation, dramatic changes to community character, and unsightly highway strip development, from occurring in the Town;
- 5.2.3 Broaden and diversify the Town's economic base to reduce the residential sector's property tax burden; and Map 11.2 Future Land Use Map

If this application is approved, it will be subject to Development Plan Review prior to the issuance of a Building Permit. (*Recording Secretary's note: DPR approval was granted by the Planning Board at this meeting.*)

The Planning Board hereby recommends approval of the Zoning Map Amendment to Section 350 -Attachment 3: 1, Official Zoning Map, and forwards this recommendation to the Town Council for consideration.

Member Pitocco **seconded** the motion.

Vote: Ayes - Unanimous (Charette, Calderara, Furney, Gross, Folcarelli, Pitocco, DeGrange)
Respectfully Submitted,
Karen J. Emond
Recording Secretary
(end of motion)

Bradley Steere, attorney for the applicant, addressed the Council. Atty. Steere stated that Navigant Credit Union was the first credit union chartered by the State of Rhode Island in 1915. Atty. Steere noted that Navigant is widely known and respected in Rhode Island. Atty. Steere explained that the Credit Union wishes to operate at a location on the corner of Tourtellot Hill Road and Route 44.

Atty. Steere pointed out when coming into Town from the east, there are several good commercial properties beginning with Chepachet Hardware which has been vastly improved over the past few years. Atty. Steere stated that Sentry Auto has been at its location for years and has been well-run by the Couturier family. Atty. Steere noted that Dunkin Donuts, which was controversial at the time, has proven to be a successful, well-maintained business, adding that the drive-thru has not caused any problems.

Atty. Steere stated that Dino's Market is owned by Stephen Kopeski, a local resident, and is very convenient to the area. Atty. Steere pointed out that the subject property was occupied by Roberts Auto Sales, which was also a successful business at the time. However, in recent years, the economy caused the property to fall by the wayside. Atty. Steere pointed out that further to the west is CVS, also with a drive-thru, which has worked out well.

Atty. Steere stated that the Village is in good shape, with the exception of the subject parcel. Atty. Steere stated that if the Town Council approves the petition to re-zone the premises, an architecturally pleasing building will be constructed by a well-respected credit union and be the finishing touch along Route 44 in Chepachet Village. Atty. Steere commended the Heritage Society for their efforts to restore the Ruben Mason House which sets up the entrance to the Village.

Atty. Steere stated that testimony was presented to the Planning Board which indicated that the application for a Zoning Map Amendment is consistent with the Comprehensive Plan. Atty. Steere stated that Michael Cassidy, a municipal planner with over 40 years experience, is present to provide testimony to the Town Council.

Discussion:

Michael Cassidy, Planning Consultant, referred to the Future Land Use Map which is included in the Comprehensive Plan Update of June, 2008. M. Cassidy stated that the map clearly identifies the property in this application as an area for the expansion of the adjacent commercial land use.

M. Cassidy referred to RI General Law 45-24-34 which states that the city or town shall bring the Zoning Ordinance or amendment into conformance with its Comprehensive Plan as approved by the Director of Administration. M. Cassidy stated that this request will bring the current

zoning map into conformance with the Land Use Map which the Council has already approved in 2008.

Atty. Steere stated that the applicants also have traffic engineers and other experts to answer questions but noted that these are issues for the Zoning Board to address at their meeting next week. Atty. Steere stated that this application is compelled by the Future Land Use Map which clearly indicates that this parcel should be a B-2 parcel and urged the Town Council to grant the amendment.

Councilor W. Steere asked if anybody in the audience wished to be heard at this time.

1. Rose Lavoie, Vice-President of the Heritage Society, expressed her opinion that Navigant Credit Union would be a very nice neighbor across the street from the Ruben Mason House.
2. Tom Marandola, representing the owners of Lot 36 which directly abuts the property, stated that Lot 36 has been zoned residential for many years. T. Marandola noted that the adjacent parcel, Lot 43, is also a residence. T. Marandola expressed concern regarding what will be done with Lot 43 and asked if it will be combined with Lot 35. T. Marandola objected to landlocking a piece of property which has been there forever as a residence and surrounding it with commercial properties. T. Marandola stated that Zoning is designed to protect the residences from expansion of commercial and industrial use.

T. Marandola pointed out that the proposed plans for the Credit Union indicate smaller parking places for which he expressed concern. T. Marandola stated that the people he represents do not want to be “squeezed out” by being surrounded by commercial entities. T. Marandola stated that he is concerned about the ability to sell Lot 36. T. Marandola stated that although he feels that the Town needs development to provide tax relief, this application should not be allowed. T. Marandola expressed opposition to any zoning forgiveness on lot line restrictions, including the front.

Atty. Steere responded that the issue of setbacks is not before the Council and will not be addressed at this meeting. This subject will be discussed in full at the Zoning Board meeting next week. Atty. Steere stated that on June 8th, he wrote to the owners of Lot 36 to explain the nature of this petition and invited them to join in to the petition because the Comp Plan calls for all of this property to be considered B-2.

Atty. Steere stated that the property owners were not interested, which is their right. Regarding the future of Lot 43, Atty. Steere stated that it will remain residential. Atty. Steere explained that Navigant had to purchase both lots and plans to eventually sell Lot 43. Atty. Steere pointed out that the plans clearly indicate that the Credit Union will be solely on Lot 35.

3. Milton Thoene, of 19 Tourtellot Hill Road, spoke in favor of the application. M. Thoene noted that he lives directly across the street from the proposed location. M. Thoene pointed

out that there was much opposition to CVS, but it is obviously a nice structure with ample parking. M. Thoene stated that Navigant Credit Union would be a great asset to the Town.

4. Judy Murphy, of Putnam Pike, stated that she attended the Planning Board hearing at which time an advisory opinion was rendered regarding this application. J. Murphy stated that it is important to attract business to Gloucester to ease the tax burden on the residents. J. Murphy noted that Citizens Bank assists in education and expressed hope that Navigant would do the same. J. Murphy stated that this would be a good thing for the Town.
5. Charlie Wilson, 1177 Putnam Pike, stated that he is a business owner in Town and welcomes any new business coming into Town. C. Wilson stated that the Navigant building would be an enhancement to a lot which needs work. C. Wilson stated that he is totally in favor of this application.
6. Odette McMahon, Pine Orchard Road, stated that she works for the Smithfield School Department. O. McMahon commented that Navigant Credit Union in Smithfield has program which helps students and hopes that they will extend the program to students at Ponaganset.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

Discussion:

Councilor Burlingame stated that he supports the application. Councilor Reichert thanked Navigant Credit Union and stated that he has voted in favor of several similar applications, such as CVS and Dunkin Donuts, businesses which have enhanced the Town. Councilor Burlingame commented that the process was much smoother this time and everyone at the Town Hall did a great job with regard to the application. Councilor W. Steere agreed with Councilor Burlingame, stating that this was one of the most thorough applications submitted to the Town.

Councilor W. Steere expressed his personal opinion that Navigant Credit Union would be a welcome addition to the community. Councilor W. Steere noted that he understands the concerns of the abutting property owners, but he feels comfortable with the applicants' statement that they plan to keep the residential lot as it is and perhaps sell it at some point.

Tim Kane, Assistant Town Solicitor, commented that this is the intent right now, but if the zone change is granted and somebody bought the lot, they would be able to turn it into a business. T. Kane stated that this should be addressed in the motion. T. Kane stated that if the words "residential lot" are removed from the motion, there would be flexibility.

Atty. Steere stated that it is his understanding that if somebody bought the residential lot as a non-conforming use and wished to run a business there, they would have to come before the Town for permission. Councilor G. Steere asked if the wording should be taken out or if something should be added with regard to "non-conforming" use. There was Council consensus to remove the reference to "residential lot" from the motion.

MOTION was made by Councilor Burlingame to GRANT the Zone Change as requested by Petition to the Town Council by: Robert M. & Caroline E. DeRita, owner and James Drake, Navigant Credit Union, applicant; To re-zone a R-2 (Residential 2 acre) parcel to B-2 (Highway Commercial) zone to accommodate a Credit Union with Drive-In window for property located on Putnam Pike, further described as AP 10C, Lots 35 & 43.

Seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: August 4, 2011

B. Finance Director's Report - June & July 2011

C. Tax Assessor's Additions & Abatements- July 2011

MOTION was made by Councilor Hainsworth to APPROVE the Town Council minutes of August 4, 2011; to TABLE the Finance Director's report of June & July 2011; and to APPROVE the Additions to the 2011 Tax Roll in the amount of \$232.44; and the Abatements to the 2010 Tax Roll in the amount of \$57.07 and the 2011 Tax Roll in the amount of \$7151.56; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Recreation Commission

One 2-year term to expire 1/2013

MOTION was made by Councilor G. Steere to TABLE the appointment to the Recreation Commission; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action
1. Bldg./Zoning Office - Clerical position

Councilor W. Steere stated that the Town Council has received a recommendation from the Building/Zoning Official He has recommended Sylvie Gauvin of Durfee Hill Road, Gloucester. If appointed by the Council, her start date will be Monday, August 22, 2011. Her title will be Clerk I and her rate of pay will be \$15.17 per hour which is Clerk I rate of \$16.86 less 10% (step 1) for the first six months.

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Sylvie Gauvin to the position of Bldg/Zoning Clerk, Clerk 1 at a rate of pay of \$15.17 per hour (which is Clerk 1 rate of \$16.86 less 10% for the first six months effective August 22, 2011); seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. 9/11 Remembrance Ceremony - Discussion and/or Action

Councilor G. Steere stated that at the last meeting, there was discussion concerning placing a stone or plaque in front of Town Hall. Councilor G. Steere stated that he tried to contact Craig Bowen regarding the grist mill stone at the pharmacy, but he was unavailable until tomorrow. J. Fecteau, Town Clerk, suggested a stone bench and garden with a plaque dedicated to all those affected by the events of 9/11.

J. Fecteau pointed out that if we advertise for a list of names, somebody may not see the ad and feel that they are left out. Councilor W. Steere stated that he would like to honor all those who have fought for our country since 9/11 as well as those that were lost on that day. J. Fecteau stated that it makes sense to acknowledge the service people because it is all part of the same history. Councilor W. Steere stated that the Council will work on the wording as well as the type of monument which will be dedicated.

VIII. New Business

A. RE: Chestnut Hill Bridge & D.O.T.

Discussion and/or Action

Councilor W. Steere noted that there has not been any activity at the Chestnut Hill Bridge because Shire Corp. has been pulled from the project by the bonding company. Councilor W. Steere read the following press release by Senator Fogarty:

Sen. Paul W. Fogarty is demanding that the Chestnut Hill Bridge be replaced on schedule. The low bidder on the project, Shire Corporation, was pulled from the project when their insurance company placed them in default. A new contractor must now be found for the project. Sen.

Fogarty called Director Michael P. Lewis today and expressed his frustration with delays in the project and the lack of information regarding the reason for those delays.

He also reiterated his demand that the bridge be constructed on time. "I have been in regular contact with the DOT, who assured me that work would not stop and that the project would be completed by their September 30th deadline" said Sen. Fogarty. "But work has ground to a halt, and I have received very little information from DOT about why." "The lack of bridge access has been a major inconvenience for residents and businesses in the area since it closed a year ago," Sen. Fogarty continued. "In my conversations with the Department I expressed that it is absolutely imperative that work be completed on time. Residents and merchants who have been severely impacted by this bridge closure deserve action, not excuses."

He added, "I don't care if they have to work 24 hours a day to finish the job and Director Lewis has to hold a flashlight while they're working at night, I want to see the bridge completed by September 30th."

Councilor W. Steere stated that Rep. Chippendale has also been in contact with DOT regarding this matter. Councilor W. Steere noted that Cardi Corp. will be continuing the work in the bridge, adding that the contract included a stipulation that the work be completed by September 30th. Councilor Hainsworth stated that for each day beyond the deadline, there would be a penalty of \$1,200 per day.

Councilor G. Steere stated that the Council has received calls from the Dam Association expressing concern regarding the 6 by 6 pressure treated flash boards, stating that they are not sealing the water off properly. Councilor G. Steere stated that he sent an e-mail to Steve Ricci regarding this problem.

Odette McMahan stated that there have been three (3) companies working on the bridge and asked which one would take responsibility if any problems arise after completion of the project. O. McMahan stated that she lives on Pine Orchard Road and commented on the double line which has been painted on the road, noting that Pine Orchard Road is not a State road.

B. Recycling Program Discussion and/or Action

Gary Treml, Director of Public Works, addressed the Council as follows:

Good Evening,

I spoke last meeting about our recycling rate, CAPS, and our contract with RI Resource Recovery.

You advised me to speak with Waste Zero and obtain current information on their Pay As You Throw Program. I met with Mike LaPorte the Waste Zero Rep. Mike is the person who made the presentation to the council last year.

Mike obtained current population and households from the tax office. Our population is 9,982 residents with 3,996 households. At the present time we are creating approximately 615 pounds of trash per resident per year. Waste Zero estimates they can eliminate 264 pounds per person with their program. That would result in 1,320 tons of trash being diverted at \$32.00 per ton resulting in a \$42,243.00 savings to the Town in tipping fees. That alone will put us well under our CAP of 3,070 tons. These figures are averages based on the communities that have the program.

To substantiate these figures for myself I met with the DPW Director for the Town of Tiverton, Steve Bellucci. Tiverton has had the Waste Zero program in operation for four months. They have curb pick up, and operate their own landfill for disposal. The most glaring fact relayed to me by Steve was the reduction in the amount of trash received. His waste stream has reduced by 2/3 since the program started. He felt two things drove this huge reduction. One was more recyclable items being removed from the waste stream, and the second was out of Town trash not being dumped.

Another plus for the Town was cleanliness. Steve advised his Town has never been so clean. Now that all trash has to be bagged either left on the curb or transported to the landfill nothing blows around.

Tiverton moved to this program to extend the life of their landfill. This is the same objective RIRRC is trying to accomplish by reducing CAPS and encouraging more recycling. The revenues derived from the program are being put in a restricted account for the capping of their landfill when it reaches capacity. He had nothing but praise for the program and Waste Zero.

Along with the trash reduction, and recycling there is a revenue aspect to this program. Between tipping fee savings and monies from bag sales the Town could see as much as \$332,475 or as little as \$174,408. The price of the bags would determine the revenue amount. The bags are priced at \$1.00 and \$2.00 per bag, depending on the size.

If we were ready to commit to this program it would be 4 to 6 months before it would be implemented. Now would be a good time to start with introducing the program to the residents. The town will be receiving a rebate check from RIRRC in the next few weeks. This could be used for advertisements, message boards, mailings, etc.
(end of statement)

G. Treml stated that this would be a great program for the Town and would help us recycle more and get below our cap. G. Treml noted that RIRRC will continue to reduce the cap to force cities and towns to recycle. Councilor Burlingame asked what the new rate would be. G. Treml replied that it would increase from \$32.00 per ton to \$54.00 per ton. G. Treml stated that our recycling rate is between 26% and 28%, but must be increased to 35% and stay at that rate, according to the contract.

Councilor W. Steere asked what steps G. Treml has taken so far to increase awareness regarding recycling. G. Treml replied that he has placed notices on every door of the Town Hall as well as a huge message board at the Transfer Station. G. Treml noted that we have one of the best

facilities in the State with regard to hours of operation and what is accepted at the Transfer Station. Councilor Burlingame asked when the new disposal rate will take effect at RIRRC. G. Treml replied this year, with the new contract. Councilor Hainsworth pointed out that the schools have implemented recycling programs. G. Treml stated that the recycled materials from the schools is picked up by his department and made a part of the Town's recycling.

Councilor W. Steere stated that this is a no-win situation because it has been mandated by the State and the only control we have is if we recycle. Councilor W. Steere stated that even with all of the methods used in the last 2 ½ years to raise awareness, our recycling rate has only increased by about 2%.

Councilor G. Steere inquired about the cost of the program. G. Treml replied that Waste Zero receives 13.8 cents per bag and the Town of Tiverton gets the remainder. Councilor G. Steere asked if this covers all administration costs. G. Treml replied in the affirmative. Councilor Burlingame asked if the problem is upon us at this time. G. Treml said yes. Councilor G. Steere asked Tom Mainville, Finance Director, where the funds would go. T. Mainville replied that if the bags are priced correctly, they would just cover the cost of the Town's disposal fees.

Councilor Burlingame pointed out that if this program is successful, the result will be a reduction in tipping fees. Councilor Burlingame suggested that we take the necessary steps to inform the residents. Councilor G. Steere recommended a town-wide mailing. G. Treml noted that Tiverton mailed to all households a notice containing all of the information regarding the program.

G. Treml was directed to draft a detailed plan for Council review at the meeting of September 1, 2011.

C. RE: Motor Vehicle Valuations Discussion and/or Action

Councilor Burlingame spoke regarding motor vehicle excise tax. Councilor Burlingame explained that the valuations are determined by the State Motor Vehicle Commission and we have no control over it. Councilor Burlingame further stated that the NADA Yellow Book has no consideration for the condition of a vehicle. Councilor Burlingame expressed his opinion that this is unfair and stated that he would like our Senator and Representatives to introduce legislation to change the manner in which vehicles are assessed. There was Council consensus to draft a Resolution for the next Town Council meeting.

D. Land Trust Properties - Hunting Rules & Regulations 2011

Councilor W. Steere stated that the Clerk has received the Rules and Regulations for 2011-2012 from the Land Trust and Conservation Commission Chairs. Councilor W. Steere asked Bruce Payton and Roy Najecki if anything has changed from last year's rules

Bruce Payton, Land Trust chair, stated that the dates have been taken out and replaced with the dates published by DEM. B. Payton further stated that the muzzle loader regulations have been

changed to include in-line, as per State regulations. B. Payton stated that permission can be obtained at the Town Clerk's Office beginning September 6, 2011.

Roy Najecki, chair of the Conservation Commission, stated that their permits include crossbow and shotgun, consistent with DEM rules.

Bruce Payton stated that management plans will be updated which will set up hunting areas and non-hunting areas for next year.

MOTION was made by Councilor Burlingame to APPROVE the Land Trust property Hunting Rules & Regulations for 2011-2012 as submitted by the Land Trust and Conservation Commission: seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

E. Johnson Farm Property- Discussion and/or Action
Restoration Order

Discussion: Tim Kane, Assistant Town Solicitor, stated that he has drafted a "Notice of Violation" with regard to the subject property. T. Kane stated that the letter will be sent by certified mail to Deborah Johnson and Baird Properties with copies to the Town Council, Town Clerk and the mortgage holder. T. Kane stated that if the owners do not comply, litigation will follow. T. Kane stated that the notice will be recorded in Land Evidence, as has the Cease and Desist Order.

MOTION was made by Councilor G. Steere to AUTHORIZE the Zoning Official to forward a Restoration Order to the property owner of 33 Money Hill Road as prepared by the Town Solicitor, and to record said document in Gloucester Land Evidence records; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

F. Gloucester Town Hall
Geo-Thermal Contract - Discussion and/or Action

Councilor W. Steere stated that the Town Council has received the contract for Geo-Thermal work to be done at the Town Hall. This contract has been reviewed by Tim Kane, Assistant Town Solicitor and Ray Goff, Town Planner.

Discussion: The Council commended Ray Goff, Town Planner, for his efforts regarding this contract. R. Goff stated that the work will begin in September and is expected to take 30 to 45 days to complete. R. Goff pointed out that the project will be funded with stimulus money.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Geo-Thermal Contract between Achieve Renewable Energy, LLC and the Town of Gloucester; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. Boards & Commissions

A. Parade Committee

1. Appointments - Discussion and/or Action

Councilor W. Steere stated that the Parade Committee Chair requested this item on the agenda. She is requesting the appointment of Rich Conoyer, Ernie Little and Sheran Little.

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Sheran Little as a voting member to the Parade Committee and Rich Conoyer and Ernie Little as Ad-Hoc non-voting members to the Parade Committee; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Conservation Commission

1. Discussion and/or Action

RE: Designee to Land Trust

Roy Najecki, Conservation Commission chair, stated that Cheryl Cadwell was the Conservation Commission designee to the Land Trust and upon her resignation from the Commission, R. Najecki assumed that position. R. Najecki stated that he asked the Town Clerk and Town Council President if this action requires a vote of the Town Council. R. Najecki stated that the Assistant Town Solicitor responded that “the current chairperson or designee of the Gloucester Conservation Commission shall also be a trustee of the Gloucester Land Trust” and that no Town Council vote is required.

Councilor G. Steere stated that there are two issues of concern. First, R. Najecki's wife is on the Land Trust which would make them both voting members. Second, R. Najecki was paid to do work for the Land Trust. R. Najecki stated that he was off the Land Trust for a year before he accepted the job. Councilor G. Steere disagreed, stating that R. Najecki was off the Land Trust for approximately two weeks at that time. R. Najecki replied that he attended the meetings, but he was not a member as his term had expired.

Councilor G. Steere stated that if another paying job comes up, he objects to somebody going back and forth from the Land Trust in order to accept the job. R. Najecki pointed out that a person would have to be off the Land Trust for a year before they would be eligible for the position. Councilor Burlingame asked who filled R. Najecki's position on the Land Trust while he was off. R. Najecki replied that Dan Pearson served as trustee until he resigned from the Conservation Commission and was replaced by Cheryl Cadwell.

Roy Najecki asked Tim Kane if the Council appoints the designees to the Land Trust from the Conservation Commission and Planning Board. T. Kane replied in the negative, stating that, according to State law, the Council only appoints the Land Trust members. Councilor G. Steere stated that he disapproves of R. Najecki and his wife both being voting members of the Land Trust.

R. Najecki stated that he consulted with the previous Town Solicitor and was advised that this was acceptable. Councilor Burlingame expressed his opinion that the Council should have a say regarding who serves as designee from the Conservation Commission and the Planning Board. Councilor Burlingame stated that if something goes wrong, the Council would have no recourse.

Russell Gross, Planning Board member, commented that the Town Council appointed him as designee to the Land Trust. Councilor Burlingame stated that this was not the case with Roy Najecki. Tim Kane, Assistant Town Solicitor, read from the statute as follows: "In addition to the five trustees appointed by the Town Council, the current chairperson or member designee of the Gloucester Conservation Commission and the Gloucester Planning Board shall also be trustees".

C. Land Trust

1. Discussion and/or Action

RE: Policies, Procedures, and/or use of Funds

Councilor G. Steere stated that he requested this item. Councilor G. Steere inquired about a piece of property which the Land Trust is giving \$40,000 to the Department of Environmental Management towards the purchase price. Bruce Payton, Land Trust Chair, explained that there is a thing called "layering" of conservation easements whereby the State layers with land trusts throughout the State as a way to protect properties from being sold.

Councilor G. Steere expressed his opinion that the Land Trust is spending taxpayer money "like it is water". Councilor G. Steere also stated that he disapproves of the Land Trust mowing private property. Bruce Payton stated that it was a neighborly thing to do for an elderly woman who donated \$56,000 to the Land Trust. B. Payton further stated that the tractor was purchased

with grant money and volunteers donated their time. B. Payton commented that volunteers to the Land Trust generate tens of thousands of dollars for this Town every year. B. Payton stated that the Land Trust recently adopted a policy, which he voted against, that Land Trust property will not be used on private property.

Councilor W. Steere expressed agreement with Councilor G. Steere. Councilor G. Steere stated that it is just not right to spend taxpayer money on private property. B. Payton stated that this is no longer done.

X. Department Head Report/Discussion

1. Joseph DelPrete, Chief of Police, stated that Patrolman Paul Houle, who was injured in a motorcycle accident, had a setback but is now doing better.
2. Ray Goff, Town Planner, reported that he has received the plans for the Main Street Project from the Department of Transportation.
3. Judith Branch, Director of Human Services, stated that the food bank is getting low and stated that she has placed advertisements and applied for grants. J. Branch further stated that the demand for transportation has been overwhelming.

Bds. & Commissions - Discussion

1. Roy Najecki, Conservation Commission chair, reported that an Adopt-A-Spot sign has been placed at Cutler Brook on Putnam Pike near Farnum Road. R. Najecki noted that the cost of \$550.00 was paid by the Woonasquatucket River Watershed Council. R. Najecki reported that the Commission has received a \$600.00 grant from the American Chestnut Foundation to purchase deer barrier fencing for the community orchard in West Gloucester.

R. Najecki asked what voting rights are given to Alternate members of the Conservation Commission. Tim Kane, Assistant Town Solicitor, replied that the Alternate member may vote when he or she makes up the quorum. Otherwise, the member can sit and participate in discussion, but is not allowed to vote. R. Najecki noted that Pete Skeffington was appointed to replace a voting member instead of Jacob Bailey, the Alternate, moving up to a voting position.
2. Bruce Payton, Land Trust chair, stated that he would appreciate being notified if the Land Trust is on the agenda. B. Payton gave an update on the dam and also noted that the Land Trust's recording secretary has resigned.
3. Henry Gold stated that he had a meeting with representatives from FM Global. H. Gold stated that the first project will be at the West Gloucester Elementary School. H. Gold stated that FM Global has requested that the Town transport their equipment. G. Trembl, Director of Public Works, agreed to the request. Councilor W. Steere explained that FM Global has a program where their employees volunteer in the community.

XI. Council Correspondence/Discussion

1. Councilor W. Steere read correspondence from a resident of Abaslona Hill Road objecting to the removal of speed tables on Absalona Hill Road.
2. Councilor W. Steere read the following letter into the record:

August 17, 2011
To the Town Council

Where does one begin other than seeing stupidity taking over more and more over common sense day by day and later experiencing the cost and problems caused by the lack of understanding for what we did or are attempting to do. The Land Trust is out of control, it also carries conflict of interest within its committee. Yet in all they are buying all the large parcels of land, saying it is for conservation. The real reason or purpose was and still is to prevent large developers from acquiring it and increasing the cost of operating the town.

Well 2,000 acres more or less has been removed from the private sector of ownership and given to all the taxpayers to pay the tax. I guess they would say it is cheaper, big deal you might say. Yes it is. The taxpayers can't use the land other than to walk on it, no camping, no fires, no cutting of trees for fire wood, no trail biking other than a pedal bike, oh but watch out if you create tire ruts.

Hey I'm a tree hugger, oh you're OK. I like Mother Nature but I do value my money. With all of these grants and bonds being approved it comes back to us, paying for it as a loan and getting nothing for it.

The Land Trust rules have no provision for them to earn any funds from the 2,000 acres give or take to sustain and maintain it. They can't build a storage building for their equipment or a so called Park Recreation building to make sales of recreational products to people visiting the land, but they keep on buying more.

Let's say the town needs land for an administrative purpose or a business dry good park, your answer from them would be (sorry we own it all and it is gone forever). The only possibility of getting it back is a town confrontation with the 5 organizations to agree to release it back to the town with a purchase price to the town but don't hold your breath.

Now recently there paying \$40,000.00 to D.E.M. or to the Washington Park Association (with another loss of private tax numbering \$600.00) to purchase 50 acres abutting the park. Why? The above mentioned do not have enough money to meet the required sales price of \$340,000.00.

They, D.E.M. and the park association have only \$290,000.00 this is what is known whether it is true or not no one really knows. So here we go again the Gloucester

taxpayers are paying again for some insanity and will not benefit from it. The conservation easement by the Land Trust would prohibit the park association from increasing its campground, but again how irrational is it that (the land trust) could allow hunting on the 50 acres while people who aren't hunters might be using the area for whatever reason allowed, during different times in a yearly season. Real smart, but they get another 50 acres that they gave away but hold ruling on it. What is going on?

In fact if they are that hungry for land and power perhaps they should buy the whole town and take properties off of the tax roll and give the tax bill to the state. What an idea.

Enough is enough something has to be done. They are out to control just like the school project at its original inception. They were all out of control and now we are paying dearly and those who were part of the committees are now shrugging their shoulders and saying, what we can do, it is too late.

People, we are paying dearly for your screw-up's that is what we are doing, don't you get it.

There is more coming around the corner

Next is Hawkins Dam:

It's going to be another high expense, if no one pays real attention. The Land Trust Committee has no idea of what they are doing and where they are going. Never mind the construction factors, only two members do realize it. You'll definitely have another middle school disaster with over expenditures. (BEWARE) it will happen with the group and their leadership. I have attended three of their recent meetings with representatives of the town council there and I for one can't believe what I am hearing and seeing.

High Velocity Hunting:

Perhaps those who are agreeing to do this on Land Trust land would like it if someone were to do it in their back yard. How comfortable would they be with the knowledge that a bullet could miss its target and travel its full distance and hit them, their wife, daughter, son or a visitor in their yard? But hey! The Land Trust approved it with D.E.M.'s approval of expertise.

Are the Land Trust members willing to place their signature making them responsible for a mishap? Whereas they have created an impact safety and health issue on the surrounding residential properties. I really do not think so. So who would be liable, possibly the town they issued the license. Do not underestimate the court of law in a civil death or injury lawsuit.

To all it's time to put the brakes on this group and the legislation given them total control using our money and telling the town council (You have no control we are a separate entity. No board or commission should overrule the Town council other than the taxpayers through proper procedure of vote. Oh yes, guess? Who recently gave the \$8,000.00 of town funds for lawyer expenses for the project of Hawkins Dam to pay Tim Kane, the town council.

But yet per Bruce Payton the land trust is a separate entity so why are we giving them money. Yes the town council appointed these people and they don't have the power to remove them immediately WOW! ! ! Something is definitely wrong or the lack of doing the right thing isn't going to happen . Let's do the right thing for everyone in town STOP THIS BEHAVIOR! ! Personally I'm tired of being used as a fool and so are many others. We can't afford it. Let's act and act for all. Other than the special interest dictators.

George R. Charette

(End of letter)

Councilor W. Steere expressed disagreement with Mr. Charette's statement that the Town Council approved giving \$8,000 toward legal expenses regarding Hawkins Dam, stating that the Council only approved up to \$2,100 for this purpose. Councilor W. Steere noted that the Land Trust and its holdings is one of the reasons that the Town is rated highly by bonding companies.

Councilor W. Steere further stated that the letter makes it sound like the Land Trust forces people to sell to them when actually the property owners usually initiate the transaction in order to preserve the land. Councilor W. Steere stated that he has much respect for George, noting that he does a lot for this Town. Councilor W. Steere stated that everyone is entitled to an opinion, but expressed concern that some of the facts in his letter are inaccurate.

3. Councilor W. Steere stated that correspondence was received from the Statewide Planning Program regarding a request for proposals. Ray Goff, Town Planner, explained that funds are available for projects consistent with the State's Land Use Plan.

XII. Open Forum

1. Rose LaVoie commented that the recycling containers at the Transfer Station are not easy to use, especially for older people, and perhaps this is why more people do not recycle.

R. LaVoie commended the volunteers who serve on the Town's Boards and Commissions, stating that they do a good job for no compensation.

2. Tom Sanzi spoke regarding the Chepachet River Bridge Project. It was stated that the work should be completed before the end of the year.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:57 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 6, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **September 15, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Judith Branch, Director of Human Services; Susan Harris, Deputy Town Clerk

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame

IV. Open Forum for Agenda Items

None

V. Resolution

A. Motor Vehicle Valuation Method

Discussion and/or Action

Councilor Burlingame read the following Resolution:

RESOLUTION #2011-13 OPPOSITION TO RI TAX VALUE METHODOLOGY

WHEREAS, Section 44-34-11(c) (1) of the General Laws of RI created the RI Vehicle Values Commission. Their function was to adopt, by rule, a methodology for determining the presumptive value of vehicles and trailers subject to the excise tax which shall give consideration to the following factors:

1. The average retail price of similar vehicles of the same make, model, type, and year of manufacture as reported by motor vehicle dealers or by official used car guides, such as that of the National Automobile Dealers Association for New England. Where regional guides are not available, the Commission shall use other publications deemed appropriate; and
2. Other information concerning the average retail prices for make, model, type and year of manufacture of motor vehicles as the director and the Rhode Island Vehicle Value Commission may deem appropriate to determine fair values; and

WHEREAS, the Commission adopted Rule 2010 Methodology for Determining the Presumptive Value of Motor Vehicles Subject to the Excise Tax of December 31, 2010; and

WHEREAS, Section 3 Regulatory Provisions - Methodology, Section 1.03 states: All Motor vehicles identified as 1993 model year up to and including the 1987 model year shall be valued based upon 100% of their clean or average retail value as reported by the National Automobile Dealers Association (NADA) Official Older Used Car Guide and the National Automobile Dealers Association Classic, Collectible and Special Interest Car Appraisal Guide to be published in January 2011. In the event of a conflict between the two above, the former shall prevail; and

NOW THEREFORE BE IT RESOLVED: the Town Council and the Town Clerk of the Town of Glocester would request, that due to our rural roadways, extreme weather conditions and the typical uses associated with living in a rural environment, the Rhode Island Vehicle Value Commission and Senator Paul Fogarty, Rep. Michael Chippendale, & Rep. Cale Keable consider the review of Section 3 of the Regulatory Provisions - Methodology, Section 1.03. so as to have a provision for valuing a vehicle based on its condition and not solely the NADA Official Older Used Car Guide.

Jean M. Fecteau, CMC, Town Clerk

Walter M.O. Steere, III., President, Glocester Town Council

seconded by Councilor G. Steere

Discussion: Councilor Burlingame explained he feels there needs to be provisions in place to value vehicles other than solely by the guide. Councilor Burlingame also questioned the lack of an appeal process.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: August 18, 2011

B. Finance Director's Report - June, July, & August 2011

C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor G. Steere to TABLE the Town Council Minutes of August 18, 2011; to TABLE the Finance Director's Reports for June, July, & August 2011; to APPROVE the Additions to the 2011 Tax Roll in the amount of \$1,843.50; and the Abatements to the 2001 Tax Roll in the amount of \$134.04; the 2002 Tax Roll in the amount of \$65.80; the 2003 Tax Roll in the amount of \$32.29; the 2010 Tax Roll in the amount of \$1,202.52; and the 2011 Tax Roll in the amount of \$1,542.29; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

VII. Unfinished Business

- A. Boards/Commission Appointments - Discussion and/or Action
 - 1. Recreation Commission
 - One 2-year term to expire 1/2013

Councilor W. Steere state the Recreation Director is requesting this item be tabled until next month.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Recreation Commission for one 2 year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

VIII. New Business

- A. Local Emergency Management - Discussion and/or Action
 - 1. Shelter (School buildings) status
 - 2. General discussion - Hurricane effects (Present & Future)
 - 3. Authorization - Expenses and/or Reimbursements

Councilor W. Steere thanked all that helped the community during the aftermath of Hurricane Irene. Councilor W. Steere thanked Public Works employee Chris Leonard for all the time and work he donated, Eric Croft, Jane Steere, Sue Harris, Mike DeGrange, Sandy Bell and many others that were here to help.

Councilor W. Steere stated that there were issues with our shelters not having water hooked up to generators. W. Steere, School Committeeman, stated Superintendent Barnes is working on pricing the wiring to the well at the High School but that he does not know the status of the Middle School generator system.

Gary Treml, Public Works Director, gave an update and stated that trees across power lines was the biggest problem they encountered and also reported there were no injuries among his staff.

Chief Delprete stated water appeared to be the biggest issue during the power outages.

Councilor W. Steere stated he and the Chief are working on scheduling after action meetings with those involved.

Councilor Burlingame asked what would have to be done to assure that one of our school buildings could be certified as a shelter. Chief Delprete stated that once the generator is on line they will be one step closer to becoming certified and that this will be discussed during the after action meetings.

Councilor Reichert expressed concerns such as if this had happened during below freezing weather we would have lost homes. Councilor Reichert stated it is two weeks after the storm and there are still problems with wires & poles throughout Town. Councilor Reichert stated that if a road such as Route 94 could be closed for 6 days something needs to be done, and added there are many poles in deplorable condition.

Councilor Burlingame stated on some roads the wires hang so low a box truck could hit them.

Councilor Hainsworth stated it appears the tree maintenance isn't done as much as it used to be done.

Councilor W. Steere thanked Councilor Reichert for paying for the water in advance for our water distributions.

Councilor G. Steere stated he believes this was a huge wake up call and commented this would have been much worst had it been winter.

Councilor W. Steere explained that Council has been asked to authorize the payments for water that was distributed to our residents following the hurricane.

MOTION was made by Councilor to AUTHORIZE payment to Poland Spring Direct & reimbursement to William Reichert for bottled water distributed to town residents following Hurricane Irene; seconded by Councilor

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth

RESCUAL: Reichert

NAYS: 0

MOTION PASSED

B. Town Hall Storm Closure - Discussion and/or Action

1. Employee compensation

Councilor W. Steere explained there is some confusion as to how employees will be compensated for time off during the hurricane. Councilor W. Steere stated some employees came in and others helped pass out water.

Councilor Burlingame stated that salaried people are not impacted by a shut down and while he realizes hourly employees were not here, through no fault of their own, Council must now determine how to handle the three days off.

Councilor G. Steere agreed with Councilor Burlingame and stated when work is cancelled employees are not usually paid.

MOTION was made by Councilor Burlingame to authorize personnel to process the payroll for the period August 29 through and including August 31 as follows:

Salaried employees: No change

Hourly employees: Employees shall take one of three options: unpaid time;
Personnel days;
or vacation days.

Employees shall be allowed to accrue the time if they currently do not have the time in their reserve to cover those days.

Seconded by Councilor G. Steere

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS:0

MOTION PASSED

C. Allocation of Funds towards Recycling Efforts - Discussion and/or Action
Resource Recovery

This item is no longer necessary. No action required.

D. Recycling Program - Pay as you Throw

G. Trembl, Public Works Director, reviewed the Pay as you Throw program and how it would work if implemented in Gloucester. There was discussion on our current operation and what potential savings or problems we could avoid with "Pay as you Throw." G. Trembl's expressed concern of waiting too long to implement this program as it may put the town in a bad situation if our cap is exceeded.

All aspects of this program were discussed; different bag sizes, cost of bags, businesses that could sell the bags. Director Trembl stated he feels there is no way around addressing this problem. Councilor G. Steere questioned if neighboring towns could be involved with Gloucester's efforts. Consensus was that controlling our situation ourselves was a better plan. Councilor Hainsworth pointed out that only disposing of garbage is effected, everything else at the Transfer station stays as is.

Russell Gross questioned why the town would be starting charging at "pound one." R. Gross suggested considering distributing free bags to every household as a start up and then once those bags were gone residents would have to buy additional bags. R. Gross felt the way this program is proposed punishes the people that do recycle.

Councilor Hainsworth stated we cannot get locked out of Resource Recovery because we will have no place to put our trash.

Councilor Burlingame stated the sale of bags would offset the budget.

Councilor G. Steere questioned the concept of giving away the first bag.

P. Skeffington stated that people will do the right thing if you effect their pocketbook.

B. Dupuis stated he feels this is just another tax to the residents.

Councilor W. Steere stated we, as a town have no choice, but encouraged Mr. Dupuis to contact his local senator and representatives.

Councilor G. Steere expressed the need to get this information out to the public as soon as possible. Councilor G. Steere stated that he wants the mailing to include the facts and particularly why we are implementing this plan and the figures so that the taxpayers understand it isn't something we wanted to do.

Motion was made by Councilor Hainsworth to authorize the Director of Highway to proceed with the "Pay as you Throw" program and to work with the solicitor to draft a contract and a plan to implement the program with a potential target date of full implementation on January 1, 2012 .

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

E. Ratification: Town Generator purchase - Discussion and/or Action

Councilor W. Steere explained that following Hurricane Irene the Town had the opportunity to purchase a generator at a price that reflected a substantial savings. Council now needs to ratify that purchase.

MOTION was made by Councilor Burlingame to RATIFY the purchase of a Olympian Power Systems Generator with an Asco Transfer Switch, Model #125P1 for the Town Hall under the safety/emergency exception at a cost of \$16,500. to be charged to an unbudgeted line item in the Capital Reserve Fund; seconded by Councilor G. Steere

Discussion:

Councilor W. Steere questioned if anyone had comparison figures. Councilor G. Steere stated he received prices from dealers and determined the approximate worth at \$35,000.

G. Trembl, Director, questioned if the installation costs would come out of the same account. G. Trembl received an affirmative answer.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

F. Bid Award - Discussion and/or Action
IFB 2012-01 Town Hall Painting

Councilor W. Steere stated Council has received correspondence from the Board of Contracts & Purchases:

September 13, 2011

To: Town Council
From: Board of Contracts & Purchase (Board)
Re: Award of: **IFB 2012-01 ~ Town Hall interior/exterior painting services**

I. IFB 2012-01 was advertised in accordance with current rules and procedures.

II. Two (2) companies bid.

Total bid amount	Company
\$ 31,400.00	A. I. S. Contracting
41,160.00	Martone Painting Company

A.I.S. Contracting, the low bidder, did not supply documentation indicating that it was registered to do business in the State of RI or that it had Workers Compensation insurance. Phone messages to A.I. S. Contracting from David Fecteau and Tom Mainville inquiring about the missing documentation were not responded to and so A.I.S. Contracting was deemed non-compliant with the bid specs.

Martone Painting Company, the next lowest bidder, was compliant with the bid specifications. Discussions with Martone Painting Company led to the following:

- Deleting the kitchen and rear hall areas from the bid (these areas to be done by Town employees at a later date), thereby reducing the bid amount by \$5,300.00 and
- reducing the remaining balance by 10%.

III. The Board recommends the bid be awarded to the lowest qualified bidder.

Martone Painting Company
22 Sextant Lane
Narragansett, RI 02882

Bid price: \$32,274.00 for all preparation work, painting, and cleanup as per IFB 2012-01 and in the areas specified in the bid with the exception of the kitchen/rear hall.

Respectfully submitted,

Jean M. Fecteau ~ Town Clerk

Ray Goff ~ Town Planner

Thomas P. Mainville ~ Director of Finance

(end of memo)

MOTION was made by Councilor to AWARD (or table) IFB 2012-01 **Town Hall interior/exterior painting services** to Martone Painting Company for the bid price of \$32,274 to include all preparation work, painting, and cleanup as specified in the bid with the exception of the kitchen/rear hall; seconded by Councilor

Discussion:

Councilor G. Steere questioned when would this work start. D. Fecteau stated in approx. 4 weeks. Councilor G. Steere questioned if the energy audit lighting would be completed before the painting began. D. Fecteau stated that they are currently working at the Highway garage and would be at the town hall next, so therefore the lighting work would be completed before the painting commenced.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

G. Western R.I. Home Repair - Discussion and/or Action

1. Notice of Intent to Request the Release of Funds

Councilor W. Steere explained that each year before funds are expended the Program Manager must file this form stating the Town's intent to utilize the funds granted to us.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Notice of Intent to Request the Release of Funds for the 2011 Block Grant and the Environmental Review Statement for said Release as submitted by Western Rhode Island Home Repair ; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Annual Consortium Agreement

Councilor W. Steere stated each year an agreement is entered into between Foster, Gloucester, & Scituate to form a consortium of the three communities to establish Western Rhode Island Home Repair Program. Councilor W. Steere further stated the Solicitor has reviewed the agreement.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the 2011 Consortium Agreement between the Towns of Foster, Glocester, & Scituate for the continuation of the Western Rhode Island Home Repair Program; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

IX. Boards & Commission

A. Resignation - Discussion and/or Action

1. Zoning Board of Review, Recording Clerk

Councilor W. Steere stated the Clerk has received the resignation of Deb Rogala from the position of Zoning Board of Review, Recording clerk and the resignation is on file in the Town Clerk's Office.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Deb Rogala from the position of Zoning Board of Review, Recording Clerk, effective September 15, 2011; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

B. Appointment - Discussion and/or Action

1. Zoning Board of Review, Recording Clerk

Councilor W. Steere stated that unless Council has a suggestion, this item needs to be tabled and then personnel can begin the process of finding a replacement.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Zoning Board of Review, Recording Clerk; seconded by Councilor G. Steere.

Discussion:

Council discussed the coverage for the Zoning Board in the interim.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0
MOTION PASSED

- C. Foster/Glocester Juvenile Hearing Board - Discussion and/or Action
 - 1. 2 - Three year terms to expire 9/30/2011

Councilor W. Steere stated these appointments are for terms that have expired and all have expressed their desire to be reappointed. (John Pitocco & Joseph Peters).

MOTION was made by Councilor Reichert to REAPPOINT John Pitocco & Joseph Peters to the Foster/Glocester Juvenile Hearing Board for three year terms to expire 9/30/2014; seconded by Councilor Hainsworth;

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- 2. 1 alternate - One year term to expire 9/30/2011

Councilor W. Steere stated this is the expired term of Christopher Van Pelt.

MOTION was made by Councilor Hainsworth to REAPPOINT Christopher Van Pelt to the Foster/Glocester Juvenile Hearing Board for a one year Alternate term to expire 9/30/2012; seconded by Councilor G. Steere

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

- 1. Judy Branch, Human Services Director, stated that she has a few fundraisers in the works to build up the food pantry. Councilor G. Steere thanked J. Branch for her work during the storm.

Bds. & Commissions - Discussion

- 1. Anne Enjes, School Committeewoman, stated there is an event on November 14, 2011 from 9:00 a.m. to 11:00 a.m. for the energy program at Ponaganset High School.

XI. Council Correspondence/Discussion

- 1. Discussion followed on the status of bridge construction.

XII. Open Forum

1. Lorraine O'Connors commended the Council and the town for their efforts following the storm but stated the rest of the state did not seem to know Gloucester existed. Ms. O'Connors felt there was not enough information in the newspapers. Ms. O'Connors also felt there should have been ice available to residents.
2. Bill Dupuis
3. W. Steere (School committeeman) spoke regarding the work in the village
G. Steere stated he felt the retired police cars should be used for detail work.
4. Russell Gross

XIII. Seek to Convene to Executive Session

MOTION was made by Councilor Burlingame to CONVENE to Executive Session pursuant to ;

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action
 1. Town of Gloucester Clerks #1322
 2. Police Dispatchers #1322
- B. R.I.G.L. 42-46-5(a) 2 - Potential Litigation
Discussion and/or Action
 1. Notice of Claim regarding Foster/Glocester School District
 2. Chimera Inc. - Mobile Home Park

seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

MOTION was made by Councilor Burlingame to Disclose that one vote was taken in Executive Session and to Seal the minutes of Executive Session; seconded Councilor G. Steere

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:51 p.m.; seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 6, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **October 6, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Thomas Mainville, Finance Director; Timothy Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Town Planner; Pete Skeffington, Community Resource Commission member and Charlie Wilson, Historic District Commission chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor G. Steere.

IV. Open Forum for Agenda Items

Rose LaVoie questioned whether the agenda item regarding recycling will be open to the public or if it will just be Council discussion. Councilor W. Steere replied that if anyone present has any thoughts on the subject, they may express them.

V. Resolution - Discussion and/or Action

A. Pension Reform

Councilor W. Steere explained that the RI General Treasurer's Office sent a Resolution draft to which the Finance Director made some minor changes. Councilor W. Steere added that the Resolution will be forwarded to our legislators.

Councilor Burlingame read the following Resolution into the record:

**RESOLUTION #2011-13
PENSION REFORM**

WHEREAS, immediate comprehensive statewide pension reform is necessary to achieve continued economic growth and prosperity for all our citizens and future generations to come; and

WHEREAS, if we fail to act now cities and towns throughout Rhode Island will face burdensome increases to meet rising pension costs; and

WHEREAS, a failure to act now will not only endanger the sustainability of our pension system but the people of Glocester, RI will be required to pay for massive cost increases beginning in July of 2012; and

WHEREAS, if we don't act now, we anticipate that our pension costs for teachers will increase by 59% or \$274,350 for school teachers in the Glocester School Department and \$421,607 for the Town of Glocester share of the school teachers in the Foster/Glocester Regional School District; and

WHEREAS, if we don't act now, we anticipate that our pension costs for municipal workers will rise by 57% or \$163,787; and

WHEREAS, if we don't act now, we anticipate that our pension costs for police will climb by 98% or \$170,150;and

WHEREAS, our hard working employees deserve a secure retirement that will be there for them throughout their retirement years; and

WHEREAS, our citizens deserve an affordable pension system that will not force our town to cut services and jobs or raise taxes; and

NOW, THEREFORE, BE IT RESOLVED that we support immediate comprehensive statewide pension reform to ensure an affordable and sustainable pension system.

Walter M.O. Steere, III, President
Glocester Town Council

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: August 18th & September 15th, 2011

B. Finance Director's Report - June, July, & August 2011

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of August 18th & September 15th, 2011; and to TABLE the Finance Director's Report for June, July, & August 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Recreation Commission

One 2-year term to expire 1/2013

MOTION was made by Councilor G. Steere to TABLE the appointment to the Recreation Commission for a 2-year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Tax Collections - Use of Credit Card provider

Discussion and/or Action

Discussion: Councilor Burlingame stated that the Town previously had a program whereby taxpayers could pay by credit card, but the company that worked as our intermediary has discontinued the service. Councilor Burlingame stated that other proposals have been received, but they have a level of risk as with any other banking service.

Councilor Burlingame noted that Tom Mainville, Finance Director, did not wish to make such a decision for the Town without input from the Town Council. Councilor Burlingame expressed his opinion that the option to pay by credit or debit card should be offered to residents.

Councilor Reichert noted that most of his oil business is done by credit card, adding that the program hides the card numbers for security. Councilor Reichert also stated that putting this out to bid will solicit many different interest rates. Councilor W. Steere stated that his only concern is the safety of records and the Town's liability.

Councilor Burlingame recommended that the Council authorize Tom Mainville to work with Councilor Reichert concerning this matter.

(Tim Kane spoke about other towns that provide this service)

Councilor Reichert discussed the credit card system and what people can do with a credit card.

MOTION was made by Councilor Burlingame to AUTHORIZE the Finance Director to work toward the implementation of a debit/credit card program for tax collections; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Recycling Program - Pay as you Throw - Discussion and/or Action

Discussion:

Councilor G. Steere stated that at the last Town Council meeting, a motion was made to authorize the Director of Public Works to go forward with the recycling program which had been proposed. Councilor G. Steere stated he has been contacted by residents with concerns. Councilor G. Steere recommended that the program be delayed until at least July of 2012, noting that if the program started on the first of the year, as proposed, it could be looked at as a double tax for the residents.

Councilor G. Steere stated that most people he has talked to didn't see the previous attempts at educating people but they saw the sign put up by Russell Gross and they now see the dollar signs. Councilor G. Steere stated he feels we should spend the next six months educating residents. Councilor G. Steere further stated that if we receive a bill from the State in the amount of \$1,029,000 (pension crisis) the timing to add more costs to taxpayers would be terrible.

Councilor Burlingame agreed that the pension problem is a game changer and we should wait to see what happens as a result. Councilor Burlingame also agreed to more educational programs.

Councilor W. Steere stated that Gary Tremml has worked hard gathering information on this program and reminded the Council if in fact we do go over the cap by next spring the Public Works Director may have to come back to the town for additional money. Councilor G. Steere stated G. Tremml has warned the Town of the consequences.

Gary Tremml, Director of Public Works, stated that although the program is perceived as a type of tax, we must look at the broader picture. G. Tremml pointed out that this is a way to extend the life of the landfill in Johnston, because without it, there would be no place for cities and towns to dispose of their garbage.

G. Tremml noted that, as in the pension situation, if people had done what they should have done in the past, we would not be facing this problem. G. Tremml further stated that if we do not address the issue now, we will be forced to pay much more later to dump our trash out of state. G. Tremml explained that the cost for bags would be approximately \$72.00 per year per household as opposed to approximately \$500 per year to truck the trash out of state.

Councilor W. Steere stated that this program isn't something we want to do but at some point we may have to do it. Councilor W. Steere also stated Resource Recovery asked for a 35% recycling rate this year but that figure may go up next year and the years to follow. Councilor W. Steere also stated we must get through to people that this is not a program to generate revenue.

Councilor W. Steere noted that although Gary Tremml has put much effort into educating the public over the last several years, our recycling rate has only increased slightly. G. Tremml commented that the Transfer Station accepts everything else at no charge, anytime without an appointment, adding that this policy would not change.

Russell Gross stated that, in his opinion, when the landfill becomes full the State will be forced to implement alternative measures such as trash burners. R. Gross agreed that there should be more education with regard to recycling.

Councilor W. Steere agrees with Councilors Steere & Burlingame about proceeding in this direction but feels we need to slow down and proceed with education.

Linda Koehler stated that she had not heard of this proposal until recently and suggested that residents be allowed to sign up on an e-mail list to receive updates on this subject. Councilor G. Steere stated that there have been articles in local publications. Councilor G. Steere stated a letter from the Council explaining the situation to residents was published.

Councilor Burlingame spoke regarding the money that would come in for this program, if implemented, would be used solely to offset the cost of the transfer station. Councilor Burlingame stated this would not be used as a revenue stream.

Mike Laporte, Regional Sales Manager of Waste Zero, pointed out that thirty years ago, each person generated 1100 pounds of trash annually, and after thirty years of education, that has only been brought down to 900 pounds per person. M. Laporte noted that other programs, such as “no bin, no barrel”, have not been successful, adding that with “pay as you throw”, we would see results within the first month.

Councilor W. Steere again stated it may be inevitable but at least people will be able to understand the need for the process. Councilor G. Steere again stated he believes it is very important for people to understand why Council has looked into this process. Councilor Burlingame discussed the need for an ordinance to be in place before this program is implemented.

Rose LaVoie stated that education should begin with the children at school. R. LaVoie also pointed out that clear bags could be used and if any recyclable items were visible, the resident would not be allowed to dump the bag.

George Charette stated that he has heard of other programs whereby if a resident brought in anything other than a clear bag, the bag would be slashed to determine its contents. G. Charette stated if recyclable items are found in the bag, the resident would be fined \$20. G. Charette stated that many people do not know what to recycle.

Bob Lyons recommended that an information meeting be held to address this matter. B. Lyons stated that he occasionally sees building materials in the main compactor and suggested that a separate bin be designated for this type of debris.

Lorraine O’Connors stated that she pays an independent trash hauler to pick up her trash. L. O’Connors expressed concern that she separates her recyclable material, but the trash hauler dumps it all into one compartment. L. O’Connors suggested that some type of regulations be followed by these independent contractors statewide.

Joseph DelPrete, Chief of Police, stated that he attended a meeting at the landfill in Johnston and was very impressed by the operation. Chief DelPrete noted that the State will soon be installing machinery which will sort the different types of plastic recyclables.

Councilor W. Steere thanked everyone for their comments.

- C. Town Hall Storm Closure - Discussion and/or Action
 - 1. Employee compensation

Councilor W. Steere explained that at the last Council meeting a vote was taken regarding the action to be taken regarding employees' compensation during the week the Town Hall was closed due to the recent hurricane.

Councilor W. Steere further stated that it was brought to Council's attention, after the fact, that there was a policy adopted in 1999, in the Employee Handbook, that stated:

"If the decision to close the Town Hall is made prior to the start of the work day, nonessential employees (employees not part of the Public Safety or Public Works Departments) will be paid for the entire day."

MOTION was made by Councilor Burlingame to RESCIND the action taken by a unanimous aye vote at the Town Council meeting of September 15, 2011 regarding Item. VIII. B. Town Hall Storm Closure - 1.Employee compensation, said action to be considered void and no further action is needed. The Employee handbook shall be adhered to; seconded by Councilor Reichert.

Discussion: Councilor Burlingame stated that Council should go by the handbook but he will give the Council a recommendation for any necessary changes going forward.

Councilor W. Steere asked T. Mainville if he needed any further action at this time. T. Mainville stated he did not.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

- D. Proposed amendment to the Gloucester Code of Ordinance:
 - 1. Chepachet Village Overlay District Ordinance
 - Discussion and/or Action

Councilor W. Steere read the following request from the Town Planner on behalf of the Planning Board:

TO: Town Council, Walter M.O. Steere III, Town Council President

FROM: Raymond Goff, Town Planner

DATE: September 27, 2011

SUBJECT: Draft Village Overlay District - Mixed Use proposed amendment

Attached please find the draft Village Overlay Ordinance forwarded to you by the Planning Board. This proposed ordinance amendment is designed to reduce the red tape that limits business expansion in the village. It will encourage a mix of residential and commercial uses on a single property within the village of Chepachet. Current Zoning allows some uses in the commercial zoning district while prohibiting the same uses in the residential zone. This ordinance amendment aims to correct these inconsistencies between districts by applying consistent zoning overlay district.

This Zoning amendment also is designed to encourage the reuse or expansion of properties within the village for mixed use properties that includes both residential and commercial uses. Another is to encourage pedestrian traffic by providing convenient and adequate parking within walking distance of existing and new businesses. A third goal is to avoid new commercial "strip malls" by encouraging new development that is in keeping with the character of the Village. This new development is encouraged to mimic the historic architecture and enhance the pedestrian scale of the village.

The Planning Board has spent the last few months developing the ordinance and has received input from some property owners in the village. The Board forwards this draft ordinance to the Town Council for consideration and adoption. A meeting between the Planning Board and Town Council members was held on September 19th where both bodies were able to discuss the merits of the proposed ordinance.

Adopting the proposed amendments will add a new section to Article VII, Special Regulations 350-59, Village Overlay District for the new zoning ordinance. It will amend the Article II, Zoning District Use Regulations, 350-11, 350 Attachment 1, Table of Use Regulations which will show the uses within the district. The amendment will also add a new attachment for the district boundary map, which will be identified as 350 Attachment 5, Village Overlay District Boundaries.

(End of memo, Proposed ordinance attached)

Discussion: Councilor W. Steere stated that the Planning Board has put a lot of work into this Ordinance and recommended that the Council schedule a Public Hearing.

MOTION was made by Councilor Burlingame to set a Public Hearing for December 1, 2011 to hear the proposed Zoning Ordinance amendment: (new section) Special- Regulations 350-59, Article VII, Village Overlay District; amend the Zoning District Use Regulations, 350-11 Article II, 350 Attachment 1, Table of Use Regulations; & addition of 350, Attachment 5, Village Overlay District Boundaries; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

E. Authorization of Signature - Discussion and/or Action
RIDEM - Division of Site Remediation
Hazardous Material Release Notification Form

Councilor W. Steere stated that the Planner has sent the following request:

I am forwarding a pdf of a document the town is required to file with RIDEM regarding the contamination identified on the Old Stone Mill site that the towns owns. This document is a formality that we need to have the Town Council President sign which notifies RIDEM that Gloucester has identified contamination on this property. Since RIDEM, as well as USEPA, is already aware of this situation, it is pretty much a formality at this time. I ask that this item be placed on the October 6, Council agenda for action.

(End)

Discussion:

Ray Goff, Town Planner, stated that this is a formality at this time as he has been working with RIDEM for the past four or five years with regard to an environmental evaluation at the aforementioned site. R. Goff noted that this document should have been filed previously, but was an oversight on the part of DEM. R. Goff stated the Town received a DEM grant and EPA did all the evaluation work hired consultants. R. Goff stated we have been working there for 4-5 years.

Councilor G. Steere questioned the wording of the document. R. Goff stated that he consulted with Fuss & O'Neill and was advised that this is a standard form with standard language. R. Goff noted that DEM has only two categories regarding Brownfields: residential or commercial. R. Goff explained that since the property is not being used commercially, it defaults to the residential category.

Councilor G. Steere stated the other question he had asked was the checking off of "imminent danger" which he does not agree with. Councilor G. Steere stated that he feels if a shovel is not put to the soil there is no imminent danger. Councilor G. Steere questioned why the Town should sign this document. R. Goff explained this question was asked relative to whether the area was near a body of water, and because there is a river there the response was to be checked off.

Councilor Burlingame questioned why sign this document and expressed disagreement that this site should be deemed residential instead of open space and objected to signing the form. Councilor G. Steere stated he also questions signing this document. Councilor Burlingame stated if DEM can't define the property correctly why sign the form. Councilor Reichert stated that when they say commercial they allow more uses and tried to explain DEM's process.

R. Goff noted that DEM is aware that the land will be used for a park and that the location of the contamination is not an easy place to get to. Councilor W. Steere also asked what are the consequences if the Council does not sign the form. R. Goff replied that he does not know. Tim Kane, Assistant Town Solicitor, questioned if the form should be sent to abutters and suggested that the Council wait until the next meeting to proceed.

MOTION was made by Councilor Burlingame to TABLE until the next Town Council meeting the authorization of the Town Council President to sign form: Appendix C , Division of site remediation, Hazardous material release notification form for Site Address: Chepachet River Park @ 0 Putnam Pike, Plat 10B Lots 3 & 46; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

F. Transportation Improvement Program Request 2013-2016 - Discussion and/or Action

Council received notification of the Statewide Planning Transportation Improvement Program for 2013-2016. The Planner has requested discussion on this program.

Discussion:

Ray Goff, Town Planner, explained that DOT and Statewide Planning are required to do a Transportation Improvement Program by which DOT decides which projects will be done. R. Goff further stated that each municipality must submit a prioritized list of issues which need to be addressed. R. Goff noted that, due to the economy, some projects will not be done. There was Council discussion regarding what should be placed on the list. R. Goff noted that the list must be submitted by October 28th and requested that this be placed on the agenda for the Town Council meeting of October 20th.

G. Land Trust - Discussion and/or Action General Policies, Procedures & Board Membership

Councilor Burlingame asked that the Council consider making several changes to the Land Trust. Councilor Burlingame has researched how land trusts are set up in other communities and referenced some changes Smithfield has made. Councilor Burlingame stated that the way the legislation is set up, the Town Council appoints five of the seven members of the Land Trust.

Councilor Burlingame stated that he is uncomfortable with the fact that the Conservation Commission and Planning Board decide who will serve as a voting member of the Land Trust. Councilor Burlingame stated he feels the Council should make those decisions.

Councilor Burlingame noted that in Smithfield, those two boards have representatives who serve on the Land Trust in an advisory capacity only. Councilor Burlingame also stated that regarding the purchase of land, (Smithfield) six of the seven members are required to vote in the affirmative. Councilor Burlingame stated he would like Council to consider that.

Councilor Burlingame stated that when the Land Trust was established, there wasn't much money to maintain their properties. Councilor Burlingame explained that a Charter provision was made and the Land Trust began receiving a percentage of the realty tax stamps for that purpose. Councilor Burlingame noted that since then, the realty tax stamp amount has been increased by the State, adding that the Land Trust now receives approximately \$100,000 per

year. Councilor Burlingame stated that the subject of how much money the Land Trust has come up a few meetings ago. Councilor Burlingame stated that T. Mainville was to research that question and it was found that there was approximately 1/4 million in a residual bond account, and \$200,000 in the acct. from tax stamps. Councilor Burlingame stated the question has come up as to how much money the Land Trust has rec'd in the last ten years.

Councilor Burlingame stated the intent, though not clearly spelled out in the Charter, was this money was to be used for the maintenance of Land Trust properties only because any funds used for acquisition was to voted on by the taxpayers through bond referendums. Councilor Burlingame stated in the last ten years the Land Trust has received approximately \$750,000 from tax stamps. Councilor Burlingame stated he would ask the Council to consider a charter amendment to reduce the amount given to the Land Trust from the tax stamp funds or change the Land Trust over to a budget process where they are given a certain amount of money.

Councilor Burlingame stated he is "leary" of these open ended items such as the tax stamp revenue percentage. Councilor Burlingame also discussed a procedure for removal so as not to be in the same situation as the former school building committee.

Councilor W. Steere stated he has reviewed the Charter and it is not specific to maintenance only. Councilor Burlingame agreed and stated that is why he is suggesting it be amended. Councilor W. Steere stated that if this revenue stream is limited to maintenance only, does that mean the Land Trust has to come back to the voters if they want to purchase land. Councilor W. Steere questioned why this was an issue now and asked Tom Mainville, Finance Director, if there have been any legal issues with regard to the Land Trust.

T. Mainville stated there was not and further that the Land Trust generally follows the rules; however there was an instance when the Land Trust wanted to make a purchase which did not follow our policies, adding that he advised them accordingly. T. Mainville stated they typically follow the rules and every expense can be justified and is documented.

Councilor Burlingame stated he feels the voters should have the "say so" as to how much property comes off the tax roll and further stated he believes a portion of that tax stamp money could go back into the general fund to offset taxes.

Councilor W. Steere asked Councilor Burlingame how many complaints he has rec'd regarding this issue. Councilor Burlingame stated he has seen the problem himself.

Councilor Burlingame noted that he is not critical of the Land Trust, but is concerned about the amount of money over which there is no accountability.

Councilor W. Steere stated that the Land Trust is more focused on maintaining their properties as opposed to acquiring more land. Councilor W. Steere also explained the concept of the Land Trusts impact on taxes. and he agreed there should be a mechanism to approve the appointments to the Land Trust from the Planning Board & Conservation Commission as well as to remove from a board.

Councilor Burlingame stated taxpayers vote on a certain amount for land acquisition with a bond referendum and the other funds going to the Land Trust from tax stamps is not accounted for. Councilor Burlingame state he would like to see the process tightened up. Councilor Burlingame stated he knows we haven't spent a half a million on maintenance of existing land trust properties.

Councilor W. Steere gave his concerns with changing something that is not broken.

Councilor Burlingame stated most of the properties he can understand but when we start spending money on greenways that involve swamp lands he can not see the need.

Councilor W. Steere stated he feels there is a general good feeling about the Land Trust. Councilor W. Steere also stated he agrees that procedures need to be specific, especially for years to come. Councilor W. Steere stated he has an issue with looking for more money and discussion followed on the realty tax stamp amounts received.

Councilor G. Steere remarked the tax stamp rate used to be \$2 per thousand and now it is \$4 per thousand. Councilor G. Steere stated he thinks the Land Trust is a good thing but it may be time to stop taking property off the tax roll. The intention of the funds use was discussed as well as the maintenance of the Land Trust properties.

Councilor G. Steere stated he agrees the voters should vote on funds for land acquisition and with the economy as it is the 75% of the realty stamp funding should be looked at. Councilor G. Steere stated he agrees that saving large parcels from development may be a good thing but paying \$10,000 an acre for swampland is not a good idea.

Russell Gross, Land Trust member, stated that he believes in the Land Trust. R. Gross stated that if that money had gone toward maintenance, we would not have the problems we have at Hawkins Pond. R. Gross stated that at the Town Financial Meeting five years ago, the voters voted to remove the clerk for the Land Trust, but before long, the Land Trust again had a clerk. Regarding volunteers, R. Gross pointed out that there was the opportunity to have from 800 to 1000 hours of volunteer work from Factory Mutual, but nothing has been done.

Rose LaVoie asked how Henry Hawkins' property has been allowed to deteriorate if there were all those funds available for maintenance. R. LaVoie expressed her concern that upon entering Gloucester from the west, this property is the first thing seen. R. LaVoie stated it is a disgrace.

Pete Skeffington stated that he was not aware of the Land Trust's existence until a year and a half ago when several members of the Resource Commission walked onto the Hawkins Property and were met by angry Land Trust members. P. Skeffington stated that the Land Trust is involved in the purchase of properties without the public being notified. P. Skeffington added that these properties are then removed from the tax rolls, resulting in higher taxes for the rest of the property owners. P. Skeffington noted that the Land Trust owns 2,300 acres, which is almost 9% of the total town acreage.

P. Skeffington further stated that many of these properties have DEM easements which remove control of the land from those who paid for it, the taxpayers of the Town of Gloucester. P. Skeffington stated that these easements place oversight and maintenance into the hands of the Land Trust. P. Skeffington pointed out that any funds generated from Land Trust properties go into Land Trust accounts and not the General Fund. P. Skeffington noted that the chair of the Land Trust happens to be an employee of DEM.

Councilor W. Steere pointed out that this discussion is supposed to be about the Land Trust, not DEM. P. Skeffington replied that he is setting the stage to bring forth another issue.

P. Skeffington stated that the Land Trust recently approved a gift of \$40,000 to DEM to aid in the purchase of another piece of land for which the Land Trust will get a conservation easement, according to Land Trust chair Bruce Payton. P. Skeffington expressed his opinion that this investment indicates that the Land Trust is working for DEM and not the Town of Gloucester. Councilor W. Steere cautioned P. Skeffington not to make allegations based on hearsay. P. Skeffington replied that this is not hearsay; he was in attendance at the meeting of the Land Trust.

Pete Skeffington referred to Chapter 548 of the Enabling Legislation, stating that it should be amended to accomplish the following: 1) to allow the Town Council to name all seven members the Land Trust rather than the current five, to include those currently selected by the Conservation Commission and the Planning Board; 2) to allow the Town Council to remove members from the Land Trust in the event of a conflict as stated in the Rules of Procedure; 3) all Land Trust profits be submitted to the Gloucester General Fund.

George Charette spoke regarding his letter which was read into the record at the last Town Council meeting. G. Charette stated that he attended three meetings of the Land Trust to voice his opinion. G. Charette stated that the Land Trust was created to prevent massive development in Gloucester. G. Charette noted that there was no discussion at the time regarding easements or control of the properties. G. Charette stated that there has been over \$94,000 removed from the tax rolls due to Land Trust purchases.

G. Charette stated that the voters have approved \$500,000 for additional land purchases. G. Charette expressed his opinion that there is a major conflict of interest with regard to the Land Trust, with a husband and wife as voting members. G. Charette spoke about the Friends of the Land Trust, stating that some of the members also serve on the Land Trust. G. Charette stated that if we don't stop the Land Trust from buying land which the Town could use for the betterment of the taxpayers, there is no future in this Town.

Councilor W. Steere stated that he understands these issues and agrees that some procedures should be tightened, but objected to (what he refers to as) the character assassination which has taken place tonight.

G. Charette again spoke about conflicts of interest within the Land Trust.

Tom Mainville, Finance Director, stated that prior to the Town receiving the tax stamp money, the State kept the money. The State then gave the Town a percentage of the money provided that the majority of it would go to the Land Trust, adding that if we don't do so, the State may withhold the funds. T. Mainville noted that the Land Trust's records have been audited each year by our external auditors without a single comment. T. Mainville stated that although there may be some philosophical differences regarding how the money is spent, there has been no wrongdoing by the Land Trust.

Councilor Burlingame asked Council to think about his suggestions and reiterated he was not insinuating wrong doing and that his statements had to do with philosophies and the spending of funds.

H. Donation Authorization - Gloucester Business Association seasonal planting
Discussion and/or Action

Councilor W. Steere stated that the GBA is asking for support regarding the expense for the flowers planted in the planters this summer in the village. Councilor W. Steere noted that the Council has reimbursed the group the last two years and the GBA is looking for that support again. The cost was \$144 this summer.

Discussion: None

MOTION was made by Councilor Reichert to AUTHORIZE the Finance Director to expend \$144.35 from the Town Council Contingency Fund for the reimbursement of flowers purchased by the Gloucester Business Association; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS: 0

MOTION PASSED

IX. Boards & Commissions

A. Appointment - Discussion and/or Action

1. Zoning Board of Review, Recording Clerk

Tom Mainville, Finance Director, stated that there is an excellent candidate who is interested in the position. The candidate will be interviewed by members of the Zoning Board.

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, informed the Council that she had received a request from the elementary school to hold a tea at the Senior Center on a Saturday afternoon. T. Mainville explained the liability coverage and he is waiting for a call from the Trust to determine if the PTO is close enough to count as a town function. Discussion followed. The consensus was to question why the PTO wasn't using the school as it is readily accessible on a Saturday. There were issues discussed as far as overtime for weekend maintenance.

- B. G. Treml, Public Works, indicated that paving was continuing.
- B. Tom Mainville, Finance Director, spoke regarding the use of the Senior Center by the School PTO and related insurance issues.
- C. Ray Goff, Town Planner, stated that there is a company that wishes to lease 10 to 20 acres from the Town which would pay us approximately \$10,000 per year. The company would install solar panels and generate electricity which we could purchase at a certain price. R. Goff stated that this is a great opportunity for the Town.

Bds. & Commissions - Discussion

- A. Pete Skeffington, Community Resource member, thanked R. Goff for his efforts concerning the leasing of land for solar power.

P. Skeffington stated that the Resource Commission would like to add a second alternate member to the Commission, Cheryl Commendatore. P. Skeffington stated that she would be a great asset to the group. It was noted that this will be on the agenda for the next Town Council meeting.

P. Skeffington thanked Gary Treml, Director of Public Works, for removing the flags from the telephone poles on the parade route. It was stated that the flags will be placed in storage until next year.

- B. George Charette, Planning Board chair, thanked Edna Kent for her assistance regarding additional parking in the Village.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from Braking the Cycle, thanking the Town for supporting their bike ride through Gloucester in September.
- B. Councilor W. Steere read the following letter into the record:

Michael P. Lewis, Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

Dear Director Lewis:

With this letter, I am requesting the Rhode Island Department of Transportation utilize whatever means necessary to ensure the timely completion of the project to replace the Chestnut Hill Bridge in the Town of Gloucester.

I am making this request on behalf of the many residents and business owners in the area that have had to endure the adverse impacts associated with detours, delays and general access. While we completely understand that penalties will be assessed

to the contractor of this project (\$1,200/day, \$6,000/week) should they fail to complete the project by the September 30th deadline, might I suggest that a more efficient alternative would be to utilize the dollars that would otherwise go to paying these fines to pay for overtime for the crews to finish this project sooner?

Unfortunately, I am not in a position to make this suggestion directly to the contractor, but perhaps your office or the bonding agency assigned to this project may. Please understand that I am making this request for the good of all who have been substantially inconvenienced by a bridge project that has represented a modern day example of Murphy's Law.

I wish to thank you in advance for your time, attention and consideration with this request. If I can be of any assistance at any point in this process, please feel free to contact me.

Sincerely,
Paul W. Fogarty
Senator - District 23
(End of letter)

- C. Councilor W. Steere stated that a letter of appreciation was received from the Richmond Chief of Police with regard to the use of our Police Department's Mobile Command Center at the Washington County Fair.
- D. Councilor W. Steere read the following into the record:

To All Town Officials:
Thank you very much for the water distribution. It is very kind and thoughtful of you. This action shows the close knit community spirit.
Thank you again,
Adrien Blanchette
Chepachet

- E. Councilor W. Steere spoke about placing a sign in the Village indicating the parking area.

XII. Open Forum

- A. Bob Lyons asked several questions regarding the geothermal system which is in the process of being installed at the Town Hall. B. Lyons expressed concern regarding the cost of electricity needed to run the 15 wells. B. Lyons thanked the Town Council and the Department of Public Works for their work on the roads in Town.
- B. Rose LaVoie asked if our representatives will be sent copies of the Resolution pertaining to pension reform. The answer was affirmative. R. LaVoie spoke about several subjects, including project funding for the Village, recycling and the Land Trust.

- C. Tom Sanzi commended Cardi Corp. for stepping in to complete the bridge projects.
- D. Charlie Wilson, Chair of the Historic District Commission, thanked the Town Council and Gary Trembl, Director of Public Works, for providing parking for the businesses in the Village. C. Wilson suggested that an Ordinance be drafted to address who is allowed to park there.

XIII. Seek to Convene to Executive Session

MOTION was made by Councilor Burlingame to Convene to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Collective Bargaining, 1. Town of Gloucester Clerks & 2. Police Dispatchers; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

No votes taken in Executive Session

MOTION was made by Councilor Burlingame to RECONVENE Open Session and to SEAL the minutes of Executive Session; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:51 p.m.; seconded by Councilor Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the November 17, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **October 20, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Raymond Goff, Town Planner; Gary Trembl, Director of Public Works; Viviane Valentine, Tax Assessor; Joseph DelPrete, Chief of Police; Anne Ejnes, School Committee member; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Cub Scout Den 5, Pack 1 from Chepachet and their leader, Myles Beltram. Jean Fecteau, Town Clerk, thanked the group for leading the Pledge and presented each Scout with a Town of Gloucester pin.

IV. Open Forum for Agenda Items

Adam Remick, of Long Entry Road, spoke regarding the "Pay as you throw" program. A. Remick expressed his objection to a fee-based program, stating that there are other ways to deal with this issue without penalizing those who do the right thing by recycling.

Councilor W. Steere thanked A. Remick for his comments and stated that public feedback has allowed the Town Council to step back and look at the "pay as you throw program." Councilor W. Steere explained that we have a mandate from Resource Recovery that 35% of our trash be recyclable, adding that we are now at approximately 26%. Councilor W. Steere further stated that over the last three years, several methods have been tried to raise awareness about recycling.

Councilor W. Steere noted that there now is a sign at the Transfer Station which forces residents to drive past the recycling station before they can dispose of their trash. Councilor W. Steere stated that there is also a sign on a resident's property which has gotten much attention. Councilor W. Steere stated that he would like to exhaust every option before implementing the program.

Councilor Burlingame expressed agreement with Councilor W. Steere and noted that the State has dropped the tonnage cap while increasing our recycling percentage. Councilor Burlingame stated that we have the local schools involved, but not the regional schools. Councilor Burlingame suggested that bins be placed at other locations to make it more convenient for people to dispose of their recyclables. Councilor Burlingame stated that he takes issue with

Resource Recovery because they are pressuring the cities and towns, but are taking no action against commercial trash haulers who do not keep recyclables separate from regular trash. Councilor Burlingame expressed hope that people will cooperate so that we can avoid having to implement the program.

Councilor W. Steere pointed out that other municipalities look upon this type of program as “found money,” but if we have to do it, it will be revenue neutral. Councilor W. Steere noted that the Public Works Director has done a lot of work on this subject, including researching what other towns are doing. For example, Smithfield had a Recycling Coordinator for several years, but were still not able to sufficiently raise their recycling level. There was Council consensus to exhaust all other avenues before this plan will be implemented.

V. Licensing Board - License Violations - Discussion and/or Action

Councilor W. Steere stated that Joseph DelPrete, Chief of Police, has requested that the Council, serving as the Licensing Board, consider the sanctions he has offered to two establishments that recently failed compliance checks.

A. Christy’s Liquors, Inc., Kevin J. Kitson, d/b/a Christy’s Liquors, 1184 Putnam Pike

Councilor W. Steere read the following letter submitted by Joseph DelPrete, Chief of Police:

DATE: October 13, 2011
TO: Honorable Gloucester Town Council Members
FROM: Chief Joseph S. DelPrete
SUBJECT: Liquor License Violation

On Thursday September 29, 2011 members of the Gloucester Police Department conducted an alcohol compliance check (survey) of Christy’s Liquors on Main Street in Chepachet. The male employee at the counter sold a six pack of Heineken to an undercover decoy without asking for identification. The under aged decoy was accompanied by an undercover officer for a short time inside the establishment. After the undercover officer left the establishment the decoy was sold the alcohol by the male employee at Christy’s.

On Friday September 30th, Chief DelPrete informed the owner of the business Kevin Kitson of the violation. He identified the employee who was working that evening and made the sale to the undercover decoy.

Mr. Kitson was advised that any future violations will be remanded to the Gloucester Town Council/Licensing Board with the recommendation for a fine, suspension and/or revocation of the liquor license of said establishment as outlined in Rhode Island General Law 3-7-6.1 Alcoholic Beverages-Retail Licenses. Mr. Kitson was also asked to furnish a list of employees and their S.T.O.P. certifications. He complied and all employees were current with their certifications. Christy's Liquors has not had any violations in seven years.

Respectfully Submitted,
Joseph DelPrete
(end of memo)

Discussion: There was Council consensus to approve the sanctions recommended by Chief DelPrete.

MOTION was made by Councilor Burlingame to take no action regarding the license violation of Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike; based on the recommendation of Chief DelPrete; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane

Councilor W. Steere read the following into the record:

To: Honorable Town Council
Subject: Liquor Violation
From: Chief Joseph DelPrete
Date: October 11th, 2011

On Thursday 9/29/2011, members of the Gloucester Police Department conducted an alcohol compliance check (survey) of Pinewood Pub. The female bartender served alcohol to an undercover officer and underage decoy without asking for any forms of identification. This is a second violation within a sixteen month period where an employee/bartender at the establishment served alcohol to a minor.

On October 1, 2011 the owner of the establishment Mr. William Kapanakis was informed of the violation by Lt. Fague and he provided the identity of the bartender. On October 5th, Chief DelPrete spoke with Mr. Kapanakis about both violations at the establishment within a sixteen month period. Mr. Kapanakis agreed to waive the "Show Causing Hearing" and accept the following sanctions or fines as outlined in Rhode Island General Law 3-7-6.1 Alcoholic Beverages-Retail Licenses.

1. Mr. Kapanakis as the owner of Pinewood Pub would accept a \$150.00 fine for a second alcohol violation within a sixteen month period.
2. A restriction and condition upon this Class BV Liquor license that all employees serving alcohol attend an alcohol server/seller awareness training seminar such as S.T.O.P. or T.I.P.S. within thirty days of the imposition of these sanctions. Any new employee hired will also be required to complete the same type of course within thirty days of their date of hire. Certifications of said training will be supplied for all employees to the Chief of Police and the Town Clerk.

In addition, Mr. Kapanakis understands that the above agreement must have the advice and consent of the Gloucester Town Council.

The Town Council will consider this agreement at the Town Council meeting on Thursday October 20th, 2011.

Respectfully Submitted,
Joseph DelPrete
(End of memo)

Discussion:

Councilor Burlingame referred to the frequency of violations at this establishment and asked what the next step would be. Chief DelPrete replied that after a third violation he would recommend revocation or suspension of the license. Chief DelPrete noted that the owner of the establishment is aware of this. Chief DelPrete asked that if the Council agrees to his recommendation, the fine will be payable within 2 weeks.

MOTION was made by Councilor Burlingame to APPROVE the Agreement between the Town of Gloucester and Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane; as submitted by Gloucester Chief DelPrete on October 11, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

- A. Town Council Minutes: October 6, 2011
- B. Finance Director's Report - June, July, August, & Sept. 2011
- C. Tax Collector's Additions & Abatements
- D. Pole Grant - One New Joint Pole location (P.19) - Old Quarry Road

MOTION was made by Councilor Reichert to TABLE the Approval of Town Council minutes of October 6, 2011; to TABLE the Finance Director's Report for June, July, August & September, 2011; to APPROVE the Additions to the 2011 Tax Roll in the amount of \$4,916.82; and Abatements to the 2010 Tax Roll in the amount of \$180.39; Abatement to the 2011 Tax Roll in the amount of \$3,724.17; and APPROVE the Pole Grant - One new joint pole location P.19, Old Quarry Road; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Recreation Commission

One 2-year term to expire 1/2013

It was stated that there are no applications for this vacancy at this time. Anthony Parrillo, Recreation Director, stated that he will attempt to recruit candidates for the position. A. Parrillo also suggested that an ad for volunteers be placed in the Gloucester Advocate.

MOTION was made by Councilor G. Steere to TABLE the Appointment to the Recreation Commission for one 2-year term to expire 1/2013; seconded by Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Transportation Improvement Program Request 2013-2016

Discussion and/or Action

(Tabled from 10/6/2011)

Ray Goff, Town Planner, stated that he has conferred with Tim Kane, Town Solicitor, regarding the TIP request, which consists of two items; the paving of Route 44 from the DOT maintenance facility to West Greenville Road and the restoration of the Rueben Mason House. R. Goff requested that the Town Council President sign the application.

Discussion: Councilor Reichert asked if this would be covered under "errors and omissions" since there never was a title search conducted. Tim Kane, Town Solicitor, replied that he looked into it and it would not be covered.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Transportation Improvement Program Request 2013-2016; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Authorization of Signature - Discussion and/or Action

RIDEM - Division of Site Remediation

Hazardous Material Release Notification Form

(Tabled from 10/6/2011)

Discussion: Ray Goff, Town Planner, stated that nothing has changed since the last discussion. R. Goff stated that DEM already knows about the contamination at the site and this form indicates that we recognize that fact also. R. Goff noted that this should have been done at the beginning when we

applied for funding to evaluate the site, but was an oversight on the part of DEM. Councilor W. Steere asked what the consequences would be if we do not sign the form. T. Kane, Assistant Town Solicitor, replied that we are in the system as having a contaminated site and this is a required form.

Councilor G. Steere asked why the form is required. T. Kane replied that it is required to keep moving forward with DEM before they take an adversarial position with the Town and order the Town to clean up the site. Councilor G. Steere expressed his opinion that this would make it easier for DEM to take an adversarial position. T. Kane stated that we own the property and signing the form will not change anything from a legal standpoint. R. Goff pointed out that nothing will change by not signing it, either. Councilor Burlingame noted that we have already acknowledged the contamination by applying for a clean-up grant.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the form: Appendix C , Division of site remediation, Hazardous material release notification form for Site Address: Chepachet River Park @ 0 Putnam Pike, Plat 10B Lots 3 & 46; seconded by Councilor Hainsworth.

Discussion:

Councilor G. Steere questioned if the site is designated as “residential,” will it have to be cleaned up to a different degree than if it is considered open space. R. Goff replied that there is a variation in between the two categories because it is a park and because of its remote location. Councilor Burlingame asked if this is documented. R. Goff replied in the affirmative, adding that he has the plans in his office. R. Goff explained that a small amount of material will be removed from the area and the rest will be capped.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

- A. Recycling Program - Pay as you Throw
Discussion and/or Action

Gary Treml, Director of Public Works, stated that he has implemented a method by which residents must go through the recycling area in order to dispose of their trash, adding that this should increase our recycling percentage. Councilor Burlingame suggested that a flyer be distributed to residents with recycling information.

G. Treml stated that his clerk is presently working with Resource Recovery to put something together. Councilor Burlingame asked if it would be feasible to place some recycling containers in the Harmony area. G. Treml stated that people will dump their trash into them also, which will cause problems at the recycling center.

George Charette noted that he recently witnessed three people dumping recyclables into the main bin at the Transfer Station. G. Charette commented that most people who wish to recycle do not know what can be recycled. G. Charette stated that Gloucester is one of the few communities that

does not charge for the disposal of rubbish. G. Charette stated that it is not fair if all have to pay because of those who do not recycle.

Councilor Burlingame stated that there must be enforcement at the Transfer Station. G. Tremml replied that if he puts somebody there in that capacity, the Town Council members will receive calls of complaint. Councilor W. Steere stated that he would not want to put Public Works employees in a position of confrontation with the residents. There was discussion regarding the possibility of requiring clear plastic bags. It was stated that an Ordinance would be necessary.

Gary Tremml stated that another problem is out-of-town trash, stating that if a truck with a Gloucester sticker comes in, there is no way to know where the trash originates from.

Anthony Parrillo, Ponaganset High School teacher, asked if our recycling percentage is based on volume or weight. G. Tremml replied that everything is measured in tonnage. A. Parrillo noted that paper is the heaviest recyclable material, adding that many people do not recycle paper. A. Parrillo stated that every classroom at the high school has recycle bins for paper which are picked up by the students.

Councilor Burlingame stated that he has heard that the middle and high schools separate the recyclables, but that the commercial contractor dumps it all together. Anne Ejnes, School Committee member, stated that she will look into the matter.

Adam Remick commented that if the attendants at the Transfer Station begin to enforce the recycling regulations, word will get out and residents will obey the rules. A. Remick stated that this would have the same effect as radar patrols on the roads.

Councilor Burlingame suggested requiring residents to bring their bins to the Transfer Station in order to be allowed to dump their trash. This would be similar to the “no bin, no barrel” policy in many cities and towns with trash pickup.

Linda Koehler stated that she takes her recyclables in plastic bags because the bins do not fit in her vehicle. L. Koehler noted that she deposits them in the proper place. L. Koehler stated that many people are uninformed with regard to what is recyclable and suggested that more public education be conducted.

Councilor G. Steere offered to hand out flyers at the Transfer Station on the weekend to help educate the public. G. Tremml stated that if he has one of his employees distribute handouts, it would entail overtime or take somebody away from other duties.

Bruce Payton noted that the Conservation Commission had previously handed out materials at the Transfer Station, adding that the information can be downloaded from the Resource Recovery website. B. Payton suggested that Resource Recovery send somebody out to assist in this regard. Cheryl Greathouse stated that residents are not aware of the cost of violations imposed upon the Town by Resource Recovery and suggested that this information could be included on the flyers.

Mike DeGrange stated that we could involve local Scout troops who have projects to do to earn their badges. M. DeGrange agreed that education is the key. M. DeGrange also suggested that clear bags be required.

Tom Sanzi recommended that campaign signs and a slogan be designed to make people aware of the situation. T. Sanzi stated that this is done successfully for Earth Day each year. T. Sanzi stated that he prefers these suggestions over “pay as you throw”, noting that people are working hard every day to make a living.

Councilor W. Steere stated that he is willing to attempt all of these ideas, but feels that, as in other communities, we are headed toward the pay as you throw program. Councilor W. Steere stated that if people refuse to do what is necessary, we are limited in what can be done.

George Charette expressed his opinion that other measures should be taken and if unsuccessful, the pay as you throw program should be implemented.

Linda Nichols suggested that the Town send a truck out to pick up recyclables. Councilor Burlingame stated that this is not feasible as it would cost in excess of a half-million dollars a year. Councilor W. Steere pointed out that this is not something we wish to do, but have been mandated by the State to meet a certain criteria.

Councilor Burlingame stated that he has a problem with Resource Recovery telling us what we have to do as a municipality while allowing commercial haulers to do otherwise. Councilor Burlingame also objected to the fact that Resource Recovery is not planning for the future when the landfill has to be closed.

Bruce Payton asked if people are aware that we have mandatory recycling. It was noted that there is an Ordinance to that effect, but there is no penalty for not complying.

Councilor W. Steere stated that the next step will be to increase education efforts followed by enforcement at the Transfer Station. Councilor W. Steere expressed appreciation for all of the comments made and added that any further comments may be forwarded to the Council by email or phone.

B. Authorization of Signature - Discussion and/or Action

1. Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester, Chepachet Village Enhancements

Ray Goff, Town Planner, explained that this is an agreement to maintain the village enhancements after their completion. R. Goff noted that this is controversial in that it is more maintenance that our Public Works Department will have to do. Tim Kane, Assistant Town Solicitor, stated that this agreement would contractually obligate us to pay the lighting bill. R. Goff stated that he will determine the annual cost of the lighting.

Gary Treml, Director of Public Works, stated that the Chepachet Fire District now pays for all of the lights in Gloucester. G. Treml stated that the bill right now is approximately \$18,000 per year. G.

Treml stated that if this agreement is signed, the Town would be obligated to repair or replace the period lights in the event that they are damaged or destroyed. G. Treml also noted that this maintenance could become a full time thing as it is very labor-intensive. G. Treml asked where the funds would come from. It was stated that Scituate has similar lights and R. Goff stated that he will call to determine how this is handled in Scituate. There was Council consensus to continue this matter until cost projections can be made.

MOTION was made by Councilor Burlingame to TABLE the authorization of the Town Council President to sign the Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester, Chepachet Village Enhancements; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Addendum to Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester Constructed Wetland at Tanyard Lane

Tim Kane, Assistant Town Solicitor, stated that he and Councilor W. Steere met with DOT officials regarding this addendum. T. Kane stated that DOT has agreed to accept responsibility for maintenance of the Sherman Lane detention basin as well as the cost for archaeological studies. The Town's responsibility is capped at \$300,000 plus in-kind services from the Public Works Department.

Councilor W. Steere noted that several concessions were made during the meeting, explaining that DOT had originally wanted the Town to maintain the detention basin. Councilor G. Steere stated that he is glad that we didn't sign the agreement months ago.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the Addendum to Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester Constructed Wetland at Tanyard Lane; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Chestnut Hill Bridge Follow Up Correspondence
Discussion and/or Action

Councilor W. Steere reported that the Chestnut Hill Bridge reopened last week to the relief of many residents. Councilor G. Steere stated that even though it took a long time and several contractors to complete the project, he feels that State Engineer Steve Ricci expedited the work by making decisions on a daily basis. Councilor G. Steere stated that we should give credit where credit is due.

After Council discussion, there was a consensus to send letters of appreciation to Frank Cambio, Steve Ricci, Cardi Corporation, and the Department of Transportation. It was also stated that credit should be given to this Council and the Director of Public Works, as well as Senator Fogarty and our State Representatives, who were very proactive in getting the project completed.

IX. Boards & Commission

A. Appointments - Discussion and/or Action

1. Zoning Board of Review, (**Tabled from 10/6/2011**)
Recording Clerk

Discussion: None.

MOTION was made by Councilor Hainsworth to REAPPOINT Debra Rogala to the position of Zoning Board of Review Recording Clerk; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

2. Senior Center Board of Directors
Two expired 5 year terms

Councilor W. Steere stated that this item is for two expired terms, Dave Chace & Jacky DiPietro. Both would like to be reappointed.

Discussion: None.

MOTION was made by Councilor Burlingame to REAPPOINT David Chace & Jaclynn DiPietro to the Senior Center Board of Directors for 5 year terms to expire 10/2016; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance - Discussion and/or Action

Proposed combination of Community Resource Commission & Wastewater Management Board

Discussion: Councilor W. Steere explained that the Community Resource Commission is seeking to add a member to the board as a second alternate, and also has suggested that the Wastewater Management Board's charge be expanded to combine the Board with the Resource Commission. Councilor W. Steere stated that the Wastewater Management Board had been a regulatory commission even though they did not have that authority.

Councilor W. Steere noted that this was corrected in the last couple of years to make the Wastewater Management Board more of an educational board, as is the Community Resource Commission. Councilor W. Steere expressed his opinion that combining the two groups would be beneficial and asked Tim Kane, Assistant Town Solicitor, what procedure would have to be followed.

Tim Kane stated that the Council could consider repealing the Wastewater Management District Ordinance in its entirety and move the powers of the Board over to the Resource Commission. T. Kane stated that his only concern is with regard to any grant money which may be available in the future.

Councilor Burlingame stated that the reason the Council amended the charge of the Wastewater Management Board was to get out of the regulation business and leave that to DEM. At that time, the Wastewater Management Board became an advisory group and a facilitator. Councilor Burlingame stated that it makes sense to combine the two groups to provide resources to the residents.

Councilor G. Steere recommended keeping the word "Wastewater" in the title of the group in the event that grant money becomes available for that purpose. Tim Kane stated that he will work on the title and the wording of the Ordinance.

Linda Nichols stated that the Wastewater Board had a budget of \$1,000 and asked if at least a portion of this would be combined with the Community Resource Commission's budget. Councilor W. Steere replied that this could be taken up with the Budget Board. L. Nichols asked if the Council would be voting on this tonight. Councilor Burlingame replied that a hearing must be held first.

L. Nichols mentioned that the Resource Commission is also asking to add a second alternate to the membership. Tim Kane replied that this could all be done at once when the Ordinance is amended. T. Kane stated that a First Reading will be scheduled for the next meeting. L. Nichols asked if the candidate for the second alternate position can still attend the Community Resource Commission meetings.

Councilor W. Steere noted that all meetings are open, but the candidate cannot vote. Jean Fecteau, Town Clerk, stated that after the First Reading, a Public Hearing to amend the Ordinance will be scheduled.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Solicitor to draft a recommendation to combine the Wastewater Management District Board and the Community Resource Commission; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Gloucester Code of Ordinance - Proposed Amendment - Discussion and/or Action

1st Reading: Community Resource Commission

68-1. Establishment; membership; terms; compensation; clerk; vacancies

Proposed: Addition of (second) alternate member

The original charge for this Commission Chapter 68-1. Establishment; membership; terms; compensation; clerk; vacancies, called for a seven member board. The membership was amended on 12/16/2010 to add one alternate position to this commission. The 1st reading is to consider the addition of another alternate position.

Discussion:

This was addressed with the previous matter. A First Reading will be scheduled for the Town Council meeting of November 3, 2011.

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, reminded the Town Council that on November 11th at 11:00 a.m., we will have our annual Veterans' Day ceremony at the Senior Center.

J. Fecteau stated that a letter was received from Sticks Tavern regarding the entertainment license for the establishment. Vin Iannuzzi, owner of the tavern, is seeking relief from the stipulations of his license and to have entertainment outdoors for six (6) events. J. Fecteau recommended that a Special Event license be applied for each occasion that Mr. Iannuzzi wishes to have outdoor entertainment, which includes advertisement and notice to abutting property owners.

J. Fecteau stated that Mr. Iannuzzi also had questions regarding what types of activities can be held at the tavern, such as horseshoes and bocce. Tim Kane noted that the license now allows these recreational uses, but if Mr. Iannuzzi wishes to do additional things, he must seek Council approval. Regarding the events that Mr. Iannuzzi wishes to have, T. Kane stated that a Special Event license would be appropriate. J. Fecteau stated that Mr. Iannuzzi is also seeking relief from the stipulation that a police detail be present at any horseshoe or bocce tournament.

B. Gary Treml, Director of Public Works, stated that he will meet with FEMA next week regarding reimbursement concerning the tropical storm.

C. Councilor Burlingame addressed Ray Goff, Town Planner, regarding monthly reports. Councilor Burlingame pointed out that monthly reports have not been submitted by the Building/Zoning and Planning Departments. Councilor Burlingame stated that the reports are due by the second Town Council meeting each month.

Bds. & Commissions - Discussion

- A. Bruce Payton, Land Trust chair, spoke regarding the Hawkins House, stating that the Fire Departments have been conducting fire training with permission from the Land Trust.
- B. Anne Ejnes, School Committee member, reminded the Council about the Energy Program Open House at the high school on Monday, November 14th at 9:00 a.m. A. Ejnes noted that Senators Reed and Whitehouse will be in attendance. A. Ejnes reported that one of the art teachers at the elementary school level has been named Art Educator of the Year.
- C. Linda Nichols, Community Resource Commission member, stated that an engineer has volunteered to assist the Commission with regard to a feasibility study on hydro-electric power. L. Nichols stated that she will keep the Council informed.
- D. Bruce Payton, Land Trust chair, stated that a contract has been signed with EA Engineering for the study of the dam.
- E. Charlie Wilson, Historic District Commission chair, informed the Council that the church across the street is seeking to demolish part or all of the rector's house. Also, C. Wilson stated that the owner of the house at 1155 Putnam Pike also wishes to demolish their house, which has historic value going back to the 1800's. Councilor Burlingame questioned if that house could be demolished without HDC permission.

C. Wilson stated that demolition permits cannot be obtained without HDC approval. Councilor Burlingame asked if the Board has the last word on demolition. Tim Kane, Assistant Town Solicitor, stated that HDC denials can be appealed through Superior Court. C. Wilson stated he wanted the Council to be aware. Councilor G. Steere stated he has been told the house is in bad shape and should probably be torn down.

Councilor G. Steere referred to the proposed overlay district the Planning Board has been working on and stated that he would rather see vacant buildings torn down so something different can be built rather than leave the building empty for years like other vacant buildings in town. Councilor G. Steere also stated letting the house be torn down and rebuilt to the HDC specs might be a better option then letting it sit there for years and years. Tim Kane suggested that the Historic District Commission schedule and post a walk-through of the buildings.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere read the following letter into the record:

October 17, 2011

To: Gloucester Land Trust

Town of Gloucester

From: Gloucester Fire Companies Training Committee

Re: Hawkins House

Putnam Pike

On behalf of all the Gloucester Fire Departments, we would like to thank you for allowing us to conduct fire training at the Hawkins House. This has proven to be an important and much appreciated training exercise.

The Firefighter Level 1 class has benefitted from this training site, as well. The participation has been incredible and the benefit to the Gloucester residents has been invaluable. Also, the newer members of the fire companies appreciated this hands-on training.

Just to be clear, at no time has there been live burn training. As agreed upon, these have been exercises in search and recovery, smoke (smoke generator), ladder and hose training.

We hope that this will be one of many opportunities we will have to increase our fire fighting capabilities for our community's personal and property protection.

Respectfully,
Brian McKay, Fire Captain, WGFD
Randy Brackett, Captain, HFD
Chris Leonard, Fire Lt., CFD
Training Committee

(End of letter)

- B. Councilor W. Steere stated that at a recent Town Council meeting, there was discussion concerning the payment of taxes by credit card. Tom Mainville, Finance Director, stated that he has an informational meeting scheduled with a representative of Midfield Technologies.
- C. Councilor W. Steere stated that correspondence was received from the RI EMA concerning reimbursements regarding Tropical Storm Irene.
- D. Councilor W. Steere stated that the Council received Resolutions from the Towns of Richmond and Portsmouth.
- E. Councilor W. Steere stated that during the tropical storm, the Town pulled together to get through it fairly well, but suggested that we work with a vendor to assist us with our emergency planning in the future. Councilor W. Steere stated that there are grant funds available for this service, but the deadline is approaching.

XII. Open Forum

- A. Lorraine O'Connors of Tucker Street expressed thanks to Gary Treml, Director of Public Works, and his department for the work they performed to repair her road.

L. O'Connors distributed flyers produced for the Ponaganset Education Foundation's fundraiser at Chester's Restaurant on November 6th.

- B. Kevin Leahy of Pine Orchard Road expressed concern regarding speeding on his road. K. Leahy stated that when the Chepachet River Bridge was closed, cars would travel 50 or 60 miles per hour on Pine Orchard Road, causing a dangerous situation for people out walking or jogging. K. Leahy requested more of a Police presence to address the problem.

XIII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action
1. Town of Glocester Clerks #1322
 2. Police Dispatchers #1322

MOTION was made by Councilor Burlingame to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 - Collective Bargaining for 1. Town of Glocester Clerks & 2. Police Dispatch; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

MOTION was made by Councilor Burlingame to RECONVENE Open Session and to seal the minutes of Executive Session; no votes were taken in Executive Session; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:36 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the November 17, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **November 3, 2011**

I. Call to Order

The meeting was called to order at 7:30 P.M.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Raymond Goff, Town Planner; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Cub Scout Nevin Sullivan.

Jean Fecteau, Town Clerk, presented Nevin with a Town of Gloucester pin.

IV. Open Forum for Agenda Items

None.

V. **LIQUOR LICENSE REVIEW- EXPANSION OF SERVICE AREA**

Discussion and/or Action

A. **Previously granted August 18, 2011**

Class B-V Victualer Beverage License: I

Tyo-Ristaino Corp, d/b/a Cady 's Tavern

Location of Business: 2168 Putnam Pike, Gloucester, RI

Councilor W. Steere explained that at the Town Council meeting of August 18, 2011, an expansion of service area was granted to allow the use of alcohol on an outdoor deck area, and this use was granted with stipulations:

Stipulation #10: This approval is subject to review at the Town Council meeting of November 3, 2011.

Councilor W. Steere pointed out that at that time Stipulation #9, Outdoor use will be limited to 9:00 p.m., was discussed at length.

Discussion: Councilor W. Steere asked Joseph DelPrete, Chief of Police, if there have been any issues with regard to this matter. Chief DelPrete replied that there have been no complaints.

Councilor W. Steere asked if anybody in the audience wished to be heard. Hearing none, Councilor W. Steere asked the Council members for their thoughts.

Councilor Burlingame stated that he visited the establishment and was surprised to see how small the outdoor patio is, adding that it was under good control. Council or Burlingame stated that he sees no problem with continuing the expansion of service area. Councilor G. Steere expressed agreement that he sees no problem with the 10:00 p.m. Councilor W. Steere concurred, but stated that he would be inclined to keep the time limit of 9:00 P.M.

Councilors G. Steere and Burlingame stated that the original request for 10:00 P.M. is not unreasonable and he thought the 9:00 p.m. was only temporary. Councilor Reichert stated that he was under the impression that the time of 9:00 was only temporary during the trial period. Councilor G. Steere stated that if there are problems in the future, the time could be changed back to 9:00 P.M.

MOTION was made by Councilor Burlingame to CONTINUE the Expansion of Service Area for Tyo-Ristaino Corp. d/b/a Cady's Tavern until the Renewal of Licenses, Public Hearing of November 17, 2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: October 6, 2011 & October 20, 2011

B. Finance Director's Report - June, July, August, & Sept. 2011

MOTION was made by Councilor Reichert to TABLE the approval of Town Council minutes for October 6th & October 20th, 2011; and to TABLE the Finance Director's Reports for June, July, August, & September 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

Councilor Burlingame recommended that the Finance Director submit reports on a quarterly basis as is done by the Budget Committee. Councilor Burlingame stated that a monthly narrative could be submitted to keep the Council apprised of any issues that may arise. Councilor Burlingame stated that he will discuss this with the Finance Director.

VII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Recreation Commission

One 2-year term to expire 1/2013

Councilor W. Steere stated that the Council has received a talent bank application.

MOTION was made by Councilor G. Steere to APPOINT Kevin Leahy to the Recreation Commission for a 2 year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Authorization of Signature - Discussion and/or Action

1. Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester, Chepachet Village Enhancements

Councilor W. Steere stated that this item was tabled at the last meeting until more information was received regarding the lighting cost and maintenance.

Councilor W. Steere read the following note sent to the Council by Ray Goff, Town Planner, after the last meeting:

I contacted Dave Provonsil in the Scituate Building office about the cost to run the period lights that were installed in North Scituate Village. From what he tells me, it costs them \$3,300 per year for electricity. They have 34 lights and coincidentally we have 34 lights to be scheduled in Chepachet Main Street. I have some additional information coming next week, but I wanted to share with you what has been done in Scituate.

Ray

(End of memo)

Discussion:

Councilor G. Steere stated that the Fire Department was concerned that the new lights would cost more to run than the existing lights, but pointed out that the new fixtures will be more energy-efficient. Councilor Burlingame recommended signing the agreement and if there any issues, to take it up with the Fire Department.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Construction and Maintenance Agreement, Route 44, Contract 3C by and between RIDOT (State) and the Town of Gloucester, Chepachet Village Enhancements; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Gloucester Code of Ordinance - 1st Reading

1st Reading: Proposed Amendments - Discussion and/or Action

1. REPEAL Chapter 272 Wastewater Management District
2. REPEAL Chapter A420 Wastewater Rules & Regulations
(these were only suspended previously)

Discussion:

Councilor W. Steere explained that the Council wishes to combine the Wastewater Management District Board with the Community Resource Commission. Councilor W. Steere explain to achieve this, Chapter 272 Wastewater Management District & Chapter A420, Wastewater Rules and Regulations, must be repealed and the Community Resource Commission charge must be amended.

3. AMEND Chapter 350-12 Prohibited uses
Delete last paragraph to eliminate 150' setback

Discussion:

Jean Fecteau, Town Clerk, explained that the next 3 items should have been eliminated when the Council eliminated Chapter 350-46 Sewage Disposal System Setback from Water Bodies on November 21, 2010 with the following motion:

MOTION was made (on November 21, 2010) by Councilor to GRANT the amendment to the Gloucester Code of Ordinance, Chapter 350-46 Sewage Disposal System Setback from Water Bodies, the Elimination of Section 46, with no text replacement; the deletion of this section shall automatically delete all other references to the 150' setback that may be in the Gloucester Code of Ordinances, effective immediately.

4. AMEND Chapter 350, Zoning, Attachment 1:3 Table of Use Regulations:
 - a. Amend Sect. 2 Residential Uses, #1 Change language to read "Single Family dwelling" (this would eliminate reference to 150' setback)
 - b. Delete Sect. 3 Residential Uses, #2 (regarding 150' setback)
 - c. Amend Sect. 4 Public and Semi-public Uses #8 "Hospital, clinic, or rehabilitative facility (not for mental, alcoholic or drug treatment)." In the columns for A-4, A-3 and B-2, change from SP to YES.
 - d. Amend Sect. 7 Service Business #5 "Veterinary Office or Animal Hospital" In the column for B-1 change from NO to YES.

- e. Delete Sect. 13. Accessory Use #2 “Any underground burial, placement or storage of a fuel tank or other device for storing fuel” **Delete this entire section as this is regulated by RIDEM for underground storage of fuels.**

Ray Goff, Town Planner, explained that there are problems in the Zoning Ordinance with regard to the above items. R. Goff stated that the regulation concerning underground fuel storage was implemented because of leaking tanks at the former Texaco Station. R. Goff noted that, due to this language in the Ordinance, Gloucester is the only town that regulates underground propane tanks, adding that this is unnecessary and burdensome to property owners.

Councilor Burlingame stated that there is an application for an underground propane tank before the Zoning Board now which requires the applicant to pay a \$200 fee and notify abutting property owners. R. Goff stated that he and the Building/Zoning Official are working with the applicant because the site is thousands of feet from any neighbor and poses no impact to anybody.

Regarding d. above, R. Goff explained that somebody had expressed interest in opening a veterinary clinic in a B-1 zone in Town, but this was only allowed in a B-2 zone. R. Goff stated that a similar situation exists with regard to hospitals, clinics and rehabilitative facilities. R. Goff noted that this does not make sense and should be amended.

5. AMEND Chapter 350, Article VIII, Nonconforming Use

Councilor G. Steere spoke about a resident who wished to use an existing foundation to expand his business, but withdrew his application to the Zoning Board because (the applicant was told) that this chapter only allows expanding of 50% of the floor space in an existing building that is currently in use. Councilor G. Steere stated that he feels that this does not make sense. Councilor G. Steere stated this gentleman has an existing foundation that was used as an enclosure for an oil storage tank and now he wants to replace with a new steel building.

Councilor G. Steere asked why should he have to tear down a \$20,000 existing foundation. After discussion, Tim Kane, Assistant Town Solicitor, stated that he will draft language similar to “in the case that a nonconforming use is being expanded into an additional building, the floor area dedicated to the nonconforming use shall not exceed 50% of the floor area of the building housing the nonconforming use”.

6. AMEND Chapter 350-89 & 90 Authority to grant comprehensive permit Replace “Zoning Board of Review” with “Planning Board”

Ray Goff explained that comprehensive permits are actually the purview of the Planning Board.

7. AMEND Chapter 68 – Community Resource Commission

- a. 68-1. Establishment; membership; terms; compensation; clerk; vacancies
Proposed: Addition of (second) alternate member
- b. Add essential educational duties for the purpose of wastewater management.

T. Kane explained the amendments pertaining to the Community Resource Commission and Wastewater Management Board. Linda Nichols, Community Resource Commission member, stated that the Wastewater Management Board has difficulty getting a quorum at their meetings. L. Nichols stated that some of the members of the Community Resource Commission are hesitant to assume the duties of the Wastewater Board, stating that they already have too much going on.

L. Nichols explained to them that the WWMB is simply an advisory board which only meets every three months. L. Nichols stated that the Commission is scheduled to vote on the matter at their next meeting on November 28th. Jean Fecteau, Town Clerk, pointed out that the Public Hearing for these amendments may take place on the November 17th. L. Nichols stated that she will advise the members to attend the Public Hearing.

END OF PROPOSED CODE AMENDMENTS

Jean Fecteau, Town Clerk, suggested that the Public Hearing be delayed until December, explaining that the November 17th agenda will be lengthy due to license renewals.

MOTION was made by Councilor Burlingame to schedule a Public Hearing for proposed amendments to the Code of Ordinance for December (1st or 15th), 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

B. Emergency Management Services - Discussion and/or Action

Councilor W. Steere explained that there is a company that provides a service to municipalities which may be able to help fill in the deficiencies in the emergency response systems and procedures that became evident during the recent hurricane situation. Councilor W. Steere explained this is their business and are well versed in RI procedures and what RIEMA is looking for in disaster response plans. Councilor W. Steere also stated this company realizes each community is unique and work closely with communities to draft and implement plans that work for that town.

Councilor W. Steere noted that they are working with Burrillville at this time.

Councilor W. Steere stated that after meeting with the Fire Chiefs, Chief DelPrete, Gary Treml, and other officials, it was realized that there is the opportunity to improve. Councilor W. Steere stated that grant money is available to pay for this but we need to move quickly on the grants.

Discussion: Councilor G. Steere stated that unless there is grant funding for this purpose, he is not in favor of spending money when we already have a position in place to address emergency issues. After discussion, it was stated that there would be no harm in asking the Maguire Group for a proposal.

C. Authorization by Town Council - Discussion and/or Action
1. Point & Pay, E-Payment Services Agreement

Councilor W. Steere stated that the Tax Collector has completed an application to enroll the town with a service that will allow credit card tax payments. Council needs to authorize the Town Council President to sign the application if we are to move forward.

Discussion: Councilor W. Steere stated that the Council is seeking to reinstate a payment program which was popular from 2006 until 2010, when the agreement expired. Councilor W. Steere stated that the Tax Collector and Finance Director have reviewed proposals from several new providers. Tom Mainville, Finance Director, stated that there is some risk, but that cannot be avoided. Councilor Burlingame stated that some taxpayers are willing to pay the fee to use the credit card service as it is less than the penalty for late payments.

Councilor Reichert noted that nothing is “bullet proof”, but the risk would be minimal. It was stated that the company is PCI compliant.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the Point & Pay LLC Client Application, dated November 3, 2011, for the purpose of entering into an E-Payment Services agreement to provide credit card capabilities for taxpayers; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

2. 2011 Planning Challenge Grant Application “Chepachet Village Growth Center Study and Development Project”

Discussion:

Ray Goff, Town Planner explained that this is a grant for the purpose of hiring a consultant to address problems within the Village. R. Goff stated that his time and staff time will be used for the matching grant. R. Goff noted that he is requesting \$500 from the Town for printing purposes. R. Goff stated that if the grant is awarded, we would have 18 months to complete the project.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the 2011 Planning Challenge Grant Application “Chepachet Village Growth Center Study and Development Project”; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

- D. Western Rhode Island Home Repair - Discussion and/or Action
 - 1. Community Development Block Grant
FY 2011 Grant - CFDA #14.228

Councilor W. Steere stated that this is a request from Elinor Tetreault, Program Manager.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Community Development Block Grant, Contract Agreement for Contract #11/13/25, FY 2011 Grant - CFDA #14.228; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert
NAYS 0

MOTION PASSED

- E. Pension Reform - Discussion and/or Action

Councilor Burlingame spoke with regard to pension reform, stating that the proposal does not treat all employees equally. Councilor Burlingame objected to the pensions received by Judges. Councilor Burlingame stated that we will have an increase of \$1,000,000 next year if nothing changes. Councilor Burlingame gave some background regarding how the Town joined the State Pension System, stating that we are safe as a result.

Councilor G. Steere commented that we still have to come up with \$1,000,000 which will be a problem. Councilor W. Steere pointed out that we upheld our obligations all along. Councilor Burlingame stated that the debt service for West Glocester Elementary School will be paid off next year and we will receive an additional half-million dollars in taxes from FM Global, which will help offset the million dollar shortfall.

Adam Remick, Glocester resident, stated that the mortality rate has been raised from 68 to 87 years old, which has skewed the numbers. Councilor Burlingame stated that raising the age to 78 would be more reasonable. Councilor Burlingame stated that we should continue urging our State Representatives to support pension reform.

IX. Boards & Commission

- A. Appointments - Discussion and/or Action
 - a. Historic District Commission
 - Two 3-year terms to expire 11/2011
 - One 1-year Alternate term to expire 11/2011

Councilor W. Steere stated that the Chair of the Historic District Commission has made a recommendation that the alternate, Pete Skeffington, move to the regular term as one of the two members up for reappointment does not wish to be reappointed due to personal reasons.

Councilor Burlingame stated that Carol Healy, who also previously served on the Planning Board, has indicated that she can no longer serve on the HDC.

MOTION was made by Councilor Burlingame to REAPPOINT Anne Smith to the Historic District Commission for a 3 year term to expire 11/2014; to APPOINT Peter Skeffington for a regular 3 year term to expire 11/2014; and to TABLE the appointment to the Alternate one year term; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

- b. Zoning Board of Review
One 5-year term to expire 11/2011

Councilor W. Steere stated that this appointment is to fill the expired term of Al DeCorte.

MOTION was made by Councilor Reichert to APPOINT Dan Morin to the Zoning Board for a five year term to expire 11/2016; seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere asked if Mr. DeCorte has been contacted. Jean Fecteau, Town Clerk, replied that the Chair of the Zoning Board advised Mr. DeCorte that his term was up, but has not heard back. Councilor W. Steere expressed his opinion that the Council should hold off until after hearing from Mr. DeCorte. It was noted that Dan Morin is currently an Alternate on the Zoning Board.

VOTE: AYES: G. Steere, Burlingame and Reichert

NAYS: W. Steere

MOTION PASSED

Councilor W. Steere stated he voted nay because he feels we should wait to hear from the current member. Councilor Burlingame stated the members should respond when contacted before the council meeting at which Council needs to know if they want the position. Councilor W. Steere stated he would like all to remember this for future appointments.

B. Land Trust - Discussion and/or Action Policies, Procedures, & Legislation

Councilor Burlingame stated that he has sent correspondence to the Council members concerning the Land Trust. Councilor Burlingame stated that the Land Trust spends hundreds of thousands of dollars with the approval of the voters, who place confidence in the Land Trust to acquire property and easements with this money. Councilor Burlingame stated that the Land Trust also receives a percentage of the realty tax stamps collected by the Town which he believed was for maintenance of properties as funds for purchases can only be approved at Financial Town Meeting.

Councilor Burlingame stated that any board or commission that spends taxpayer money should submit an annual budget for the expenditure of that money as well as a plan for how the money will be spent. Councilor Burlingame stated that the philosophy of the Land Trust should be consistent with what we want to be doing today. Councilor Burlingame suggested that the Council read his memo and have future discussion with the Land Trust.

Bruce Payton, chair of the Land Trust, stated the Land Trust follows the concepts in the Comprehensive Plan, a plan that was unanimously passed by the Planning Board and the Town Council. B. Payton read several excerpts, pertaining to the protection of Open Space, from the Comprehensive Plan. B. Payton noted that the Land Trust does not purchase every piece of property that is offered to them. B. Payton stated that yesterday the Land Trust was awarded an open-space grant in the amount of \$387,825.00, which is a 50% grant. B. Payton noted that the grant paperwork was done by volunteers at no cost to the Town.

Councilor Burlingame asked if this is for the property located on route 102. No comment by B. Payton. (Land Trust does not foreclose landowners prematurely) Councilor Burlingame asked if the Town must come up with the same amount. B. Payton replied that the Land Trust will match that amount. Councilor W. Steere asked if the Land Trust seeks out potential sellers. B. Payton replied in the negative, stating that property owners approach the Land Trust if they wish to sell their property. Councilor W. Steere stated there have been no issues with the land trust operations either with the town offices or the auditors. Councilor Burlingame stated he agrees and there are no issues with financial procedures.

Councilor Burlingame stated he is questioning management plans and maintenance of properties. B. Payton stated there is a project in place to locate the plans and review. B. Payton stated that the Land Trust is made up of volunteers who take a lot of grief from a lot of people. B. Payton stated he was personally slammed by someone at the last Council meeting. B. Payton expressed his opinion that he takes a lot of shots because he works for DEM. B. Payton commented that he works for DEM to approx. 3:00 to 4:00 in the afternoon; after that he works for this Town. B. Payton stated he is tired of personal attack. Councilor W. Steere stated that he understands B. Payton's concerns, but this is not what we are here for tonight.

Councilor Reichert spoke regarding the Hawkins Dam, stating that we cannot afford to spend a half-million dollars on a dam in the middle of nowhere. Discussion followed on the repair to the Dam.

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that Erin MacPhee, elementary school art teacher, will be awarded the Art Educator of the Year award on November 18th. J. Fecteau suggested that a Resolution be drafted to honor Ms. MacPhee on her accomplishment.

B. Gary Treml, Director of Public Works, stated that the final meeting with FEMA is scheduled for tomorrow at which time bills from the tropical storm will be signed off for reimbursement. G. Treml stated that all schools now have recycling containers which are picked up by the Public Works Department. Councilor W. Steere asked about

paving. G. Trembl replied that Echo Road has just been done and his department will continue paving until the asphalt plants close for the winter.

Bds. & Commissions - Discussion

- A. George Kain, Community Resource Commission member, spoke regarding the recent energy audit.
- B. Bruce Payton, Land Trust chair, stated that the Board recently awarded a bid to a local contractor to clear a parking area. B. Payton thanked the Public Works Department for the donation of a road block. Regarding Hawkins Pond, B. Payton noted that the surveyors have been out obtaining the necessary measurements to construct the low-level outlet per the DEM violation. B. Payton reported that he, Roy Najecki, Tom Bazalak and Henry Gold, have cleared out all of the trails following Hurricane Irene.
- C. Walter Steere, Jr., School Committee member, stated that the Regional School Committee passed a Resolution with regard to Pension Reform by a 5 to 3 vote. W. Steere, Jr. reported that there are some big expenditures coming up, such as \$600,000 for the track at the high school. Councilor G. Steere questioned that amount, stating that Echo Road was paved for less. W. Steere, Jr. stated that the School Committee is still in negotiations with the certified and non-certified staff.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that the Council received letters from the towns of Smithfield, W. Greenwich, Lincoln, and North Smithfield with regard to support of Pension Reform.
- B. Councilor W. Steere stated that a letter was received informing the Town Council that Erin MacPhee was named 2011 Elementary Art Educator of the Year. Councilor W. Steere stated that this achievement should be recognized by the Town Council.
- C. Councilor W. Steere stated that correspondence was received from the Rhode Island Vehicle Value Commission concerning motor vehicle valuation. Councilor Burlingame stated that this letter was a “bureaucratic non-answer” and suggested that the Council send a reply to the Commission.

XII. Open Forum

- A. Adam Remick reiterated his opposition to the “pay as you throw” program, stating that it would penalize the citizens who do the right thing by recycling. A. Remick suggested that if the program is implemented, residents who bring their recyclables to the Transfer Station are rewarded by not having to purchase bags. A. Remick stated that enforcement is necessary.
- B. Bruce Payton stated that he recently saw a resident dump the contents of his recycle bins into the trash compactor while stating “This is what I think about the pay-to-throw program”. B. Payton stated that a police presence at the Transfer Station will be needed because the attendants are not trained to handle this type of situation. Councilor W.

Steere stated that he is willing to do whatever is necessary to avoid having to implement the program, but we will probably be at that point at some time in the future. Councilor W. Steere further stated that municipalities have been singled out by the State while private contractors are not forced to separate recyclables.

Gary Treml, Director of Public Works, responded that, to enforce the recycling regulations, he would have to have somebody there for that purpose six days a week or provide a police detail on weekends, which would incur additional cost that he does not have in his budget. G. Treml noted that if the program is implemented, the cost of the bags would be absorbed by the residents.

Adam Remick replied that even if the program is implemented, enforcement will be necessary to prevent people from dumping regular bags. Councilor W. Steere stated that education is needed because there is much misinformation regarding recycling.

XIII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
Discussion and/or Action
 - 1. Town of Gloucester Clerks #1322
 - 2. Police Dispatchers #1322

MOTION was made by Councilor G. Steere to ADJOURN to Executive Session pursuant to R.I.G.L.42-46-5(a)2 - Collective Bargaining; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

MOTION was made by Councilor Burlingame to RECONVENE Open Session and to seal the minutes of Executive Session; no votes were taken in Executive Session; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor to ADJOURN at P.M.; seconded by Councilor

Jean M. Fecteau, Town Clerk

Approved at the December 15, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **November 17, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Raymond Goff, Town Planner; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Anne Ejnes and Walter Steere, Jr., School Committee members; and Anthony Parrillo, Recreation Director

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor G. Steere.

IV. Open Forum for Agenda Items

Paul Ricard, 1 Larry Bird Drive, spoke on behalf of the Lake Washington Association with regard to Cady's Tavern. P. Ricard stated that in August, the Council heard a request from Cady's to open up a smoking area outside of the establishment.

P. Ricard stated that the Council approved the request on a limited trial basis. P. Ricard stated that he notified the members of the Association and requested that they report any incidences related to the outdoor area. P. Ricard reported that there have been no complaints whatsoever and he does not foresee any issues with the Association in the future.

V. Resolution #2011-15

A. Wreaths Across America

Councilor W. Steere stated that at the Veteran's Day ceremony last weekend Michael Calenda and students from his middle school class came and spoke to those in attendance. The students each profiled a veteran in town and spoke of the Wreaths Across America program. In honor of their efforts the Council will send a Resolution to the school.

Councilor Hainsworth read the following into the record:

**RESOLUTION
2011-15**

WHEREAS, the Town Council of the Town of Gloucester would like to recognize "Wreaths Across America" which began more than fifteen (15) years ago when the Worcester Wreath Company of Maine began a tradition of placing

wreaths on the headstones of the nation's fallen heroes at Arlington National Cemetery during the holidays; and

WHEREAS, "Remember - Honor - and Teach" is the mission of Wreaths Across America as holiday wreaths are laid to remember the fallen, honor those who serve, and to teach school children the value of freedom; and

WHEREAS, the Wreaths Across America theme for 2011 is "The Christmas They Never Had, In honor of those who have had to spend a holiday away from loved ones. In memory of those who never made it home"; and

WHEREAS, as participants of Wreaths Across America Ponaganset students are part of a nation-wide project to honor veterans by laying wreaths at graves in veterans' cemeteries all over the country; and

WHEREAS, Ponaganset Middle School, with the guidance of Mr. Michael Calenda is the first and only school to take the Wreaths Across America motto of "Remember, Honor, Teach," to this school-wide level and that is why Ponaganset was chosen to host a stop by the Wreaths Across America Program; and

WHEREAS, our students have embraced the words of Pierre Claeysens, an entrepreneur dedicated to the creation of veterans museums, when he said in reference to our veterans: "To be killed is not the worst that can happen. To be lost is not the worst that can happen, to be forgotten is the worst."; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester recognizes the significance of Wreaths Across America as such an important and worthy cause to honor men and women alike who have given their lives for our country and we are grateful for the privilege to have Ponaganset Middle School chosen to hold a ceremony to honor our local military veterans during this holiday season.

Walter M.O. Steere, III, President, Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Burlingame.

Discussion: Anne Ejnes, School Committee member, stated that Mr. Calenda has been given an award by the Wreaths Across America organization and should be congratulated for his efforts.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- VI. Public Hearings - Discussion and/or action
 - A. Renewal of Victualing Licenses - Discussion and/or Action

24-HOUR VICTUALING LICENSE RENEWAL

- 1. Chepachet Deli, Gregory Doura, 842 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 27, November 3, & November 10, 2011.

Councilor W. Steere declared the Public Hearing OPEN and asked if anyone wished to speak for or against the issuance of the license.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the 24-hour Victualing License to: Chepachet Deli, Gregory Doura, 842 Putnam Pike pursuant upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Police and or Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid from December 1, 2011 to November 30, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VICTUALING LICENSE RENEWALS

- 1. Aegean Pizza, Saad Souleiman, 1195B Putnam Pike
- 2. Agio's Inc., d.b.a Gentleman Farmer Diner, 617 Putnam Pike
- 3. April's on the Pike, LLC, 401 Putnam Pike
- 4. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike (Concession Stand)
- 5. Chepachet Donuts, Inc., d/b/a Dunkin Donuts 1006 Putnam Pike
- 6. Chepachet Farms, Jody & Neil Esposito, Jr., 226 Tourtellot Hill Road
- 7. Chester's Inc., 102 Putnam Pike
- 8. DePetrillo's Pizza & Bakery, Jordan Smith, 1153 Putnam Pike
- 9. DLM Variety, Inc., d.b.a. Harmony Corner Store, 365 Snake Hill Road
- 10. DLUM Restaurant LLC., d/b/a/ Tavern on Main, 1157 Putnam Pike
- 11. Europa Food Inc., 2400 Putnam Pike
- 12. Glocester Little League, 1011 Putnam Pike (Concession Stand)
- 13. Glocester Memorial Park, Town of Glocester, 46 Adelaide Road (Concession Stand)

14. Knight Farm, LLC, 1 Snake Hill Road
15. Ko-Pa Food Enterprises, Inc., d.b.a. Dino's Park & Shop, 1020 Putnam Pike
16. Melody Hill Country Club, Inc., 55 Melody Hill Lane
17. NC Pelski, Inc., d.b.a. Char's Bar & Grille, 812 Putnam Pike
18. Prickly Pear, Inc., d.b.a. Pinewood Pub & Pizza, 16 Terry Lane
19. Putnam Properties Inc., d.b.a. Stick's Tavern, 417 Putnam Pike
20. RMZ, LLC, d.b.a. Shakerz, 2461 Putnam Pike
21. Tyo-Ristaino Corp., d.b.a. Cady's Tavern, 2168 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 27th, November 3rd and November 10th, 2011.

Councilor W. Steere declared the Public Hearing OPEN and asked if anybody wished to be heard for or against the license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to GRANT the issuance of a Victualing License to:

1. Aegean Pizza, Saad Souleiman;
2. Agio's Inc., d.b.a Gentleman Farmer Diner;
3. April's on the Pike, LLC;
4. Burrillville/Glocester Youth Soccer Association;
5. Chepachet Donuts, Inc., d/b/a/ Dunkin Donuts;
6. Chepachet Farms, Jody & Neil Esposito, Jr.;
7. Chester's Inc.;
8. Depetrillo's Pizza & Bakery;
9. DLM Variety, Inc. d.b.a. Harmony Corner Store;
10. DLUM Restaurant LLC., d.b.a. Tavern on Main;
11. Europa Food Inc., d.b.a. Europa;
12. Glocester Little League;
13. Glocester Memorial Park;
14. Knight Farm, LLC;
15. Ko-Pa Food Enterprises, Inc. d.b.a. Dino's Park and Shop;
16. Melody Hill Country Club, Inc.;
17. NC Pelski, Inc. d.b.a. Char's Bar and Grill;
18. Prickly Pear, Inc. d.b.a. Pinewood Pub & Pizza;
19. Putnam Properties Inc. d.b.a. Sticks Tavern;
20. RMZ LLC, d.b.a. Shakerz; &
21. Tyo-Ristaino Corp. d.b.a. Cady's Tavern;

pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Police and or Fire inspection approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2011 to November 30, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Liquor License Renewals - Discussion and/or Action

CLASS A - RETAILER

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike
2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1st and 8th, 2011.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding these license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED and asked the Council members if they had any comments.

Discussion: None.

MOTION was made by Councilor Burlingame to GRANT a Class A - Retailer Liquor License to:

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike; and
2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike; contingent upon 1) Building/Zoning approvals as needed; 2) Fire & Police Chief approval as needed; 3) proof of Rhode Island B.C.I. check; 4) Rhode Island Certificate of Good Standing; 5) Rhode Island Permit to Make Sales; 6) payment of all Town taxes; 7) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 8) R.I. Dept. of Health Certification; these licenses shall be for the interior of the premise only and are valid from December 1, 2011 to November 30, 2012;

seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

CLASS B -RETAILER LICENSES

1. Europa Food Inc., George Melanis, d/b/a Europa, 2400 Putnam Pike
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Barbara Royer and Patricia Johnson, d/b/a Chester's, 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. NC Pelski Inc., Charlene & Neal Pelski, d/b/a Char's Bar & Grille, 812 Putnam Pike
5. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike
6. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Diner, 617 Putnam Pike
7. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
8. Tyo-Ristaino Corp., Stephen & Robin L. Tyo & Robert Ristaino, d/b/a Cady's Tavern, 2168 Putnam Pike
9. RMZ, LLC, Robert M. Zalewski, d/b/a Shakerz, 2461 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1st and November 8th, 2011.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to be heard for or against the license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED and asked if the Council members had any comments.

Discussion: None.

MOTION was made by Councilor Reichert to GRANT a Class B - Retailer Liquor License to:

- 1) Europa Food Inc., George Melanis, d/b/a Europa;
- 2) Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Barbara Royer and Patricia Johnson, d/b/a Chester's;
- 3) Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club;
- 4) NC Pelski Inc. Charlene & Neal Pelski, d/b/a Char's Bar & Grille;
- 5) Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern;
- 6) Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Diner;
- 7) Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza;
- 8) Tyo-Ristaino Corp., Stephen & Robin L. Tyo and Robert Ristaino, d/b/a Cady's Tavern; and
- 9) RMZ LLC, Robert Zalewski, d/b/a Shakerz;

contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspector/ and Police Chief approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island

Permit to Make Sales; 8) Current diagram of the complete service area filed in the Town Clerk's Office; 9) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 10) updated menu to remain on file; 11) proof of Rhode Island B.C.I. check;

these licenses shall be for the interior of the premise only with the exception of:

- 4) NC Pelski Inc., d/b/a Char's Bar & Grille 812 Putnam Pike;
- 5) Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike;
- 7) Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza ;
- 8) Tyo-Ristaino Corp., Stephen & Robin L. Tyo and Robert Ristaino, d/b/a Cady's Tavern; and
- 9) RMZ LLC, Robert Zalewski, d/b/a Shakerz: (additional stipulations apply);

these licenses are valid from December 1, 2011 to November 30, 2012;
seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

CLASS BT-TAVERN

1. DLUM Restaurant, LLC., David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1st and November 8th, 2011.

Councilor W. Steere DECLARED the Public Hearing open and asked if anyone wished to be heard regarding the license renewal.

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing CLOSED and asked if the Council members had any comment.

Discussion: None.

MOTION was made by Councilor G. Steere to GRANT a Class BT-Tavern License to:

DLUM Restaurant, LLC, David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike pursuant to: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building Inspector/Fire/ and or Police Chief approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) maintaining an up to date diagram of the complete service area in the Town Clerk's office; 9) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 10) updated menu maintained on file;

this license shall be for the interior of the premise only and is valid from December 1, 2011 to November 30, 2012;
seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Entertainment Licenses - Discussion and/or Action

1. Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
2. Chester's Inc., d/b/a Chester's, 102 Putnam Pike
3. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike
4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
5. Tyo-Ristaino Corp., d/b/a Cady's Tavern, 2168 Putnam Pike
6. Putnam Properties, Inc., d/b/a Sticks Tavern, 417 Putnam Pike
7. RMZ, LLC, d/b/a Shakerz, 2461 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on November 3, 2011.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the license renewals.

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing CLOSED and asked the Council members if they had any comments.

Discussion: None.

MOTION was made by Councilor G. Steere to GRANT an Entertainment License to:

- 1) Europa Food Inc., d/b/a Europa;
- 2) Chester's Inc., d/b/a Chester's;
- 3) NC Pelski Inc., d/b/a Char's Bar & Grille;
- 4) Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza;
- 5) Tyo-Ristaino Corp. d/b/a Cady's;
- 6) Putnam Properties, Inc., d/b/a Sticks Tavern;
- 7) RMZ, LLC, d/b/a/ Shakerz;

contingent upon 1) Payment of all Town taxes; 2) Building Official approval as needed; 3) Fire Inspector approval as needed; 4) Police Chief approval as needed; these licenses shall be for the interior of the premise only and are valid from December 1, 2011 to November 30, 2012 and are subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.

2. That all windows on the premises are kept closed, but not permanently, and that doors are only opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of Gloucester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time require.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

seconded by Councilor Hainsworth

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

The Town Clerk asked for clarification for the record regarding the Liquor License granted for Cady's Tavern outdoor use. Consensus was that the outdoor use should be until 10:00 p.m. in the stipulations on their license.

D. Class B Retailer Liquor License - Discussion and/or action

Putnam Properties, Inc. d/b/a Sticks Tavern, 417 Putnam Pike

1. Request for relief of existing restrictions that have been placed on the applicants current Liquor License
2. Request for Special Events to be held at a later date.

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer on November 3, 2011 and abutters were notified.

Councilor W. Steere Declared the Public Hearing Open and explained that the applicant is seeking:

1. Relief from stipulation # 6 in regards to police detail during recreational events and clarification of the recreational uses allowed outside (original application only states Bocce and Horseshoes.) The applicant would like to be allowed to offer different types of recreational use.
2. The applicant has asked for the following:
"a special event permit to have an outdoor DJ once a month from April through October. It would be marketed to charity events only. The scheduling would be either a Saturday or a Sunday from 1PM to 6PM not to exceed 4 hours in length."

Discussion:

Vincent Iannuzzi, owner and applicant, explained that his license only states bocce and horseshoes, but occasionally his patrons play wiffle ball or frisbee in the back yard. V. Iannuzzi stated that he wants to ensure that he is not violating the terms of his license by allowing

activities such as these. V. Iannuzzi noted that the number of patrons will never exceed the maximum allowed therefore there would be no safety concerns.

Joseph DelPrete, Chief of Police, stated that Mr. Iannuzzi's request is somewhat vague regarding the types of activities he would like to offer. Chief DelPrete expressed concern regarding who will monitor the occupancy and alcohol consumption as well as whether 18-year olds will be allowed in the recreation area. Regarding the requiring of a police detail, Chief DelPrete stated that he feels that this would not be necessary.

Vin Iannuzzi stated that his establishment is also a restaurant and he must allow underage patrons. V. Iannuzzi commented that when events are held at the tavern, wrist bands are used to differentiate between under 21 and over 21. Chief DelPrete stated that he would like clarification regarding whether somebody would be hired for the purpose of monitoring the outdoor activity, especially for larger events.

Councilor W. Steere stated that there was an event at Sticks Tavern in the past where there was an issue regarding alcohol outside. Councilor W. Steere stated that he would like to know how this will be monitored before going forward with this request. V. Iannuzzi pointed out that the employees that were involved in the previous incident have been fired. Councilor W. Steere noted that as the owner, V. Iannuzzi is responsible for whatever takes place at his establishment.

Chief DelPrete stated that it is not clear what types of activity the applicant is looking for. Chief DelPrete also noted that he would like a plan submitted in writing which would describe how the applicant will monitor the events and when they would be scheduled.

Councilor W. Steere asked if the proposed volleyball court would be inside the existing enclosure. V. Iannuzzi replied that the courts would be within the enclosure. V. Iannuzzi stated that he would like to know what he is allowed to do in the back yard before he spends the money on a volleyball court.

Councilor Hainsworth asked how the backyard is controlled. V. Iannuzzi replied that during outdoor events, he has someone monitoring the back door to ensure that no bottles are taken outside. V. Iannuzzi noted that for larger events, there are six or seven employees keeping an eye on the backyard. Councilor Hainsworth suggested that the applicant give a monthly schedule of events to the Chief of Police.

Councilor Burlingame stated that the Chief of Police has agreed that police details are not necessary. Regarding activities, Councilor Burlingame stated that a written policy should be submitted which the Chief can review and approve. Councilor Burlingame stated that, most importantly, the applicant should come up with a list of activities he would like to have, instead of the Council making a list of restrictions.

Vin Iannuzzi stated that all he is asking for is clarification regarding whether he is limited to bocce and horseshoes. Councilor Burlingame replied, from his point of view, that the activities should not be limited to those two types, but asked the applicant to tell the Council specifically

what he wants to do with regard to recreation. V. Iannuzzi stated that, at this time, he is only looking for chip golf and volleyball.

Councilor G. Steere stated that he agrees with the applicant that activities such as wiffle ball and frisbee should be allowed without the applicant having to come to the Council for approval. Chief DelPrete stated that his concern is the potential for underage drinking at the larger events.

Councilor W. Steere stated that he agrees to a point, but does not feel comfortable with a “blank check”. Vin Iannuzzi stated that he has a large backyard and should be allowed to do what he wants, provided that it is legal and safe. Councilor W. Steere pointed out that residential and commercial properties are two different things.

Tim Kane, Assistant Town Solicitor, stated that the subject of monitoring and supervision at the establishment is already addressed in Stipulation #5 of the current license.

Councilor W. Steere again stated that he is against giving somebody a “broad brush” with regard to recreation, which can be construed in many different ways.

MOTION was made by Councilor Burlingame to GRANT the Class B Retailer Liquor License including outdoor consumption subject to all prior Stipulations #1 through #7, with the exception that #6 be modified as follows:

“Sporting activities are allowed in the outdoor area. In the event that outdoor sporting events take place, the licensee shall submit to the Licensing Authority and the Chief of Police a schedule of tournaments and/or events no less than two (2) weeks prior to the tournament and/or event. A Police detail may be required at the discretion of the Police Chief in which case the cost will be paid by the licensee.”

Seconded by Councilor G. Steere.

Discussion: Councilor W. Steere inquired whether tournaments equate to special events. Tim Kane replied that this will be addressed in the next discussion. Councilor Burlingame stated that he is comfortable with the motion as it stands.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

(previously read by Councilor W. Steere :

2. The applicant has asked for the following: “a special event permit to have an outdoor DJ once a month from April through October. It would be marketed to charity events only. The scheduling would be either a Saturday or a Sunday from 1PM to 6PM not to exceed 4 hours in length.”)

Discussion:

Vincent Iannuzzi, owner/applicant, explained that he would like to market to charities for several events which would be scheduled ahead of time. V. Iannuzzi noted that one such event, “Rolling Thunder”, was successfully held last year. Councilor Burlingame recommended that the Council

grant this request. Councilor W. Steere noted that he would be willing to approve on a trial basis, adding that there is a history with this establishment.

Rose LaVoie stated that it takes quite a while to arrange this type of event and the applicant may have already begun planning. Councilor Hainsworth agreed, stating that he has already begun planning a Special Olympics event which scheduled for May. Councilor Reichert commented that if there are any problems, the Council could stop any future events.

Councilor W. Steere Declared the Public Hearing Closed.

There was discussion concerning whether the applicant should submit an application for each event. There was Council consensus that an application will be filed for each event to make the Council and Police Chief aware of what is taking place.

MOTION was made by Councilor Burlingame to APPROVE Special Event Permits to have an outdoor DJ once a month from April through October. Said Special Events would be marketed to charity events only. The scheduling would be either a Saturday or a Sunday from 1:00 p.m. to 6:00 p.m. not to exceed 4 hours in length. The applicant shall file for a Special Event application with the Town Clerk for each event.

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: W. Steere

MOTION PASSED

Councilor W. Steere explained the reason for his nay vote, stating that he feels that the Council should be consistent with regard to another establishment which was allowed certain things on a trial basis. Councilor Hainsworth noted that the other establishment had people opposed to the application. Councilor W. Steere replied that he has already heard from people opposed to this request.

VII. Consent Items - Discussion and/or Action

A. Town Council Minutes: October 6, 2011, October 20, 2011 & Nov. 3, 2011

B. Finance Director's Report - June, July, August, Sept., & October 2011

C. Tax Assessors Additions & Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of October 6, 2011 & October 20, 2011, to TABLE the Town Council minutes of November 3, 2011; to TABLE the Finance Director's Report for June, July, August, Sept. & Oct. 2011; to APPROVE the ADDITION to the 2011 Tax Roll in the amount of \$582. and ABATEMENT to the 2010 Motor Vehicle Tax Roll in the amount of \$142.90; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Historic District Commission

a. One 1-Year Alternate term to expire 11/2011

Councilor W. Steere stated that the Chair has asked Council to Table this appointment to the next meeting.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year alternate term to expire 11/2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. RI Department of Health - Medical Emergency Distribution System

Agreement - November 1, 2011 - July 15, 2012 - Discussion and/or action

Councilor W. Steere stated that the Council has received the latest contract from the Dept. of Health. There was Council consensus to table this matter until the Council has had more time to review the contract.

MOTION was made by Councilor G. Steere to TABLE the Medical Emergency Distribution System Agreement, for the period November 1, 2011 to July 15, 2012, said agreement is between the Rhode Island Dept of Health and the Town of Glocester, seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Extension of Bid Award IFB 2009-02, #2 Fuel Oil - Discussion and/or Action

Discussion: Tom Mainville, Finance Director, explained that IFB 2009-02 was awarded to Reichert & Sons Fuel Oil, Inc. for the 2008-2009 heating season. Item 2h. of the IFB states that the Town of Glocester may extend the contract period by one or more years provided such extension is mutually agreeable by both the Town and contractor.

T. Mainville stated that the following year, 2009-2010, the contract was extended at a lock-in price of \$1.999 per gallon for 90,000 gallons and an increment price of 2½ cents per gallon for any excess. T. Mainville further stated that the following year, 2010-2011, it was extended again

for 70,000 gallons at a lock-in price of \$2.259 per gallon and an increment price of 2½ cents per gallon for any excess. T. Mainville noted that the lock-in price for the current heating season is too high, so we are looking at the 2½ cent per gallon increment price as the price we would pay in excess of the current market price. T. Mainville stated that this would be 12 cents less than the current bid from the State and 7½ cents less than the 10 cent per gallon increment price that we got from Martini Oil in the IFB 2009-02 bid.

MOTION was made by Councilor G. Steere to EXTEND the award of “IFB 2009-02 Fuel Oil #2” to Reichert & Sons Fuel Oil, Inc. for the 2011-2012 heating season through June 30, 2012 with terms and conditions remaining the same and the per gallon price to be paid at 2.5 cents over the current market rate, retroactive to July 1, 2011; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Hainsworth

NAYS: 0

RECUSAL: Reichert

MOTION PASSED

C. Assignment of Fund Balances - Discussion and/or Action

Tom Mainville, Finance Director, explained that this item pertains to GASB 54 in accordance with our Fund Balance policy (approved by the Council) the Council will have to assign portions of the ending fund balance. The following is a current listing of the purposes and amounts to be assigned. T. Mainville stated that with the addition of the last item, Foster-Glocester proration adjustment, we could be \$76,000 below the minimum fund balance of 12%. T. Mainville suggested that the Council give him and the Council president the authority to adjust some of the numbers to ensure that we do not fall outside the cap.

Councilor Burlingame asked if the total expenditures include Capital. T. Mainville replied that it includes the total budgeted expenses for the year, including the 2% set-aside for Capital. Councilor Burlingame pointed out that we transferred funds from surplus last year for the purpose of improving roads, adding that he did not anticipate a downside. T. Mainville stated that we will still finish the year with a positive variance. Councilor Burlingame asked if this is an additional subtraction from the surplus. T. Mainville replied in the negative, stating that these were previously held in special revenue funds.

MOTION was made by Councilor Burlingame to “Assign” the following portions of the General Fund balance at fiscal year end June 30, 2011 for the purposes specified:

- \$1,508. Tree planting
- \$ 114,455. Healthcare reserve
- \$ 324,403. Other Post Employment Benefits [OPEB]
- \$ 28,430. Police equipment maintenance
- \$ 17,000. Senior Center dues
- \$ 39,329. Radio contract
- \$ 36,263. Computer systems maintenance
- \$ 104,244. Foster-Glocester Regional reserve

and to AUTHORIZE the Finance Director and Council President to make adjustments as necessary to comply with our required surplus.

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Boards & Commission

A. Appointments - Discussion and/or Action

1. Zoning Board of Review

Alternate One year term to expire 11/2012

Councilor W. Steere stated that the Council has received the talent bank application of Tracey Donnelly.

Discussion: Councilor G. Steere stated that he has spoken to Greg Meinertz, who recommends the appointment.

MOTION was made by Councilor to APPOINT Tracey Donnelly to the Zoning Board of Review for the one year alternate term to expire January, 2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XI. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, reported that he has signed off with FEMA with regard to expenses related to the tropical storm. G. Treml stated that the Town received reimbursement of \$43,133, which is 75% of the \$57,511 submitted.

G. Treml noted that the speed bumps have been removed from Absalona Hill Road.

G. Treml reported that he has literature from Resource Recovery which will be sent to all residents with regard to what is recyclable.

G. Treml stated that his department will begin paving a portion of Farnum Road and will continue paving until the asphalt plants shut down for the season.

Councilor W. Steere stated that he has received positive comments with regard to the professionalism of the Public Works employees.

Bds. & Commissions - Discussion

- A. Bruce Payton, Land Trust chair, stated that the Land Trust received a grant in the amount of \$386,785 for the purchase of the O'Donnell property. B. Payton stated that an appraisal will be conducted on the property. B. Payton stated that the parcel may be considered for water use for Chepachet Village. B. Payton further stated that the Hope Cook property off Elbow Rock Road was recently purchased for \$25,000. B. Payton noted that this is a 26-acre parcel and 50% of the cost will be coming from the Nature Conservancy. B. Payton stated that the Land Trust loaned the Resource Committee their tractor for the purpose of fertilizing the Conservation Commission's parcel on Reynolds Road.
- B. Anne Ejnes, School Committee member, stated that the Committee is not planning to meet in December. A. Ejnes also stated that the dates of the February and April meetings of 2012 have been changed due to school vacations. Regarding recycling at the schools, A. Ejnes stated that she has looked into the matter and was told that all recyclables are brought to the Gloucester Transfer Station because the schools are located in Gloucester.
- C. Edna Kent, Town Historian, pointed out that the sign from the Town Pound is again missing and the property is becoming overgrown. E. Kent expressed concern that the owners of the Brown & Hopkins Store are considering selling the property due to the state of the economy. E. Kent noted that this store is nationally known and is a big draw to the Village.

XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that the Council received the following letter of recognition from Joseph DelPrete, Chief of Police:

Letter of Recognition ACO Michael Merchant

On Wednesday November 9, 2011 at approximately 10:00 AM Gloucester Animal Control Officer Michael Merchant was summoned to the area of 880 Reynolds Road Gloucester to assist a K-9 stuck in a muddy swampy area approximately 100 yards off the road. The K-9 owner advised ACO Merchant that his 14 year old golden retriever was missing overnight and was in dire condition.

Officer Merchant immediately responded to the scene and utilizing a stretcher, assisted the K-9 owner in rescuing the 14 year old golden retriever named Nugget from the mud and carrying him back to the residence. After the rescue, Nugget was in serious medical condition with hypothermia. As a result of the quick actions of Animal Control Officer Michael Merchant, Nugget was able to fully recover without complications from his unfortunate experience.

The Sampson family and children are extremely grateful for the quick thinking and actions by Officer Merchant in rescuing Nugget from the muddy swamp. Officer Merchant is being recognized for his quick response that morning, his professionalism, and commitment to the citizens of the Town of Gloucester.

Excellent Job!

Joseph DelPrete
(End of letter)

B. Councilor W. Steere read the following letter into the record:

Dear Town Council:

On November 3rd our truck broke down at the transfer station. Dennis and Ron could not have been any more helpful. They offered to take us back to the house, helped diagnose the problem and even helped push the truck off the lot. They are a credit to the town and should be recognized.

Thank you,
Rhonda and Dan Faria
(End of letter)

XIII. Open Forum

A. Rose LaVoie thanked Jean Fecteau, Town Clerk, for organizing the wonderful Veterans' Day ceremony at the Senior Center. Councilor W. Steere agreed that the ceremony was one of the best we have ever had and also thanked J. Fecteau for her efforts.

R. LaVoie commented on noise from backyards, stating that if businesses have a little bit of noise, it is not objectionable if it does not occur seven days a week. R. LaVoie stated that we should be tolerant of businesses because we need them to stay in business.

R. LaVoie stated that she was happy that the Pension Reform bill was passed. R. LaVoie stated that she called the Governor and other legislators numerous times to urge them to listen to the people instead of the Union leaders.

R. LaVoie spoke regarding the Town Pound, stating that we should do what we can to preserve this piece of history.

B. Bruce Payton, Land Trust chair, extended an apology to Councilor Burlingame for statements he made at the last Town Council meeting. Councilor Burlingame accepted B. Payton's apology. B. Payton explained that he had listened to a recording of a meeting held on October 6th at which he was not in attendance. B. Payton further stated that statements were made about the Land Trust by Russell Gross, Pete Skeffington and

George Charette. B. Payton stated that he has made a list of comments regarding these statements which he would like to present to the Town Council in Executive Session. B. Payton noted that he is hurt and discouraged by the personal attacks by these individuals with regard to himself and the Land Trust.

B. Payton stated that a farm study is being conducted at the Phillips Farm with the hope that we can get farmers involved with that property.

- C. Tom Sanzi spoke with regard to recycling, stating that it will benefit our children in the future if we make an effort today.
- D. Russell Gross asked the Town Clerk for a copy of the recording of the October 6th meeting of the Town Council. R. Gross further requested to be present at the Executive Session at which Bruce Payton will speak to the Council. R. Gross stated that he should be allowed to defend himself. Tim Kane, Assistant Town Solicitor, explained that it will be under personnel, therefore there will be no discussion regarding anybody else's character or job performance.

Councilor Burlingame stated that if the purpose of tonight's Executive Session was to discuss Bruce Payton's comments at the last meeting, it is not necessary because B. Payton has apologized and Councilor Burlingame has accepted said apology. Councilor Reichert stated that he does not see how an Executive Session will help with regard to personality conflicts among members of a board. Russell Gross asked if he, Pete Skeffington and George Charette will be notified if an Executive Session is scheduled and further asked if they will receive a copy of the allegations made by Bruce Payton

It was stated that it will be an agenda item and that neither the Council nor the Solicitor have received anything in writing at this time. Councilor W. Steere noted that at the meeting on October 6th, several letters were read of which Bruce Payton was not notified. Tim Kane, Assistant Town Solicitor, advised that if Mr. Payton wishes to speak only about the Land Trust and his own performance, discussion can take place without notification, but if anybody else is to be mentioned, those individuals must be notified.

Bruce Payton stated that the accusations against him were stated at a public meeting of which he was not notified. B. Payton further stated that the Land Trust also was not notified that they were to be attacked. B. Payton stated that thirteen inaccurate statements were made at the meeting of October 6th, adding that Tom Mainville, Finance Director, was present to clarify many of these statements. B. Payton stated that he will list the statements in a letter which will be forwarded to the Council.

- E. Edna Kent stated that the Heritage Society will continue its 30-year tradition of the Peddlars' Faire which will be held on Saturday, November 19th from 9:00 a.m. to 4:00 p.m.

XIV. Seek to Convene to Executive Session

A.. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining

Discussion and/or Action

1. Town of Gloucester Clerks #1322
2. Police Dispatchers #1322

MOTION was made by Councilor G. Steere to CONVENE to Executive Session; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

MOTION was made by Councilor Burlingame to Reconvene Open Session and to SEAL the minutes of Executive Session, no votes were taken; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XVI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:12 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 15, 2011 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **December 1, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Anne Ejnes and Walter Steere, Jr., School Committee member; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Open Forum for Agenda Items

None.

V. Resolution - # 2011-16

Rhode Island Art Education Assoc. Award - **Ms. Erin R. MacPhee**

Councilor G. Steere read the following Resolution to recognize Ms. MacPhee for this achievement:

RESOLUTION # 2011 - 16
Educational Achievement Award

WHEREAS; the Rhode Island Art Education Association has awarded Gloucester Art Teacher, Erin Ryan MacPhee, the RIAEA 2011 Elementary Level Art Educator of the Year, as well as overall Outstanding Art Educator of Rhode Island; and

WHEREAS; Erin has been an Art teacher with the Gloucester School system since 1984. Erin was the first Art Teacher to display student work in an Art Show at our schools and then for the first time this art was displayed in the Town Hall and libraries. These displays have continued annually and provide residents with many hours of pleasure as well as allowing these young art students to know the feeling of pride by showcasing their art to all. Erin also brings student art to an art show held at the URI Gallery in Providence each year; and

WHEREAS; as the President of the Rhode Island Art Association stated “Your dedication and service to art education has been recognized as exemplary. The organization wishes to thank you for implementing a model art education program, which has increased community awareness of the importance of art education in our schools” and

WHEREAS; this achievement reflects the ability of an educator to utilize the limited resources they may be given in a small community coupled with the drive to offer the best opportunities to our children; and

WHEREAS, The Gloucester Town Council and the Town Clerk join all our residents to thank

Erin Ryan MacPhee

for her dedication to our children; and to congratulate this outstanding teacher on this achievement in her career.

Walter M.O. Steere, III - President, Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Hainsworth.

Councilor W. Steere stated that Superintendent Pat Dubois is not present but asked that the following letter regarding this award be read into the record:

To: Erin MacPhee
From: Patricia Dubois

Dear Erin,
Although I am unable to attend the Town Council meeting tonight to share in this honor being bestowed upon you, I would just like to take this opportunity to say how very proud we are to have the Outstanding Art Educator of Rhode Island for 2011 as our very own Art Teacher for the Gloucester Public Elementary Schools.

Congratulations and thank you for all of your hard work, dedication and beautiful art displays throughout the community.

Respectfully,
Patricia Dubois
Superintendent of Gloucester Schools

(end of memo)

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Ms. MacPhee thanked the Council for the Resolution and was given a round of applause.

VI. Consent Items - Discussion and/or Action

- A. Town Council Minutes: Nov. 3, 2011 & Nov. 17, 2011
- B. Finance Director's Report - June, July, August, Sept., & October 2011

MOTION was made by Councilor Burlingame to TABLE the Approval of Town Council minutes of Nov. 3, 2011 & Nov. 17, 2011; to ACCEPT the Finance Director's Reports for June, July, August & September; and to TABLE the Finance Director's Report for October 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VII. Unfinished Business

- A. Boards/Commission Appointments - Discussion and/or Action
 - 1. Historic District Commission
 - a. One 1-Year Alternate term to expire 11/2011

Councilor W. Steere stated that the Chair of the Historic District Commission has asked this appointment be tabled to next meeting.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year alternate term to expire 11/2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

- B. RI Department of Health - Medical Emergency Distribution System Agreement - November 1, 2011 - July 15, 2012 - Discussion and/or action

Councilor W. Steere noted that this item was tabled at the last meeting for more info. W. Steere stated that Charlie Miller, EMA Director, and Stuart Pearson, Harmony Fire Chief, have advised the Council to sign the agreement.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the Medical Emergency Distribution System Agreement between the Town of Gloucester and the Rhode Island Department of Health for the period November 1, 2011 to July 15, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Authorization: Senior Services, Inc (Senior Center meals)

Annual Contract - January 2012 - Discussion and/or Action

Councilor W. Steere stated that the Council has received the annual request for the contract renewal between Gloucester and Senior Services for daily meals to be delivered to the Senior Center.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the contract between the Town of Gloucester and Senior Services, Inc. for the period January 1, 2012 through December 31, 2012 for the purpose of serving congregate meals to the Senior Center, 5 days per week; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Authorization: Communication to Land Trust- Discussion and/or Action

Councilor G. Steere stated that he has talked with Bruce Payton about a letter he drafted to the Gloucester Land Trust which he read into the record as follows:

“To: Bruce Payton, Chair and Members of the Gloucester Land Trust:

The Gloucester Town Council respectfully requests that the Gloucester Land Trust refrain from purchasing any additional property until such time as the Hawkins Pond Dam is fully repaired and the project costs are paid. The scope of work and cost of repairs to the dam has not yet been determined and the Town Council has genuine concerns that monies currently held by the Land Trust should be reserved to pay for necessary repairs to the dam, as well as to maintain other current holdings, prior to acquiring additional properties.

The Town Council strongly suggests that appraisals of certain property previously acquired have not been fair and accurate pertaining to road construction and development costs and locations of points of access, and have done no justice to Gloucester taxpayers.

The Council further strongly suggests that any future appraisals be backed up by development plan possibilities with documentation of possible subdivision and/or road development plans including, no less than, water table verifications for each proposed building site or buildable lot on all properties that the Gloucester Land Trust is proposing to acquire with the purpose of preventing residential development. Any Planning Board

would require similar documentation and more before considering any development plans, and Gloucester taxpayers deserve the same documentation in order to justify the value of any further land acquisition by the Gloucester Land Trust.

The Town Council also brings attention to open meetings laws regarding meetings of the Land Trust and meetings of the Friends of the Gloucester Land Trust. It would appear that a meeting of one organization would or could also constitute a quorum of the other organization, and such occurrences may need to be posted.

Walter M. O. Steere, III
Town Council President
(End of proposed letter)

Discussion:

Councilor Burlingame stated that he agrees with the letter, adding that it is best to put things on hold until we know what is going on with regard to Hawkins Pond. Councilor Reichert also expressed agreement. Councilor G. Steere noted that the letter is not meant as a criticism, he has already talked to Bruce about the letter, and he wants the Council to go on record regarding their concerns. Councilor G. Steere asked Bruce Payton if he would like to speak regarding this letter.

Bruce Payton, Land Trust chair, was present and stated that at their last meeting, it was decided that the Land Trust should hold off on any purchases. B. Payton stated that Henry Gold will be present at the next meeting to give an update on the cost of repairing the dam. B. Payton stated he had discussed the letter with Councilor G. Steere and was only concerned about the comments relative to the duties and fulfillment of the land trust and the appraisals as the appraisers are professionals.

Councilor Burlingame stated he did not see anything that could be a problem. B. Payton thanked Councilor G. Steere for contacting him prior to this meeting. Councilor G. Steere thanked B. Payton. Councilor W. Steere stated that his only concern with regard to the letter is the part about the appraisal process. Councilor W. Steere stated that, to his knowledge, the Land Trust has not paid more than the appraised value of any property that they have purchased, that they follow the state accepted process for appraisal and that they follow the town bidding processes.

Councilor G. Steere stated he understands but that sometimes we need to question appraisers and believes he feels there may be some discrepancies. Councilor W. Steere stated that he strongly agrees with the first and last paragraph of the letter, but has concerns with the second paragraph. Bruce Payton stated that there are several levels of appraisals and the State requires a higher standard which is more costly but is also more thorough. Councilor G. Steere stated that these individuals may be professional but a water table verification is needed to determine whether a lot is buildable.

Councilor G. Steere stated you can't just walk a land and come up with an appraisal and determine how many house lots could have been built there. B. Payton spoke about the O'Donnell property, stating that he feels that somebody outside the Land Trust should be brought in to look at it.

Kevin LaVoie expressed agreement with Councilor G. Steere, stating that appraisers and developers have different views of the value of property. Regarding the O'Donnell property, K. LaVoie stated that it has been on the market for several years and there has been no interest at the asking price.

Councilor W. Steere stated that he will abide by the Council's wishes regarding the proposed letter, but again recommended that the middle paragraph be removed. Councilor G. Steere stated that he would like to leave the letter as it stands.

George Charette, Planning Board chair, stated that when the Planning Board receives a development plan, their top priority is the amount of buildable land on the parcel. G. Charette noted that when an appraiser looks at a piece of land, they do not take into consideration certain factors such as roads, drainage, wells and septic systems. G. Charette stated that nobody gets the facts and the taxpayers are paying the bill as a result. G. Charette expressed his opinion that if we do not start doing things the right way, the Town will be in real trouble.

Councilor Reichert stated that the Land Trust should be held above any reproach. Councilor Hainsworth stated he feels these are good points and thanked B. Payton for seeking out a developers opinion as well as his work to keep costs in check on the Hawkins Dam.

Councilor W. Steere pointed out that the wording of the second paragraph should be removed because it pertains to something that has already happened. Councilor G. Steere concurred, but stated that the next paragraph should remain because it addresses future practices. Councilors agreed to disagree.

Councilor Burlingame stated that he agrees with setting a higher standard with regard to appraisals to avoid the perception of a problem. Councilor G. Steere stated that the owner of the property should invest money in obtaining documentation to substantiate the value of the property. Councilor W. Steere stated he does not have a problem with higher standards going forward but disagrees with taking "shots" at what happened in the past.

MOTION was made by Councilor G. Steere to strike the second paragraph of the proposed letter, and to send the letter to the Land Trust; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Approval of Land Transfer - Navigant Credit Union to Town of Gloucester - Discussion and/or Action

Councilor W. Steere stated that per Ray Goff, Navigant Credit Union has determined that a portion of Tourtellot Hill Road is on their land. They would like to give the Town the land and, if so, the Council would need to accept it by Town Council action. Councilor W. Steere stated

that the Council has received a survey of the proposed administrative subdivision and the appropriate deed. Once approved by Council the deed can be recorded in Land Evidence.

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE the transfer of property from Navigant Credit Union to the Town of Glocester identified as: "Portion of Lot 35 to be Conveyed to the Town of Glocester for Roadway Purposes" on that plan entitled "Administrative Subdivision of Land In Glocester, Rhode Island Assessor's, Plat 10C Lot 35;" Prepared for Navigant Credit Union and Dated September 16, 2011; said survey and deed to be recorded in Glocester Land Evidence Records. Said parcel being conveyed is 0.05736 acres or 2,499 square feet of land more or less; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

D. Ratification: R.I.D.E.M. Open Space Recreation Grant - Discussion and/or Action

Councilor W. Steere explained that Ray Goff, Town Planner, has submitted an application to the Rhode Island Dept. of Environmental Management Recreational Acquisition & Development Grant Program. This application now needs to be ratified.

MOTION was made by Councilor Reichert to RATIFY the R.I. Recreation Acquisition & Development Grant Program, application #2011-70, for the 2011 Large Grant application program, for the Glocester Memorial Park Annex Fields, also known as AP 10A, lot 47; seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere commended R. Goff for his efforts regarding this grant application.

Councilor W. Steere stated that he will speak to Senator Fogarty and Representative Chippendale to ask for their assistance in obtaining the grant.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

E. Glocester Licensing Board

1. Sticks Tavern violation - Discussion and/or Action

Joseph DelPrete, Chief of Police, reported that two (2) license violations occurred at Sticks Tavern the night before Thanksgiving; outside consumption of alcohol and exceeding the capacity of 192 people inside the establishment. Chief DelPrete stated that he has spoken to Vincent Iannuzzi, owner, who indicated that he will take corrective action regarding these incidents. Chief DelPrete stated that he will provide a report at the next Town Council meeting

regarding his recommended resolution. Chief DelPrete noted that if the owner objects to the resolution, a show-cause hearing will be scheduled.

Councilor W. Steere stated that, pending the outcome of this matter, the Council may have to review the special event permits recently granted to Sticks Tavern. Chief DelPrete noted that the tavern was not adequately staffed on the evening in question, which is one of the corrective actions to be taken.

Councilor Burlingame asked Chief DelPrete if the corrective action plan will be submitted to the Council at the next meeting. Chief DelPrete answered in the affirmative, adding that if Mr. Iannuzzi opposes the plan, a show-cause hearing will be held.

F. Resignation - Discussion and/or Action

1. Director of Emergency Management

Councilor W. Steere stated that the Council has received the resignation of Charles Miller from the position of Director of Emergency Management effective December 31, 2011. Mr. Miller thanked the Council and cited personal reasons for his resignation. Councilor W. Steere noted that Charlie has worked for the Town of Gloucester in this capacity for the last 12 years, and continues to work on the Board of Directors of Western RI Home Repair. Councilor W. Steere thanked Mr. Miller for his years of service and dedication to the Town of Gloucester.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Charles Miller from the position of Director of Emergency Management effective December 31, 2011; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Discussion and/or Action re: Process for EMA replacement

Councilor Burlingame stated that he was on the Town Council the last time this position was filled and noted that a wide scale search was not conducted. Councilor Burlingame stated that applicants' qualifications were considered and the Council went forward with the appointment. Councilor Burlingame stated that there are several candidates interested in the position and suggested that the Council consider these individuals. Councilor G. Steere agreed.

Councilor W. Steere stated that an application process should be followed as this position is more involved than it was in the past. Councilor W. Steere suggested that the Police Chief and Fire Chiefs participate in the interview process as well as members of the Town Council.

Councilor Hainsworth agreed with Councilor W. Steere, stating that there are many statewide rules and regulations concerning Emergency Management. Councilor Hainsworth commented

that the Fire Chiefs and Police Chief would ask the proper questions to ensure that the candidate is right for the position.

Councilor W. Steere also suggested that Gary Treml, Public Works Director, be involved in the process. Councilor W. Steere further stated that the position should be advertised because it has become more important.

There was Council consensus to direct the Personnel Director to advertise the position and to ensure that the job description is up to date. It was stated that a search committee will consist of the Fire Chiefs, the Chief of Police and the Director of Public Works, with the Town Council making the final decision.

G. Open Meeting laws - Discussion and/or Action
Training/information session for all boards and commissions.

Councilor W. Steere stated that there have been questions regarding open meetings and recommended that the State conduct a seminar for Boards and Commissions to give the members a true understanding of how the Open Meeting law works. Councilor Burlingame agreed, stating that a representative from the Attorney General's Office has done this in the past.

H. Closure of Town Landfill - Discussion and/or Action
1. Acknowledge receipt- D.E.M. Interim Letter of Compliance
2. Authorization: D.E.M. Environmental Land Use Restriction

Discussion:

Gary Treml, Public Works Director, stated that the landfill is ready for closure and asked the Council to sign the document so that it can be recorded in Land Evidence.

MOTION was made by Councilor Burlingame to ACKNOWLEDGE receipt of the R.I. D.E.M. Interim Letter of Compliance regarding the closure of the Town of Gloucester Landfill and to AUTHORIZE the Town Council President to sign the R.I.D.E.M. Environmental Land Use Restriction; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

I. Parking Signage - Chepachet village - Discussion and/or Action

Councilor Burlingame stated that it has been suggested that a sign be placed directing people to park in the back of the Town Hall in the evening and on weekends. Councilor Burlingame noted that the Department of Transportation has approved the placement of the sign, but we want to control what the sign looks like. Councilor W. Steere suggested that the Council check with the Historic District Commission.

Rose LaVoie recommended that the sign also include information regarding the schoolhouse and Betty the Elephant.

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, reported that in addition to the elections next year, there will also be redistricting and the addition of a new political party.
- B. Gary Treml, Director of Public Works, reported that an informational flyer will be distributed to residents next month as an insert in one of the local papers. G. Treml noted that while recycling has gone up slightly at the Transfer Station, the amount of trash has increased also. G. Treml stated that the latest three-month average put us very close to the cap.
- C. Joseph DelPrete, Chief of Police, stated that he attended a meeting at National Grid at which there was discussion regarding the management of storm events such as Hurricane Irene.

Chief DelPrete stated that Officer Jenison has received the Traffic Hero award from AAA for his efforts to remove impaired drivers from the road.

- D. Judy Branch, Director of Human Services, stated that she would like a sign which says "Human Services Department/Food Pantry". Jean Fecteau, Town Clerk, replied that this is being worked on. J. Branch reported that Thanksgiving was successful, stating that people in Gloucester have been more than generous. J. Branch stated that she received monetary donations as well as a large amount of food. J. Branch stated that she responded to a television ad for Channel 10's Thanksgiving program and was given sixty prepared food baskets including certificates for turkeys.

J. Branch stated that her department only uses the transportation van about twice per month for medical appointments and asked if the vehicle can be utilized for transportation to the Senior Center for homebound residents to participate in the lunch program. J. Branch noted that she has a volunteer driver who is qualified and is willing to provide this service once or twice a week.

Councilor Burlingame stated that this would incur no cost and would provide a benefit to the elderly who cannot otherwise attend. It was stated that the Director of Public Works should be informed as it is his department that services the van. Councilor Burlingame stated that he is the Council Liaison to the Senior Center Board of Directors and will speak to them regarding this idea.

Bds. & Commissions - Discussion

- A. Bruce Payton, Land Trust chair, stated that FM Global has become a fantastic partner of the Land Trust by donating materials and expertise with regard to improving trails and bridges. B. Payton also thanked Steere Farm Excavating for their help and

expressed appreciation to Gary Treml for taking the tractor to the pumpkin patch. B. Payton stated that Henry Gold will be in attendance at the next meeting to provide an update on the dam.

Councilor W. Steere spoke about FM Global's outreach program whereby employees go out into the community to assist the Town, and stated that we should take advantage of the program.

- B. George Charette, Planning Board chair, asked if the Public Hearing regarding the Overlay District has been scheduled. Jean Fecteau, Town Clerk, stated that the Public Hearing has been advertised in the legal ads and in the Advocate, which is delivered to each household, and will take place on December 15th. G. Charette noted that the Overlay District is very important for the future of this town.
- C. Linda Nichols, Community Resource Commission chair, inquired whether she is now the chair of the Wastewater Management Advisory Board. Jean Fecteau, Town Clerk, replied that this is on the agenda for the meeting of December 15th. L. Nichols asked if the two boards will retain separate budgets. Councilor W. Steere replied that if the two groups are combined, there will be one budget.

L. Nichols asked if the Town's website can be updated to include information regarding the Wastewater Board and what they can offer to residents. J. Fecteau stated that she will do so. L. Nichols stated that she is in favor of having an Open Meetings Workshop for Boards and Commissions. There was discussion regarding the Community Resource Commission's efforts with regard to hydro-electric power.

- D. Walter Steere, Jr., School Committee member, stated that the Region is applying for a recreation grant to be used for the track and tennis courts at the high school. W. Steere, Jr. reported that the School Department will be coming in with a level-funded budget again this year.

X. Council Correspondence/Discussion
None.

XI. Open Forum

- A. Rose LaVoie spoke regarding the condition of the Kent Property, stating that it is a shame that it has been allowed to deteriorate. R. LaVoie inquired about the status of the Economic Development Commission, stating that she would like to see them become active again. R. LaVoie commented that when she served on several boards and commissions, a meeting was held with regard to Open Meetings Law, and she found it to be very helpful and informative.
- B. George Charette, speaking as a taxpayer, stated that we are fortunate to have our Police Department. G. Charette stated that Chief DelPrete goes beyond his duties to assist residents. G. Charette thanked Chief DelPrete and the officers of the Police Department for serving him well.

Councilor W. Steere noted that the Council frequently receives positive comments regarding all Town employees and stated that this is what makes Gloucester a special place to be.

XII. Seek to Convene to Executive Session

MOTION was made by Councilor G. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Collective Bargaining, 1. Town of Gloucester Clerks Union & 2. Police Dispatch Union; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session

MOTION was made by Councilor Burlingame to Reconvene Open Session; to state no votes were taken in Executive Session; and to seal the minutes of Closed Executive Session; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:39 p.m.; seconded by Councilor Reichert.

Jean M. Fecteau, Town Clerk

Approved at the January 5, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **December 15, 2011**

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; William Bernstein, Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Planner; Susan Harris, Deputy Town Clerk; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by William Bernstein, Town Solicitor.

IV. Open Forum for Agenda Items

Mark Rechter, 1218 Putnam Pike, asked that any discussion regarding the Chepachet Village Overlay District be tabled based on the fact that the letter which was sent to abutters was incorrect in not mentioning the Agricultural 4 district. M. Rechter further stated that this information was also excluded from the ad in the Gloucester Advocate. M. Rechter stated that he feels that another certified letter should go out to abutters, and that an informal meeting should be held for property owners within the proposed district.

William Bernstein, Town Solicitor, replied that the advertisement has been corrected, however the Public Hearing will be continued until the next meeting to allow those who are present tonight to speak and anyone who is not in attendance to voice their concerns at the next meeting. M. Rechter disagreed, stating that the residents should be allowed to meet with the Planning Board informally before any Public Hearing.

Councilor W. Steere stated that he appreciates Mr. Rechter's comments and concerns, however Planning Board meetings are open to the public and anybody could have attended. Councilor Reichert pointed out that nothing will be decided tonight, therefore testimony could be taken and corrective letters be sent to the abutters. The other Council members agreed.

V. Public Hearing - Discussion and/or Action

A. Gloucester Code of Ordinance - Proposed Amendments

1. REPEAL Chapter 272 Wastewater Management District
2. REPEAL Chapter A420 Wastewater Rules & Regulations
3. AMEND Chapter 350-12 Prohibited uses

4. AMEND Chapter 350, Zoning, Attachment 1:3 Table of Use Regulations:
 - Sect. 2. #1
 - Sect. 4. #8
 - Sect. 7. #5
 - DELETE Sect. 2. #2
 - DELETE Sect. 13. #3
5. AMEND Chapter 350-64, Nonconforming Use
6. AMEND Chapter 350-89 & 90
7. AMEND Chapter 68 – Community Resource Commission
 - a. 68-1. Establishment; membership; terms; compensation; clerk; vacancies
Proposed: Addition of (second) alternate member
 - b. Add essential educational duties for the purpose of wastewater management

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer on Dec 1st, 8th, and 15th.

A first reading was held on November 3, 2011. At that time the proposed amendments were discussed and explained.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to be heard regarding the proposed amendments.

Discussion:

Rose LaVoie of Wilmarth Road asked why Chapter 272, Wastewater Management District, should be repealed. Councilor W. Steere replied that the Committee only serves in advisory capacity and their charge should be amended accordingly. Councilor W. Steere further explained that the Wastewater Management Commission will be merged with the Community Resource Commission to provide education to residents regarding wastewater management issues.

Councilor Burlingame stated that the Wastewater Management Rules and Regulations were much more restrictive than those of the Department of Environmental Management and were creating another layer of “red tape”. Councilor G. Steere stated that the Council had already removed the Rules and Regulations and this amendment will clean up the wording of the Ordinance.

Councilor W. Steere asked if anyone else wished to speak regarding the proposed amendments. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED and asked if the Council members had any comments.

Discussion: None.

MOTION was made by Councilor G. Steere to APPROVE the amendments to the Gloucester Code of Ordinance as proposed:

1. REPEAL Chapter 272 Wastewater Management District
2. REPEAL Chapter A420 Wastewater Rules & Regulations
3. AMEND Chapter 350-12 Prohibited uses

4. AMEND Chapter 350, Zoning, Attachment 1:3 Table of Use Regulations:

Sect. 2. #1

Sect. 4. #8

Sect. 7. #5

DELETE Sect. 2. #2 & Sect. 13. #3 effective upon passage;
seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance - Proposed Amendment - Discussion and/or Action

1. Chapter 350 - Zoning

a. Proposed addition of Article XIII, "Village Overlay District"

(note: If this addition is approved, items b, c, & d would need to be amended to reflect the addition of an Overlay District.

b. AMEND Art. II, Zoning District Use Regulations

c. ADDITION Chapter 350, Attachment #5

d. AMEND Zoning Map

Councilor W. Steere stated that this Public Hearing was advertised in the Observer three times, one of those ads was found faulty; therefore, a third correct ad will run the week of December 22, 2011. This public hearing can be heard for those present but will be continued to the next Council meeting.

Councilor W. Steere further stated that this public hearing was also advertised in the Advocate (which is mailed to each household). In addition the Planner's Office sent out abutters letters.

Councilor W. Steere noted that the first reading of these proposed amendments was held on November 3, 2011. At that time the proposal was explained. This proposed addition to the Code was sent to the Council by the Planning Board.

Councilor W. Steere DECLARED the Public Hearing OPEN and stated that Ray Goff, Town Planner, come forward to give a brief overview of the proposed amendments. Councilor W. Steere stated that if anyone has questions, they may come to the microphone afterwards.

Discussion:

Ray Goff, Town Planner, explained that the Planning Board has been working on this proposed Ordinance for the past six months with the intent of improving the village by expanding the possible uses for the buildings along Main Street. R. Goff further explained that at this time, we have Residential and Commercial zoning, with no overlap. The proposed overlay is a way to mix the uses to allow what a village normally would have.

R. Goff noted that the ordinance would allow on-street parking, which would help the local businesses. R. Goff stated that the ordinance would also allow a mix of uses in areas outside the village proper, such as Chepachet Hardware and the former Purple Cat restaurant. R. Goff stated that the Planning Board attempted to keep the ordinance brief and simple, adding that it will improve the Town and benefit all of us.

Councilor W. Steere expressed thanks to R. Goff and the members of the Planning Board for their efforts in drafting the Village Overlay District.

1. Alan Smith, 1214 Putnam Pike, stated that he and his wife live next door to the Senior Center and had two days to review this proposal. A. Smith stated that two years before the Senior Center was built, he appeared before the Council to object to the proposal of Bess Eaton's Donuts to install a drive-thru on the property. A. Smith stated that he is dismayed that the overlay district would allow this to occur in a section of the Town which is mostly residential. A. Smith also expressed concern regarding the effect that this type of expansion would have on the water supply for residents of the village. A. Smith further objected to the section which allows wireless telecommunication towers.
2. Mark Rechter stated that he is at the beginning of the A-4 district. A. Rechter noted that the ordinance would prohibit his neighbor from selling crops which he grows on his property. M. Rechter asked why the A-4 district should be included in the overlay district. M. Rechter noted that several years ago, Adler Brothers submitted a proposal for a light industrial complex on their property, but were turned down. M. Rechter also questioned the inclusion of a recreation area.

M. Rechter stated that homeowners in this area will be reluctant to improve their properties because they will be unsure of what could be done with adjacent properties. M. Rechter also stated that he feels the language of the ordinance should be stronger, stating that the Town has the right to be more forceful. M. Rechter expressed hope that this is the first of many meetings at which residents are allowed to voice their concerns.

Councilor W. Steere replied that he shares some of Mr. Rechter's concerns, but noted that this is just a proposal at this time. M. Rechter stated that this ordinance would take away a layer of protection for the homeowners in the district.

3. Lori Blanchflower, of Douglas Hook Road, stated that her property is within the 200 foot radius and asked how this affects her. Ray Goff, Town Planner, explained that although her property is not in the proposed overlay district, there is a notice requirement for properties within 200 feet of the district. L. Blanchflower stated that her neighbor's house is within the proposed district and asked if the property is sold, could a business be located there. Councilor W. Steere replied in the affirmative.

L. Blanchflower asked if there will be any change in the tax rate for properties within the village overlay. Councilor W. Steere stated that this has not been determined, but added that typically, commercial properties are taxed at a different rate than residential properties. Councilor G. Steere noted that if a property stayed as residential, there

would be no increase in taxes, but if a business was put in, the tax rate would change. L. Blanchflower stated that it appears that businesses will be encroaching into residential areas.

4. Rose LaVoie stated that when she came to Gloucester 65 years ago, there were businesses up and down the street. R. LaVoie stated that this proposal is an attempt to help businesses make a living. R. LaVoie added that she does not believe that the Planning Board and Town Council would do anything detrimental to the character of the Town. R. LaVoie expressed her support for this ordinance.
5. Steven Bemis, of 31 Chopmist Hill Road, stated that it is 8 miles to Greenville and asked why we would want to bring these types of businesses to Gloucester. Councilor W. Steere replied that business brings in more revenue which lessens the tax burden on the residential taxpayers. S. Bemis stated that he was born and raised here and does not want to see chain restaurants in the village. S. Bemis also expressed concern regarding traffic issues.
6. George Loxley, of Douglas Hook Road, stated that he has been before the Council to complain about noise generated by businesses in the village. G. Loxley stated that when a new business comes to Town, their facade is fine, but their back yard becomes his front yard. G. Loxley noted that his neighborhood has changed considerably since he moved here in 1974, mainly as a result of businesses.

G. Loxley stated that if businesses are allowed to come in, there should be ground rules in place. For instance, G. Loxley stated that if a business is small, they should be using the Transfer Station for their recyclables. G. Loxley stated that businesses should have no adverse impact to the Town regarding water, traffic and waste disposal. G. Loxley stated that he is concerned with the quality of life in the neighborhood where he resides.

7. Rose LaVoie commented that the word “business” is being used in a derogatory manner when it is small business that is the backbone of this country.
8. George Charette, Planning Board chair, stated that the comments made tonight are all valid. G. Charette stated that we need to make Gloucester prosperous. G. Charette spoke about the State’s pension problems which will affect all cities and towns with regard to taxes. G. Charette encouraged residents to attend hearings at the State House. G. Charette stated that if something is not done to create viability in this Town, it will die. G. Charette commented that the proposed ordinance would allow small businesses on the first floor of a building and apartments upstairs.

G. Charette noted that big box stores will never have a place in this Town. G. Charette spoke about parking areas, stating that the mini-park in the center of Town has space for seven vehicles. G. Charette further stated that a historic sign will be placed at the beginning of Douglas Hook Road directing visitors to the parking lot behind Town

Hall. G. Charette stated that people are traveling out of town for services that would be possible with the overlay district.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere asked for a motion to table the Public Hearing.

MOTION was made by Councilor Burlingame to TABLE the Public Hearing to January 5, 2012 for: Gloucester Code of Ordinance - Proposed Amendment Chapter 350 - Zoning

- a. Proposed addition of Article XIII, "Village Overlay District";
- b. AMEND Art. II, Zoning District Use Regulations;
- c. ADDITION Chapter 350, Attachment #5; and
- d. AMEND Zoning Map; seconded by Councilor Hainsworth.

Discussion:

Councilor Reichert stated that some of the businesses in Town are not allowed under current zoning and this ordinance would clean that up.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Mark Rechter asked what is the process of reaching a compromise. Councilor W. Steere replied that the Public Hearing is part of the process and it can continue as long as it takes to reach an agreement. (M. Rechter spoke again, but was not at microphone.)

Councilor W. Steere stated that many good points were brought up tonight which will be addressed. Councilor Burlingame agreed, stating that changes will be made to the proposed ordinance before it is eventually adopted.

MOTION was made by Councilor G. Steere to REOPEN the first Public Hearing; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor G. Steere to AMEND the MOTION to include the following:

5. AMEND Chapter 350-64, Nonconforming Use
6. AMEND Chapter 350-89 & 90
7. AMEND Chapter 68 - Community Resource Commission
 - a. 68-1. Establishment; membership; terms; compensation; clerk; vacancies
Proposed: Addition of (second) alternate member
 - b. Add essential educational duties for the purpose of wastewater management

seconded by Councilor Burlingame.

Discussion:

William Bernstein clarified that this is to amend the motion made and passed earlier relating to the Code of Ordinances Proposed Amendments.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

- A. Town Council Minutes: Nov. 3, 2011, Nov. 17, 2011, and December 1, 2011, Correction to Town Council minutes of October 6, 2011
- B. Finance Director's Report - October & Nov 2011
- C. Tax Collector's Additions & Abatements
- D. Pole Grant - Douglas Hook Rd
ONE (1) NEW JOINT POLE LOCATION (P. 63-2)

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of November 3rd & November 17th, 2011, December 1, 2011, corrections to the minutes of October 6, 2011 to show additional comments made for the record; to TABLE the Finance Director's report for October & November 2011; APPROVE the ADDITIONS to the 2011 Tax Roll in the amount of \$1004.65; the ABATEMENTS to the 2011 Tax Roll in the amount of \$1092.68; the 2010 Tax Roll in the amount of \$269.53, the 2008 Tax Roll in the amount of \$963.90, the 2007 Tax Roll in the amount of \$945.86, the 2006 Tax Roll in the amount of \$860.10, the 2005 Tax Roll in the amount of \$819.02, the 2004 Tax Roll in the amount of \$1,181.42, the 2003 Tax Roll in the amount of \$1,128.87, the 2002 Tax Roll in the amount of \$1,120.40, the 2001 Tax Roll in the amount of \$512.83; and to APPROVE the Pole Grant - Douglas Hook Rd., One new joint pole, location P.63-2; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

VII. Unfinished Business

- A. Boards/Commission Appointments - Discussion and/or Action
 - 1. Historic District Commission
 - a. One 1-Year Alternate term to expire 11/2012

Councilor W. Steere stated that the Chair has requested this item be tabled.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year alternate term to expire 11/2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Gloucester Licensing Board

1. Sticks Tavern violation - Discussion and/or Action

Councilor W. Steere read the following correspondence from Joseph DelPrete, Chief of Police:

To: Honorable Town Council

Subject: Liquor Violation

From: Chief Joseph DelPrete

Date: December 12, 2011

This memorandum will serve to advise the Gloucester Town Council/License Board of two licensing violations at Putnam Properties Inc. d/b/a Sticks Tavern.

On Wednesday 11/23/2011 at approximately 11:10 PM Lt. Fague while on patrol observed the parking lot of Stick's Tavern to be at full capacity and several vehicles parked on Route 44.

While checking the parking lot Lt. Fague observed two males in the parking lot, one was carrying a plastic cup containing alcohol. The male advised Lt. Fague that he had gotten the cup and alcohol from inside the bar and exited through a side door.

Based on what appeared to be overcrowding inside the establishment, Lt. Fague and members of the Gloucester Police Department initiated an occupancy count inside Sticks Tavern. There was a count discrepancy between the owner Mr. Iannuzzi and door staff. Lt Fague then conducted his own count of **201** which included all areas inside the establishment and it clearly exceeded the posted capacity limit of **192**.

This will be the third violation at Sticks Tavern in a three year period.

On 7/25/09 Mr. Iannuzzi received a letter of reprimand by the town council licensing board for outside entertainment without a permit, and on 10/24/09 he received a second letter of reprimand for serving alcohol outside the establishment. On 7/31/05 and 3/29/07 the Gloucester Town Council/Licensing Board fined Mr. Iannuzzi \$250 each for serving alcohol outside the business, and serving alcohol to a minor.

On Monday November 27, 2011 Chief DelPrete advised the owner of Sticks Tavern Mr. Vincent Iannuzzi of the licensing violations on November 23rd. After two informal meetings with the Chief of Police, Mr. Iannuzzi admitted to the violations and agreed to waive a "Show Cause Hearing" with the Gloucester Town Council/Licensing Board and accept the following sanctions as outlined in Rhode Island General Laws 3-7-6.1 Alcoholic

Beverages and Retail Licenses. He further consented to take corrective action to prevent any further overcrowding issues inside the establishment. They are as follows:

- I. The owner of Putnam Properties Inc. d/b/a Sticks Tavern Mr. Vincent Iannuzzi has agreed to accept a (1) one day suspension of his Class B-V License on Thursday January 19, 2012 for the liquor violation**

- II. Mr. Vincent Iannuzzi has further agreed to initiate operational changes to prevent overcrowding at events. That would include:**
 - a. Counting all patrons in the vestibule area, and all areas inside the establishment outlined by the Fire Marshal,**
 - b. Restrict the entry and exit to the front door during busy events, and,**
 - c. Crowd management training for staff.**

In addition, Mr. Iannuzzi understands that the above agreement must have the advice and consent of the Gloucester Town Council. The Town Council will consider this agreement at the Town Council meeting on Thursday December 15, 2011.

(End of contract)

Discussion:

Councilor G. Steere stated that he attended one of the meetings with the Chief of Police, the Town Clerk and Mr. Iannuzzi. Chief DelPrete stated that Mr. Iannuzzi has agreed to take the one-day suspension in lieu of a show-cause hearing. Chief DelPrete further stated that Fire Chief Pearson will oversee the corrective action taken by Mr. Iannuzzi with regard to overcrowding. William Bernstein, Town Solicitor, stated that the report should be made part of the record as it contains Mr. Iannuzzi's admission of the violations.

Councilor W. Steere stated that this matter raises concerns regarding Sticks Tavern's request to hold special events. Councilor W. Steere recommended that the Council review or amend the approval given to Sticks until it can be proven that they can handle these types of events appropriately.

MOTION was made by Councilor Reichert to APPROVE the sanctions suggested by Police Chief DelPrete (memo of December 12, 2011) for the violations that occurred on November 23, 2011 at Sticks Tavern, 417 Putnam Pike, to include the report for the record; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- B. Extension of Bid Contract - Discussion and/or Action
1. IFB 2011-01 Full Depth Pavement Reclamation
 2. IFB 2008-09 Road Sand
 3. IFB 2006-07 Gravel & Crushed Stone

Councilor W. Steere stated that the Public Works Director has requested Council approval of the signed agreements to extend previous bid awards.

Discussion: None.

MOTION was made by Councilor G. Steere to GRANT the extension of:

- IFB 2011-01 Full Depth Pavement & Reclamation - Murray Paving and Reclamation to November 1, 2012;
IFB 2008-09 Road Sand - Barnes Concrete to December 31, 2012; and
IFB 2006-07 Gravel & Crushed Stone - Adler Brothers Construction to December 31, 2012;

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

- C. Appointments - Discussion and/or Action
1. Tax Assessor term to expire 12/31/2011
New term to run 1/1/12-12/31/13

Councilor W. Steere explained that this is for the two year term of our current Tax Assessor, Viviane Valentine. Councilor W. Steere stated the Assessor's term is an off-election year appointment and the Assessor has expressed her desire to be reappointed.

MOTION was made by Councilor Burlingame to REAPPOINT Viviane Valentine to the position of Town of Gloucester Tax Assessor for a two year term to expire 12/31/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

- D. Police Detail- Candlelight Shopping (Gloucester Business Association)
Discussion and/or Action

Councilor G. Steere stated that there was a problem with the police detail at the first Candlelight Shopping event. Councilor G. Steere stated that the Gloucester Business Association had agreed to pay for the detail and reneged at the last minute. Councilor G. Steere noted that Charlie Wilson stepped up and covered the cost of the detail. Councilor G. Steere stated that he asked the

Finance Director if there are funds available to reimburse Mr. Wilson for the first detail and to cover the remaining two events. Councilor Burlingame asked what the cost is. Chief DelPrete replied that the details are \$150.00 per night.

MOTION was made by Councilor Burlingame to AUTHORIZE the payment of three Police details from the Town Council contingency fund; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

Alan Smith, 1214 Putnam Pike, stated that his wife is the President of the Gloucester Business Association. A. Smith noted that some time ago, the GBA separated itself from Candlelight Shopping. A. Smith stated that it was clear to the businesses involved in the event that they were responsible for the Police detail. A. Smith stated that the GBA never agreed to pay for the detail, therefore they did not renege.

Councilor W. Steere corrected that statement and stated that there was some mis-communication regarding this matter. Chief DelPrete stated that he contacted a member of the GBA who assured him that historically, the detail was taken care of by the business owners. Chief DelPrete stated that he later learned that this was not the case and came to the Council because his budget cannot support this expense.

IX. Boards & Commissions

A. Appointments - Discussion and/or Action

1. Community Resource Commission

One Alternate Term to expire 12/2012

MOTION was made by Councilor G. Steere to APPOINT Cheryl Commendatore to the Community Resource Commission for the #2 alternate position for a one year term to expire 12/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert
NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, stated that recycling has increased over the last three months, but only slightly. G. Treml stated that at this rate, it will take a year to reach the goal of 35%. G. Treml commented that people are just not getting the importance of recycling. Jean Fecteau, Town Clerk, spoke regarding an informational flyer which will be sent to all residents with the Gloucester Advocate. J. Fecteau suggested also placing an ad in the Advocate to explain why the flyer is there so that people don't just throw it away without reading it. G. Treml gave a report regarding

asphalt paving on Town roads. The Council commended G. Treml and his crew for the quality of their work and for their professionalism.

- B. Councilor W. Steere asked Carl Riccio, Building/Zoning Official, if he has received any noise complaints from Mr. Loxley with regard to the Family Dollar Store. C. Riccio replied in the negative. C. Riccio reported that progress is being made concerning the Johnson property on Money Hill Road. C. Riccio noted that the DEM violation has been paid for by the owners and they plan to begin restoration of the property. Councilor W. Steere asked if there is a timetable for the restoration. C. Riccio replied that an extension was applied for due to excessively wet weather, but the project should be completed by the spring.
- C. Judy Branch, Director of Human Services, reported that her Department has been doing wonderfully this holiday season, thanks to generous donations, both from big companies such as FM Global, as well as private citizens. J. Branch also stated that she has 17 volunteers assisting her. J. Branch noted that she now has a freezer in place so she can accept donations of frozen food.

Bds. & Commissions - Discussion

- A. Pete Skeffington, Community Resource Commission member, commended Gary Treml, Director of Public Works, and his department for their assistance with regard to the pumpkin patch. P. Skeffington also thanked Henry Gold and the Land Trust for the use of their tractor and dump truck. P. Skeffington expressed appreciation for the many hours Henry Gold has spent assisting the Resource Commission.
- B. Linda Nichols, chair of the Community Resource Commission, stated that she is very proud of the Commission and what they have done for this Town. L. Nichols asked if the Commission could conduct public meetings to show people what they represent. Councilor W. Steere replied that as long as the Commission conforms to the Open Meetings Law, they may do so. L. Nichols suggested that the Town's website be updated to include information regarding wastewater management to educate the public.
- C. Henry Gold, member of the Land Trust, informed the Council that employees of FM Global have been helping the Land Trust members with tasks such as building a bridge and repairing a roof on a garage at Hawkins Pond, and clearing a trail at Sprague Farm. H. Gold asked the Town Council to publicly recognize these individuals for their efforts. H. Gold reported that the engineering contract for the pond is almost complete and it appears that the cost will be reasonable.

XI. Council Correspondence/Discussion

A. Councilor G. Steere read the following letter into the record:

Dec. 15, 2011
To Gloucester Town Council,

I have recently sent a letter to Pascoag Dam Management District. I asked them for me to be excluded from their lake fee due to the fact that the 2 lots in question - plat 7 Lot 24 & 44, are on Brandy Brook, not the reservoir. I was told Gloucester Town Council had decided what lots were to be considered to have lake access. It is my feeling that if these 2 lots have lake access then you should charge everyone on Brandy Brook with this fee. Because they could access it with a kayak as I would have to. I am asking that you look again at the maps and please excuse me from this fee.

Sincerely,
Bruce Barnes
(End of letter)

Councilor G. Steere stated that Viviane Valentine, Tax Assessor, will look into this matter and address it at the next Town Council meeting.

- B. Councilor W. Steere stated that correspondence was received from FEMA with regard to reimbursement concerning Tropical Storm Irene. Councilor W. Steere thanked the Director of Public Works and his Administrative Assistant for their efforts in compiling the necessary information for this application.
- C. Councilor W. Steere stated that a claim was received regarding property damage on Hazelwood Road caused by the flow of surface water. Councilor W. Steere stated that this claim will be addressed by our legal team.
- D. Councilor W. Steere spoke about the FM Global employees mentioned by Henry Gold and suggested that the Council express their thanks in the form of a commendation at the next Town Council meeting.
- E. Councilor W. Steere stated that he would also like to thank the Council members, solicitors, Town employees and board and commission members for their hard work throughout 2011.

XII. Open Forum

- A. Rose LaVoie stated that Rhode Island Resource Recovery has problems of its own and should not raise the fees of the cities and towns. R. LaVoie recommended that the Council put pressure on our senators and representatives.

R. LaVoie thanked George Charette and Mike DeGrange for the beautiful Christmas display in front of the Town Hall.

R. LaVoie spoke about businesses in Town, stating that without sewers and water, it is difficult to maintain any type of business. R. LaVoie stated that she feels that the overlay district, if approved, will be beneficial to the village and the rest of the Town.

- B. Councilor W. Steere commented that the Governor would like the rest of the State to bail out the retirees of Central Falls and stated that he does not feel that this is right. There was Council consensus to contact the Governor to voice our objection. Councilor Burlingame will draft correspondence.

XIII. Seek to Convene to Executive Session - Discussion and/or Action

A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining

Discussion and/or Action

1. Town of Gloucester Clerks #1322
2. Police Dispatchers #1322

B. R.I.G.L. 42-46-5(a) 2 - Litigation

1. Hawkins Pond Dam

C. R.I.G.L. 42-6-5(a)1 - Personnel

MOTION was made by Councilor Burlingame to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining and Litigation & 42-46-5(a) 1 Personnel; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

No votes were taken in Executive Session

MOTION was made by Councilor Burlingame to Reconvene Open Session and to SEAL the minutes of Closed Executive Session; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Ratification Union Contracts - Discussion and/or Action

A. Local Union # 1322

1. Town of Gloucester Clerks

MOTION was made by Councilor Burlingame to RATIFY the agreement between the Rhode Island Laborers' District Council on behalf of Local Union 1322 of the Laborers' International

Union of North America, Town of Gloucester Clerks & the Town of Gloucester as prepared and forwarded to the clerks, subject to minor typo corrections; said contract dated July 1, 2011 to June 30, 2013; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Gloucester Dispatchers

MOTION was made by Councilor G. Steere to TABLE the agreement between the Rhode Island Laborers' District Council on behalf of Local Union 1322 of the Laborers' International Union of North America, Town of Gloucester Police Dispatchers and the Town of Gloucester; said contract dated July 1, 2011 to June 30, 2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XVI. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 10:31 p.m.; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 5, 2012 Town Council Meeting.

At a Special meeting of the Town Council holden in and
for the Town of Gloucester on **December 21, 2011**

I. Call to Order

The meeting was called to order at 5:00 p.m.

II. Roll Call

Members Present: George O. (Buster) Steere; Vice-President; Edward C. Burlingame;
Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; & Joseph DelPrete, Chief of Police.

III. Ratification Union Contracts - Discussion and/or Action

A. Local Union # 1322

1. Gloucester Dispatchers

MOTION was made by Councilor Reichert to RATIFY the Agreement Contract between the Town of Gloucester and the Rhode Island Laborers' District Council on behalf of Local Union 1322, Gloucester Dispatchers, for the period July 1, 2011 through and including June 30, 2013; seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 5:02 p.m.; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 5, 2012 Town Council Meeting.