

At a Regular Town Council Meeting holden in and for the Town of Gloucester on **January 5, 2006**.

I. Call to Order

The meeting was called to order at 7:30 P.M.

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Sarah Tooher, Deputy Town Clerk; Thomas Mainville, Director of Finance; Alan Whitford, Director of Public Works, Jamie Hainsworth, Chief of Police

III. Pledge of Allegiance

Councilor Reichert led the Pledge of Allegiance.

Councilor Sette stated that before Open Forum for Agenda Items, John Bevilacqua, Town Solicitor will reiterate a new policy regarding the Open Meetings law.

J. Bevilacqua stated that in any type of forum where the public is informing the Council of various factors, notice of whatever action the Council will take is the primary concern in the Open Meetings Act. Mr. Bevilacqua added that the Council can amend their agendas at any time, and in emergency situations it can be done in less than 48 hours. Mr. Bevilacqua continued that there are no restrictions on the Council regarding discussions with the public on non-agenda items, but the Council cannot vote or make decisions on items brought before the Council without proper notice.

IV. Open Forum for Agenda Items

Tom Sanzi, Dorr Drive, asked a question regarding the amendment to the Gloucester Code of Ordinance concerning traffic restriction on Dorr Drive. Councilor Sette replied that this item is on the agenda as a Public Hearing and Mr. Sanzi could address the matter at that time. J. Bevilacqua, Town Solicitor, stated that according to the Open Meeting law, when there is a Public Hearing on a specific item, that item should not be the subject matter of an Open Forum, because the public has a specific designated point on the agenda during which they may address the issue.

V. Resolution

Councilor Sette stated the Council has received a request from the Westerly Town Council requesting our Council's support of a US Senate & House bill regarding the prevention, education, treatment & research of Lyme and other tick borne diseases.

Councilor Carroll read the resolution into the record:

Support United States Senate Bill #1479 & House #3427- Lyme Disease

RESOLUTION SUPPORTING U.S. SENATE BILL 1479 AND  
HOUSE BILL 3427 CONCERNING LYME DISEASE

WHEREAS, the Town of Glocester along with all communities within the State of Rhode Island have incidences of Lyme disease and other tick borne illnesses; and

WHEREAS, cases of Lyme disease and other tick-borne illnesses are increasing at an alarming rate; and

WHEREAS, surveillance has demonstrated a high correlation of the incidence of disease with the abundance of ticks and their geographic distribution; and

WHEREAS, the prevention of Lyme disease and other tick-borne illnesses is best accomplished by a combination of public awareness, personal protection, and environmental measures; and

WHEREAS, laboratory test for Lyme disease and other tick-borne illnesses are not definitive, and consensus guidelines for diagnosis and treatment of long-term Lyme Disease have yet to be developed; and

WHEREAS, the Glocester Town Council recognizes the seriousness and prevalence of Lyme disease and other tick-borne illnesses within Southern New England; and

WHEREAS, the Glocester Town Council encourages State and regional surveillance efforts and prevention initiatives that will provide a greater understanding of the transmission of Lyme disease and other tick-borne illnesses.

NOW, THEREFORE, BE IT RESOLVED: that the Glocester Town Council requests our esteemed legislative delegation to vigorously support U.S. Senate Bill 1479 along with House Bill 3427, introduced to the 109th Congress July 25, 2005 and July 26, 2005 respectively; and be it

FURTHER RESOLVED: that the Glocester Town Council calls for increased Federal funding for studies pertaining to the development of improved testing and treatment for Lyme disease and other tick-borne illnesses; and be it

FURTHER RESOLVED: that the Town of Glocester asks for support from our State Legislature to direct the Rhode Island Department of Health to provide for the expansion of efforts concerning the prevention, education, treatment and research activities relative to Lyme and other tick-borne diseases; and be it

FURTHER RESOLVED: that a copy of this resolution be forwarded to the Gloucester Legislative Delegation, Speaker of the House William Murphy, Senate President Joseph Montalbano, and to each municipality in the State of Rhode Island.

ADOPTED: January 5, 2006

Steven A. Sette, President  
Gloucester Town Council

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VI. Public Hearings

- A. Gloucester Code of Ordinances  
Chapter 258 - Vehicles & Traffic, Article VI - Traffic Restrictions

Councilor Sette stated that this Public Hearing was opened on December 15, 2005 after being duly advertised and continued to this evening. Councilor Sette stated this continuation notice was posted and advertised in the Bargain Buyer the week of December 12, 2005.

Councilor Sette declared the Public Hearing OPEN and asked anyone wishing to speak for or against the ordinance to please step forward and state their name and address.

Discussion:

1. Thomas Sanzi, 18 Dorr Drive, stated that the current speed limit on Dorr Drive is not being enforced and asked that the traffic be more closely monitored. Mr. Sanzi stated that even if the traffic restriction is approved, the speeding will still be a problem.

Councilor Sette stated that three (3) letters were received in regard to this matter, all in objection to the amendment to the ordinance:

January 4, 2006

Gloucester Town Hall  
Putnam Pike  
Chepachet, RI 02814

ATTN: Town Council Members RE: Proposed Traffic Ordinance

RE: Dorr Drive

I would like to voice the following objections to the proposed traffic ordinance to close Dorr Drive between the hours of 4:00 p.m. from Monday to Friday each week.

I live at 30 Douglas Hook Road and have occasion to use Dorr Drive when it is convenient and I want to continue using Dorr Drive when necessary. It is a public road paid for by the taxpayers of Gloucester of which I am one. It is maintained by the Town of Gloucester which includes paving, cleaning, sanding, plowing and street lights. This clearly is not a private road for the use of residents of Dorr Drive only. If the town were planning to abandon this road and the residents of Dorr Drive would become financially responsible for all the upkeep of this road, then it could be closed. But if it remains a public town road, then it must remain open. Because one resident doesn't like the traffic flow by their house is certainly not enough to inconvenience the rest of the taxpaying public.

Traffic flows by my house all the time including heavy trucking and speeding which the Gloucester Police Department does address. Should I contact the State of Rhode Island and request Douglas Hook be closed to the general public because I don't like the traffic? I hardly think the State of Rhode Island would even entertain such a ridiculous request.

Stating children and elderly people reside on Dorr Drive as a reason the road also holds no merit. My neighborhood has elderly and children living here. I have four children of my own and would not allow them to play in the middle of the road regardless of the traffic or lack thereof. Children should not be playing in any road. Roads are not playgrounds. And I do believe there is a playground over at Gloucester Memorial Park which the taxpayers funded for the purpose of children playing and riding bikes. It's where my children have had to play unless they were in my private driveway and yard. The parents of said children on Dorr Drive should perhaps be a little more cognizant of the dangers of playing in any road. Several of the children living on Dorr Drive have ridden their bikes directly into the path of oncoming traffic on Douglas Hook Road on several occasions, one of which I complained to the Gloucester Police Department. I have witnessed this dangerous behavior on more than one occasion as have my family.

How exactly will the town be enforcing this ordinance should it pass? Will you be ticketing people? Will you ticket me if I state I am going to the yarn shop or the doctor's office or perhaps I might be visiting a friend on Dorr Drive during said hours when the road will be closed? How will you make that determination? It really would be self-declaration and are you willing to spend more taxpayer dollars and police man hours wasting your time in court every time I fight one of these tickets because I was on business on Dorr Drive?

I can clearly see Dorr Drive from my house and the amount of traffic on Dorr Drive is less than minimal at any hour of the day. This ordinance must be defeated. Perhaps a

better idea would be to address the safety issue of the stones which line the corner of Dorr Drive. It is my understanding that the town owns a certain amount of feet from the center of the road. Would these be on town property and shouldn't they be removed as a potential hazard?

Thank you for the opportunity to voice my objections.

Sincerely,  
Lori Blanchflower (ls)  
30 Douglas Hook Road  
Chepachet, RI 02814

(end of memo)

2. TO: The Gloucester Town Council  
IN REGARDS: The Dorr Drive Issue

How many more freedoms are you going to take away from us?

First we can't use our lights where we want to because of one persons beef. (What do we have shades and Venetian blinds for?) Now we have light police.

Now you are thinking of taking our right to use a town road because one person squawks about a little traffic on that street. Next will be street police. Are you opening up pandora's box?

What will you do if the people on Spring Grove Road don't like all the traffic that cuts through there? How about all those that cut through Cooper Road to get to Burrillville?

I live on Douglas Hook Road and I don't like all the traffic we have, but that's what happens when so many houses are built all the way through. It was great when the bridge was out. But I wouldn't want to inconvenience all the people who live on the other end just for my comfort and peace.

Haven't you more important issues? Stop pandering to the few vocals.

How about putting our one stop light on blinking through the heaviest traveling time. I believe that will take care of the problem.

Has anyone spoken to the State DOT about fixing our pot hole alley from cemetery corner to stop light corner? That would be a great service to hundreds of people who have to travel through town and also our towns people.

Sincerely,

Ann G. Tucker (ls)  
42 Douglas Hook road  
Chepachet, RI 02814  
(end of memo)

3. December 22, 2005

TO: The Honorable Town Council  
Town of Glocester

Gentlemen:

This letter is in regard to the changing of the traffic pattern on Dorr Drive. We, the residents of Douglas Hook Road listed below are firmly opposed to this change. Leaving it the way it is offers an alternative to those using Douglas Hook, especially when Rte. 44 is jammed up at high traffic time. And the number of people using this as an alternative would be at a minimum. We do not live on Dorr Drive, but as far as we know, there may be one elderly person and no small children living in that short span of roadway.

We feel this change would be detrimental to traffic in this area. We certainly hope that you will listen to the voices of many rather than to one person who would like to alter a situation that we feel does not need altering.

Most Sincerely,

Byron & Phyllis Steger (ls)  
James Hazel Chase (ls)  
Kathleen Cabral (ls)

(end of memo)

T. Sanzi spoke in response to the objections. Mr. Sanzi pointed out that over twenty residents of Dorr Drive signed the petition to institute the traffic restriction. Mr. Sanzi also stated that this problem has been going on for many years.

Allen Rogler, 30 Douglas Hook Road, stated that he does not usually use Dorr Drive as a cut-through, but if he wants to, he will use it. Mr. Rogler stated that he does not feel it is right to adjust the law to suit somebody's own situation without regard for the rest of the community. Regarding the lack of enforcement of the speed limit, Mr. Rogler stated that he feels that 15 MPH is unreasonable. Councilor Walsh asked Mr. Rogler if he was aware that the proposed restriction is for the hours of 4:00 PM to 6:00 PM, Monday through Friday. Mr. Rogler replied that he is aware of that and that he still objects to the restriction.

Lori Blanchflower, 30 Douglas Hook Road, pointed out that Dorr Drive is a public road, and she should have the right to use it. Ms. Blanchflower pointed out that this would be impossible to

enforce, because if a driver is stopped, he or she could say they were going to a residence on Dorr Drive. Ms. Blanchflower further stated that Spring Grove Road is also used often as a cut-through to Douglas Hook Road to avoid traffic on Putnam Pike.

Councilor Reichert stated that he has received several phone calls from residents expressing the same concerns as Ms. Blanchflower.

Tom Sanzi inquired if the No Thru Traffic ordinance is not approved, will the speed limit be more closely monitored and enforced. Councilor Sette replied that we cannot have a police officer there every day. Mr. Sanzi added that by designating Dorr Drive as the exit to the Town Hall parking lot, the problem is doubled. Mr. Sanzi stated that these problems have been going on for many years. Councilor Sette replied that this is the sixth year that he has been on the Town Council and this is the first time this has been brought before the Council. Councilor Sette added that when there is a Public Hearing before the Council, a number of things must be taken into consideration when making a decision. Councilor Sette also stated that there has been sufficient input on this matter, both in person and in writing. Mr. Sanzi thanked the Council for their time.

Councilor Sette again asked if anyone wished to be heard.

Hearing none, Councilor Sette declared the Public Hearing CLOSED.

Councilor Walsh asked Jamie Hainsworth, Police Chief, how many accidents have occurred on Dorr Drive in the last fifteen years. Chief Hainsworth replied that he does not recall any accidents actually on Dorr Drive, only at either end, on Douglas Hook Road and Putnam Pike. Chief Hainsworth added that, although the 15 MPH speed limit is not adhered to, the road is not long enough for vehicles to get their speed up very high. Chief Hainsworth also stated that he has received approximately 30 to 40 calls from residents opposed to this possible traffic restriction. Chief Hainsworth stated if this proposal is passed residents have expressed the sentiment that they would also like a similar law on their road, as no one likes people speeding on their road. Councilor Poirier asked if this issue came before the Safety Commission. Chief Hainsworth replied in the affirmative. Councilor Poirier asked the Chief if this was a priority with the Safety Committee. Chief Hainsworth stated it was not a priority. Chief Hainsworth stated the request reviewed was no through traffic at all times and no left turns out of the parking lot. The Chief stated if there is reckless traffic that can be dealt with and the no left turn is just a good neighbor issue. The Chief stated the no through traffic for two hours would be easier to enforce.

Councilor Carroll stated that he feels the traffic problem is caused by the traffic light at the intersection of Routes 44 and 102, adding that the proposed restriction would not alleviate the traffic backup.

MOTION was made by Walsh to ADOPT the amendment to Gloucester Code of Ordinance, Chapter 258 - Vehicles & Traffic, Article VI - Traffic Restrictions:

258-15. Designation of No Thru Traffic

The following street(s) are hereby designated as No Thru Traffic roadways, during times as specified:

a. Name of Street

1. Dorr Drive Monday - Friday from 4:00 pm to 6:00 pm

258-16. Effective Date

This traffic restriction shall become effective upon passage.

258-17. Violations and penalties

Any vehicle in violation of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$75.00

(end)

seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: 0

NAYS: Carroll, Poirier, Reichert, Sette, Walsh

MOTION FAILED

B. Gloucester Code of Ordinances

Chapter 247 - Taxation, Article X - Prisoner of War Tax Exemption

Councilor Sette stated that this Public Hearing was also opened on December 15, 2005 after being advertised according to law and continued to this evening. Councilor Sette further stated the continuation notice was posted and advertised in the Bargain Buyer the week of December 12, 2005.

Councilor Sette declared the Public Hearing OPEN and asked if anyone wished to speak for or against the ordinance to please step forward and state their name and address.

Discussion: Pete Skeffington, 48 Anan Wade Road, stated that this ordinance would represent a cost savings of approximately \$250.00 per eligible family. Mr. Skeffington stated that this ordinance would be a worthy mark of respect, and he further requested that, should this ordinance be passed, an advertisement be placed in the Bargain Buyer to publicize passage of the ordinance. Mr. Skeffington also asked that the tax exemption be retroactive to 2005, if possible. Mr. Skeffington thanked the Council. Councilor Poirier asked Mr. Skeffington if this ordinance is worded the same as in the Rhode Island General Laws, to which Mr. Skeffington replied in the affirmative.

Councilor Sette again asked if anyone wished to be heard.

Hearing none, Councilor Sette Declared the Public Hearing CLOSED.

MOTION was made by Councilor Carroll to ADOPT the amendment to the Gloucester Code of Ordinance, Chapter 247 - Taxation, to include: Article X - Prisoner of War Tax Exemption:

Pursuant to R.I.G.L. 44-3-4 (e) the Town of Gloucester hereby provides an exemption from local taxation on real and personal property for any veteran of military or naval service of the United States or the unmarried widow or widower of a person who has been or shall be classified as, or determined to be, a prisoner of war by the Veterans' Administration of the United States as follows:

A. There may be an ordinance passed in the city or town where the person's property is assessed as follows:

- (1) this exemption shall be in the amount of a fifteen thousand dollars (\$15,000.) exemption;
- (2) the eligibility dates shall be as stated in R.I.G.L. 44-3-4(a)(1);
- (3) documentation of Prisoner of War status shall be filed in the office of the Tax Assessor.

B. Effective

- (1) This article shall take effect upon passage by the Town Council and shall be applicable to taxes assessed as of December 31, 2005, and to each December 31st thereafter.

(End)

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Minutes: December 15, 2005 Regular Meeting & Executive Session

MOTION was made by Councilor Carroll to APPROVE the December 15, 2005 Regular Meeting minutes and to TABLE the Executive Session of December 15, 2005 minutes; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VIII Unfinished Business

A. Appointments

1. Gloucester Land Trust  
Five year term; term to expire 2/2008

MOTION was made by Councilor Poirier to APPOINT Thomas Murgio to the Gloucester Land Trust for a five year term to expire 2/2008; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Historic District Commission  
One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to TABLE the Historic District Commission appointment for an expired one year Alternate term to expire 11/2006; seconded by Councilor Carroll.

Discussion:

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Bid Awards:

1. RFP 2006-05 - Building Permit Cap and  
Schedule of Development Impact Fees Report

Councilor Sette stated at the Council meeting of December 15, 2005 this award was tabled until the Solicitor could advise as to the possible use of these fees.

John Bevilacqua, Town Solicitor, stated that the use of fees is outlined in the statute of the General Laws 45-23.4-5 and 6, indicating that the purposes of the impact fee are to be for the benefit of the capital fund, either for schools or public safety. Mr. Bevilacqua further stated that if the funds are not used for a period of eight to twelve years, the fee and any interest which has

accrued must be returned to the original payer. Councilor Poirier asked if this has been successful in other communities. Mr. Bevilacqua replied that it has been successful in quite a few communities. Councilor Sette stated if this had been implemented in 2000 some of the capital improvements the Town has already paid for could have been covered by this fee. Councilor Sette stated that due to the increased growth rate of the Town, this will result in funds for certain items which have been paid by taxpayer dollars in the past.

(The Board of Contracts & Purchases recommendation was read at a previous meeting)

MOTION was made by Councilor Carroll to AWARD RFP 2006-05, Building Permit Cap and Schedule of Development Impact Fees Report to Ursillo, Teitz & Ritch, LTD for the bid price of \$12,000 for the Development of Impact Fees; \$10,000 for the development of a building permit cap; and \$20,000 total discounted price if all categories are included in scope of work; seconded by Councilor Walsh.

Discussion: There was discussion concerning whether the Town should approve both the Development of Impact Fees and the Building Permit Cap. Councilor Walsh stated that he would be in favor of the Impact Fee but feels that doing both at this time would not be feasible.

MOTION was made by Councilor Carroll to AMEND his motion to only include the Schedule of Development Impact Fees Report to Ursillo, Teitz & Ritch, LTD for the bid price of \$12,000 for the Development of Impact Fees; seconded by Councilor Reichert.

Discussion: Councilor Walsh noted that we average about forty-five building permits per year which would result in \$540,000 in impact fees.

VOTE ON AMENDED MOTION:

AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

VOTE ON MAIN MOTION (AS AMENDED)

AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

IX. New Business

A. Appointments

1. Budget Board

Two (2) 3 year terms to expire 1/2009

Councilor Sette stated that the clerk has received correspondence from both Robert Godin & Lois Hawksley expressing their desire not to be reappointed. (on file in the Clerk's office).

MOTION was made by Councilor Poirier to APPOINT David Steere to the Budget Board for a 3 year term to expire 1/2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to TABLE the Budget Board position for a 3 year term to expire 1/2009; seconded by Councilor Reichert.

Discussion: Councilor Poirier brought two names forward, and stated he would contact the possible applicants.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Conservation Commission  
Three (3) 3 year terms to expire 1/2009

Councilor Sette stated that today, the Clerk received a letter from Mr. Stevenson requesting he not be reappointed due to his schedule. (on file in the Clerk's Office).

MOTION was made by Councilor Poirier to TABLE the position to the Conservation Commission for a 3 year term to expire 1/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Reichert to REAPPOINT Roy Najecki to the Conservation Commission for a 3 year term to expire 1/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to REAPPOINT Daniel Nardelli to the Conservation Commission for a 3 year term to expire 1/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

3. Zoning Board  
Two (2) 1 year Alternate terms to expire 1/2007

MOTION was made by Councilor Walsh to REAPPOINT Christine Bigwood to the Zoning Board position for a 1 year Alternate term to expire 1/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to REAPPOINT Alfred DeCorte to the Zoning Board for a 1 year Alternate term to expire 1/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

#### B. Foster/Glocester Schools: Regionalization

Councilor Sette stated that he had this item placed on the agenda because the School Committee was scheduled to meet on Tuesday to formally adopt an amendment to the Regional Charter to regionalize the schools. Due to the weather, the meeting was postponed until next Wednesday, January 11th, and Councilor Sette noted that there is also a regionalization sub-committee meeting scheduled for Monday, January 9th. Councilor Sette recommended that any Council members who can attend one or both of these meetings should do so. Councilor Sette stated that this is an important issue both from an educational and financial standpoint, and that there are many questions which need to be answered.

Councilor Sette stated overspending on a regional level could put Town services at risk. Councilor Sette stated he would like to see the new proposed region consider being their own taxing authority or include in their charter amendment the method they would be subject to the

state mandated cap on spending. Councilor Sette stated correspondence had been received from the Governor's office stating that he would veto any legislation introduced by any community to exceed the 5 ½% cap. Councilor Sette reminded all present that once the Regional School Committee adopts their budget at their financial meeting we as a Town are obligated to fund that budget. Councilor Sette stated the Council needs to be responsible and watch out for the taxpayers of the Town. Councilor Sette stated he would like to have dialogue with the School Committee to work out these issues. Councilor Sette further stated another question to be answered is how the concept of full regionalization will be presented to the Town and will the public be allowed to comment. A. Whitford stated the Town of Gloucester could be inheriting a very old elementary school building if this is initiated. A. Whitford also stated that currently the charter states a school can only be a certain distance from a town line. Councilor Sette stated this are all issues to be addressed. Councilor Walsh questioned whether the concept of the region being their own taxing authority would mean more administration for the collection of taxes may be necessary.

Councilor Poirier questioned if it is possible to hold the region to the 5 ½% cap. J. Bevilacqua stated it is possible with legislation. Councilor Poirier stated if the region was held to the same spending cap as the Town it may enforce responsibility.

Councilor Sette stressed the importance of the Council's participation at the Region's upcoming meetings.

C. Audit Fiscal Year ending 6/30/2005: Acknowledge receipt

Councilor Sette stated the Finance Director has the audit report for fiscal year ending June 2005, and he has requested the Council officially acknowledge receipt of this audit.

MOTION was made by Councilor Carroll to ACKNOWLEDGE receipt of the audit report for the Town of Gloucester, fiscal year ending 6/30/2005; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

D. Holiday salary: Non-union employees

T. Mainville distributed a recommendation to the Council:

January 5, 2006

To: Town Council

Re: Holiday Pay for non-union employees

At their Wednesday, January 4, 2006 meeting the Personal Board discussed the topic of 'Holiday Pay for non-union employees.'

Presently, the Town's personnel handbook, 'We are Gloucester: A handbook for employees' states the following: If work is performed by the employees on a designated paid holiday, they shall be paid regular time plus time and one-half for all hours of work performed on said holiday.

At a Council meeting in January 2004, this was interpreted as double time and one-half for all hours worked in addition to the 8 hours of holiday pay. The DPW employees have been paid for holidays using this guideline since that time.

I. The Personal Board recommends the personnel handbook be changed to the following: If work is performed by employees, not otherwise covered by a union agreement, on January 1, the fourth Thursday of November, and December 25, they shall be paid regular time plus time and one-half for all hours of work performed on said days in addition to their holiday pay. Employees who work on all other holidays recognized in this handbook shall be paid time and one-half the employee's regular pay rate in addition to the holiday pay.

II. The Personal Board also made the following recommendation: In consideration for the policy change this could have on the full-time, non-union employees, we recommend consideration of granting an additional personal day, annually.

III. If the Council chooses to make the changes in I. above, does the Council wish to make the changes effective as of January 1, 2006?

Tom Mainville  
(end of memo)

Councilor Sette stated that this item again deals with a situation which occurred in January 2004 concerning Public Works employees who were called out to work on a holiday. Councilor Sette stated at that time there was discussion regarding how they would be paid and the decision was to pay the employees as the Employee Handbook was currently being interpreted. Councilor Sette stated at that time the Personnel Director was asked to clarify the Handbook to avoid future problems. Councilor Sette stated that the same issue is again before the Council two years later.

Thomas Mainville, Personnel Director, stated that at that time, the employees were paid in a similar manner as the Police and Dispatchers, which has recently changed. Councilor Sette asked if the reason for this discussion was to discuss Public Works employees who plowed on Christmas and New Years. Mr. Mainville stated that the discussion is two fold, addressing the general policy and how to continue. T. Mainville stated the Personnel Board held a meeting two days ago, (Chief Hainsworth and A. Whitford were present) regarding the policy. T. Mainville stated the policy could be adopted and then the Council could decide the time line. Councilor

Sette pointed out that the Personnel Board meeting was held after the fact, so it is his contention we are discussing whether to pay the employees on a non-adopted policy. Councilor Sette stated his concern on adopting a policy that goes “backwards in time.” T. Mainville stated that could be the Council’s choice. Councilor Sette stated these people went out to work assuming they were to be paid what the personnel handbook stated at that time.

Councilor Sette also stated the policy was only formulated two days ago when, in fact, it was requested two years ago. Councilor Sette added that if the policy is adopted, it would be followed in the future, but it should not apply to any previous holidays. Councilor Poirier stated for clarification he believes there may be a consensus that no change should be made retroactive and if someone worked believing they would be paid a certain way that is how they should be paid.

Councilor Poirier stated he believes T. Mainville is trying to make this consistent with union contracts, to which T. Mainville replied “not necessarily” but in light of those changes it seemed like it should be looked at. Councilor Poirier again stated he would not go retroactive. Councilor Carroll questioned the wording on item #1 and asked T. Mainville for clarification. T. Mainville stated the holiday days are most specific. Councilor Sette stated that the Council should review the minutes from the Personnel Board meeting before making a decision on the policy amendment and questioned why there was as much input from department heads at the personnel board meeting.

Councilor Sette asked if this is the only meeting where the Personnel Board discussed this issue in the last two years. T. Mainville stated it was the only time the subject was discussed. A. Whitford stated the expectation of his workers was to be paid as before if they went out on the actual holiday. Councilor Poirier pointed out that this year was a unique situation with Christmas and New Year’s falling on Sunday, with Monday being the paid holiday. T. Mainville stated that he needed a decision tonight regarding how the employees would be paid for New Year’s Day so that the payroll could be submitted. The consensus of the Council was to pay the employees holiday pay for New Year’s Day.

X. Department Head Reports/Discussion

A. Jean Fecteau, Town Clerk

- 1) The Town Clerk stated she has minutes of the last road sub-committee meeting, which will be given to the Council, and further that the Clerk will call the members to schedule the next meeting.
- 2) The Town Clerk stated that she has received two phone calls from liquor establishments inquiring about a 2 a.m. close on New Year’s Eve. The Town Clerk stated she has advised them to put a request in writing to the Town Council.
- 3) The Town Clerk stated that she will need input from the Council concerning an Executive Assistant to the Town Council for budgetary purposes.

B. Jamie Hainsworth, Chief of Police

- 1) The Chief stated that he will be ready to appoint an Animal Control Officer at the January 19, 2006 Council meeting. Alan Whitford, Director of Public Works, asked if it could be done sooner, as he would like to fill the vacancy, created by Michael Merchant, in his department. Mr. Whitford further stated that he has another employee out on medical leave and during the winter weather, he is running short-handed.
- 2) Chief Hainsworth stated that he has given a memo to the Council and the Personnel Director regarding adjusting the salary rate of a part-time dispatcher.

C. Thomas Mainville, Director of Finance

- 1) T. Mainville stated that his office has prepared a Comprehensive Annual Financial Report. T. Mainville stated that this effort will be looked upon favorably by the bond rating companies, which could translate into a savings of several hundred thousand dollars. Mr. Mainville gave credit to Viviane Valentine, Tax Assessor, Jane Steere, Tax Collector, Karen Emond, Building/Zoning Administrative Aide, Beth Decorte, DPW Clerk, as well as Jacky DiPietro and Kim Montie of the Finance Office.

D. Alan Whitford, Director of Public Works

- 1) Alan Whitford stated that they have begun conducting a car-count in preparation for the rebuilding of the transfer station. Mr. Whitford reported that approximately eight thousand cars and trucks per month use the facility.

XI. Boards/Commissions  
Nothing to report.

XII. Council Correspondence/Discussion  
None.

XIII. Open Forum

Robert Lobreglio, of 759 Chestnut Hill Road, addressed the Council and stated he is Vice-President, Co-Founder and Head Brewmaster of the Great Dane Pub and Brewing Company in Madison. Mr. Lobreglio explained that “brew pub” is an official designation in the brewing industry for a micro-brewery that has a restaurant and bar attached. Mr. Lobreglio stated that he is interested in opening a similar establishment in Gloucester and asked what the procedure would be.

Councilor Sette asked Mr. Lobreglio to describe his business in Wisconsin. Mr. Lobreglio replied that the Great Dane serves between 14 and 16 varieties of beer on tap, all brewed on the premises

Mr. Lobreglio pointed out that their food sales account for more than 50 percent of their gross and they have won numerous awards for their food, their beer, and the establishment itself. Mr. Lobreglio invited the Council to contact authorities in Madison for their opinion on the establishment.

Councilor Sette recommended that Mr. Lobreglio meet with the Police Chief to discuss the operation. There was discussion regarding what type of license category this would fall into. The Town Council asked the Solicitor to look into what type of license would be required. Mr. Lobreglio thanked the Council for their consideration.

Tom Sanzi asked the Town Council if the Dorr Drive issue can be brought up at a later time if there continues to be traffic problems. John Bevilacqua, Town Solicitor, replied that under the Constitution of the United States, residents have a right to complain to their government officials at any time, but as far as the issue before the Council tonight, it has been decided.

Peter Skeffington stated that several months ago, it was suggested by the Town Clerk that the Council come up with a plan for the best use of the space now occupied by the School Department. Mr. Skeffington asked if there had been any discussion regarding this matter. Councilor Sette stated that space is an issue at the Town Hall and there are other alternatives, such as the State Police building which will be vacated when they build the new barracks. Also, Councilor Sette stated the new school building will have administrative offices, which will allow the Town to take their space in the Town Hall building. Peter Skeffington also commented that a brew house sounds like a good idea.

Bruce Despres, 200 Pray Hill Road, reported that he had problems with the Tax Assessor. Mr. Despres presented to the Council two field cards he obtained from the Assessor's office regarding his property. Mr. Despres maintains the first card he received shows his property size as larger than it actually measures. Mr. Despres stated that when he approached the Assessor she changed the lot size but at the same time increased the rate per thousand. Mr. Despres was very upset. Councilor Reichert stated he would contact the Assessor and try to determine the method used for these calculations.

Ann Breton, 25 Davis Drive, stated that during the last snow storm the Davis Mobile Home Park was not plowed until late in the day. Ms. Breton stated that this caused a safety issue and people could not go to work, etc. Councilor Reichert asked if there was anything in the rules and regulations about plowing. Ms. Breton replied that there is nothing in writing, but the previous owner always plowed.

#### XIV. Executive Session

##### A. Collective Bargaining - RIGL 42-46-5(a)2

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to Collective Bargaining - RIGL 42-46-5(a)2; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- XV. Reconvene to Open Meeting  
A. Disclosure of votes taken

MOTION was made by Councilor Walsh to RECONVENE Open Meeting; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

No votes taken in Executive Session.

- XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:07 p.m.; seconded by Councilor Carroll

Discussion:

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the February 2, 2006 Town Council Meeting.

At a Regular Town Council meeting holden in and for the Town of Gloucester on **January 19, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Member Absent: Steven Sette, President

Also Present: Jean Fecteau, Town Clerk; Sarah Tooher, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Jamie Hainsworth, Chief of Police; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Alan Whitford, Director of Public Works; Brian Lombardi, Building Official; Anthony Parrillo, Recreation Director; and Virginia Peters, Director of Human Services.

III. Pledge of Allegiance

Councilor Walsh led the Pledge of Allegiance.

IV. Open Forum for Agenda Items

None

V. Consent Items

A. Minutes: January 6, 2006 Regular Meeting, December 15, 2005 Executive Session & January 6, 2006 Executive Session

B. Finance Director's Report- December, 2005

C. Tax Assessors Additions & Abatements

MOTION was made by Councilor Carroll to TABLE the minutes of December 15, 2005 Executive Session, January 6, 2006 Regular Meeting; and January 6, 2006 Executive Session; ACCEPT the Finance Director's Report of December 2005; and APPROVE the Tax Assessors' abatements to the 2005 tax roll in the amount of \$719.42; the 2004 Tax Roll in the amount of \$111.56; 2000 Tax Roll in the amount of \$79.47; the 1999 Tax Roll in the amount of \$693.93; the 1998 Tax Roll in the amount of \$619.99; and the 1997 Tax Roll in the amount of \$318.27; with no additions to the tax rolls; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Appointments

1. Historic District Commission  
One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to TABLE the appointment to the Historic District Commission for a one year Alternate term to expire 11/2006; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

2. Budget Board  
One (1) 3 year term to expire 1/2009

MOTION was made by Councilor Carroll to APPOINT Lauren E. Andrews to the Budget Board for a 3-year term to expire 1/2009; seconded by Councilor Carroll.

Discussion: Councilor Poirier stated that Mr. Andrews has expressed interest in this position, adding that he is retired with a background in the banking industry.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

3. Conservation Commission  
One (1) 1 year Alternate term to expire 2/2006

MOTION was made by Councilor Carroll to TABLE the appointment to the Conservation Commission for a one year Alternate term to expire 2/2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

4. Gloucester Land Trust  
Expiration date correction

The Clerk has advised the Council that this situation has been clarified, therefore, no action is necessary.

B. Foster/Glocester Schools: Regionalization

Councilor Reichert stated that the Clerk has informed the Council the Board of Canvassers will be requesting an opinion from the Solicitor as to whether local questions for a General Election ballot can be certified to the Secretary of State without Council approval. Getting this opinion was recommended by the Secretary of State's Office. Councilor Poirier stated that Councilor Sette spoke at a meeting of the Regionalization Committee expressing the Town Council's concern regarding regionalization and what the budget implications would be for Glocester. Councilor Poirier stated that Councilor Sette's concerns were well-received by the Committee.

VII. New Business

A. Appointment

1. Animal Control Officer

Councilor Reichert read the following recommendation from the Director of Personnel:

January 19, 2006

To: Town Council

Re: Appointment - Animal Control

At this time, after discussion with Chief of Police Jamie Hainsworth, it is being recommended that Michael Merchant be appointed as Animal Control Officer effective Friday, January 20, 2006, at the current budgeted salary for Animal Control Officer. The bi-weekly salary for this position is \$1,388.17. The salary for fiscal year 2005-06 to be prorated for the remainder of the fiscal year.

Tom Mainville

Director of Personnel

(end of memo)

MOTION was made by Councilor Carroll to APPOINT Michael Merchant to the position of Animal Control Officer, effective January 20, 2006, at a bi-weekly salary of \$1,388.17;

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

B. Part-time Dispatcher Salary increase

Councilor Reichert read the following recommendation from the Chief of Police:

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: January 2, 2006

Re: Part-time Dispatcher Salary increase

As you are aware the full-time Dispatchers' contract was settled last month and was retroactive to July 1, 2005. During this period the part-time non union dispatcher Christopher Branch did not receive an increase in salary.

I have compared dispatcher part time salaries in local communities and considered the salary increase (3%) the council granted to other non-union employees within the Town.

I recommend his hourly rate be increased to \$16.18 per hour from \$15.71 which is a three percent increase.

Thank you for your time and consideration in this matter.  
(End of memo)

MOTION was made by Councilor Walsh to AUTHORIZE a salary increase of \$15.71 per hour to \$16.18 per hour for Christopher Branch, Part time Police Dispatcher, retroactive to July 1, 2005; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

C. Teaberry Drive - Road Acceptance

Councilor Reichert read the following request from the Town Planner:

To: Town Council, Steven Sette, President  
Planning Board, David Calderara, Chairman

From: The Technical Review Committee (TRC)

Date: December 28, 2005

Subject: David & Richard O'Keefe, owners/applicants  
Laurel Woods Subdivision

Teaberry Drive - Recommendation for Acceptance

As required by the Gloucester Subdivision Regulations, the applicants, David & Richard O'Keefe, have completed all required improvements including Teaberry Drive, and have conveyed the public improvements to the Town of Gloucester for ownership and maintenance. The Public Works Director has conducted a final inspection and has certified in writing that all required improvements have been satisfactorily completed.

Since the subdivision has been completed since 2001, and no deficiencies have been found, a maintenance bond is not required. Further, it is recommended to the Planning Board that the Town officially release any bonds currently held.

Pursuant to §300-31-G, Acceptance of Improvements, the TRC forwards this recommendation of acceptance to the Town Council.

(End of memo)

MOTION was made by Councilor Walsh to ACCEPT Teaberry Drive to the Official Town Owned Road List; seconded by Councilor Carroll.

VOTE:           AYES: Carroll, Poirier, Reichert, Walsh  
                  NAYS: 0

MOTION PASSED

D.     Affordable Housing Committee

Councilor Reichert read the following request from the Planner regarding the formation of an Affordable Housing Committee:

To:    Town Council, Steve Sette, President  
From:  Raymond Goff, Town Planner

Date:  December 14, 2005

SUBJECT:   Establishing an Affordable Housing Committee

In accordance with the Gloucester Affordable Housing Plan (AHP), I am requesting the Town Council create an Affordable Housing Advisory Board . As a requirement of our state approval, the Town is required to begin implementation of our AHP during the first year. The establishment of this Board is identified in our plan as to take place within the first year and can be considered our second step in meeting the affordable housing goal of 10 percent of Gloucester's housing stock to be affordable.

The following is an excerpt from the Affordable Housing Plan:

7.3.1 Affordable Housing Advisory Board: Create an affordable housing advisory board to act as a catalyst for the creation of permanent affordable housing within the Town. The committee should have at least five appointed members to work with the Town Planner, Building/Zoning Official, Technical Review Committee, as well as with the Planning Board, Zoning Board, Gloucester Housing Authority, and Town Council.

Membership may consist of citizens who represent the housing community such as real estate agents, housing professors from local universities, developers, and businesses for example, as well as others who have a direct interest in affordable housing.

The general duties of the Affordable Housing Advisory Board include a variety of tasks: providing support and/or assistance for affordable housing throughout Gloucester by focusing on both subsidized and unsubsidized housing units, ensuring that the goals of the housing element are met, and research properties in the Town that could be potential sites for affordable housing units. Other tasks may include performing more in-depth research of the inventory of suitable sites for re-use of residential and nonresidential properties, conduct educational programs regarding affordable housing, assist Town officials with zoning amendments, determine whether the affordable housing units should be spread throughout the Town or grouped together, and administer/monitor the Affordable Housing Trust Fund along with other small tasks.

(End of memo)

MOTION was made by Councilor Carroll to ESTABLISH an Affordable Housing Committee for the Town of Gloucester (with the following charge:)

The Affordable Housing Advisory Board shall act as a catalyst for the creation of permanent affordable housing within the Town, with general duties as follows:

1. Provide support and/or assistance for affordable housing throughout Gloucester by focusing on both subsidized and unsubsidized housing units,
2. Ensure that the goals of the housing element are met, and research properties in the Town that could be potential sites for affordable housing units.
3. May include performing more in-depth research of the inventory of suitable sites for re-use of residential and nonresidential properties,
4. May conduct educational programs

Makeup of the Committee:

1. Five (5) members, appointed by the Town Council, to work with the Town Planner, Building/Zoning Official, Technical Review Committee, as well as with the Planning Board, Zoning Board, Gloucester Housing Authority, and Town Council.

seconded by Councilor Walsh.

Discussion: Councilor Walsh asked Raymond Goff, Town Planner, how unsubsidized units can meet our goals, since we are told that if the units are not subsidized, they are not acceptable. R. Goff replied that the committee could work on changing the definition.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- E. R.I.D.E.M. Recreation Grant Extension Contract (extended to 12/6/2006)  
Chepachet River Park, Amendment #2

Councilor Reichert read a request from the Town Planner to Authorize the Council President to sign a Grant Extension for the River Park:

To: Town Council, Steven A. Sette, President  
From: Raymond Goff, Town Planner  
Date: January 11, 2006

RE: RIDEM Recreation Grant  
Chepachet River Park (\$252,500)  
Amendment #2

I am forwarding to you the RIDEM Recreation Grant Extension Contact. This Contract is in the amount of \$252,500 for the Chepachet River Park project. By authorizing the Town Council President to sign this contract, we will reserve this funding until December 6, 2006.

Please authorize the Town Council President to sign the RIDEM Recreation Grant Agreement Amendment Number 2, at the next available Town Council meeting.  
(End of memo)

MOTION was made by Councilor Walsh to AUTHORIZE the signing of a Rhode Island Department of Environmental Management Recreation Grant Extension Contract (Amendment #2) for the Chepachet River Park project which extends the original agreement to 12/6/2006; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- F. Dispatchers Grievance Agreement

Councilor Reichert stated that the Solicitor has negotiated an agreement with the Police Dispatchers Union regarding a grievance filed earlier this month. The Council now needs to approve the agreement if it is acceptable.

MOTION was made by Councilor Carroll to ADOPT an Agreement between the Town Council and the Police Dispatchers Union in regards to their grievance filed with the Chief of Police on December 16, 2005; said Agreement was signed by all parties and dated January 12, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- G. Award bid: RFP 2006-06  
Request for Audit Services

The Finance Director has informed the Clerk the bids received may have to be reviewed by the Auditor General, therefore, this award is not ready at this time.

MOTION was made by Councilor Poirier to TABLE the award of RFP 2006-06, Request for Audit Services; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- H. Amendment "We are Gloucester Handbook" (Non-union personnel handbook)

Councilor Reichert stated that the Finance Director has submitted a recommendation as follows:

January 19, 2006  
To: Town Council  
Re: Holiday pay for non-union employees

Attached is my January 5, 2006 memo (sent at the request of the Personnel Board) regarding this issue. Two items remain open.

- I. The Personnel Board is recommending that the following language (currently in the handbook): If work is performed by the employees on a designated paid holiday, they

shall be paid regular time plus time and one-half for all hours of work performed on said holiday.

be replaced by: If work is performed by employees, not otherwise covered by a union agreement, on January 1, the fourth Thursday of November, and December 25, they shall be paid regular time plus time and one-half for all hours of work performed on said days in addition to their holiday pay. Employees who work on all other holidays recognized in this handbook shall be paid time and one-half the employee's regular pay rate in addition to the holiday pay.

II. Also, does the Council wish to consider their second recommendation? In consideration for the policy change this could have on the full-time, non-union employees, we recommend consideration of granting an additional personal day, annually.

III. The third item has been taken care of as the employees were paid as I was instructed at the January 5 Council meeting.

Tom Mainville  
Director of Personnel

(end of memo)

Councilor Poirier stated that the intention of part I is to clarify which holidays apply and to specify that the employees are not covered by a union agreement. T. Mainville, Finance Director, suggested that the words "full-time" be added to "employees" in the first line of the amended wording. Councilor Poirier asked for an explanation of item II. T. Mainville, Finance Director, replied that an additional personal day would compensate for hours lost as a result of the implementation of item I. Councilor Walsh asked how many personal days the employees presently have, to which Mr. Mainville replied "two."

Alan Whitford, Public Works Director, stated that he was present at the Personnel Board meeting. Mr. Whitford stated that he feels that the three holidays specified are days which should be spent with one's family. Mr. Whitford pointed out that in his department, since the employees have no advance notice if they will have to work on any of these days, they cannot make plans with their families. Mr. Whitford further stated that an extra personal day will have no financial impact on the Town.

Councilor Walsh questioned whether this concerns the actual holidays or the dates on which they are observed. John Bevilacqua stated that the provision specifies the actual holiday dates. Councilor Walsh inquired whether the additional personal day would apply to all non-union workers. Councilor Reichert pointed out that if this were stated in the Handbook, it could create conflict with the other employees. T. Mainville stated that the wording in the Handbook could be specific to Public Works employees. J. Bevilacqua advised that this would be a problem. There was consensus among Council members to table this amendment to the Handbook.

MOTION was made by Councilor Carroll to TABLE the amendment to the We are Gloucester Handbook, (a non-union personnel handbook) as stated in the Director of Personnel's memo of January 19, 2005 and recorded in these minutes; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

I. Military Service Related Recognition

Councilor Reichert stated that Councilor Carroll initiated the call for names of residents who are currently serving in the military. The Council now needs to discuss ideas for recognition.

The Council members reviewed the list of responses received by the Town Clerk's office. Councilor Carroll stated that there are twelve names on the list and he has spoken to several people which would increase the number to possibly twenty names. Councilor Carroll suggested that there be a display in the Town Hall such as a bulletin board with photos and locations which could be updated periodically. Other ideas included posting on the web site, a recognition ceremony, and sending a pin of Gloucester to each service person. Councilor Carroll also recommended contacting Senator Reed and Lt. Gov. Fogarty to acquire a list of Gloucester residents serving in the military. Councilor Carroll also suggested sending a letter to the Town of Foster inviting them to participate, since most of the residents have gone to school together.

J. Authorization: Solicitor's Department  
Health Care Program Inclusion (no cost to Town)

Councilor Reichert stated that the Solicitor has requested the legal staff for the Town of Gloucester be included under the Town's medical coverage contract. This cost would be paid by the legal staff, thereby not incurring cost to the Town. Thomas Mainville, Finance Director, explained that he has spoken to people at Blue Cross and it would require a modification of language in the health insurance plan.

MOTION was made by Councilor Carroll to AUTHORIZE the inclusion of the Town of Gloucester's Solicitor Department to the Blue Cross Health contract, effective immediately, with cost being reimbursed to the Town by said Department, with language to be worked out by the Personnel Department and the Town Solicitor; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

## VIII. Department Head Reports/Discussion

Jean Fecteau, Town Clerk, stated that she has been in contact with Mr. Lantini, the resident who improved a section of Tourtellot Hill Road to make it passable. In order for Mr. Lantini to be reimbursed by the federal government, the Town must sign a contract promising to maintain that property. J. Bevilacqua, Town Solicitor, explained that the government is looking for the Town to maintain the property, even in the event that Mr. Lantini abandons or sells the property. J. Bevilacqua added that he feels that this should be looked at closely because there is the issue of liability to consider.

## IX. Boards/Commissions

None

## X. Council Correspondence/Discussion

Councilor Poirier stated that the Road Sub-Committee is proceeding with their review of roads within the Town. Councilor Poirier stated that the committee has reached a point where they cannot go much further until the idea of “suitably improved” roads is clarified. J. Bevilacqua stated that he has reviewed the Zoning Ordinance and was unable to find a definition of a “suitably improved” road, but with the help of Alan Whitford, there is mention of such roads in the minutes of the Town Council from September, 1989. J. Bevilacqua stated that, with the Council’s permission, he will continue his research and will formulate an opinion charging that no further action be taken until the sub-committee finishes its deliberation regarding the remedies to the major problem with roads.

## XI. Open Forum

1. Thomas Sanzi, 18 Dorr Drive, spoke regarding the decision made at the last Town Council meeting concerning the request for Dorr Drive to have no through traffic between the hours of 4:00 PM and 6:00 PM, Monday through Friday. Mr. Sanzi stated that the residents of Dorr Drive have questions regarding the Council’s rejection of the traffic restriction, pointing out that there were only three letters of objection. Mr. Sanzi stated that these letters did not address the issues and concerns of the residents of Dorr Drive. Councilor Reichert explained that Dorr Drive is a town road paid for by the taxpayers. To restrict the travel on that road, it would have to be made into a private road. Councilor Walsh added that the Town Council listened to the recommendation of the Safety Commission and the Police Chief before making their determination.

2. Emery Reagan, 56 Lakeview Drive, stated that he sent a certified letter to his neighbor regarding a very large pine tree which is within two feet of his property. Mr. Reagan added that whenever there is a windstorm, he gets large branches in his driveway. Mr. Reagan stated that the Tree Warden has a copy of the letter, and asked what is the next step. Alan Whitford, Public Works Director, stated that if the tree is within the limits of the town right-of-way, and if the Tree Warden deems the tree to be dead and poses a danger, the Town will remove the tree.

However, if the tree is living, it is left there even if it is in the right-of-way. Mr. Whitford stated that he will go to the location and assess the situation.

3. Rose Lavoie of Wilmarth Road stated that Candlelight Shopping this year was quite successful, but she pointed out that one of the biggest expenses was for police detail. Mrs. Lavoie stated there are only several events per year which require police presence and she asked if the Council could perhaps work something into their budget in order to assist the non-profit organizations hosting the events. Councilor Reichert replied that if this was done, it could open a can of worms. Mrs. Lavoie also spoke regarding the condition of the sidewalks in the village. Mrs. Lavoie recommended that the walks be shoveled by people needing to do community service.

## XII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 8:45 P.M.; seconded by Councilor Carroll.

VOTE:           AYES: Carroll, Poirier, Reichert, Walsh  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the February 2, 2006 Town Council Meeting.

At a Town Council meeting holden in and for the Town of Gloucester on **February 2, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Solicitor; Sarah Tooher, Deputy Town Clerk; Thomas Mainville, Director of Finance, Alan Whitford, Director of Public Works

III. Pledge of Allegiance

Councilor Carroll led the Pledge of Allegiance.

IV. Open Forum for Agenda Items

None

V. Consent Items

A. Minutes: January 6, 2006 and January 19, 2006 Regular Meetings, December 15, 2005 and January 6, 2006 Executive Sessions

MOTION was made by Councilor Walsh to APPROVE the minutes of January 6, 2006 and January 19, 2006 Regular Meetings and the December 15, 2005 and January 6, 2006 Executive Sessions;

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Appointments

1. Historic District Commission

One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Carroll to TABLE the Historic District Commission position for a 1 year Alternate term to expire 11/2006; seconded by Councilor Walsh.

Discussion: Councilor Poirier stated he has spoken with Dan Romani, Chair and possibilities are being discussed.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Conservation Commission  
One (1) 1 year Alternate term to expire 2/2007

MOTION was made by Councilor Walsh to TABLE the Conservation Commission position for a 1 year Alternate term to expire 2/2007; seconded by Councilor Reichert.

Discussion: Councilor Poirier stated he has spoken to Roy Najecki, Chair and he will discuss this at the next Conservation Meeting.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- B. Award bid: RFP 2006-06  
Request for Audit Services

Councilor Sette stated that we have received a recommendation from the Board of Contracts and Purchases:

February 2, 2006

To: Town Council  
From: Board of Contracts & Purchase

Re: Award of RFP 2006-06 ~ Audit services for the Town of Gloucester and Gloucester Public Schools for fiscal year ended June 30, 2006 with option to extend annually for two years.

- I. RFP 2006-06 was advertised in accordance with current rules and procedures.
- II. Five proposals were received and evaluated by the Board. All were from qualified firms with varying amounts of experience performing government and school audits.
- III. The Board recommends the bid be awarded to the low bidder:

Bacon & Company, CPA's, LLC  
875 Centerville Road  
Warwick, RI 02886

\$18,500 Fiscal Year Ending June 30, 2006  
18,500 " " " June 30, 2007 (optional)  
18,500 " " " June 30, 2008 (optional)

This firm has been approved by the Office of the Auditor General, State of Rhode Island.

Respectfully submitted,  
Jean Fecteau ~ Town Clerk  
Ray Goff ~ Town Planner  
Brian Lombardi ~ Building/Zoning Officer

(End of memo)

MOTION was made by Councilor Reichert to AWARD RFP 2006-06 Audit services for the Town of Glocester and Glocester Public Schools for fiscal year ended June 30, 2006 to Bacon & Company CPA's, LLC for the award price of \$18,500 for Fiscal Year ending June 30, 2006, with an option to extend annually for two years (2007 & 2008) for \$18,500 per year; seconded by Councilor Carroll.

Discussion: Councilor Sette asked if the proposal for full regionalization passes would we have to go out to bid again? Tom Mainville stated that the bid price is broken out between the Town and the School, therefore, if full regionalization occurs the School portion would be deducted out. Councilor Walsh asked why there was a big difference in price between the different companies. Tom Mainville stated that each company bids on the number of hours they expect to work and Bacon & Co. understands that they will not get more money if estimated hours is wrong.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

C.. Amendment "We are Glocester Handbook" (Non-union personnel handbook)

Councilor Sette stated that at the Council Meeting of January 19, 2006 a memo was read into the record from the Finance Director informing the Council of recommendations made by the Personnel Board regarding updates to the We are Glocester Handbook.

January 19, 2006

To: Town Council  
Re: Holiday pay for non-union employees

Attached is my January 5, 2006 memo (sent at the request of the Personnel Board) regarding this issue. Two items remain open.

I. The Personnel Board is recommending that the following language (currently in the handbook):

If work is performed by the employees on a designated paid holiday, they shall be paid regular time plus time and one-half for all hours of work performed on said holiday.

be replaced by:

If work is performed by employees, not otherwise covered by a union agreement, on January 1, the fourth Thursday of November, and December 25, they shall be paid regular time plus time and one-half for all hours of work performed on said days in addition to their holiday pay. Employees who work on all other holidays recognized in this handbook shall be paid time and one-half the employee's regular pay rate in addition to the holiday pay.

II. Also, does the Council wish to consider their second recommendation?

In consideration for the policy change this could have on the full-time, non-union employees, we recommend consideration of granting an additional personal day, annually.

III. The third item has been taken care of as the employees were paid as I was instructed at the January 5 Council meeting.

Tom Mainville  
Director of Personnel

(end of memo)

At that time T. Mainville, Finance Director, suggested that the words "full-time" be added to the first line of the amended wording to read "If work is performed by full-time employees, not otherwise covered by a union agreement....."

Also, discussion followed on item II. regarding the granting of an additional personal day, annually. After discussion it was decided to table all amendments until there is a full Council present.

Discussion: Councilor Sette asked if they should ask the Personnel Board for more clarification or if they were comfortable with the language as is. Councilor Poirier asked the Solicitor if he saw any ambiguity. The Solicitor stated he thought the language was clear. Councilor Sette stated that as the liaison to the Personnel Board he would go to next meeting and take back any concerns. Tom Mainville stated that the next meeting will be Monday, February 13, 2006 at 6:30 p.m. Councilor Carroll questioned what issues were still unanswered. T. Mainville explained the

clarification will be three days - Thanksgiving, Xmas & New Years and also extra personal day. Councilor Walsh asked if everyone would receive the personal day as he feels you cannot give that benefit to some and not others.

MOTION was made by Councilor Carroll to TABLE the amendment to the “We are Gloucester Handbook”; seconded by Councilor Reichert.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

I. Military Service Related Recognition

Councilor Carroll stated that he was discussing options with the Town Clerk. The Town Clerk stated that she had been on the internet looking for display cases, etc. to display names and pictures. The presentation will be held on March 16, 2006 at 6:30 p.m.

VII. New Business

A. Resignation

1. Personnel Board (Patricia Bowie - verbal resignation to Shawn Harwood)  
One (1) unexpired 2 year term to expire 1/2007

Councilor Sette stated that we have received a memo from Tom Mainville which includes an excerpt from the January 24, 2006 Personnel Board meeting which states member Shawn Harwood received a voice mail message from member Bowie in which she states she will be unable to attend meetings.

Memo on file in the Clerk’s Office.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Patricia Bowie from the Personnel Board; seconded by Councilor Carroll.

Discussion: Councilor Walsh asked the Solicitor if a voice mail message was acceptable. The Solicitor stated yes as it is a form of communication. The Clerk stated that is why she requested a memo from T. Mainville so there would be something in writing on the records.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Appointment

1. Gloucester Land Trust - Members At Large Planning Bd. & Conserv. Comm.  
Two (2) expired 1 year terms to expire 2/2007

MOTION was made by Councilor Walsh to APPOINT Roy Najecki to the Gloucester Land Trust - Member at Large, Conservation Commission position for a 1 year term to expire 2/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to REAPPOINT Walter M.O. Steere III to the Gloucester Land Trust - Member at Large, Planning Board position for a 1 year term to expire 2/2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Personnel Board  
One (1) unexpired 2 year term to expire 1/2007

MOTION was made by Councilor Poirier to TABLE the Personnel Board position for an unexpired 2 year term to expire 1/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

3. Affordable Housing Advisory Board  
Five (5) new members

Councilor Sette stated that the charge for this committee was adopted at the January 19, 2006 Council Meeting:

The committee should have at least five (5) appointed members to work with the Town Planner, Building/Zoning Official, Technical Review Committee, as well as with the Planning Board, Zoning Board, Gloucester Housing Authority, and Town Council. We now need to appoint five members to the committee:

MOTION was made by Councilor Carroll to APPOINT Michael Kopeski and Daniel Nardelli to the Affordable Housing Advisory Board; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to TABLE three (3) new positions to the Affordable Housing Advisory Board; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Conservation Development Ordinance

Councilor Sette stated that we have received a memo from the Town Planner:

To: Town Council, Steve Sette, President  
From: Raymond Goff, Town Planner  
Date: January 30, 2006

CC: Planning Board

SUBJECT: Conservation Development

I am forwarding to you the Cooperative Agreement between the Town and RIDEM to participate in the Conservation Development Ordinance preparation.

The Council has received a memo (enclosed) from the Planning Board in support of signing the agreement. The Town would have to pay \$2,500 for the work to be done. The Planning Board has an adequate budget for engineering to pay for the Town portion.

I have also enclosed a copy of the scope of work from Tony Lachowitz who will prepare the ordinance amendments. The scope of work lists the individual tasks to be undertaken in this project.

Please authorize the Town Council president to sign the Cooperative Agreement between RIDEM and the Town of Gloucester for the Conservation Development Ordinance preparation.

(End of memo)

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Cooperative Agreement between Town of Glocester and Rhode Island Department of Environmental Management for the purpose of Conservation Development Ordinance Preparation for the period of August 1, 2005 to July 31, 2006; seconded by Councilor Walsh.

Discussion: Councilor Sette stated that Scott Millar did a presentation on this and that he felt this would be beneficial to the town. Councilor Poirier stated that this does not bind us to adopting any specific plan.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

C. Part-Time Dispatcher: Salary Increase

Councilor Sette stated that he asked to have this put back on agenda. Councilor Sette explained that the past practice has been to pay the part-time dispatchers based on full time dispatchers contract agreement. Council Sette stated this was not disclosed that this would be a deviation from past practice. Councilor Sette stated a memo was received from Chief Hainsworth which outlines his justification as to why he wants to do this. Councilor Sette stated part of the Chief's reason has to do with job description, but the basic job is what it is. Councilor Sette stated in the future as a Council we should get full disclosure.

Councilor Walsh asked what was in question. Councilor Sette stated the rate of pay increase for part-time dispatcher was not contracted rate and the Council should have been told that this was a deviation. Councilor Poirier would like to look into this. Councilor Sette stated that it is hard to make a decision if full information is not given and requested all Department Heads give full disclosure in the future. Councilor Walsh also stated he would like to review this information.

D. Negotiations - Clerks' Contract

Councilor Sette stated that on January 26, 2006 the Clerk received notification from the Rhode Island Laborer's District Council stating the Town Hall Clerks, on behalf of Local Union 1322, would like to begin negotiations for a successor agreement to the current contract which ends on June 30, 2006.

The Clerk responded as required by labor laws and now the Council must appoint two Councilors to negotiate and contact the Union Steward to set up their first meeting.

Discussion: Councilor Sette asked for volunteers. Councilor Sette and Councilor Poirier will negotiate the Clerks' Contract.

VIII. Department Head Reports/Discussion

Councilor Walsh asked Alan Whitford, Director of Public Works, about his memo regarding the idea of a change in hours at the transfer station. Councilor Walsh would like more information on this concept.

Town Clerk asked for a public hearing for Western Rhode Island Home Repair Block Grant 2006/2007. ADD TO 2/16/2007 AGENDA.

Town Clerk asked for two resolutions : Stanley Severence retiring from the Department of Transportation and Kevin Viveiros, a Gloucester resident who has been name “Engineer of the Year” by the Rhode Island Engineers Association. ADD TO 2/16/2007 AGENDA.

IX. Boards/Commissions

X. Council Correspondence/Discussion

1. A. Whitford, Director of Public Works, reported on previous correspondence to the Council regarding a tree on Lake View Drive. A. Whitford reported the tree is alive and is 20 ft. off the road. A. Whitford stated the town has no jurisdiction and that he has spoken to the resident.

2. Councilor Sette stated that we received a letter from Senator Chaffee asking for grant requests.

3. Councilor Sette stated that we received a letter from Blackstone Valley tourism requesting our financial support again this year. Copy to budget board.

4. Councilor Sette stated that a letter was received from Sen. Fogarty concerning the Council’s resolution on Lyme disease. Sen. Fogarty will support the Town’s resolution.

5. The Town Clerk reported that the Human Services Director received a \$1500. grant for food bank

6. Councilor Carroll stated he has spoken with residents regarding business ideas in town and stated perhaps in the future we could pursue a tax deferral program. Councilor Carroll will send his ideas to the Economic Development Commission.

XI. Open Forum  
None

XII. Executive Session

- A. Collective Bargaining - RIGL 42-46-5(a)2
- B. Litigation- RIGL 42-46-5(a)2

MOTION was made by Councilor Walsh to ADJOURN at 8:25 p.m. to Executive Session, Litigation, RIGL 42-46-5(a)2; seconded by Councilor Reichert.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

- XIII. Reconvene to Open Meeting
  - A. Disclosure of votes taken

MOTION was made by Councilor Walsh to RECONVENE to Open Meeting at 8:55 P.M.; seconded by Councilor Poirier.

No votes taken.

- XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 8:56 P.M.; seconded by Councilor Poirier.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the February 16, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **February 16, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Members Absent: Steven Sette, President

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Sarah Tooher, Deputy Town Clerk; Alan Whitford, Director of Public Works; Thomas Mainville, Director of Finance; Raymond Goff, Town Planner; Brian Lombardi, Building/Zoning Official; Viviane Valentine, Tax Assessor; Anthony Parrillo, Director of Recreation; Elinor Tetreault, Western RI Home Repair Program Director; and David Fecteau, Housing Specialist.

III. Pledge of Allegiance

Councilor Walsh led the Pledge of Allegiance.

IV. Open Forum for Agenda Items

NONE

V. Resolution- Ratification

A. Retirement & Appreciation: Stanley Severance

Councilor Reichert stated a resolution was presented to Mr. Severance at his retirement party on February 3rd , 2006 and now needs to be ratified by the Council:

Councilor Walsh read the resolution into the record:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Stanley E. Severance as he retires from his position of Appraiser in the Right-of-Way Division of the Rhode Island Department of Transportation; and

WHEREAS, Stanley has been a resident of the Town of Gloucester since 1967 and resides on Saw Mill Road with his wife Carol; and

WHEREAS, Stanley ran for the Office of Tax Assessor and was elected by the citizens of Gloucester in 1982, was appointed to the Board of Assessment Review on January 12, 1989 and served as its Chairman from 1998 to 2004; and

WHEREAS, Stanley's vast knowledge and experience of real estate appraisal was an asset to the Town of Gloucester and he was a vital member to the Board of Assessors during the Towns' first revaluation in 1982; and

WHEREAS, Stanley's thorough understanding of Rhode Island General Laws and his professionalism throughout his tenure has been greatly appreciated by the citizens of Gloucester; and

NOW THEREFORE BE IT RESOLVED that it is with great pleasure that the Town Council and Town Clerk of the Town of Gloucester wish to thank Stanley E. Severance for his 22 years of dedicated service, congratulate him on his retirement from the Rhode Island Department of Transportation and wish him the very best of health and happiness in all his future endeavors.

Steven A. Sette, President  
Gloucester Town Council  
Jean M. Fecteau, Town Clerk

Discussion: None

MOTION was made by Councilor Poirier to RATIFY a Resolution, dated February 2, 2006, presented to Stanley E. Severance upon his retirement; seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

VI. Resolution

A. Ponaganset High School Boys & Girls Cross Country Teams

Councilor Reichert stated that our High School boys and girls cross country teams have recently received recognition for their exceptional sportsmanship-like behavior, and the Council has decided to recognize this distinction as follows:

Councilor Carroll read the resolution into the record:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate the Ponaganset High School Boys and Girls Cross Country teams for having the distinct honor of being awarded the:

“Providence Journal’s Dick Reynolds Sportsmanship Award”

WHEREAS, this is a very prestigious award as there are seventy-eight (78) Boys and Girls Cross Country teams in Rhode Island and our teams won this award by displaying exemplary sportsmanship throughout the 2005 Cross Country season; and

WHEREAS, this is also a tribute to James Caron, coach of the Boys Cross Country team and Ian Shippee, coach of the Girls Cross Country team that they have instilled this concept of sportsmanship in our athletes; and

WHEREAS, we realize that participation in organized athletics helps build character and teaches a wholesome sense of good sportsmanship among our youth. To really excel in any one sport, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm and hard work and our Boys and Girls Cross Country teams are a striking example of this achievement; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of Gloucester commend the Ponaganset Boys and Girls Cross Country teams for their pursuit of excellence and for the prestige the “Providence Journal’s Dick Reynolds Sportsmanship Award” has brought the students and citizens of our Town. In addition, the Town Council and Town Clerk express their congratulations and best wishes to each member of the Ponaganset High School Boys and Girls Cross Country teams and hope that each member of the team always remembers the importance of good sportsmanship throughout their lives.

Steven A. Sette, President  
Gloucester Town Council

Dated February 16, 2006

Jean M. Fecteau, Town Clerk

seconded by: Councilor Walsh.

Discussion: Councilor Carroll presented a Resolution for each of the coaches as well as one for the students.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

VII. Citation- Ratification

A. Rhode Island Society of Engineers, Engineer of the Year: Kevin Viveiros

Councilor Reichert stated that the Council received the following request earlier this month:

I would like to request a Gloucester citation for one of your residents, Kevin L. Viveiros, P.E. Mr. Viveiros will be receiving the Rhode Island Society of Professional Engineers "Engineer of the Year" award on February 9th, 2006.

Mark Felag, P.E.

Past President, Rhode Island Society of Professional Engineers  
(end of memo)

A Citation was prepared and presented to Mr. Viveiros by the RI Society of Professional Engineers on behalf of the Council, Feb. 9th 2006, and now this citation needs to be ratified by the Town Council:

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to recognize Kevin L. Viveiros P.E. for being honored by the Rhode Island Society of Professional Engineers with the "Engineer of the Year" award; and

WHEREAS, Kevin was one of the professional engineers who volunteered his services to aid in the Hurricane Katrina relief effort; and

WHEREAS, of specific interest to our community were the activities undertaken by the Rhode Island Urban Search and Rescue (RIUSAR) in the recovery of missing and deceased victims in Mississippi; and

WHEREAS, as part of the RIEMA response, Kevin was one of two Rhode Island professional engineers who were mobilized and assigned to enter buildings in the aftermath of the disaster to evaluate structural conditions and to clear the building for recovery of bodies by the appropriate authorities; and

WHEREAS, due to the delays associated with the magnitude of the event and the timing of the response, Kevin was exposed to conditions seldom experienced by members of his profession; and

WHEREAS, the performance of Kevin's service to the Mississippi community exemplifies the breadth and depth of duty that professional engineers may be called upon to perform to serve humanity; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester offers its sincerest congratulations to Kevin L. Viveiros for being honored as "Engineer of the Year" and are proud to have Kevin as a resident of our community.

Steven A. Sette, President  
Gloucester Town Council  
Jean M. Fecteau, Town Clerk

MOTION was made by Councilor Poirier to RATIFY the Citation, dated February 2, 2006, for Kevin L. Viveiros for the distinction of "Engineer of the Year" 2006 by the Rhode Island Society of Professional Engineers ; seconded by Councilor Walsh.

Discussion: Mr. Viveiros was congratulated by the Town Council members and the Town Clerk.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

#### VIII. Public Hearing

##### A. Western Rhode Island Home Repair Program- FY 2006 CDBG

Councilor Reichert stated that this public hearing was duly advertised in the Providence Journal Legal ads on February 6, 2006.

Councilor Reichert stated that Elinor Tetreault, Program Manager, is present tonight if anyone has questions. Councilor Reichert explained at this time in the process the Council will hear requests from entities wishing to be included in the FY 2006 block grant request. Councilor Reichert further explained after the Program Manager recommends a prioritization of requests the Council will set the prioritization at a future meeting. Councilor Reichert stated this tentative list will then be sent to the Planning Board for their opinion on consistency of the requests with the Comprehensive Plan and once the Planning Board has reviewed and forwarded their opinion to the Council the second Public Hearing will be held to review the completed application before it is sent to the Rhode Island Department of Administration.

Councilor Reichert declared the Public Hearing OPEN.

Councilor Reichert stated that the Council has received requests from Virginia Peters, Director of Human Services, for the Gloucester Food Pantry and from Homefront Health Care requesting support in the area of Public Services to benefit low income elderly and adults with disabilities

residing in Gloucester. The Town Clerk stated that a request was also received from the Echo Lake Water District.

Councilor Reichert asked anyone wishing to speak to please step forward and state their name and address.

Discussion:

Brian Bicki, 207 Lake Drive, spoke on behalf of the Echo Lake Water District, as the Chairman of that association. Mr. Bicki stated that they are requesting Council consideration for a grant in the amount of \$22,500. Councilor Walsh asked where the district stands at this time. Mr. Bicki replied that it is an on-going process and that they are currently waiting for the Department of Health to sign off so that they may go on to the next step. Mr. Bicki stated that this money would help in their continuing efforts.

Robert Caffrey, of Homefront Health Care, stated that they have an office in Gloucester located at 6 Putnam Pike. Mr. Caffrey explained that they have requested funds to help provide services to assist the elderly and disabled who wish to continue to live at home, which is the mission of Homefront Health Care. Mr. Caffrey stated that since the closing of Northwest Nursing, they are the only home health care provider in the area. Councilor Carroll asked how much funding his company is requesting. Mr. Caffrey replied that anything between \$3,000 and \$4,000 would be helpful and would enable them to supplement the program they have to provide services to people who cannot afford to pay for them and do not meet the eligibility requirements for State programs.

Councilor Reichert asked how much the company spends in the Gloucester area. Mr. Caffrey responded that Homefront currently provides services to approximately twenty (20) Gloucester residents, spending approximately \$150,000 per year, mostly paid for by State programs. Mr. Caffrey added that they have been funded by the United Way for over forty (40) years, but a change in direction was taken by the United Way and the allocation was reduced from \$160,000 to \$20,000 annually. Councilor Poirier asked if Homefront has requested aid from the Town in the past, and Mr. Caffrey replied that this is the first time.

Councilor Reichert read a letter from Elinor Tetreault, Western RI Home Repair Program Manager:

2/13/2006  
Town of Gloucester Council Members  
Attention: Steve Sette  
PO Box B  
Chepachet, RI 02914

RE: Program Performance Home Repair Program

The Western RI Home Repair Program currently has 7 projects pending for FY 05. The projects include new windows, roof and vinyl siding repairs.

The Western RI Home Repair Program had 36 applications if FY 04 Grant year. Sixteen families were assisted in the FY 04 through the Home Repair Program. The home repair projects included roof repairs, windows, vinyl siding, electrical repairs, new boiler and a new septic system.

The Program replaced one 1969 Mobile Home in Hemlock Estates. Program income was used to pay for the complete project approximately \$50,000.00. The mobile home owner will make payments for 208 months to the Western RI Home Repair Program for the cost of the mobile home.

The Western RI Home Repair Program will be applying in FY 05 for funding to replace 6 mobile homes over a 2 year period.

The Western RI Home Repair Program will be applying for funds to operate the Home Repair Program as we have done in the past.

The Council will receive the list of activities to be included in the FY 05 Grant Application at a future meeting, at that time the Town Council will prioritize the activities.

Sincerely,  
Elinor C. Tetreault (l.s.)  
Program Manager

(end of memo)

Elinor Tetreault stated that there may also be requests submitted for the Senior Center and the Community Housing Land Trust.

Councilor Reichert asked again if anyone wished to be heard. Hearing none, he declared the public hearing closed.

No Motion necessary at this time.

#### IX. Western Rhode Island Home Repair- Program Update

Councilor Reichert read the following letter from Elinor Tetreault, Program Director:

1/31/2006  
Town of Gloucester Council Members  
Attention: Steve Sette  
PO Box B

Chepachet, RI 02814

RE: Replacement of Mobile Home located at Hemlock Estates

This letter is to give the Town Council an update on the progress that the Western RI Home Repair Program has made in regards to replacing a substandard 1969 Mobile Home.

The client originally applied for roof repairs. Upon inspection by Housing Specialist David Fecteau the unit was found to be infested with black mold and many other deficiencies were found. Given the age of the mobile home it was not cost efficient to repair the substandard unit. At that time replacement of this unit was considered.

The Western RI Home Repair Executive Board awarded a grant using Program Income Funds and funds awarded in FY 05 for a Pilot Mobile Home Replacement Program administered through Western RI Home Repair Program.

The project started in 4/2005 and was completed 12/2005 just in time for Christmas. There was a slight delay due to DEM for the septic approval. Three applications were sent before one was approved.

This project required many hours of planning, scheduling, and coordinating between the many contractors, park manager, DEM, Building Inspector and Mobile Home Salesman.

David Fecteau, Western RI Home Repair Housing Specialist, was instrumental in the completion of this project. David went above and beyond what the job description of a part-time Housing Specialist is. The Town of Gloucester's Building Inspector Brian Lombardi worked very closely with David on this project. He did all that he could to help move things along.

David Fecteau, Brian Lombardi and the staff at the Western RI Home Repair Program should be commended for all their combined efforts to put this project together.

The Western RI Home Repair Program hopes that this first Mobile Home Replacement will serve as a pilot program statewide.

We are entertaining the idea that this replacement project would be set up as Affordable Housing for the Town of Gloucester. Details need to be worked out with the Town of Gloucester's legal representative, the park owner, mobile home owner and Western RI Home Repair Program's Executive Board.

Presently the Western RI Home Repair Program is applying for additional funds through the Community Development Block Grant to replace 6 substandard units over a 2 year period.

The Western RI Home Repair Program is looking to expand on the current program. Due to reduced funding, we will need to generate income to keep the Western RI Home Repair operating. We will be looking for ways to generate income into the program. The structure of the Program needs to change if we want to continue in operation.

The program at some point may have to ask the Towns for some funds to help with operations and administration of the program. Currently the Program is operating on federal funding only. If the program is to take funding cuts we will be forced to go to the Towns for additional support.

Thanking you in advance for your continued support of the Western RI Home Repair Program.

Sincerely,  
Elinor C. Tetreault (l.s.)  
Program Manager

(end of memo)

Councilor Reichert presented a certificate of appreciation to David Fecteau on behalf of the Town Council.

Councilor Poirier asked the Town Solicitor if this mobile home replacement program could qualify as affordable housing. John Bevilacqua, Town Solicitor, replied that the low and moderate income housing plan includes our mobile home parks as a possible element toward reaching our goal. Jean Fecteau, Town Clerk, stated that there is legislation, Senate Bill 2079, which would allow mobile home parks to be considered as part of our 10 percent designation. Councilor Poirier asked if the State statute addresses what kind of subsidy had to be provided for affordable housing and is there a term for a subsidy. J. Bevilacqua replied that there is a 30-year commitment on the part of the landowner. Councilor Poirier stated that the Council should support any kind of legislation which would make it easier to have this type of housing qualify.

- X. Consent Items
  - A. Minutes: February 2, 2006 Regular and Executive Sessions
  - B. Finance Director's Report - January 2006
  - C. Tax Assessors Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the minutes of February 2, 2006 Town Council Regular and Executive Session; to TABLE the Finance Director's Report for January 2006 and the Tax Assessors Additions and Abatements; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

XI. Unfinished Business

A. Appointments

1. Historic District Commission

One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to TABLE the Historic District Commission position for a one (1) year Alternate term to expire 11/2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

2. Conservation Commission

One (1) 1 year Alternate term to expire 2/2007

MOTION was made by Councilor Poirier to TABLE the Conservation Commission position for a one (1) year Alternate term to expire 2/2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

3. Personnel Board

One (1) unexpired 2 year term to expire 1/2007

MOTION was made by Councilor Carroll to TABLE the Personnel Board position for an unexpired two (2) year term to expire 1/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh

NAYS: 0

MOTION PASSED

4. Affordable Housing Advisory Board

Three (3) new members

MOTION was made by Councilor Carroll to TABLE three (3) positions to the Affordable Housing Advisory Board; seconded by Councilor Walsh.

Discussion: The Clerk stated that there were no talent bank applications for that position. The Clerk will forward an advertisement to the Bargain Buyer seeking volunteers.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

B. Amendment "We are Glocester Handbook" (Non-union personnel handbook)

MOTION was made by Councilor Carroll to TABLE the Amendment "We are Glocester Handbook" (non-union personnel handbook); seconded by Councilor Walsh.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

## XII. New Business

A. Building Permits Lots 1 & 2 - Ada Drive, Minor Sub-Division

Councilor Reichert stated that we have received the following letter from Adler Brothers Const., Inc.:

January 27, 2006

Raymond Goff  
Members of the Town Council

Re: Ada Drive - Minor Subdivision  
Final Plan Submission  
AP 12 - Lot 58, Lots #1 & #2  
Glocester, RI

Dear Mr. Goff & Members of the Town Council,

In reference to the above project, we are requesting that you allow building permits to be issued for Lot #1 and Lot #2.

Sincerely,  
l/s Scott D. Adler, Secretary  
(end of memo)

Councilor Reichert read the Planning Board motion of February 6, 2006 (unapproved minutes).

Motion

A motion was made by George Charette for a positive recommendation to the Town Council for the issuance of two (2) building permits for Adler Brothers Construction Inc., AP 12, Lot 58, property on Ada Drive, for the issuance of building permits on Lot 1 and Lot 2. We have received a letter dated 1/27/06 for the request from Adler Brothers for these two (2) lots. All the paperwork, specifications and approvals have been submitted to the Town Planner. We also have a TRC Report dated 1/27/06 signed by Brian Lombardi, the Director of Public Works, Alan Whitford and Town Planner, Raymond Goff. Motion was seconded by Walter Steere III.

Vote: AYES: Ayes - 6, NAYS: Nays - 0 - Motion carried on a unanimous aye vote.  
(End of minutes)

Discussion: Councilor Walsh questioned Mr. Adler regarding the paving on Ada Road. Mr. Adler replied that they extended the paving beyond Mr. Whelan's house, but the top coat of paving remains to be done. Mr. Adler added that there is a lip at the end of Mr. Whelan's driveway which will be taken care of by the top coat. Mr. Adler stated that this will be completed in the spring.

MOTION was made by Councilor Walsh to APPROVE the issuance of building permits for Lots #1 & #2, Ada Drive, Minor Subdivision, AP12, Lot 58; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

B. Phase II Stormwater Management Program Plan:  
Agreement Authorization: Amendments

Councilor Reichert stated that we have received a request from Raymond Goff, Town Planner.

To: Town Council  
From: Raymond Goff, Town Planner  
Date: January 30, 2006  
SUB: Phase II Stormwater Management Program Plan

In July 2002, the Town was awarded a \$25,000. Grant to develop and submit a Phase II Stormwater Management Program Plan (SWMPP). The Town completed an RFP, and, ultimately, hired Maguire Group to work with the SWMPP Committee to develop and submit the Plan. In March of 2003, we submitted our Plan and began awaiting a reply on it and our requests for funding reimbursement. A partial (\$12,000) funding reimbursement was made to the Town in 2005. In July 2005 I received a letter informing me that the Town did not submit our Annual Report in March 2005. Upon receipt of the letter, I called Eric Beck at RIDEM to inform him that since we did not have a Plan

approval in March when the SWMPP Annual Reports were due, one was not submitted. In August 2005 we received an answer to our SWMPP submission. In this reply, we were informed that RIDEM will not be approving plans, but we are automatically authorized to discharge stormwater and that we have a number of deficiencies in our plan which need to be corrected.

We are now moving forward with making corrections to our Plan. To that end, I would like to hire Maguire Group to make the necessary corrections and submit our Annual Reports for 2004 and 2005. These reports are due March 4, 2006.

Once the corrections to our Plan are made, we will need to adopt it locally. In 2003 the expectation was that the Plans would be reviewed within a few months and changes would be made before local adoption. Never did I or any of the committee members expect that RIDEM would take two years for this.

Therefore, I am requesting authorization for the Town Council President to sign an agreement with Maguire Group in the amount of \$4,200. to complete the Phase II Stormwater Management Program Plan amendments and submit the 2004 and 2005 Annual Reports.

(End of memo)

Discussion: Councilor Walsh asked what account the \$4,200. would be taken out of. R. Goff, Town Planner, replied that there is approximately \$7,500. in the Planning, engineering allocation, therefore, the \$4,200 will be taken from that line item.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign an agreement with Maguire Group in the amount of \$4,200. to complete the Phase II Stormwater Management Program Plan amendments and to submit the 2004 and 2005 Annual Reports; seconded by Councilor Walsh.

VOTE:           AYES: Carroll, Poirier, Reichert, Walsh  
                  NAYS: 0

MOTION PASSED

C.       Award Bid:  
          RFP 2006-5 Gloucester Senior Center Construction

Ray Goff, Town Planner, stated that this bid is not ready to be awarded at this time. R. Goff stated that they are in negotiations to bring the project within the budgeted amount of 2.1 million dollars. R. Goff asked for any help the Council or the public could provide to allow this project to move forward.

MOTION was made by Councilor Walsh to TABLE Award Bid: RFP 2006-5, Gloucester Senior Center Construction; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0  
MOTION PASSED

D. Designation: Communication Manager

Councilor Reichert stated that the Council President received a request this week from Ed Juairé, Information Technician for the Town, to authorize the Council to designate him as Communications Manager. Councilor Reichert stated Mr. Juairé explained this designation is needed so that he can negotiate with cable providers on behalf of the Town and if Council agrees a letter is required by the cable providers stating this designation.

Discussion: Councilor Carroll noted that the title of Communications Manager is too broad and should be specified as for the purpose of cable negotiations only. J. Bevilacqua agreed that the responsibilities must be specific and that the title of Communications Manager could be misconstrued to allow the authority to make changes to equipment which may result in the expenditure of Town funds.

MOTION was made by Councilor Carroll to DESIGNATE Edward Juairé, Communications Manager, for the Town of Gloucester. Said Manager is authorized to represent the Town of Gloucester in those matters relating to Communications, to wit: Types of service, changes to equipment; the Manager's purpose is to create a person for these companies to "contact". The Manager will not have any authority to bind the Town to any agreements without the express approval of the Town Council; and to AUTHORIZE the Council Vice President to sign correspondence stating this appointment has been made; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0  
MOTION PASSED

XIII. Department Head Reports/Discussion

The Town Clerk stated she received a call from Pamela Place. Ms. Place has not been contacted regarding some issues she has with her neighbors. Brian Lombardi, Building/Zoning Official stated that he will have something in the mail to her first thing in the morning.

Councilor Reichert read correspondence from the Emergency Management Agency regarding the flooding which occurred in October and the availability of loans related to damage from those floods. Councilor Reichert stated that the repairs to East Killingly Road have not yet begun and will cost approximately \$75,000 to \$100,000.

Viviane Valentine, Tax Assessor, wished to make the Council aware that the veterans exemption has had a whole new section consisting of fifty new categories added to the law. V. Valentine stated that this will result in more veterans qualifying for the exemption. V. Valentine added that the statute regarding exemptions for the Town of Gloucester will have to be amended to change the wording, which could be done in conjunction with the elderly exemption legislation which is being introduced.

Thomas Mainville, Finance Director, stated that he needs an answer from the Council regarding computer course registration fees for Matthew Floor. Councilor Carroll stated that he believes this is a good idea which may save the Town money in the long run. Councilor Poirier stated that the concern may be that the emphasis of this course is on networking, not on day-to-day computer maintenance. However, Councilor Poirier stated that he has looked into the course, and a good part of it deals with hardware and he agrees that in the long run it may be beneficial to the Town to have somebody knowledgeable in the subject. T. Mainville, stated that an actual motion is not required, but a clear-cut consensus should be sufficient. J. Bevilacqua, Town Solicitor, stated that a motion should be made, even if it is just a consensus, to put it on record. J. Bevilacqua added that unless something is of an emergency nature, it must be on the agenda to conform to the regulations. Therefore, it was decided that this will be placed on the agenda for the next meeting for action.

There was discussion regarding the Road Sub-Committee and the list of suitably improved non-town roads which was adopted in 1994.

XIV. Boards/Commissions  
None

XV. Council Correspondence/Discussion

There was discussion regarding correspondence from Senator Fogarty supporting Senate Bill 2006 S-2135, an Act Relating to Education. There was consensus to prepare a Resolution for the March 2nd meeting and to forward a copy to the Town of Foster.

XVI. Open Forum

Edward Theroux, owner of an art gallery at 17B Terry Lane, stated that he would like to sponsor two (2) art shows per year, one in April and one in September. Mr. Theroux added that he would like to conduct these shows either at the park in Chepachet or behind the Town Hall parking lot. Mr. Theroux stated that these shows would only be arts, no crafts, music, etc. Councilor Reichert replied that Mr. Theroux would have to determine what licenses, if any, he would need. Councilor Reichert recommended that Mr. Theroux come up with a plan indicating exactly what he wishes to do and to forward copies to the Town Council, the Police Chief, and the Fire Chief.

Councilor Walsh asked Mr. Theroux if he has spoken to any other groups who sponsor this type of event, such as the Peddlars' Faire, to inquire about the possibility of having events at the same

time to generate more interest. Mr. Theroux replied that this concept has been tried but does not really work, because his idea would draw a different type of clientele than that of a craft fair. John Bevilacqua, Town Solicitor, suggested that Mr. Theroux sit down with the Police Chief, Fire Chief, the Town Clerk and the Solicitor to discuss issues such as security, traffic and insurance. J. Bevilacqua recommended that before doing this, a detailed description of what is intended should be given to all of these individuals for their input. Mr. Theroux thanked the Council members for their advice.

Mr. Theroux stated it was too late at this time to plan for April but he will submit work towards having something in September.

Tom Sanzi, asked about the River Walk clean-up effort which is held annually. Kevin Kitson was present and stated there are issues with the area, so they are still working on that.

#### XVII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:00 p.m.; seconded by Councilor Carroll

VOTE:           AYES: Carroll, Poirier, Reichert, Walsh

                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the March 3, 2006.

At a Town Council Meeting holden in and for the Town of Gloucester on **March 2, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Sarah Tooher, Deputy Town Clerk; Thomas Mainville, Director of Finance, Raymond Goff, Town Planner

III. Pledge of Allegiance

Sarah Tooher, Deputy Town Clerk, led the Pledge of Allegiance.

IV. Open Forum for Agenda Items

NONE

V. Resolution

A. Senate Bill S-2079 - An Act Relating to Towns & Cities  
Low and Moderate Income Housing

Councilor Sette stated that a bill has been introduced by Senator Fogarty regarding a proposed amendment to Rhode Island General Law 45-53 which would, if passed, change the definition of what is classified as affordable housing.

Councilor Poirier read the resolution into the record.

RESOLUTION

WHEREAS, the Town of Gloucester has been working toward obtaining their goal of affordable housing as required by R.I.G.L. 45-53; and towards that effort the Town has submitted a plan that was adopted by the Town Council and approved by the Rhode Island Department of Administration in September of 2005; and

WHEREAS, small rural communities, such as Gloucester, may struggle to obtain their goal as currently outlined and the proposed amendment to R.I.G.L. 45-53-3 Definitions would allow Gloucester to consider year round mobile homes towards the mandated requirement of low and moderate income housing units; and

WHEREAS, the Town Council and Town Clerk of the Town of Glocester would like to give their support to Senate Bill S 2079, Low and Moderate Income Housing; and will forward this Resolution to our 38 other cities & towns and to our local legislators requesting their support;

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk seek enactment by the General Assembly.

Steven A. Sette, President  
Glocester Town Council

Jean M. Fecteau, Town Clerk

Seconded by: Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Senate Bill S-2135 - An Act Relating to Education  
The R.I. Student Investment Initiative

Councilor Sette stated that Senator Fogarty and others have introduced proposed legislation that, if passed, would provide a minimum increase each year over the previous years State Aid for education.

Councilor Carroll read the resolution into the record.

#### RESOLUTION

WHEREAS, the education of our students has and will continue to be the cornerstone of a successful and prosperous community, but rising costs in all aspects of our lives requires us to seek funding from the State of Rhode Island to supplement our education costs and mandates; and

WHEREAS, the school aid amount that is anticipated for distribution by the State of Rhode Island may not increase at a rate that coincides with a community's need; therefore, this proposed amendment would provide for an annual minimum five percent (5%) increase from the previous year in state aid to education; and

WHEREAS, the Town Council and Town Clerk of the Town of Glocester would like to give their support to Senate Bill 2006 S - 2135, An Act Relating to

Education–The Rhode Island Student Investment Initiative as introduced by Senators Fogarty, Tassoni, Cote, Blais and Breene; and

WHEREAS, copies of this Resolution in support of the proposed amendment will be forwarded to the remaining 38 cities and towns of Rhode Island as well as our local legislators requesting their support of Senate Bill S-2135; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester seek enactment of this amendment by the General Assembly.

Steven A. Sette, President  
Gloucester Town Council  
Jean M. Fecteau, Town Clerk

Seconded by: Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to move item VII.C Award Bid RFP-2006-5 Gloucester Senior Center Construction to this point of the agenda; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

C. Award Bid:  
RFP 2006-5 Gloucester Senior Center Construction

Councilor Sette stated that the Council has received a recommendation from the Board of Contracts and Purchases. Councilor Sette read the recommendation into the record.

March 1, 2006

To: Town Council  
From: Board of Contracts & Purchase (Board)  
Re: Award of RFP 2006-05 - Senior Center Construction

- I. RFP 2006-05 was advertised in accordance with current rules and procedures.
- II. Two (2) proposals, both from qualified firms, were received by the Board.

The bids were evaluated by the Senior Center Task Force.

The original bid amount of \$2,741,451 was accompanied by a list of alternate deducts (totaling \$367,627), all of which were adopted by the Senior Center Task Force. After further discussion and review, another \$83,926 was deducted leaving a net bid amount of \$2,289,898. However, available funds amount to \$2,134,448 leaving an excess of expense of \$155,450.

\$2,741,451	Original bid
< 367,627>	Alternate deducts
2,373,824	Net original bids and alternate deducts
< 83,926>	Other deductions
\$2,289,898	Net amount needed for construction
\$2,134,448	Funds available for construction
\$ 155,450	Amount projected expense exceeds available funds

Based on review and discussion of submitted bid documents and the recommendation of the Senior Center Task Force, the Board recommends that, should the Town Council choose to award this bid, it be awarded to the lowest qualified bidder:

Field Building Company Inc. (401) 295-2913 Tel  
P.O. Box 48  
West Kingston, RI 02892

However, the Board recommends that:

- 1) the bid be awarded for the budgeted (i.e., funds available for construction amount as estimated by the Senior Center Task Force) of \$2,134,448,
- 2) the \$2,134,448 include a Performance Bond, and
- 3) oversight, by the Town Council, should be provided on this project such that the building concept, as originally proposed to the public, is not lost or diminished as the building is constructed.

Should the Council choose to award this contract at the net bid price of \$2,289,898, at minimum, an additional \$155,450 in funding would have to be obtained.

Although not discussed at the meetings of the Board, the Director of Finance would like to note that, even if additional funding is obtained, additional amounts (above \$2,289,898) to be spent on this project for construction, furnishings or other expenditures should have prior approval by the Council.

Respectfully submitted,  
Jean M. Fecteau, Town Clerk  
Brian Lombardi, Building/Zoning Official

Thomas P. Mainville, Director of Finance  
(end of memo)

Discussion: Raymond Goff, Town Planner, stated that this project has come a long way in the last five (5) years since its proposal. R. Goff distributed designs of the proposed Senior Center which demonstrate some exterior changes to the original plans. R. Goff explained that these changes were made to reduce the cost of construction. R. Goff further stated that the basement has been eliminated as well as some of the cathedral ceilings, again to reduce the cost. R. Goff noted that the Senior Center Task Force has worked diligently to remove approximately 30 percent of the original cost and the committee is anxious to see this project go forward.

Councilor Sette asked how much floor space will be lost due to cost reduction. R. Goff replied approximately 150 square feet was removed from an 8,000 square foot building, adding that the functionality of the building will remain the same. Councilor Walsh asked if the \$25,000 performance bond could be changed if the Council wished. Thomas Mainville, Finance Director, replied that he would not recommend it. Councilor Walsh stated that in the construction business a bond is not always necessary and if the committee was familiar with the builder eliminating the bond may be a way to save some money.

R. Goff stated that the Senior Center Task Force had a consensus that they would feel comfortable without a performance bond, due to the company's good rating. Councilor Sette stated that additional funding is being sought and asked R. Goff if these funds could be used for add-ons. R. Goff replied in the affirmative. Councilor Sette questioned the \$98,000 which was approved for a Visitors' Center. R. Goff stated that he has not pursued it at this point, wishing to wait until we had an actual building going up. R. Goff stated it was his opinion that the money is still there and it is just a matter of asking for it when the time comes. R. Goff pointed out that the building was designed to allow public access to the main foyer and the rest rooms even when the Senior Center is not open. Councilor Walsh stated, before the motion was made, that he would not have a problem taking out the bond and saving the \$25,000, at which time he recalculated the amount needed.

MOTION was made by Councilor Walsh to AWARD RFP 2006-05 Senior Center Construction to the lowest qualified bidder; Field Building Company, Inc. at the award amount of \$2,289,898 and the following conditions: 1) that oversight, by the Town Council, should be provided on this project such that the building concept, as originally proposed to the public, is not lost or diminished as the building is constructed and 2)if additional funding is obtained any amounts above the bid award spent for construction, furnishings or other expenditures should have prior approval by the Council; seconded by Councilor Reichert.

Discussion: None

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

Councilor Sette thanked Ray Goff and the Senior Center Task Force for their hard work in achieving this goal. Councilor Sette also thanked Councilors Walsh and Reichert for representing the Town Council at numerous meetings of the Task Force.

VI. Consent Items

- A. Minutes: February 16, 2006 Regular Meeting
- B. Finance Director's Report - January 2006
- C. Tax Assessors Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the February 16, 2006 Regular meeting minutes; to ACCEPT the Finance Director's Report for January 2006; to APPROVE the Abatements to the 2005 Tax Roll in the amount of \$35.26 and to APPROVE the Addition to the 2005 Tax Roll in the amount of \$77.98; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

- A. Appointments
  - 1. Historic District Commission  
One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to TABLE the Historic District Commission position for one (1) expired 1 year Alternate term to expire 11/2006; seconded by Councilor Poirier.

Discussion: Councilor Poirier spoke to Dan Romani, Chair of the Historic District Commission. Mr. Romani polled his members and they could not come up with any names.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- 2. Conservation Commission  
One (1) 1 year Alternate term to expire 2/2007

MOTION was made by Councilor Carroll to TABLE the Conservation Commission position for a one (1) year Alternate term to expire 2/2007; seconded by Councilor Reichert.

Discussion None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

3. Personnel Board  
One (1) unexpired 2 year term to expire 1/2007

MOTION was made by Councilor Walsh to TABLE the Personnel Board position for an unexpired 2 year term to expire 1/2007; seconded by Councilor Reichert.

Discussion: Councilor Sette stated he has spoken to the Board and they would like to see someone with Human Resource experience. Councilor Poirier stated that there was a person interested who may have that type of experience. Councilor Poirier stated that he will attempt to contact the interested person.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

4. Affordable Housing Advisory Board  
Three (3) new members

MOTION was made by Councilor Poirier to TABLE the Affordable Housing Advisory Board three (3) new members; seconded by Councilor Walsh.

Discussion: Councilor Sette discussed a resident that may be interested in serving on this new board, due to their experience.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- B. Amendment "We are Gloucester Handbook" (Non-union personnel handbook)

Discussion: Councilor Sette asked Tom Mainville, Finance Director, if this concerns the change in wording regarding holiday pay during the winter months when snow plowing is conducted. T. Mainville replied in the affirmative. Councilor Sette stated there was also discussion at a previous Council meeting regarding a change in wording concerning benefits for part-time employees. T. Mainville stated that change would have to wait until the next budget season because there is nothing in the budget to cover it. Councilor Sette suggested adopting both changes at the same time in order to have the book reprinted only once and further that there was no reason to wait to make the change as an effective date could be any date. The consensus was remove from the table until the amendments are prepared.

MOTION was made by Councilor Poirier to REMOVE from the table the Amendment to the “We are Gloucester” Handbook; seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VIII. New Business

A. Resignation

1. Parade Committee  
One (1) voting member

Councilor Sette stated that the Clerk has received a letter of resignation from Marie Plante, Parade Committee, and this is on file in the Town Clerk’s Office.

MOTION was made by Councilor Walsh to ACCEPT the resignation of Marie Plante, voting member, from the Parade Committee; seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Appointments

1. Parade Committee  
One (1) voting member

Councilor Sette stated that the make up of this committee is - 9 voting members, 1 alternate voting member, and an unlimited number of ad hoc non-voting members.

Councilor Sette asked the Council if they would like to move up the alternate voting member or wait for a recommendation from the Chair. Councilor Walsh stated that the Council has always moved up the Alternate member to the full-time position.

MOTION was made by Councilor Carroll to APPOINT William Valentine to the Parade Committee (voting member); seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Board of Canvassers  
One (1) six year term to expire 3/2012 (Deborah Charron)

MOTION was made by Councilor Poirier to REAPPOINT Deborah Charron to the Board of Canvassers for a six year term to expire 3/2012; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

3. Planning Board  
Two (2) 5 year terms to expire 3/2011 (David Calderara & Lynn Furney)

MOTION was made by Councilor Poirier to REAPPOINT David Calderara to the Planning Board for a 5 year term to expire 3/2011; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to REAPPOINT Lynn Furney to the Planning Board for a 5 year term to expire 3/2011; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

C. Authorization: Continuing Education Tuition

MOTION was made by Councilor Reichert to AUTHORIZE an expenditure of \$3,750 (from account 01-40-2087 Education/Training) to be used for registration fees for computer related education for the Police Department Administrative Assistant, Matthew Floor; seconded by Councilor Poirier.

Discussion: Councilor Poirier stated that there originally was some concern regarding the course material and whether it would be applicable to our purpose, but he now feels confident that this will be beneficial to the Town. Councilor Sette expressed his agreement.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- D. Authorization: Letter of Support for Senate #S-2088 & House #H-6878  
“Assessment at full and fair cash value”

Councilor Sette stated that the Tax Assessor has requested a letter in support of a Senate & House bill that would provide for a uniform depreciation of tangible personal property statewide. Councilor Sette stated the Assessor further states currently the Town already uses this method so there would be no impact.

MOTION was made by Councilor Poirier to AUTHORIZE the Council President to forward a letter of support to our state Legislators for Senate Bill #2088 and House Bill #6878 entitled “Assessment at full and fair cash value”; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

#### IX. Department Head Reports/Discussion

1. The Town Clerk stated that Councilor Carroll has initiated a coffee hour which will be held prior to the meeting on March 16th, at which time Gloucester residents who are serving in the military will be welcomed. J. Fecteau stated that a plaque has been ordered and invitations will be extended to the families of these individuals. There was consensus to adopt a Resolution at that meeting.
2. Jean Fecteau stated that she has received a Resolution from the Secretary of State’s office asking for support of House Bill #7249, which calls for a nationwide boycott of all petroleum-based products from Exxon. There was consensus to add this item to the agenda for the next meeting.
3. Jean Fecteau asked the Council if they would like to adopt a Resolution honoring Henry Lewin who recently passed away. The Council replied in the affirmative.
4. Councilor Carroll stated that the Ponaganset Middle School Boys’ Basketball Team has won the State Championship and asked for a Resolution for the team. There was consensus to place this on the agenda for the first meeting in April.
5. Councilor Sette stated that Nancy Clarke was recently appointed the first female chair of the Rhode Island Lions Sight Foundation. There was consensus to recognize this appointment at the first meeting in April.

6. The Town Clerk, asked on behalf of the Clerks' Association, for a letter in opposition to House Bill #7280. The Clerk stated if passed, this bill would require local government offices and libraries to purchase the RI General Law and their updates. J. Fecteau added that currently, they are provided at no cost. The consensus of the Council was to support House Bill #7280.

7. Jean Fecteau stated that on March 7th and 8th, Gloucester will be hosting RIPAE recertification sessions at the Town Hall.

8. Jean Fecteau, Town Clerk, stated she has received complaints regarding a problem with water on Putnam Pike, which appears to be pumped from the orthodontist's office. The Clerk stated the water is now freezing on the sidewalk, creating a hazard for pedestrians. Councilor Sette stated that we need to determine the source of the water.

X. Boards/Commissions  
None

XI. Council Correspondence/Discussion

1. Councilor Sette stated that at the last meeting there was an item regarding authorization for Ed Juare to be the contact person for Cox Communications. John Bevilacqua stated that this only allows Mr. Juare to act as the point of contact to gather information, but that any action would require Council approval.

2. Councilor Sette stated that the Council has received correspondence from the City of Newport regarding their 50th Annual St. Patrick's Day Parade on March 11th, inviting the Council members to participate.

3. There was discussion regarding the Wastewater Management Rules and Regulations. Councilor Sette stated that it appears that the Wastewater Management District Board is at an impasse again over these regulations. Councilor Sette recommended that a workshop be scheduled to address this issue.

XII. Open Forum

1. Tom Sanzi, of the Gloucester Light Infantry, spoke regarding the removal of brush and debris from their property on Dorr Drive. Mr. Sanzi stated that Alan Whitford, Director of Public Works, has advised him that this could possibly be done in the Spring. Mr. Sanzi asked if the Town Council has approved this work. Councilor Sette stated that this property is owned by a private entity and that he was unsure why Public Works would do this clean up. It was decided to ask Alan Whitford for his input on his conversation with Mr. Sanzi.

XIII. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 8:31 p.m.; seconded by Councilor Walsh.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh

                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the April 4, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **March 16, 2006**.

I. Call to Order

The meeting was called to order at 6:30 p.m.

II. Roll Call

Members Present: Steven Sette, President; Patrick Carroll, Charles Poirier, and Kevin Walsh

Member Absent: William Reichert, Vice President

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Director of Finance; Raymond Goff, Town Planner; Alan Whitford, Director of Public Works; Brian Lombardi, Building/Zoning Official; Anthony Parrillo, Recreation Director; and Jamie Hainsworth, Chief of Police

III. Pledge of Allegiance

Councilor Sette asked our military families present to lead us in the Pledge of Allegiance.

IV. Resolution

A. Military Service Resolution

Councilor Sette thanked everybody for attending the meeting, especially our honored guests. Councilor Sette stated we are all very proud of those serving our country. At this time, Councilor Sette turned the meeting over to Councilor Carroll.

Councilor Carroll also thanked all present for their attendance. Councilor Carroll stated that several months ago, he realized that we, as a Town, needed to recognize our active service men and women for serving their country around the globe. Councilor Carroll stated that tonight we have the pleasure of expressing our gratitude to these individuals. Councilor Carroll pointed out a plaque which will hang permanently in the Town Hall and will serve as a constant reminder of their service. Councilor Carroll thanked Jean Fecteau, Town Clerk, and her staff for their assistance in this project.

Councilor Carroll stated that we have a resolution of the Town Council and the Town Clerk in honor of our local men and women currently serving our country, and asked that the families of these service people deliver the resolution to them.

The Resolution reads as follows:

RESOLUTION

WHEREAS, since 9/11 our nation has stationed additional men and women all over the world, to serve their country in ways that are vital to the defense of

freedom, and as the nation still continues to recover from the loss of innocent lives, the spirit of the U.S. has been revitalized by the dedication of our troops giving way to expressions of patriotism which shall enable us to emerge as a stronger nation, renewed by a spirit of national pride and a true love of country; and

WHEREAS, the Town Council and Town Clerk of Gloucester would like to recognize the men and women of our Town who are serving in the armed forces who have shown us what an important contribution our Town has given to the Nation; and

WHEREAS, this plaque will be dedicated to their honor and serve as a symbol of the pride we feel towards these dedicated men and women, and they shall know that it will permanently hang on the walls of the Town Hall to remind us of their service long after their duty is done; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk salute all the men and women of Gloucester who are serving all over the world; we stand with our families and pray for them all and they shall take this resolution as a symbol of our dedication to them and a reminder that they will always have a home in Gloucester.

Steven A. Sette, President  
Gloucester Town Council

Patrick J. Carroll  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh

NAYS: 0

MOTION PASSED

Councilor Sette invited everyone to gather for refreshments in Conference Room #6.

The meeting was recessed and reconvened at 7:30 p.m.

Councilor Sette stated that at this time, a portion of Item X. Boards and Commission will be addressed. Councilor Sette stated that the Budget Board Chair will present the proposed budget

for fiscal year 2006/07 to the Council, adding that the Public Hearing on this budget will be held on March 28, 2006.

Edward Juaira, Budget Board Chair, gave an overview of the budget stating that there are issues with the school budget. Mr. Juaira stated that the School Committee was meeting also this evening to attempt to work through these problems. Mr. Juaira reported that with this proposed budget we are looking at an approximately 7.8% increase. Mr. Juaira recommended that the Budget Board meet with the Town Council the night before the public hearing of March 28th, in order to work through any last minute changes, pointing out that we will know what the Regional School District is proposing by that time. Mr. Juaira referred to his four-page memo outlining the proposed changes to the budget.

There was discussion concerning roof repairs at Fogarty School for which the Budget Board is recommending a fifteen (15) year bond. There was discussion regarding layoff notices to teachers which did not go out on time. Councilor Sette pointed out that there is an issue of responsibility for this mistake. Mr. Juaira stated that the Police budget now reflects the total negotiations which were not in last year's budget. Councilor Sette stated that he has spoken to the Auditor General and was informed that the 5.5 % cap will be adhered to unless there is an emergency situation. Mr. Juaira stated that last October, Killingly Road was severely damaged by heavy rains, which may qualify as an emergency situation. However, Mr. Juaira pointed out that this would have to be done this year or it would not be considered an emergency. There was consensus among the Council members to schedule a workshop with Mr. Juaira and the Finance Director on Monday, March 27th. Mr. Juaira stated that a notice of this meeting will be directed to members of the Budget Board.

There was discussion regarding Mr. Juaira's authority as Communications Manager. John Bevilacqua, Town Solicitor, stated that this item would be added to the agenda for the Special Town Council meeting on March 27th. Mr. Juaira thanked the Budget Board as well as the Department Heads for their work on the budget.

V. Open Forum for Agenda Items  
None.

VI. Resolution  
A. Exxon Mobile Corporation - House7249 - Nationwide Boycott on Petroleum

Councilor Sette stated that we have received a request from the State of Rhode Island to support a boycott of Exxon Mobile petroleum products with a resolution of our Council:

#### RESOLUTION

WHEREAS, the Exxon Mobil Corporation is one of the world's most profitable companies. Its record-breaking profits of \$36.2 billion for 2005 exceeded all-time highs; and

WHEREAS, this winter, heating oil costs have risen to extreme levels, placing Rhode Island citizens in jeopardy of having to choose between the basic necessities of life, such as food and clothing, or heating their homes; and

WHEREAS, the Exxon Mobil Corporation has refused to cooperate in offering the State of Rhode Island any reduction in the price of its petroleum products. Other corporations such as Citgo have distributed their heating oil at a discounted price of up to a forty percent reduction this winter to help communities, who are located in areas of the country most affected by the cold winter, with skyrocketing prices; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of the Town of Glocester supports a statewide boycott on all Exxon Mobil Corporation's petroleum-based products currently being used for energy, heating and transportation needs.

Steven A. Sette, President  
Glocester Town Council  
Jean M. Fecteau, Town Clerk

seconded by Councilor Walsh.

Discussion: Councilor Poirier asked if it is true that other oil companies are giving the State a reduction in price. Councilor Sette replied that at the last meeting, Councilor Reichert stated that Citgo has done so. Councilor Poirier stated that if that is the case, he is in support of the Resolution.

VOTE: AYES: Carroll, Poirier, Sette, Walsh

NAYS: 0

MOTION PASSED

B. Henry Lewin - In Celebration for years of dedication to the Town of Glocester

Councilor Sette stated that Henry Lewin, a long time Glocester resident who devoted his life to helping his community, passed away recently at the age of 95. The Council decided to recognize his dedication to his community with a resolution in his honor. Councilor Poirier read the following into the record:

RESOLUTION  
(In Memoriam)

WHEREAS, on February 23, 2006 Henry H. Lewin passed away at the age of ninety-five (95) after a long life of family, friends and dedication to the Town of Glocester; and

WHEREAS, Henry, over the years, was involved in church and civic activities. Henry was the Tax Assessor for the Town of Gloucester from 1953 through 1978, was Fire Chief of the Chepachet Fire Station for twenty-five (25) years and had over fifty (50) years of service in the Department, was a charter member of the Ambulance Corps, a past patron of the Eastern Star Philia Chapter, a past master of the Friendship Lodge, a Marine in World War II, Trustee Emeritus of the Chepachet Union Church, Clerk of the Works during construction of the new Police Station and a volunteer for Meals on Wheels; and

WHEREAS, Henry demonstrated his concern for the welfare and well-being of his fellow citizens by his actions both in his private life and by his participation in numerous civic organizations and projects and the Town of Gloucester is deeply indebted to Henry for his service to our community; and

WHEREAS, Henry's service was given with such devotion that he earned the respect, admiration and friendship of all the citizens of our community through his professional leadership and dedication; and

NOW THEREFORE BE IT RESOLVED in recognition of Henry's many contributions to our Town and its citizens, the Town Council and Town Clerk of the Town of Gloucester express their deep appreciation for his dedication to the progress of this community and extend to his family our sincere sympathy upon his passing.

Steven A Sette, President  
Gloucester Town Council  
Jean M. Fecteau, Town Clerk

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

- VII. Consent Items
- A. Minutes: March 2, 2006 Regular Meeting
  - B. Finance Director's Report: February, 2006
  - C. Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to TABLE the Approval of the minutes of March 2, 2006; to Accept the Finance Director's Report of February 2006; to Approve the Additions to

the 2005 Tax Roll in the amount of \$2,294.89; Abatements to the 2005 Tax Roll in the amount of \$270.02; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Historic District Commission  
One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to TABLE the appointment to the Historic District Commission for a one year Alternate term to expire 11/2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Conservation Commission  
One (1) 1 year Alternate term to expire 2/2007

MOTION was made by Councilor Poirier to TABLE the appointment to the Conservation Commission for a one year Alternate term to expire 2/2007; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

3. Personnel Board  
One (1) unexpired 2 year term to expire 1/2007

MOTION was made by Councilor Carroll to TABLE the appointment to the Personnel Board for a 2 year term to expire 1/2007; seconded by Councilor Walsh.

Discussion: Councilor Poirier stated that he has tried to contact a potential volunteer regarding this position, but his calls have not been returned.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

4. Affordable Housing Advisory Board  
Three (3) new members

MOTION was made by Councilor Walsh to APPOINT Kevin Kitson to the Affordable Housing Advisory Board; seconded by Councilor Poirier.

Discussion: Councilor Sette stated that he has spoken to Mr. Kitson and feels that he would be a positive addition to this Board due to his position as Director of one of the mobile home parks.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

Councilor Sette stated that there are two (2) positions on this board remaining to be filled. Ray Goff, Town Planner, recommended Harry Angevine to fill one of the openings. Councilor Walsh suggested tabling this until the next meeting to allow the Council to speak to the candidate.

MOTION was made by Councilor Carroll to TABLE the two (2) remaining appointments to the Affordable Housing Advisory Board; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

5. Parade Committee  
One (1) Alternate Voting Member

MOTION was made by Councilor Walsh to TABLE the appointment to the Parade Committee for the position of Alternate voting member; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

#### VIII. New Business

- A. Correspondence: Opposition - House Bill #7280 "Relating to Statutes and Statutory Construction - Publications and Distribution of Acts"

Councilor Sette stated that the Council has received a request from the City & Town Clerks' Association to forward a letter in opposition to proposed House Bill #7280, which if passed would eliminate the State's obligation to keep municipalities' Rhode Island General Law Books up to date at no charge.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to forward correspondence in OPPOSITION to House Bill #7280 "Relating to Statutes and Statutory Construction - Publications and Distribution of Acts"; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

- B. Resignation
  - 1. Deputy Town Clerk

Councilor Sette stated that the Clerk has forwarded the resignation of Sarah Tooher from the position of Deputy Town Clerk, a copy of which is on file in the Personnel Office.

MOTION was made by Councilor Walsh to ACCEPT the resignation of Sarah Tooher from the position of Deputy Town Clerk; seconded by Councilor Carroll.

Discussion: Councilor Poirier stated that the Council was well-served by Ms. Tooher and the Council members wished her well.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

- C. Appointments
  - 1. Deputy Town Clerk

Councilor Sette stated that the Town Clerk has requested that the Council support her choice for Deputy Town Clerk. Councilor Sette explained that due to the workload in the Clerk's Office, the Clerk had requested her candidate begin on March 13, 2006, adding that the candidate worked without salary the week prior to the 13th in order to be trained. The Town Clerk stated that this position was posted internally before this candidate was considered.

MOTION was made by Councilor Carroll to APPOINT Susan L. Harris to the position of Deputy Town Clerk, effective March 13, 2006; seconded by Councilor Poirier.

Discussion: Councilor Walsh inquired about the salary for this position, stating that it was mentioned at a prior meeting that there would possibly be a reduction with the new budget. Jean Fecteau, Town Clerk, replied that when she approached Ms. Harris regarding the position, the salary was already in place, and she feels that it would not be appropriate to cut the salary with the new fiscal year. There was consensus among the Council members to leave the salary as is.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Filing Coordinator - Secretary of State

Councilor Sette stated that the former Deputy Town Clerk was the appointed Filing Coordinator as required by the Secretary of State's Office, therefore, an appointment is again necessary.

MOTION was made by Councilor Poirier to APPOINT Deputy Town Clerk Susan L. Harris to the position of Filing Coordinator to the Secretary of State's Office; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

D. Chepachet Village Enhancements

Councilor Sette called upon Raymond Goff, Town Planner, to explain this item. R. Goff stated that there was recently a meeting with Commonwealth Engineering, who is the consultant regarding the enhancements. R. Goff stated that when this funding was acquired in 1998, it was believed that \$500,000 would cover all the proposed enhancements but further stated, in reality, it would cost that much just to light the village. R. Goff stated that other suggestions were made including benches, planters, street trees and sidewalk treatment. Regarding the lighting, R. Goff stated that he is proposing a scaled-back version of the original proposal which would include approximately fourteen (14) lights.

R. Goff added that underground wiring could be installed from Dorr Drive up to the intersection of Routes 44 and 102 and also as far as the Senior Center with the intention of adding additional lights in the future as funding becomes available. R. Goff stated that there is the possibility to pursue another enhancement grant from the Department of Transportation to install the rest of the lighting. There was discussion regarding the proposed sidewalk treatments. Regarding street trees, R. Goff stated that we are limited as to their placement due to the Department of Transportation right-of-way. R. Goff stated that in some cases, we may need permission from property owners regarding the installation of sidewalks and lamps. Rose LaVoie asked if there

would be any improvements to the bridge, to which R. Goff replied that this would be a separate project, but there are no plans for the bridge at this time.

E. Community Development Block Grant 2006  
Prioritization

J. Fecteau, Town Clerk distributed materials regarding the Community Housing Land Trust. J. Fecteau stated that the Western RI Home Repair Program Manager has submitted recommendations and the Planning Board's opinion was received earlier this evening. Councilor Sette stated that since there is \$263,000 requested which will have to be reduced to \$250,000, it might be appropriate to wait until the next meeting to decide where the \$13,000 will come from. Councilor Poirier stated that this is not a very large amount and feels that it can be done without too much difficulty. Councilor Sette further stated that if this item were tabled until next month, it would allow Mr. Gofton, Community Housing Land Trust, to attend and explain his program.

MOTION was made by Councilor Carroll to TABLE until April 6th the action on the Community Development Block Grant 2006 prioritization; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

IX. Department Head Reports/Discussion

1. Councilor Sette stated that he would like to address the Noise Ordinance at the next meeting, explaining that with Spring coming, we should have something enforceable by the Police Department. Councilor Carroll agreed, stating that we have an ordinance in place but we need to make it more specific regarding noise levels.
2. Alan Whitford, Public Works Director, spoke regarding a memo he received from RI League of Cities and Towns concerning recycling.
3. Councilor Sette stated that he has met with the employees in the Public Works Department and they have agreed to begin employee contributions toward health care starting July 1st.
4. Councilor Walsh asked A. Whitford how much is spent on the plowing of private roads. A. Whitford replied that the plowing and sanding of private roads takes up half of the total plowing budget.
5. There was discussion regarding scheduling a ground-breaking ceremony for the Senior Center. It was decided to hold the ceremony on Saturday, March 25th.

6. Anthony Parrillo, Recreation Director, requested a change in meeting night and time for the Recreation Commission. A. Parrillo stated that the last Tuesday of each month at 7:30 p.m. would be more convenient for the members. J. Fecteau, Town Clerk, stated that she will change the calendar and notify the local newspapers. There was discussion with the Recreation Director regarding Winsor Park, the Gloucester Little League, and the construction of the new skate park.

X. Boards/Commissions

1. Councilor Sette stated that he would like to schedule a workshop with the Wastewater Management District Commission to discuss the progress of the Rules and Regulations. Peter Skeffington of the Wastewater Management District Board stated that their next meeting is on Tuesday, April 11th, and invited the Town Council to attend.

XI. Council Correspondence/Discussion

1. Councilor Sette stated that a letter was received this evening from the Foster-Glocester Public School regarding a proposed amendment to the regional charter to be submitted for enabling legislation to the Rhode Island Legislature. J. Fecteau, Town Clerk, stated that she will mail a copy to each Council member.

2. Councilor Sette stated that a request was received from the Gloucester Heritage Society for a contribution of \$20,000 toward the establishment of the Thomas Wilson Dorr Museum. The correspondence was signed by Rose LaVoie. Mrs. LaVoie was present and was told by Councilor Sette that the request will be taken under advisement.

XII. Open Forum

1. Rose LaVoie stated that there was an editorial in the Sunday Journal about the Dorr Museum. Mrs. LaVoie read the article aloud.

2. R. LaVoie stated that a garden and house tour is being planned for June 24th and asked that the restrooms in the Town Hall be open for public use on that day. Mrs. LaVoie added that they hope to have items on display at the Pettigill-Mason House and respectfully invited the Council members to participate.

XIII.. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 9:07 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Sette, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the April 6, 2006 Town Council Meeting.

At a Special Town Council Meeting holden in and for the Town of Gloucester on **March 27, 2006**:

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Also present: Jean Fecteau, Town Clerk; Edward Juairé, Budget Board Chair; Catherine Harrington and David Steere, Budget Board members; and Jamie Hainsworth, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Chief Hainsworth.

IV. Communications Manager

The Council discussed authorization previously given to E. Juairé regarding communications contracts. Mr. Juairé explained he needed a specific designation to enable him to negotiate with a cable company.

MOTION was made by Councilor Walsh to AUTHORIZE Edward Juairé to serve as the INET representative for the Town of Gloucester; seconded by Councilor Reichert.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

V. Town of Gloucester Proposed Budget  
Fiscal Year 2006/2007

Councilor Sette turned the meeting over to Edward Juairé, Budget Board Chair, to explain the proposed budget. Mr. Juairé stated that as it stands right now, the overall estimated increase in the tax rate would be 8.4%, explaining that this is due to the regional schools operations being up 13.4%. Mr. Juairé stated that he feels that this will affect municipal services. Councilor Sette asked Mr. Juairé what the net effect would be if we added 5.5% to last year's appropriation and gave this amount to the regional schools.

Mr. Juairé replied that this would result in a reduction of \$495,861.00. Councilor Sette stated that he feels that there is justification for doing so. Councilor Sette commented that last year's school budget was cut a total of \$830,000, but no programs were eliminated and administrative positions were added. Councilor Walsh commented that if we are going to hold the schools to

5.5%, we should make sure that the Town is also held at 5.5%. Mr. Juairé stated that there are some things in our budget other than wages, which we have no control over. Councilor Walsh asked what it would take for us to get down to 5.5%. Mr. Juairé replied that approximately \$225,000 would have to be cut from the budget. Mr. Juairé cautioned the Council that we are not counting revenues when we look at this.

There was discussion regarding several ways to implement a budget reduction of this amount, such as operating the Town Hall and/or Public Works Department four days a week. Councilor Sette stated that the Council should look at the budget tonight to determine if the numbers can be reduced before the Public Hearing tomorrow night. Councilor Sette stated that he has spoken to the Auditor General and was advised that if a budget is submitted with an increase which exceeds the cap, it will be returned and we will have to be cut on the municipality's end of the budget. Councilor Sette stated that by only giving the schools 5.5%, it will allow a court to decide rather than the Auditor General. Discussion followed regarding areas to be considered for budget reduction, some of which included eliminating town services.

Jack Anderson, a resident of Gloucester, spoke to the Council. Mr. Anderson feels that the citizens have let the Council down by voting to add \$314,000 to the regional school budget. Mr. Anderson stated that drastic reductions should be made to get the people's attention. Mr. Anderson recommended eliminating the Police Department or cutting out the Special Aid request entirely. Mr. Anderson explained that he realizes that these ideas would not be approved, but feels that the School Department has placed the Town Council in an impossible position. Further discussion took place regarding possible town services that may have to be cut from the budget.

Mr. Juairé and the Council members reviewed the proposed budget to determine if anything could be amended before the Public Hearing. There was discussion regarding salary increases. David Steere, Budget Board member, stated that the total of the proposed increases is less than the salary and fringe benefits proposed for the new executive assistant. Mr. Steere stated that before cutting salary increases, reductions should be taken from other areas. Councilor Sette remarked that last year there were complaints that employees were getting raises at all. Councilor Sette stated that he is a proponent of the new executive assistant position and commented that the school department adds administration each year.

Councilor Walsh stated that the time has come to begin putting money in the budget for the addition of a town manager. Councilor Sette stated that, at the Public Hearing tomorrow night, different scenarios should be presented to justify funding the regional schools with a 5.5% increase. Jamie Hainsworth, Police Chief, stated that he compares this to cutting music and sports at the schools. Chief Hainsworth stated that the children tell their parents that they will not be able to play an instrument or participate in sports, and the parents in turn vote in favor of the budget. Chief Hainsworth stated that he feels, as a taxpayer, that the school allows the distribution of propaganda to the students regarding taxes. Chief Hainsworth stated that people will not care if the Town cuts one police officer, but they will be upset if the parade budget is

reduced or eliminated. Chief Hainsworth stated that cutting the libraries or road maintenance will also have more of an impact.

Councilor Walsh stated that the Town must adhere to the 5.5% increase if we are to hold the schools to the same cap. Councilor Sette stated that the budget will not be adopted until April 20th, so the Council has time to look at numbers based on the Public Hearing. Mr. Juire pointed out that the budget will have to be adopted on April 20th to allow newspaper publication of the final figures before the Town Financial Meeting on May 6th. Councilor Sette asked if anyone had any questions for the Budget Board Chair or the Finance Director. Hearing none, Councilor Sette called for a motion to adjourn.

VI. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 8:24 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 4, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **March 28, 2006**.

I Call to Order

The meeting was called to order at 7:00 PM.

II Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Patrick Carroll, Charles Poirier, and Kevin Walsh

Also Present: Jean M. Fecteau, Town Clerk, Edward Juare, Budget Board Chair; Dr. Mario Cirillo, Superintendent of Schools, and Steven Winsor, School Department Business Manager.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Budget Board Chair, Edward Juare.

IV. Public Hearing

A. Town of Gloucester Proposed Budget  
Fiscal Year 2006/2007

Councilor Sette declared the Public Hearing OPEN and asked Edward Juare, Budget Board Chair, to present the budget. Mr. Juare in turn invited the School Superintendent and Business Manager to present the Gloucester School budget.

Discussion: Steven Winsor, Business Manager, stated that the School Committee met recently and voted on a budget which will reflect a 3.9% increase for the 2006-2007 year. Mr. Winsor stated that the Committee kept in mind the effect of the situation at the regional level. Mr. Winsor pointed out that the salaries only show a 2.5% increase because there are several positions built into the budget which they do not expect to fill for the new year. Mr. Winsor added that benefits will be reduced as well and further explained that Blue Cross has increased their premiums by 12% over last year. Mr. Winsor stated that the school principals were asked to carefully review their budgets in anticipation of reductions. Mr. Winsor spoke about the contracts with the bus companies, Hopkins and Jaques, explaining that when fuel costs rise, we share the cost with the bus companies. Mr. Winsor stated that there is a reduction in Capital Expenditures, as well as Capital Reimbursements.

Mr. Winsor stated that Fogarty Elementary School is in need of a new roof, as the roof appears to be beyond the patch stage, for which the Town has agreed to consider supporting a bond issue at the Town Financial Meeting. Mr. Winsor also stated that reimbursement should follow from the State of Rhode Island for those repairs in the future. Dr. Mario Cirillo, Superintendent, added that the budget also represents a 3.5% increase in State Aid. Dr. Cirillo went on to explain that \$50,000 of the budget has been applied to revenue from the fund balance, \$30,000 of which pertains to a RISE light project at West Gloucester Elementary School and \$6,000 for a playground also at West Gloucester, which leaves a fund balance of approximately \$200,000.

Councilor Sette asked Mr. Winsor if the bond passes to repair the roof during this fiscal year, could we anticipate getting additional housing in to offset the \$73,000 we might not get this year. Mr. Winsor replied that it depends on when the repairs are completed as to when the clock starts in State housing aid. Mr. Winsor added that we want the roof repaired the right way, which would entail removing the existing roof and replacing it with a modern, up-to-date roof. Councilor Sette asked if anyone had any further questions regarding the school budget.

Dave Steere, Putnam Pike, asked for clarification regarding an item on Page 5 of the Budget, Regional Reimbursement for Management Services. Mr. Steere stated that there is a substantial increase and asked for a breakdown. Mr. Winsor explained that based on a referendum last year, it was presumed that there would not be money needed to budget for the Business Office for the School Department.

Mr. Steere questioned Mr. Winsor regarding the teachers who were to be laid off but were not, asking what the effect would be on the budget if they had been laid off. Mr. Winsor replied that in order to get to the 3.9%, other personnel were identified to take their place. Mr. Steere stated that he feels that the Gloucester schools should shoulder some of the burden created by what happened at the regional level, even if that means dipping into the \$200,000 fund balance. Mr. Winsor responded that he feels that this would not be prudent. Mr. Steere stated that he was at the Regional Financial Meeting and he feels that it was not right to put money back into the budget, adding that we do not know where that money will go now that it is back. Mr. Winsor expressed his agreement.

Councilor Sette asked Mr. Winsor if any fund balance money was used last year to offset the Gloucester budget. Mr. Winsor replied that \$50,000 was applied towards last year's budget, and \$50,000 will also be used to offset this year's budget. Councilor Sette questioned if any additional funds were taken from the fund balance this year. Mr. Winsor stated there was not. Councilor Sette then stated the school was run with the funds they started with last year.

Councilor Sette stated that he was glad that there are four members of the Gloucester School Committee present at this meeting. Councilor Sette added that he hoped that they would stay for the entire meeting to hear what the Town Council is faced with as a result of what happened at the Regional Meeting. Councilor Sette stated that he understands that the School Department will be running their budget tight, but stated that the Town will have to cut the Town budget and perhaps cut Town services to the people of Gloucester in order to do so. Councilor Sette commented the school had enough money to run their schools last year and currently is holding \$200,000 in their fund balance and having said that he stated the school is asking for an increase while the Council will have to make deep cuts and he would like the School Admin. and Committee members present to hear how this will effect the Town.

Mr. Winsor stated the only problem with the school using their fund balance if something doesn't "work out" they could use up their fund balance. Mr Winsor replied that he would not like to have to return to the Council to report that the Schools had run out of money. Councilor Sette pointed out the taxpayers have given extra the schools extra money over previous years to

develop their fund balance. Councilor Sette stated the regional fund balance at one time was driven to almost 1.2 million dollars. Councilor Sette also stated as the taxpayers gave the schools the money and at some time it is time to give that money back to the taxpayers.

Councilor Sette stated if the Council has to take the tack they may have to take there will be some very upset taxpayers. Councilor Sette stated we are currently looking at the future and he feels it will only get worst.

Ed Juairé, Budget Board Chair, inquired that due to the error made regarding the lay off notices was the Union was asked to make a concession to waive that portion of the contract. E. Juairé stated the teachers have agreed to help in the past when there were eminent problems with the budget. Dr. Cirillo replied that the teachers were not asked but there has been some dialogue with the Union, and they are looking at other ways to get around this situation. E. Juairé asked Dr. Cirillo to explain how this happened and what are the ramifications for the people who failed to do what they should have done. Dr. Cirillo replied that there is an active investigation ongoing and further stated that he has been asked to review the notification policy so ensure that this does not occur again. Dr. Cirillo stated there will be a report on the situation. E. Juairé asked if there has been any investigation concerning the letter which was sent home with the middle school students regarding the Regional Financial meeting. Dr. Cirillo replied that this is part of the ongoing investigation.

School Committee person, Kelly Hunter read the notice that allegedly was sent home from the middle school:

Ponaganset Middle School Notice to Parents March 20, 2006  
2006/07 School Budget reminder:  
Financial Town Meeting, Tuesday, March 21, 2006  
Ponaganset High School Auditorium @ 8:00 p.m.

The School Committee has considered several proposals in preparing the 2006/2007 budget.

Unfortunately you may have heard that one of these proposals considers cutting programs and/or teachers from our schools. On March 21 your vote is needed to pass the 2006/2007 budget so that we can continue to bring the best possible education to our students. Your continuous support of the middle and high school programs contributes to our success and is greatly appreciated.

(End of notice)

School Committee person, Kelly Hunter and others stated this was the first time they had seen this notice.

Councilor Poirier asked for clarification on anticipated cuts which would result from not continuing certain positions. Councilor Poirier asked if this would be strictly through attrition or would there also be a reduction in force. Dr. Cirillo replied that it is a combination of both.

Councilor Poirier asked how many positions are involved.. Dr. Cirillo replied 1.8 positions, but they are waiting to see if there will be any retirements in the district. Councilor Poirier stated Title 2 and Article 31 professional development funds were an option quoted to resolve this issue, therefore Councilor Poirier questioned what would be eliminated if these funds were used to fund a partial position. Dr. Cirillo stated this money is carry over money.

Councilor Reichert asked how many teachers at the Middle School and Elementary School were not notified properly regarding layoffs. Dr. Cirillo replied that he believes there were a total of ten (6 at the middle school and 4 at the elementary school). Councilor Reichert asked if sending the letters by registered mail would prevent this problem in the future. Dr. Cirillo stated that the policy has always been to deliver them in person. Dr. Cirillo added that there has never been a problem in the past and there is a policy review in progress. Councilor Sette questioned if this ever happened in the past. Dr. Cirillo stated there is case law, therefore, it has happened in other districts .

Mr. Juairé asked if anyone had any further questions regarding the school budget.

Hearing none, Mr. Juairé stated that we will now review the municipal portion of the budget.

Mr. Juairé referred to page 3 under Town Council, the item listed as Executive Assistant with a proposed budget of \$35,000. Mr. Juairé explained that this issue has arisen several times in the past, but this year the Town Council has reached agreement that the Town should have somebody working here on a virtually day-to-day basis to work closely with the Council. Mr. Juairé stated that he feels that this would also allow a closer liaison with the School Department, as well as allowing the Town to have somebody to go to the State House for information on legislation or funding possibilities on a more frequent basis.

Mr. Juairé reported that Blue Cross has gone up 7.5% and Delta Dental has an increase of 4%, which is reflected throughout the budget. Mr. Juairé pointed out that there is an increase under Board of Canvassers because this is an election year.

Councilor Walsh asked Mr. Juairé what will have to be cut to reach the 5.5% cap. Mr. Juairé replied a little more than a half-million dollars.

Mr. Juairé reminded everyone, on behalf of the Council, that if anyone has any questions or comments, they may speak, after which the Public Hearing will be closed and the Town Council will decide what to consider. Mr. Juairé noted that this budget reflects includes increases for certain department heads which would bring their salaries in line with what the positions should be paid. Mr. Juairé stated the other department heads and public works employees reflects a 3.6% increase in wages. Mr. Juairé stated that, with the exception of the clerks who are in negotiations, all employees will be paying a portion of their medical insurance.

Mr. Juairé pointed out that in the Planning Office, it has been requested for several years to make the clerk position a full-time position. Regarding the proposed salary for the Finance Director, Mr. Juairé stated that it is still below what other communities pay a Finance Director, and

considering the money he has saved the Town, Mr. Juairé feels that it is warranted. E. Juairé also there is a reduction in the Finance budget which reflects the deduction of a clerk to do the schools local bookkeeping, which was not assumed by the Town. Mr. Juairé explained the item entitled GASB 43 & 45 under the section for Treasurer's Office in the amount of \$10,000. Mr. Juairé stated that this is a State mandate which requires the Town to hire a company to review personnel records to determine who can potentially retire.

Rose LaVoie, Wilmarth Road, stated her it is her opinion that if the State and Federal mandates continue, the local government should take the stand that unless the State will fund the mandates, the Town will not agree to them.

Mr. Juairé stated that there are proposed increases for the Tax Collector, Tax Assessor and Chief of Police, as well as an additional police officer. E. Juairé noted a reduction in the Tax Assessors budget which reflects the evaluation reserve account, this has been recalculated and it was felt it can be reduced because of the status of that account. Mr. Juairé stated that under Public Works, the Director's salary is being adjusted. Under Highway Division, Mr. Juairé pointed out that we have no control over items such as electricity, heat, sand and gravel. E. Juairé referred to Emergency Management Agency and described the entire communications system which includes police, fire, and highway has been renovated and brought up to date with one more site to be completed.

Mr. Juairé explained there is an increase in Animal Control to provide for some needed improvements and updated. E. Juairé referred to minor increases noted in the Recreation budget for changes to programs and increases to summer lifeguards. Mr. Juairé also noted an increase in the budget for Human Services there is an adjustment in salary for the Director. On page 17, Gloucester Senior Mealsite, Mr. Juairé explained that a start up budget for custodial work and expenses which will carry over to the new Senior Center, and also noted the rental of the meal site will also be eliminated in future budgets.

There was discussion regarding the Accrued Compensated Absences item on page 17. Mr. Juairé explained that there are five (5) potential retirements which will require funds in the budget to cover unused sick and vacation time. Mr. Juairé added that we have been building that fund but need to get it up to \$100,000 if all five (5) employees retire this year. Under Aid Requests, noted the amount for aid requests to both libraries in town. Mr. Juairé explained that the Parade Committee is looking for additional funding because this will be the 80th anniversary of the Ancients and Horribles Parade.

Mr. Juairé stated that the amount under Debt Service - the line item for Fogarty Roof Reconstruction is for the interest payment we would have to pay during the next fiscal year. Mr. Juairé stated that it is prudent to do it all at one time instead of dragging it out over a four-to-five year period. Mr. Juairé stated that at this year's Financial Town Meeting, the taxpayers will be asked to vote on a bond issue in the amount of \$750,000 for the roof repairs.

Mr. Juairé reviewed the revenues of the Town explaining the different format used to show the revenues.

E. Juairé explained this budget as proposed 8.3% increase.

Mr. Juairé asked if there were any questions regarding the proposed municipal budget.

Hearing none, Mr. Juairé recommended that the Capital Budget be reviewed at this time.

Mr. Juairé pointed out that the Senior Center is short \$195,000. Mr. Juairé pointed out that if these funds are not needed due to any receipt of additional funds it will remain in the Capital Account. E. Juairé also noted the Police Department is requesting communications equipment to bring five cruisers up to necessary standards as well as an upgrade to the dispatch center. E. Juairé stated there were four items requested by Public Works which include truck body, pick up truck with plow, a replacement plow, and \$200,000 for road construction. Mr. Juairé stated that the total amount recommended under Capital is \$637,378. Based on the funds in this budget right now, Mr. Juairé stated that we would have sufficient funds to cover this amount with a balance of \$12,023. Mr. Juairé asked if there were any questions regarding the Capital Budget. Hearing none, Mr. Juairé turned the meeting back over to Councilor Sette.

MOTION was made by Councilor Carroll to CLOSE the Public Budget Hearing; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

Councilor Sette stated that the Council has a \$500,000 issue before them which reflects this budget. Mr. Juairé made a correction that the amount is closer to \$650,000. Councilor Sette stated that this is a major problem and there are different scenarios which will be discussed tonight. Councilor Sette stated one possibility is to limit public services which the Town offers, such as Public Works and Town Hall services. Councilor Sette stated that funding can be cut from the Parade or another scenario could be to limit road plowing to only Town roads. Councilor Sette referred to what the impact would be to level fund the libraries in town.

Councilor Sette stated that another option would be to look at last year's budget and increase it by 5.5%, which is the state mandated cap. Councilor Sette added that if the school department does not think this is enough based on what was allocated, they could take the Town to court. Councilor Sette stated that, last year, the School Department at the regional level absorbed a \$580,000 cut which this Town Council recommended based on a Resolution voted on by the residents, as well as an additional \$254,000 removed from the budget, for a total of \$834,000. Councilor Sette noted that all programs were sufficiently funded and the school department was run extremely well considering the fund balance was driven by \$500,000. Councilor Sette stated

in reviewing these numbers it would appear there was a lot of “wiggle” room in that budget. Councilor Sette also pointed out that \$200,000 was included in the budget for additional salaries in the School Administration offices. Councilor Sette stated that the request we are now looking at is a 13.4% increase over a budget which seemed to work last year. Councilor Sette stated that if we asked for a reduction of the budget on the school side, we must look at our budget as well to show fiscal responsibility.

Councilor Poirier stated that some people present tonight may not understand the 5.5% over last year meaning we are bound not to go over our budget of last year by that amount. Councilor Poirier further stated that the surplus which the Region has been able to accrue would have allowed them to take some of the pressure off the Town. Councilor Poirier stated he agrees with Councilor Sette on all issues to this point.

Councilor Sette explained the 5.5% cap: The State mandates that no municipality’s budget can be increased from the previous year by more than 5.5%. Other towns have gone to the Auditor General’s office to ask to have this waived. Councilor Sette stated that he has spoken to the Auditor General concerning this and was told that this is only granted in emergency situations. Since our situation would not be considered an emergency, it is our responsibility to bring the budget in at 5.5%, with no leeway. Councilor Sette stated that regionalization will be on the ballot in November and the Council is already looking at the future of regionalization. Councilor Sette stated the Council supported the idea as long as there was language that called for fiscal responsibility in regards to full regionalization. Councilor Sette stated that this will result in reducing Town services, which we do not have an abundance of at present.

Councilor Sette stated that cutting Police services and plowing of roads will place the public in danger as well. Councilor Sette stated that there is legislation introduced by Sen. Gallo of Cranston which will require all school districts to be held to the 5.5% cap. Councilor Sette stated that this will probably get much public support. Councilor Sette stated that if we were to institute the tax increase that is currently projected right now, the increase would be \$1.14 per thousand, which is significant. Councilor Sette urged taxpayers to attend the Town Financial Meeting on May 6th, because he feels that the future of this Town will be determined at that meeting. Councilor Poirier stated that he hoped people understand that the Council has looked at several possibilities to make up for the fiscal reality which has been presented to the Council.

Councilor Poirier stated that it was considered to close the Transfer Station one day per week, as well as the Town Hall, but he feels that these things alone would not be enough. Budget Board Juaira stated the services that would have to be cut would be substantial. Councilor Sette agreed that cutting the budget on the Town side and having it fall on the back of the municipality is not going to get it done. Councilor Sette added that the Town has been responsible over the last several years by being conservative with things such as salary increases when the School Department hires as much staff as they want. Councilor Sette stated the way the Schools budget is presented the taxpayers cannot identify these salaries. Councilor Sette stated these are all the questions the Town is up against, and asked for discussion from the public.

Carol Kut, Long Entry Road, asked if the Town can petition the School Department to again go before the Regional School District for another financial hearing. Ms. Kut stated that she believes that many taxpayers did not realize the impact the school budget would have on the Town. Ms. Kut stated her concern regarding potential legal fees if this matter were to go to court. John Bevilacqua replied that any request can be made, but whether it is granted or not is another story. J. Bevilacqua noted that the School Department has the autonomy to do what they wish and do not have the restraint that the Towns have in the 5.5% cap mandated by the State. J. Bevilacqua recommended that a request be made of the Region by the Town Council to cut the budget. Sol. Bevilacqua referred to the Carullo Bill which handcuffs the Councils and gives the Schools license to spend. In regard to having another meeting, Councilor Sette asked if the town of Foster would have to agree, to which J. Bevilacqua replied yes. Ed Juairé further stated that the Town must have their figures in time for the Financial Town Meeting which would not be possible if another Regional Financial Meeting were held. Mr. Juairé feels that it may be good for the Schools if this matter does go to court, because they are not getting as much funding from the State as they should.

Walter Steere, Gloucester School Committee member, stated that \$316,000 was added to the budget at the Regional Meeting, as well as a savings of \$70,000 from Blue Cross which they did not find out about until the last minute. Mr. Steere stated that he feels that the School could operate on their original budget request, but asked how to get the extra funds out of the budget so that it doesn't affect the Town. Councilor Sette stated that he feels that the taxpayers who were present to put money back into the budget were there to save a particular program, and what they were not told was that this program was already in the budget. Councilor Sette stated that he finds this unsettling.

Kelly Hunter, Gloucester School Committee Chair, stated that the \$314,000 put back in the budget was a figure which was given as a response to a question. Ms. Hunter added that the effort which was organized to get people to attend the meeting was not generated by the School Committee nor the School Administration and possibly formed at the individual building level. Ms. Hunter stated she agrees that this was uncalled for and unprofessional and should be looked into. Ms. Hunter stated that the voters were warned by School Committeeman Walter Steere at the meeting regarding the effect this addition would have on the Town of Gloucester and people chose to put the money back.

Councilor Sette stated the impression people got where there might be "non essential" programs cut which are not English, Math, or Science. Ms. Hunter stated that Dr. Cirillo went through department by department and identified the cuts. Councilor Sette stated all those programs were in budget last year and ran even with the amount cut. Ms. Hunter stated she was told by several people that the only way to get the money that the Schools need is to tell people that music and sports programs will be cut, which she feels is irresponsible if that is not the intention.

Councilor Sette asked if that \$314,000 was added to the fund balance how much would be in that line item this time next year. Steve Winsor stated approx. \$800,000 if all things remain the same.

Councilor Walsh asked how it was driven up \$500,000 last year. Steve Winsor stated that occurred before he arrived.

Dr. Cirillo stated that the \$314,000 amount was in direct response to a question posed to him concerning what it would cost to reinstate the teachers back into the budget. Dr. Cirillo pointed out that the budget which was presented at the Regional Financial Meeting did not eliminate any one program. Councilor Sette asked what the amount would be for the bond anticipation note for the next fiscal year. S. Winsor replied approx. 1.2 million dollars. Councilor Sette questioned if that fund balance would be used to offset the additional tax burden next year. Mr. Winsor stated that would be up to the School Committee.. Mr. Winsor added that the auditors recommend a 5% fund balance in order to maintain good credit ratings.

E. Juairé stated that the Region does not get a rating, but it depends on the Towns of Foster and Gloucester. Mr. Juairé feels that a zero balance would not make a difference if the Region goes out for bonding. J. Bevilacqua stated that this is correct. Councilor Poirier stated that the suggestion was made at the Regional meeting to use the fund balance to lessen the impact on the municipalities of Foster and Gloucester. Mr. Winsor stated that there are committee members who believe in having a significant fund balance on hand to cushion against unexpected incidents such as a septic system failure. Councilor Sette stated between the fund balance of the region and the Gloucester schools fund balance that means the Taxpayers have given over \$500,000 extra. Councilor Reichert asked if the schools do not actually need the extra funding, can they give it back. Mr. Winsor replied that he does not think that they can because a vote was taken and the taxpayers of Foster and Gloucester have said that this is what they want. Councilor Walsh stated that we have two choices; to take \$650,000 out of the Town budget, or go to court. Councilor Walsh stated that he would prefer to cut \$650,000 out of the budget and let the people decide whether or not they want to go to court.

Rose LaVoie, Wilmarth Road, stated that she recalls several years ago the taxpayers cut \$250,000 from the Regional budget and before long, the School Committee called another meeting to attempt to restore some of the money. Walter Steere stated that this happened three or four years ago and there was a drive to obtain signatures to have another meeting. Mr. Steere added that if this issue does go to court, it may be the best way because he is interested in finding out if we have any control over the Region. If there is no control, Mr. Steere does not believe that we should expand the region to include elementary schools and he will not support total Regionalization.

Lorraine O'Connors, School Committee member, stated that if both the Region and the Town of Gloucester have the Financial District Meeting as their form of government, there needs to be some regard and respect for that body. Mrs. O'Connors stated that she was under the impression that the 5.5% cap is not on the budget increase but instead on the tax levy increase. Mrs. O'Connors expressed her disagreement with Mr. Steere's opinion regarding full Regionalization. Mrs. O'Connors felt that there would not necessarily be a substantial savings in the annual operations, but that it would result in a more efficient and effective school system. Mrs.

O'Connors went on to say that there would be additional State aid which would be applied to the building project in the amount of approximately 10.6 million dollars.

There was discussion regarding salaries for teachers and administrators. Mrs. O'Connors stated that the teachers' salaries are not at the top of the ranks. Councilor Carroll asked about the administrators' salaries. Mrs. O'Connors replied that they are mid-range. Councilor Carroll noted that the Superintendent's salary is in the top five in the state.

Hank Reagan, Lake View Drive, stated that in the four (4) years he has lived in Gloucester, he has paid \$19,000 in taxes and has no children in the school system. Mr. Reagan stated that we cannot cut any more services. Mr. Reagan stated that there are a lot of smoke and mirrors in the budget. Mr. Reagan stated that if we increase the budget 5.5% each year, in thirteen years the budget will have doubled. Mr. Reagan wondered if taxpayers would be able to afford their taxes. Mr. Reagan stated that the State is level-funding now so why are we not level-funding non-mandatory programs in the school system.

David LaPlante, Absalona Hill Road, stated that he has worked for the Town for twenty (20) years and has been through many budgets. Mr. LaPlante feels that the Town has always been as fiscally responsible as they can be. Mr. LaPlante compared the town of Burrillville, which has twenty-five (25) police officers with Gloucester which has fourteen (14). Mr. LaPlante stated that the schools are not fiscally responsible and are not thinking of the taxpayers. Mr. LaPlante stated that he feels that the regional financial meeting was well-orchestrated. Mr. LaPlante continued to say that he feels what was done is criminal and those responsible should be punished.

Ron Bachman, Pine Orchard Road, stated that he was on the Police Force years ago and he feels that cutting police officers would be a danger to the remaining officers as well as their families. Mr. Bachman went on to say that he resided in Denver, CO for three years and his taxes, including many services, was \$514.00 per year. Mr. Bachman stated that he hopes nobody loses their job to budget cuts and wishes that people could work together to resolve this problem.

#### V. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:00 PM; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 4, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **April 6, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; Patrick Carroll; Charles Poirier; and Kevin Walsh; William Reichert, Vice President

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Director of Finance; Alan Whitford, Director of Public Works; and Jamie Hainsworth, Chief of Police

III. Pledge of Allegiance

Councilor Sette asked Sue Harris, Deputy Town Clerk, to lead us in the Pledge of Allegiance.

IV. Open Forum for Agenda Items

None

V. Citation

A. Chepachet Post Office: Five Star Customer Service Award

Councilor Sette stated on March 29, 2006 the Chepachet Post Office & its' employees received the United States Postal Service Five Star Customer Service Award for their efforts towards improving customer service. Ratings are performed based on surveys by the Gallup Organization. Councilor Sette stated as a result of these surveys Chepachet Post Office received a significant increase in "Excellent" ratings, thereby winning this award.

Councilor Sette further stated to celebrate the Post Office held a celebration which they shared with the public and the Town Clerk presented a citation to Postmaster Hugh Tiner on behalf of the Council.

Councilor Sette stated the Council has invited the recipients here tonight to receive the Council's recognition and a plaque for the post office wall.

Councilor Sette stated we have some of the employees present and asked them to stand:

Postmaster Hugh Tiner  
Steve Scuncio  
Marion Barton  
Debra Silva  
Caren Ceiley  
Susan Law

Timothy Smith  
Anthony Kocon  
Cindy White  
Shawn Branch  
John Blogref  
Mary Ellen LaCasse  
Janice Dutch  
Gary Chabot

The citation reads as follows:

The State of Rhode Island and Providence Plantations  
Town of Glocester  
Citation

Be it hereby known to all that:

The Town of Glocester hereby offers its sincerest congratulations to:  
The Chepachet Post Office

in recognition of receiving the United States Postal Service "5 Star Customer Service Award"

Purposed this 29th day of March, 2006 by: Steven A. Sette, President, Glocester Town  
Council;  
Jean M. Fecteau, Town Clerk

MOTION was made by Councilor Poirier to RATIFY the Citation dated March 29, 2006 to the staff of the Chepachet Post Office in recognition of their receiving the "5 Star Customer Service Award"; seconded by Councilor Walsh

Discussion: Congratulations were extended to all.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

- VI. Resolution
- A. Ponaganset Boys Middle School Basketball

Councilor Sette stated the Council has a Resolution for the Middle School Basketball team in recognition of the team winning the State Championship Title for the 2005-2006 season.

Councilor Carroll was asked to read the Resolution:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to recognize the Ponaganset Middle School Boy's Basketball Team, under Coach Mike Girard and staff, for their outstanding 2005 - 2006 basketball season and for their extraordinary efforts, this dynamic team has won the Central Division Championship and progressed to achieving the State Championship title and ended the season with an amazing record of 19 wins and no losses; and

WHEREAS, this team consisted of twenty-three (23) outstanding players: Adam Babcock, Jon Blanchette, Alex Borino, Colby Clarke, Norman Diamante, Garrett Drainville, Joe Fogarty, Jacob Fraatz, David Gelsomino, Cody Gibb, Nicholas Keeling, Nicholas Manning, Brendan Morgan, Joshua Morgan, Sean Parish, Justin Pastore, John Peterson, Joe Rivera, Joshua Smith, Tyler Whetstone, Will Girard, Chris Larrabee, and Gerry Manning; and

WHEREAS, the excellent performance, dedication, and commitment of these young men, along with their coaching staff which consisted of Head Coach Mike Girard, Assistant Coaches Neal Babcock and David Armstrong and Special Assistant Coach George Boisvert, have proven to be a source of admiration and inspiration to the citizens of Gloucester; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester honor the Ponaganset Middle School Boy's Basketball Team and coaching staff for their outstanding achievements and commend them for their display of sportsmanship and leadership in becoming our 2005 - 2006 State Champions.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

B. Support: House Bill 06-7465 " An Act Relating to State Affairs & Government, State Rural Conservation"

Councilor Poirier asked at this time this item be continued to later in the agenda as he would like Rep. Nicholas Gorham explain further.

MOTION was made by Councilor Walsh to move VI. New Business, B. House Bill 06-7465 later on the agenda this evening; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

VII. Public Hearing

A. Earth Removal

1. Applicant: Adler Brothers Construction, Inc.  
Location of Business: Putnam Pike, further described as AP 14, Lots 18, 19 and 20

Councilor Sette stated this Renewal of an Earth Removal License was advertised on March 24, 2006 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing OPEN and asked anyone wishing to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion: None

Councilor Sette again asked if anyone wished to be heard.

Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Walsh to GRANT the Earth Removal License Renewal to Applicant: Adler Brothers Construction, Inc.; Location of Business: Putnam Pike, further described as AP 14, Lots 18, 19, & 20; contingent upon Building/Zoning approval; all Town fees being paid; current bonding secured; said license to be valid April 1, 2006 to March 31, 2008; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

2. Applicant: George O. Steere, Sr. et als  
Location of Business: Rte. 102, further described as AP 13, Lot 2

Councilor Sette stated this Renewal of an Earth Removal License was advertised on March 24, 2006 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing OPEN and asked anyone wishing to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion: None

Councilor Sette again asked if anyone wished to be heard.

Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Reichert to GRANT the Earth Removal License Renewal to Applicant: George O. Steere, Sr. et als; Location of Business: Rte. 102, further described as AP 13, Lot 2; contingent upon Building/Zoning approval; all Town fees being paid; current bonding secured; said license to be valid April 1, 2006 to March 31, 2008; seconded by Councilor Walsh

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

3. Applicant: Bella Sand, LLC  
Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lot 105, 106, 106A and 116

Councilor Sette stated this Renewal of an Earth Removal License was advertised on March 24, 2006 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing OPEN

Councilor Sette asked if anyone wished to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion:

1. Pat Landry, 26 Cross Road, questioned if the original boundaries set in the previous companies agreement is carried over to the newest owner. Councilor Sette stated this applicant would be bound to the same agreements as the last owner. Enrico DiGregorio, owner, Bella Sand LLC, spoke regarding the boundaries. Mr. DiGregorio stated the pit is now being restored, loam and seed. Councilor Walsh asked if they were aware of the boundaries. Mr. DiGregorio stated he was aware and that they are reclaiming the area now and they are in contact with Mr. Lombardi. Mr. DiGregorio stated they have also done monitoring wells.

Councilor Sette asked if anyone else wished to be heard, hearing none Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Reichert to GRANT the Earth Removal License Renewal to Applicant: Bella Sand, LLC; Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lot 105, 106, 106A and 116; contingent upon Building/Zoning approval; all Town fees being paid; current bonding secured; said license to be valid April 1, 2006 to March 31, 2008; seconded by Councilor Poirier

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

VIII. Consent Items

- A. Minutes: March 2, 2006 & March 16, 2006 Regular Meeting
- B. Finance Director's Report - March 2006
- C. Tax Assessors Additions & Abatements
- D. Tax Roll Abatements 1995
- E. Pole Grant: Willie Woodhead Road (Pole 2 ½ )

MOTION was made by Councilor Reichert to APPROVE the Town Council Meeting minutes of March 2, 2006 & March 16, 2006; to TABLE the Finance Director's Report of March 2006; to APPROVE the Tax Assessors additions to the 2005 Tax Roll in the amount of \$99.75 (no abatements); to APPROVE the Abatement of the 1995 Receivable Tax Roll in the amount of \$26,844.04; and to ISSUE a Pole Grant for Willie Woodhead Road (Pole 2 ½); seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Appointments
  - 1. Historic District Commission  
One (1) expired 1 year Alternate term to expire 11/2006

MOTION was made by Councilor Poirier TABLE an appointment to the Historic District Commission for a one year Alternate term to expire 11/2006; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll

NAYS: 0

MOTION PASSED

2. Conservation Commission  
One (1) 1 year Alternate term to expire 2/2007

MOTION was made by Councilor Carroll to TABLE the appointment to the Conservation Commission for a one year alternate term to expire 2/2007; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

3. Personnel Board  
One (1) unexpired 2 year term to expire 1/2007

MOTION was made by Councilor Poirier to APPOINT Debra Stockwell to the Personnel Board for the unexpired 2 year term to expire 1/2007; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

4. Affordable Housing Advisory Board  
Two (2) new members

MOTION was made by Councilor Poirier to APPOINT Harold Angevine to the Affordable Housing Advisory Board; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to TABLE the appointment to the Affordable Housing Advisory Board; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

B. Community Development Block Grant 2006  
1 Discussion

Councilor Sette introduce Jeffrey Gofton who was present to discuss the Community Housing Land Trust program. Councilor Sette stated this program is one of the programs on the current Community Development Block Grant application.

Mr. Gofton addressed the Council and explained the Community Development Land Trust is basically a newly formed non profit corporation established to help communities implement their affordable housing plan. Mr. Gofton explained this organization came out of the Housing Network, which is the association of Community Development Corporations (the principal non profit developers of affordable housing throughout the state). Mr. Gofton stated he was requesting \$5,000 and acknowledged the diligence Gloucester has always given its application.

Mr. Gofton stated the Community Housing Land Trust was established to assist local development corporations, local communities, and for profit developers develop affordable housing using the home ownership land trust model and condominiums. Mr. Gofton briefly explained the concept of the model is to purchase homes, rehabilitate them and then residents would purchase the unit and lease the land. Councilor Sette questioned whether this concept could apply to mobile homes. Mr. Gofton stated that to the extent that mobile homes are similar to condominiums perhaps a way could be found to work with that out and further stated he believes there is pending legislation regarding this issue.

Mr. Gofton thanked the Council for their time.

2. Prioritization Block Grant 2006

Councilor Sette stated the Council held its first Public Hearing for this year's Block Grant and then forwarded the requests to the Planning Board. Councilor Sette stated the Planning Board then issued an advisory opinion in the form of a positive recommendation to the Council for the application dated Feb. 27, 2006. E. Tetreault has now asked the Council to prioritize the requests in her memo dated 3/14/2006 and once prioritized the application will be completed and the second public hearing will be held on April 20 for review of the final application.

Discussion (regarding prioritization): Different approaches to bringing the total of proposed requests to \$250,000 which is the total to be requested. Councilor Walsh recommended reducing every line item by 5% which would lower the bottom line by \$13,150 and then you could add the \$150 back into an item. Councilor Carroll stated he feels the food bank item should remain the same. Councilor Sette stated he has spoken with the Human Services Director who stated her program could sustain with a reduction of \$500. Councilor Walsh stated his calculation would have only lowered the allotment by \$225, and then you could put back an additional \$150 from

the extra. Councilor Sette questioned what the other line items would be if the 5% cut were applied.

Councilor Sette stated he does not feel the housing line items should be cut as that is the life line of the program. D. Fecteau, Western R.I. Housing Repair Building Inspector stated the program's housing allocation was cut \$25,000 during the last grant application and further stated another cut this year could put the program out of business. Discussion followed on different cuts that could be made.

MOTION was made by Councilor Carroll to PRIORITIZE the requests for inclusion on the 2006 Community Development Block Grant application as follows:

#### Housing Program

Housing Rehabilitation	\$ 150,000.00
Operations	\$ 45,000.00
Administration	\$ 8,000.00
*Mobile Home Replacement	\$ 175,000.00 (not included in total)
*Mobile Home Operating	\$ 38,900.00 (not included in total)
Food Bank	\$ 4,500.00
Senior Center	\$ 20,500.00
Food Bank	\$ 4,500.00
Senior Center	\$ 20,500.00
Echo Lake Water District	\$ 20,000.00
Home Front Health Care	\$ .00
Community Housing Land Trust	\$ 2,000.00
Total	\$ 250,000.00

seconded by Councilor Reichert

Discussion: Discussion followed the order of prioritization. Councilor Walsh stated he would like the Echo Lake Water District allocation prioritized ahead of the Senior Center as they are receiving a budget allocation also. Councilor Carroll stated he was comfortable with the order as stated. After discussion;

MOTION was made by Councilor Carroll to AMEND the MAIN MOTION to place the Echo Lake Water District at a higher priority than the Senior Center project; seconded by Councilor Walsh

VOTE ON AMENDMENT:

AYES: Sette, Reichert, Walsh, Poirier, Carroll

NAYS: 0

MOTION PASSED

VOTE ON MAIN MOTION:

AYES: Sette, Reichert, Walsh, Poirier, Carroll

NAYS: 0

MOTION PASSED

(Moved from earlier on agenda)

B. Support: House Bill 06-7465 “ An Act Relating to State Affairs & Government, State Rural Conservation”

Councilor Sette stated Rep. Gorham had arrived and requested the Council hear Item VI. B. at this time.

Rep. Gorham was present to explain House bill 06-7465 “An Act Relating to State Affairs & Government, State Rural Conservation” Rep. Gorham displayed a map of northern Rhode Island with the areas designated that would be affected by his proposal. Rep. Gorham went on to explain that in the area he represents (Rep. District 40) residents have expressed their desire to remain rural and Rep. Gorham stated he feels these areas have the same land use laws as cities “one size fits all”. Rep Gorham stated the only way to preserve the nature of our land is to start reserving corridors of the state. Rep. Gorham stated the legislation would provide the Town Council can enact five acre zoning as a minimum lot size for future development and if so that cannot increase the density requirements or other mandates on the portion of time that is not in the area.

Councilor Sette stated the Council could currently enact five acre zoning if it chose and therefore what was the benefit to the Town. Councilor Sette stated it appears we may abdicate any authority we currently have by Zoning laws. Councilor Sette stated a contract has been signed by the Town for the creation of a conservation development ordinance which is meant to preserve areas of land without creating density bonuses. Councilor Sette stated this would help meet the obligations of affordable housing. Councilor Sette stated he would like to see the proposal before agreeing to this proposal.

Rep. Gorham stated he is only looking for Council support at this time and further stated he feels if this proposal were enacted it would enhance the work the Council is currently doing.

John Bevilacqua questioned if the portion exempted transfer the mandated requirement to the other portion of town not included. Councilor Sette reiterated what Mr. Bevilacqua stated and further stated he feels it does shift the burden. Discussion followed on this issue with disagreement as to whether the remaining portion of the Town has to take on the entire housing mandate.

Councilor Sette stated due to the fact we currently are working on a conservation ordinance he would like to wait on supporting this bill.

Councilor Poirier stated he was comfortable with the statements made and he is comfortable with the idea and he feels it is a good idea to “get the ball rolling”. Councilor Walsh stated perhaps this could be tabled for two weeks. Councilor Poirier stated he would like to move to quash this legislation. Councilor Sette stated he would like to have input from the Town Planner.

MOTION was made by Councilor Poirier to SUPPORT the Resolution submitted by Rep. N. Gorham as follows:

RESOLUTION IN FAVOR OF AMENDMENT TO TITLE 42, CHAPTER 113  
OF THE RHODE ISLAND GENERAL LAWS

WHEREAS, there lies in the towns of Glocester, Foster, Coventry, West Greenwich, Exeter, Hopkinton and Richmond one of the last and largest tracts of undeveloped forest and otherwise rural land, including that certain area known as the “Pawcatuck Borderlands”; and

WHEREAS, the mandates of state law regarding all cities and towns impose certain development standards and conditions which do not adequately allow for the preservation of such undeveloped forest and otherwise rural land; and

WHEREAS, five-acre zoning has been proven to be an effective foundation upon which to control density and otherwise preserve undeveloped land and the rural character of such lands; and

WHEREAS, it is necessary to effectuate changes to state law in order to preserve and protect the rural and undeveloped nature of such undeveloped forest and otherwise rural land, in the towns of Glocester, Foster, Coventry, West Greenwich, Exeter, Hopkinton and Richmond, including the allowance of five-acre zoning in all or part of such towns, without such zoning having the effect of increasing the effect or imposition of state mandates for development of land elsewhere in towns, or in the state; and

NOW THEREFORE BE IT RESOLVED on the 6th day of April, 2006 by and before the honorable Town Council of the Town of Glocester, that the said Town Council gives its endorsement to House Bill 06-7465 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – STATE RURAL CONSERVATION”.

Steven A. Sette, President  
Glocester Town Council

Seconded by Councilor Walsh

Discussion: Council discussed the legislation and some members stated they have concerns with the legislation as proposed.

VOTE:           AYES: Poirier  
                  NAYS: Sette, Reichert, Walsh, & Carroll  
MOTION FAILED

X. New Business

A. Discussion: Willie Woodhead Road

Patrick Luther, Gold Mine Road, addressed the Council regarding a major sub division application he has on file with the Town of Gloucester for six lots on Willie Woodhead Road, an approved Town road. (Mr. Luther passed out reading material) Mr. Luther made reference to the Planning Board minutes approving his subdivision: specifically 3.3.3. Stipulation 1. The upgrading of Willie Woodhead Road from the corner of Gold Mine Road to the corner of the proposed subdivision, for approx. 4000 feet.

Mr. Luther stated the first 938 feet is outside of the subdivision and there is a 735 foot section of existing road installed by the Town in 1992. Mr. Luther stated he is here to ask for some relief of improvements for that area of the road. Mr. Luther stated he started this project with the intention of creating four lots for his children. Mr. Luther stated 2 lots are on the current gravel road and the other four are on the town road, Willie Woodhead Road. Mr. Luther questioned why he would have to improve that road as it is a town road, maintained by the Town. Discussion followed on the road, improvements, and possible solutions.

Councilor Walsh asked if Mr. Luther was looking for the Town to improve the 710 feet.. Mr. Luther stated he was looking for some relief with that and the 1428 feet. Mr. Luther also reiterated that this road is on the approved town road list. Councilor Sette questioned the Road Subcommittees work on these issues. Mr. Luther stated he would be happy to work with the Town if a consensus could be reached and Mr. Luther furthered referred to other Town roads (similar) were the Town has rebuilt. Councilor Sette questioned if these lots (4 for Mr. Luther's family) would have this intention stated in the deed. Mr. Luther stated he would be that stipulation in the deed. Mr. Luther referred again to other agreements that were made with residents in this situation. A. Whitford was asked what the current status of the road is by Councilor Poirier. A. Whitford stated that section is a gravel road, a town road, and only a portion is improved.

Councilor Walsh stated he would like to review the packet, get the Building Officials input, and have the Public Works Director look at the road in question. Mr. Luther's situation will be on the agenda at the next meeting for further discussion.

B. 1st Reading: Proposed Noise Ordinance

Councilor Sette stated this proposed ordinance is not ready for a first reading.

MOTION was made by Councilor Walsh to TABLE the 1st reading of a proposed amendment to the Gloucester Code of Ordinance, Noise Ordinance; seconded by Councilor Poirier

Discussion: J. Bevilacqua stated he needs to work with the Chief of Police regarding the meter levels and will continue to work on this proposed ordinance.

VOTE:           AYES: Sette, Reichert, Walsh, Poirier & Carroll  
                  NAYS: 0

MOTION PASSED

C.       Budget FY 2006/2007

Discussion: Councilor Sette referred to the current budget being considered for adoption. Councilor Sette explained the situation now is the Council has to decide how to reduce the budget within the 5.5% cap. E. Juairé stated he was asked to put some numbers together to accomplish those goals. Councilor Walsh questioned how much needed to be cut. E. Juairé stated approx. \$450,000 from what was presented at the Public Hearing would need to be cut. E. Juairé stated he came up with some recommendations.

E. Juairé stated the total reduction is approx. \$440,000 which brings us into the ballpark: \$60,000 on the Town side and the balance is funding we would not pay to the region, approx. 384,000. E. Juairé reviewed the proposed changes he is recommending. Councilor Walsh stated the Council first needs to decide how to accomplish the goal, whether it is on the Town side or the School side. Councilor Walsh stated the Council needs to make their decision before considering the Budget Board Chairs recommendation.

Councilor Sette stated he feels the cuts should come from both the schools and the Town. Councilor Walsh asked the Finance Director to clarify some untruths that are being distributed to taxpayers. T. Mainville explained the unreserved fund balance is currently \$3.9, and is projected to be with the proposed budget to be approx. 14% (2% above what is required by the Charter). T. Mainville stated that is only a projected number and if that is not achieved we may not hit that target.

E. Juairé stated if we were to reach the 14% and the excess was used the budget will start \$500,000 to the negative.

Councilor Walsh stated he would like to get a consensus of what the Council wants to do before more time is spent discussing the budget.

The consensus was to place some of the burden on the region to help the Town maintain the cap and discussion followed on how to reach the cap. The consensus also was the local schools should not shoulder the burden as they have provided a fiscally sound budget. E. Juairé pointed out the following to be considered: 5/6 teachers did not get lay off notices; there is talk of adding

more administration; added more administration last year with a \$254,000 cut; saving \$240,000 in pension money and used it; and they can use their surplus at anytime.

Councilor Sette stated he would recommend reducing the appropriation to the Foster/Glocester Regional School District 7.3% increase which reflects a decrease of 383,453; and to reduce the Glocester budget to a 7.3% increase which would reflect a municipal reduction of \$60,500; which would total a 5.5% increase.

E. Juairé stated there is still the open issue of the funding for part time employee medical benefits. Councilor Sette stated he supports that concept and would like those numbers reflected.

Councilor Walsh stated he would like to discuss the Public Works Directors suggestions for cuts to his budget as possible solutions. A. Whitford reference the items that could be looked at: snow removal (during overtime hours) and maintenance on private roads; a position in his department has not been filled and he could hold off on filling that position if needed; (A. Whitford stated these actions would have a detrimental effect) reducing the transfer station hours of operation was also an option discussed along with all the ramifications of that action. Discussion followed on closing the transfer station on certain days.

E. Juairé warned against some actions be considered could result in increased costs and/or no savings reflected. E. Juairé stated the Council could take the \$60,000 out of the Regional Budget as he feels the discussion reflects the fact the Town needs the funds as budget.

Councilor Sette stated he recommends the \$443,000 reduction comes from the Regional budget to bring the budget down to a 5.5% cap and then let the taxpayers decide at the Financial Town Meeting.

Councilor Walsh stated he feels some funds should come out of the town budget if we are asking the school to cut back. Councilor Walsh stated by the next meeting the Council should cut \$60,000 and the School should be held to a 7.3% increase instead of a 13.4% increase. Councilor Poirier agreed.

Councilor Sette stated we would still be looking at an increase over 5.5% but if Council wishes we will find \$60,000 to cut.

Councilor Poirier agreed we should make cuts to show we are being responsible.

After discussion the following motion was made:

MOTION was made by Councilor Carroll to include a reduction in the Regional School Budget for FY 2006/07 in the amount of \$383,453 and a reduction in the Municipal budget of \$60,500; seconded by Councilor Poirier

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

E. Juare recommended the Council hold a special meeting before they were to adopt the budget at the next Council Meeting. A meeting was set for April 13, 2006.

D. Bid Award: IFB 2006-09  
Modis Diagnostic System or Equivalent

Councilor Sette stated the Council has received a recommendation from the Board of Contracts and Purchases as follows:

April 4, 2006

To: Town Council  
From: Board of Contracts & Purchase  
Re: Awarding of IFB 2006-09 ~ Modis Diagnostic System or equivalent

I. IFB 2006-09 was advertised in accordance with current rules and procedures.

II. One (1) company bid. Bid was in accordance with the specs.

III. The Board recommends the bid be awarded to the only bidder. Said bidder was qualified.

Snap-on Industrial  
A Division of IDSC Holdings, LLC  
P.O. Box 9004  
Crystal Lake, IL 60039-9004

Not-to-exceed bid price of : \$8,416.90

[Note: The bid amount is \$8,416.90, but the budgeted amount is \$8,000. The Director of Public Works is confident that, if the price cannot be reduced to the budgeted amount, then the \$417 overage will be covered from savings on other capital projects.]

Respectfully submitted,  
Susan Harris ~ Deputy Town Clerk  
Jane Steere ~ Tax Collector  
Thomas P. Mainville ~ Director of Finance  
(end of memo)

Discussion: None

MOTION was made by Councilor Carroll to AWARD/TABLE Bid 2006 Bid Award: IFB 2006-09 Modis Diagnostic System or Equivalent to Snap-on Industrial, a division of IDSC Holdings, LLC, of Crystal Lake, Illinois, for the bid award amount not to exceed \$8,416.90; seconded by Councilor Poirier

Discussion: None

VOTE:           AYES: Sette, Reichert, Walsh, Poirier & Carroll  
                  NAYS: 0

MOTION PASSED

XI. Department Head Reports/Discussion

1. a. A. Whitford, Public Works Director: Requested authorization to remove the tree debris at the Gloucester Light Infantry location. The consensus was to authorize the clean up.
- b. A. Whitford discussed major repairs being done in town due to a private parties actions and warned the Town against similar problems occurring.
2. a. Jane Steere, Tax Collector, discussed the proposals she had made to the Council in their packets regarding a walk up wall drop payment box.

The consensus of the Council supported the service to the taxpayers and encouraged the Tax Collector to continue to pursue this concept.

J. Steere also proposed a credit card service for taxpayers. Ms. Steere stated the Finance Director has a question regarding page 4, Paragraph 12, "Title Liability" in the state contract they have received for this project. The Town Solicitor will review that clause and contact the Collector. Again, the consensus was to authorize the collector to continue with these proposals.

XII. Boards/Commissions  
None

XIII. Council Correspondence/Discussion

Councilor Sette reviewed Council correspondence:

1. Councilor Sette stated they had received the annual request for the Town to fly the Armenian flag outside the Town Hall on April 24, 2006. The Clerk stated that would be done.

2. Councilor Sette stated there was proposed legislation referring to curriculum. Councilor Sette said that would be referred to the School Committee.

#### XIV. Open Forum

1. Keith Bonner, 66 Pinecrest Dr., questioned the status of repairs to the road in front of his property. Councilor Reichert stated the plant is now open and he would be in contact with Mr. Bonner and Mr. Whitford.

2. Jack Anderson, Winchester Drive, discussed the school budget and warned the “band aid” approach to the schools spending. Mr. Anderson stated, in his opinion, the School Administration and School Committee are out of control and the Council should take a tough stand. Mr. Anderson also stated he believes incompetence is the problem and stated the charter should be amended to allow more oversight.

Mr. Anderson also expressed his concerns on all aspects of the middle school currently under construction and questioned the honesty to the taxpayers.

Mr. Anderson asked the Council to recall the appointed School Building Committee members.

3. Thomas De Angelo discussed the Regional school budget and stated he would prefer the Council hold the school to 5.5% and chastised the way the Regional Meeting was handled.

Mr. De Angelo also discussed the five acre zoning potential legislation by Rep. Gorham and spoke against this legislation.

4. Rose Lavoie, Wilmarth Road, questioned the proposed noise ordinance and asked what it contains. Councilor Walsh explained the Town is proposing decibels levels for enforcement issues. R. Lavoie was against any further ordinances and stated the Town does not enforce it’s current ordinances.

5. Thomas Sanzi, Dorr Drive, questioned how the people who made the misrepresentations (regarding School budget issues) keep their jobs.

6. John Devine, Pound Road, discussed the budget and commented that the Town is willing to cut down public services for people that appear to be “greedy”. Mr. Devine also questioned how the school construction could already be over by \$5,000,000 and asked if anyone knew where that money went.

Mr. Devine commended the Council for their willingness to cut the budget and encourage the holding of 5.5% for the School.

#### XV. Executive Session

A. Collective Bargaining - RIGL 42-46-5(a)2

B. Litigation- RIGL 42-46-5(a)2

XVI. Reconvene to Open Meeting

A. Disclosure of votes taken

No votes taken.

XVII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:56 p.m.; seconded by Councilor Carroll

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 18, 2006 Town Council Meeting.

At a Special Town Council Meeting holden in and for the Town of Gloucester on **April 13, 2006**.

I. Call to Order

The meeting was Called to Order at 7:00 p.m.

II. Roll Call

Members Present: Steven Sette, President, William Reichert, Vice-President, Patrick Carroll, Charles Poirier and Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Director of Finance; Edward Juaire, Budget Board Chair; Jamie Hainsworth, Chief of Police and Alan Whitford, Director of Public Works

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Budget Workshop Fiscal Year 2006/2007

Councilor Sette stated that the reason for this meeting was to reduce the Gloucester side of the budget by \$60,480. Councilor Sette also stated that we have already recommended that we reduce the appropriation that the Foster/Glocester Region has received by \$383,453 which still represents a 7.3% increase or \$455,875 over last year. Councilor Sette stated that the total appropriation to the region would be, with the debt service added, \$600,924.

Councilor Sette stated we now need to make budget cuts for 2006 to the Town budget.

Councilor Sette stated he has some proposed budget cuts that he thought we might be able to use, but they would only bring us down \$55,970 (close to the \$60,000):

- 1) Reduce the Administrative Aid position from \$35,000 to \$20,000 which would be a \$15,000 reduction, which could be accomplished by not hiring for this position until January 1, 2007;
- 2) Reduce the overall Public Works budget by \$10,000 which we could accomplish by closing the Transfer Station a day or two;
- 3) Reduce the raises, as recommended by the Personnel Board, of the Public Works Director and Police Chief to 3.6% which would be consistent with other Department Heads in Town;
- 4) Reduce the Land Trust amount by \$5,050 which would be include their maps and some land clearing;

- 5) Reduce the sand purchase by \$7,720 and storm over-time by \$3,000;
- 6) Reduce the meal-site rental by \$5,000;
- 7) Reduce computer services by \$5,000;

Councilor Sette stated this would bring us to \$55,970 in cuts. Councilor Sette stated that he and Councilor Walsh felt they did not want to make cuts from a personnel point of view if possible. Councilor Sette stated that there were still a few small salary adjustments for the Tax Collector, Tax Assessor and Finance Director, but all other department heads would be at 3.6%. Councilor Sette asked if anyone else had any suggestions as to things that might be able to be cut.

Councilor Walsh asked if we had any information from Department Heads as to what they might be able to do. Councilor Sette stated Council received some ideas from the Public Works Director the night of the first meeting.

Chief Hainsworth had four (4) scenarios that he came up with and stated that they are significant changes, but they do not effect essential services. Chief Hainsworth stated that he did it in a tier system and these changes did not affect any bargaining agreements. Chief Hainsworth said that if he had an employee who worked 24 hours and three (3) employees who work 8 hours each, he could utilize the part time (lower salaried) employees more. Chief Hainsworth stated having these part time employees could fill in for services, enables the Police Department to do other things, such as fingerprint applications, vin checks. Chief Hainsworth stated these services are done daily and could probably be cut back to once or twice a week. Chief Hainsworth stated these services are the types of changes that would be made, not things that you see a police car do.

Chief Hainsworth stated that under scenario #1 you save \$6,700.88 which is without any raises or FICA benefits. Scenario #2 reduces more part-time help and with each part-time position reduced you save hourly wage or a full reduction would be \$58.24. Chief Hainsworth also stated that he has two (2) people that are eligible for retirement and maybe something could be done to incite them to retire.

Councilor Sette feels that scenario #2 would be the least intrusive, reducing one eight hour part time dispatch position. Chief Hainsworth stated he feels reducing a 24 hour employee back to 16 hours would allow him to keep his pool of available part time dispatchers for call backs, etc. Chief Hainsworth further stated he disagrees and feels scenario #1 is the least intrusive. Chief Hainsworth explained his calculations to the Council for each scenario.

Councilor Carroll (inaudible)

Councilor Walsh (inaudible)

Councilor Sette thanked the Chief for his efforts.

Discussion followed on the cuts proposed by Councilor Sette:

Councilor Sette stated the thought of reducing the administrative aide position from \$35,000 down to where it is proves that we are willing to cut town administration cost while the school continues to add administration staff.

Councilor Poirier (inaudible)

Councilor Sette stated that would mean delaying the hiring of an aide until January 1st.

Council Poirier (inaudible)

Council Sette stated we cannot control what happens and further discussion followed on the ramifications of cutting the town budget, such as delayed school openings, road repairs not being done, etc.

Councilor Carroll asked if the \$10,000 figure was for closing the transfer station one or two days. Councilor Sette stated he thought that was an average one or two days.

Councilor Sette stated there was inaccurate information given in a recent newspaper editorial, which stated the Town had 6 million dollars in our Reserve Fund when in fact the Town has 3.9 million in that fund. Councilor Sette stated that 3.9 million is based upon the Town Charter's stipulation that 12% is a set aside for reserve. Councilor Sette stated that 3.9 is currently approx. 14% of our budget and Councilor Sette explained the importance of this percentage being maintained in reference to bonding. Councilor Sette stated dropping the Reserve could result in higher interest payments due on the Town's current large projects.

Councilor Sette stated that if we used one of the Chiefs recommendations we could reduce the budget by about \$6,000 more and we would be looking at approximately \$61,794. Councilor Sette stated that we could also reduce another line item or put money back into something so all the reductions do not come from one or two areas. Councilor Sette stated that the two largest areas on the Town's side of the budget are Public Works and Police and on the other side is the Gloucester School Budget which is at a 3.8% increase.

Several Councilors spoke regarding ideas for obtaining the goal,,(inaudible).

Councilor Walsh stated he would like some money to stay in the budget for the administrative aid position.

Councilor Walsh stated he would recommend looking at Social Services contributions, particularly reducing the amounts that represent an increase over a previous year.

Councilor Sette stated that would be \$4,100 from aid services, \$20,000 from administrative aid, \$10,000 from the Public Works budget, \$5,050 from Land Trust, \$7,720 for sand, \$3,000 for

over-time, \$5,000 from the meal-site, \$5,000 for computer services, \$6,000 from the Police Budget for a total of \$65,870 so there is about \$5,000 to put back in or to keep bringing us a little less than the 5 ½% cap.

Councilor Sette stated that if we take the \$6,000 out, we are at \$59,870 leaving us short by \$610.00

Councilor Reichert stated we should take \$500.00 off the Home Care and another \$110.00 from sand leaving us at \$60,480.

Council Sette went over the new figures: \$4,100 for aid services, \$20,000 from administrative aid, \$10,000 from the Public Works budget, \$5,050 from Land trust, \$7,830 for sand, \$3,000 for over-time, \$5,000 for the meal-site, \$5,000 for computer Services and \$500 from home care for a total \$60,480 which would keep us within our 5%.

Councilor Walsh (inaudible)

Councilor Sette stated that he thought it would be a good idea next week at the Council Meeting, when we accept the budget, to show where the reductions are coming from to get to our \$60,480. Councilor Sette said it would be good for people to see that the sand is cut and maybe there won't be sand every time we need it and the storm over-time is cut so school may be canceled rather than delayed.

Councilor Sette stated that he hopes our residents, as well as the School Department, accept the action taken with the budget. Councilor Sette hopes the School Department does not make this become a legal matter.

Councilor Sette stated that the job the road committee has done since it was put together is getting us closer to putting some definition around some of those things and hopefully it will be clearer in the future.

Councilor Reichert spoke (inaudible)

MOTION was made by Councilor Carroll to approve the adjustments agreed upon earlier: \$4,100 for aid services, \$20,000 from administrative aid, \$10,000 from the Public Works budget, \$5,050 from Land trust, \$7,830 for sand, \$3,000 for over-time, \$5,000 for the meal-site, \$5,000 for computer Services and \$500 from home care for a total \$60,480; seconded by Councilor Walsh.

VOTES: AYES: Carroll, Reichert, Sette, Walsh & Poirier  
NAYS: 0

MOTION PASSED

V. Adjourn

MOTION was made by Councilor Walsh to adjourn at 8:07PM; seconded by Councilor Carroll

VOTE: AYES: Carroll, Reichert, Sette, Walsh & Poirier

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 18, 2006 Town Council Meeting.

At a Town Council meeting holden in and for the Town of Gloucester on **April 20, 2006**.

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll, Charles Poirier, Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Director of Finance; Alan Whitford, Public Works Director; Brian Lombardi, Building/Zoning Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police and Elinor Tetreault, Western RI Home Repair Program Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Licensing Board: Liquor License Violations

Chief Hainsworth addressed the Town Council, sitting as the Licensing Board regarding recent violations. Chief Hainsworth stated the first violation was against Pinewood Pub on Terry Lane. Chief Hainsworth stated that William Kapanikas was present to represent the establishment. Chief Hainsworth stated that he and Mr. Kapanikas have reached an agreement which needs to be sanctioned by the Town Council. Chief Hainsworth explained that on March 25th at 11:00 p.m., there was a fight involving three people inside the establishment, two of whom received injuries. Several members of the staff assisted in breaking up the disturbance and told the people involved to leave the premises.

The Chief further stated at 1:00 a.m., two of those individuals returned with two additional people and after a disturbance ensued again, the Police were called. Chief Hainsworth noted that the violation was that the police were never called for the first incident inside the bar. Chief Hainsworth stated that this could have resulted in a more serious situation later that night. Chief Hainsworth stated that he has discussed this with Mr. Kapanikas, who was very cooperative as he has been in the past. Chief Hainsworth recommended that a warning be issued that the police should be called right away in the future.

John Bevilacqua, Town Solicitor, added that two of the people involved in the altercation have appeared in District Court and their cases have been disposed of in a manner which was acceptable to the Town. J. Bevilacqua added that the recommendation made by the Police Chief is fair and appropriate, considering that Mr. Kapanikas has admitted that if he had done something when the first incident occurred, it would have prevented the second incident.

MOTION was made by Councilor Carroll to ACCEPT the recommendation of the Chief of Police regarding the violation at Pinewood Pub on March 25, 2006; seconded by Councilor Reichert.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

Chief Hainsworth stated that the second violation is somewhat different in that there is no signed agreement between himself and Mr. Lincoln, owner of the establishment. Chief Hainsworth stated that Mr. Lincoln wanted to attend the meeting tonight to address the Town Council, but he is not present at this time. Chief Hainsworth explained that on March 5, 2006 at approximately 1:00 a.m. the Police received a call regarding a disturbance which had already taken place at the White Horse Sports Pub on Route 44. Chief Hainsworth further stated that an assault had occurred inside the establishment where one male was assaulted by another and required medical attention.

Chief Hainsworth stated that the owner, Mr. Lincoln, cleared the premises but the Police were not called at that time. The Police were subsequently called to a residence after the victim of the assault returned to his home. Chief Hainsworth stated that the case has been adjudicated with the defendant receiving a one-year suspended sentence, probation and medical restitution for the victim. John Bevilacqua, Town Solicitor, stated that without the owner present to reach an agreement with the Chief of Police, a hearing would have to be held.

MOTION was made by Councilor Reichert to MOVE the White Horse Sports Bar violation to later in the agenda; seconded by Councilor Walsh.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

V. Open Forum for Agenda Items  
None.

VI. Resolution  
A. Recognition - Gloucester Lion's member: Nancy Clarke

Councilor Sette stated that we have a Resolution in honor of a Gloucester resident that has worked hard for the community through her work with the Gloucester Lions:

The State of Rhode Island and Providence Plantations

Town of Gloucester  
RESOLUTION

WHEREAS, the Gloucester Lions Club has served our community and residents with their time and dedication since 1951. Their work provides quality of life and a sense of community to our Town residents; and

WHEREAS, Nancy J. Clarke first joined the Lincoln-Blackstone Valley Lions Club in 1995; and a year later transferred to the Gloucester Lions Club where she and her inspiration, husband Jim, resided. During her ten years with the Gloucester Lions, Nancy has worked on projects to promote the positive effects of volunteering and expressions of world peace by successfully “encouraging” the Gloucester Lions to sponsor students of the Ponaganset Middle School in the Lions International Peace Poster contest; she has been the “hands on” Chair of the Christmas Food Basket Committee for many years; has served on the Board of Directors as Treasurer; has chaired several other Committees, and has actively participated in many of the Clubs fund-raising events; and

WHEREAS, for the R.I. State Lions-District 42, Nancy has twice served as Chairperson of the U.S.-Canada Leadership Forum, and has twice Co-Chaired with her husband, Jim, the Lions International Convention; and

WHEREAS, Nancy has served on the R.I. Lions Sight Foundation’s Board of Directors since 1999, a Foundation whose mission is to aid the blind and visually impaired and to promote sight conservation efforts; and

NOW THEREFORE BE IT RESOLVED, that the Gloucester Town Council, the Town Clerk, and the residents of the Town of Gloucester congratulate Nancy J. Clarke for her achievements and for the honor of being sworn in as:

The First Woman President of the Rhode Island Lions Sight Foundation  
and furthermore we honor Nancy for being the recipient in May, 2006, of the:

Melvin Jones Fellow Award  
the highest award given by the Lions in honor of her dedicated humanitarian services.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

Councilor Sette presented Mrs. Clarke with the Resolution. Mrs. Clarke explained the work of the Gloucester Lions Sight Foundation and thanked the Council for their recognition.

B. Housing Works RI Legislative Platform (Councilor Sette)

Councilor Sette stated that we have received a request from the President of the League of Cities & Towns requesting Council support of HousingWorks RI's platform for possible solutions to the mandates placed on municipalities in the affordable housing initiative:

The State of Rhode Island and Providence Plantations

Town of Gloucester

R E S O L U T I O N

A Resolution Urging Passage of the HousingWorks RI Legislative Platform by the Rhode Island General Assembly

WHEREAS, over 171,000 households cannot find affordable housing in any of Rhode Island's municipalities and every municipality must make efforts to ensure that safe, decent, and affordable housing is available to all of its residents; and

WHEREAS, there is a demonstrated need, according to the facts provided by HousingWorks RI, for an increased stock of affordable housing in Gloucester.

NOW THEREFORE BE IT RESOLVED that the Town Council members of Gloucester urge the Honorable Members of the General Assembly to support the municipalities of Rhode Island in their attempts to provide safe, decent, and affordable housing for all Rhode Islanders by voting for the passage of the HousingWorks RI Legislative Platform as outlined below:

- \* A \$75 million bond issue for affordable housing, subject to voter approval in November 2006. (H-7764, S-2873)
- \* \$7.5 million to level fund the Neighborhood Opportunities Program (NOP). NOP is administered by the Housing Resources Commission and funds affordable housing development throughout the state. HousingWorks RI is advocating for NOP to

become an annual appropriation beginning in the FY07 state budget. (H-7262, S-2840)

- \* \$350,000 for Year Two of the Supportive Services Pilot Program. A key element in the State's ten-year plan to end homelessness, this program helps develop permanent supportive housing that will result in a reduction in need for other more expensive state services. (H-7055, S-2263)
- \* Establishment of a permanent dedicated funding stream for affordable housing.
- \* Preservation of a strong State Historic Tax Credit to stimulate the production of affordable housing. (H-7367, S-2543)
- \* \$400,000 to expand the capacity of non-profit community development corporations (CDCs) to build more housing.

Steven A. Sette, President  
Glocester Town Council

seconded by Councilor Walsh.

Discussion: Councilor Walsh expressed concern regarding the monetary amounts and how they would be applied. Councilor Poirier agreed that this raises more questions than it provides answers for. Consensus of the Council was that there is a large amount of funds but there may not be enough explanation as to where these funds would go.

VOTE:           AYES: 0  
                  NAYS: Carroll, Poirier, Reichert, Sette, Walsh

MOTION FAILED

Councilor Sette stated that David Lincoln, owner of the White Horse Sports Pub, has arrived and the Town Council will now resume the Liquor License Violation portion of the agenda.

#### IV.     Licensing Board: Liquor License Violations

Chief Hainsworth reiterated the details he outlined earlier and stated that his recommendation is to issue a warning to call the Police if any incidents occur in the future. Councilor Sette asked Mr. Lincoln if he had any concerns regarding signing an agreement to that effect. David Lincoln, owner of the White Horse Sports Pub, stated that, to his knowledge, there is nothing in his liquor license which indicates that he is required to call the Police in this type of situation.

Mr. Lincoln feels that if he was not required to do so, he should not be issued a warning. Mr. Lincoln further stated that if the Town Council wishes to amend the procedure, he will do his best to abide by them. Mr. Lincoln also requested definitive guidelines as to what constitutes a

disturbance, adding that on occasion there are heated arguments or people in the parking lot simply being loud, not necessarily in conflict with each other.

John Bevilacqua replied that the facts demonstrated were more than sufficient to indicate that a disturbance had taken place. J. Bevilacqua added that, if there is a group of people causing a disturbance in a parking lot, and the owner of the establishment is unable to disperse the crowd in an orderly fashion, the Police should be called. Mr. Lincoln asked if he or his staff are able to control a situation and the parties move along without further incident, should the Police be notified. J. Bevilacqua replied that regarding the incident in question, the Police should have been notified as soon as the physical altercation began. J. Bevilacqua added that, even though Mr. Lincoln was able to contain the situation, laws had been broken, there was an assault with injury, therefore, the Police should have been summoned. J. Bevilacqua added that it is the Licensing Board's authority to determine whether a license-holder has sufficient ability to handle situations such as this.

Mr. Lincoln asked if there is an argument with raised voices but no violence, should the Police be involved. Mr. Bevilacqua replied that if there are threatening words spoken, the Police should be called, adding that if the parties leave the establishment, there may be responsibility if anything should happen later. Mr. Lincoln asked what are the ramifications of this warning. Councilor Sette stated that it is an agreement to call the Police if further incidents occur, or the Council may take further action if this comes before them again. Mr. Lincoln asked if the agreement is between himself and the Police Chief or between himself and the Licensing Board. J. Bevilacqua clarified that the recommendation is made by the Chief of Police, but must be accepted by the Licensing Board.

MOTION was made by Councilor Carroll to ACCEPT the recommendation from the Chief of Police regarding the violation at the White Horse Sports Pub on March 5, 2006; seconded by Councilor Reichert.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

VII. Proclamation

A. Ratification:

1. Chepachet Grange

Councilor Poirier has requested a Proclamation for the Chepachet Grange in recognition of April 2006 being declared Grange Month;

The State of Rhode Island and Providence Plantations

Town of Glocester

PROCLAMATION

WHEREAS, for 138 years the Grange has sought to advance the interest of farmers, rural Americans and our nation’s families, regardless of where they might live, through the simple but powerful idea that by working together we can accomplish much for our communities; and

WHEREAS, voluntary association with the Grange not only provides the benefits of economic and political cooperation for its members, but also elevates their character by providing social, cultural, and educational programs, along with opportunities for personal growth; and

WHEREAS, the Grange increases the influence of each of its members by giving them the opportunity to serve their community through projects and programs that make a difference in the lives of children, youth and our neighbors in need of assistance; and

WHEREAS, the Chepachet Grange has served this and surrounding communities since October 7, 1907 and continues to enrich the town of Glocester and

NOW, THEREFORE BE IT RESOLVED that April 2006 be proclaimed as GRANGE MONTH in recognition of contributions made to Glocester by the Chepachet Grange over their many years of faithful service, and we hereby urge and encourage our friends and neighbors to join in this well-deserved recognition.  
Proclaimed this 20th day of April, 2006.

Steven A. Sette, President  
Glocester Town Council

Seconded by Councilor Carroll.

Discussion: Councilor Poirier stated that he presented this Proclamation at the Chepachet Grange meeting, adding that this is an organization which promotes rural living and farming.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Arbor Day - April 28, 2006

Councilor Carroll stated that every year the Council adopts a proclamation in recognition of Arbor Day, which this year is April 28th;

The State of Rhode Island and Providence Plantations

Town of Gloucester

PROCLAMATION

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, it is the 100 year celebration of a State Forestry Division in Rhode Island and the first State Forestry Commissioner was Jesse B. Mowry from Chepachet; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 28th as

Arbor Day

in the Town of Gloucester, and urge all citizens to celebrate by supporting efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 20th Day of April, 2006

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

C. Earth Day - April 22, 2006

Councilor Walsh stated that this year Earth Day is being observed on April 22, 2006, we have a proclamation to recognize Earth Day:

The State of Rhode Island and Providence Plantations

Town of Glocester

PROCLAMATION

WHEREAS, the Town Council of the Town of Glocester and the Town Clerk recognize 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, and superfund legislation putting a lasting framework for the future into place; and

WHEREAS, Rhode Islanders in general, and Glocester residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected environmental action from their leaders; and

WHEREAS, for this Earth Day the Glocester Land Trust will be doing major clean up at two locations: the Haystack Trail at the Sprague Farm and the Steere Hill Trail. The Land Trust also hopes to do roadside clean up at all Land Trust sites. It is our common responsibility to clean up our environment and protect it from harm; and

WHEREAS, in 2006 Earth Day is on April 22nd and in Rhode Island Earth Day activities will take place in the days and weeks around that date. The Town Council supports this 36th year of Earth Day activities in Glocester and on a statewide, national, and global level and we encourage our youth and adults alike to take the Pledge to keep Rhode Island Clean and Green; and

NOW THEREFORE BE IT RESOLVED: that we encourage Glocester residents to participate in neighborhood cleanups, our Land Trusts efforts, and celebrations of Rhode Island Earth Day.

Dated this 20th Day of April, 2006.

Steven A. Sette, President  
Glocester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VIII. Public Hearing

A. Community Development Block Grant Funding 2006

Councilor Sette stated this is the second Public Hearing as required by the Department of Administration for the Community Development Block Grant application for 2006 and this hearing was advertised in the Providence Journal on April 7, 2006.

Councilor Sette stated the Council officially prioritized the recommendations at the last Council meeting and the Planning Board has given a favorable opinion for consistency with the Comprehensive Plan.

Councilor Sette DECLARED the Public Hearing open and ask if anyone wishes to be heard regarding the Block Grant application.

Discussion: None

Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Poirier to AUTHORIZE the Rhode Island Small Cities Community Development Block Grant application for 2006 for the proposed activities:

Housing Rehabilitation	\$ 150,000.00
Operations	\$ 45,000.00
Administration	\$ 8,000.00
*Mobile Home Replacement	\$ 175,000.00 (not included in total)
*Mobile Home Operating	\$ 38,900.00 (not included in total)
Food Bank	\$ 4,500.00
Senior Center	\$ 20,500.00
Food Bank	\$ 4,500.00
Echo Lake Water District	\$ 20,000.00
Glocester Senior Center	\$ 20,500.00
Community Housing Land Trust	\$ 2,000.00
Total	\$ 250,000.00

seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

IX. Consent Items

- A. Minutes: April 6, 2006 Regular Meeting, March 28, 2006 Public Hearing & March 27, 2006 Special Meeting
- B. Finance Director's Report - March 2006

MOTION was made by Councilor Reichert to TABLE the minutes of March 27th, 28th, and April 6, 2006; and to ACCEPT the Finance Director's report for March 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

X. Unfinished Business

- A. Appointments
  - 1. Historic District Commission  
One (1) expired one year Alternate term to expire 11/2006

MOTION was made by Councilor Walsh to APPOINT Michael Donovan to the Historic District Commission for a one year Alternate term to expire 11/2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- 2. Conservation Commission  
One (1) one year Alternate term to expire 2/2007

MOTION was made by Councilor Poirier to TABLE the appointment to the Conservation Commission for a one year Alternate term to expire 2/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0  
MOTION PASSED

3. Affordable Housing Advisory Board  
One (1) position

MOTION was made by Councilor Walsh to TABLE the appointment to the Affordable Housing Advisory Board; seconded by Councilor Poirier.

Discussion: Councilor Sette stated that there are several candidates for this Board and asked Councilor Carroll to contact them.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0  
MOTION PASSED

- B. 1st Reading: Proposed Noise Ordinance

Councilor Sette stated that tonight we have the 1st reading of a proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Article 1 - Article 20, Noise Ordinance.

MOTION was made by Councilor Reichert to WAIVE the reading of the proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Noise Ordinance; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0  
MOTION PASSED

John Bevilacqua, Town Solicitor, reviewed the proposed noise ordinance and explained the articles within. J. Bevilacqua explained that this ordinance defines and falls within a standard that is constitutionally acceptable. Atty. Bevilacqua stated this document is an attempt to reduce excessive noises which disturbs the peace and quiet within the Town of Gloucester, but also recognizes that there are certain noises in construction and emergency vehicles which are permitted either by Federal or State Law. J. Bevilacqua pointed out that there are over three pages of definitions of ambient sound levels. J. Bevilacqua stated that the penalty for a violation would be a fine up to \$100.00 for a first offense with subsequent offenses punishable up to \$500.00. J. Bevilacqua explained the exemptions to this proposed ordinance as well as the appeals process.

Councilor Walsh asked if this is an amendment to an existing ordinance. J. Bevilacqua replied that there is an ordinance in place which is vague and unconstitutional, adding that this document would effectively repeal the existing ordinance. Councilor Poirier asked if other communities have implemented similar ordinances, to which Mr. Bevilacqua replied that there are a number of communities which have. J. Bevilacqua added that we have made modifications to the national template which most of the communities use.

George Loxley, 20 Douglas Hook Road, stated that he has an interest in this proposed ordinance due to dumpsters being emptied during the night near his residence. Mr. Loxley asked if this ordinance will cover the noise created by diesel trucks idling their engines at one o'clock in the morning. J. Bevilacqua replied that if it falls within the meter readings there would not be a problem. Mr. Loxley stated that the problem is the time of night that this occurs.

J. Bevilacqua stated that this is commerce and is protected by the constitution, but if the noise was above the meter readings for a continuous period of time, that would be at the discretion of the Police Department. Mr. Loxley stated that his objection is not to the noise itself, but to the time of day, and asked if this ordinance could address that. Mr. Loxley asked if the Town Council is going to vote on this matter this evening. Councilor Sette replied that this is the first reading and a Public Hearing will be held at a later date.

MOTION was made by Councilor Walsh to SET a Public Hearing for May 4, 2006 to hear the proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Article 1 - Article 20, Noise Ordinance; seconded by Councilor Reichert.

Discussion: None

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

C.     Willie Woodhead Road

Councilor Sette stated that the Public Works Director was to review the situation on Willie Woodhead Road. Alan Whitford, Public Works Director, stated that this road is very similar to the Elbow Rock Road situation which occurred about a year ago. A. Whitford stated the road had been improved by the Town up to a certain point, but beyond that it is totally unimproved..

Pat Luther stated that he has a subdivision application on file with the Town and is seeking relief from Section 3.3 Stipulation 1, which addresses the upgrading of Willie Woodhead Road. Mr. Luther stated that the project will be in two sections; the first two lots will be on the improved road which is currently maintained by the Town. Regarding the second section, Mr. Luther stated that he would be willing to meet with the Director of Public Works to discuss a plan, which was done when the road was constructed in 1992.

Councilor Walsh referred to the Motion made by the Planning Board which states that Mr. Luther will be responsible for the road.

John Bevilacqua, Town Solicitor, stated that the last time the Town Council addressed this issue, it was stated that any damage caused by construction vehicles would be the responsibility of the developer. Councilor Sette asked if there was an objection to leaving this road a gravel road. J. Bevilacqua responded that this was a decision by the Planning Board.

Councilor Sette asked if the Council could obtain clarification as to why the Planning Board made this recommendation. J. Bevilacqua stated that he will research to determine if Mr. Luther can bring a separate petition before the Town Council based upon the fact that it is a Town road. Mr. Bevilacqua stated that he does not believe that the Planning Board has the authority to force somebody to improve a Town road at their own expense if they had done no damage to it during construction.

There was consensus among the Council members to direct the Town Solicitor to obtain additional information from the Planning Board and to have Mr. Luther return to a future Town Council meeting.

#### D. Personnel Handbook amendments

Councilor Sette stated that the Personnel Director was to draft and submit to the Council proposed amendments to the handbook for Council approval. Thomas Mainville, Finance Director, stated that there are actually two amendments proposed. The first one concerns graduated benefits for part-time employees, recommended by the Personnel Board. Councilor Sette stated that this was originally proposed for employees with 30 hours per week, but he is recommending that this be reduced to 24 hours.

Councilor Sette stated that he believes this will help the Town to obtain and keep valuable employees. T. Mainville added that this would ease the transition if some full-time position were cut back to part-time. Mr. Mainville pointed out that if the number of hours was further reduced, there would be an impact on the budget. There was discussion regarding how the benefits would be calculated. T. Mainville stated that at 30 hours per week there would be two eligible employees, but at 24 hours, there would be three.

MOTION was made by Councilor Poirier to REVISE the “We are Gloucester” Personnel Handbook to include the following:

“Part-time employees, who have been employed continuously for a minimum of two years and who work a minimum of 24 hours per week and who choose to participate in the Town’s health and/or dental insurance plans, shall have 50% of the cost of the premiums for those plans paid by the Town. However, a part-time employee who is scheduled/budgeted for a minimum of 24 hours per week but chooses to work less than 24 hours per week would not be eligible. A part-

time employee who is scheduled/budgeted for a minimum of 24 hours per week but due to lack of work works less than 24 hours per week would continue to be eligible, effective July 1, 2006.”

seconded by Councilor Carroll.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

Councilor Sette stated that the second proposed amendment to the handbook is regarding holiday pay for non-union employees, adding that this is a continuation of the discussion which took place earlier this year. Councilor Sette stated that the wording currently in the handbook is as follows:

“If work is performed by the employees on a designated paid holiday, they shall be paid regular time plus time and one-half for all hours of work performed on said holiday.”

Councilor Sette stated that this will be replaced by the following:

“If work is performed by full-time employees, not otherwise covered by a union agreement, on January 1, the fourth Thursday of November, and December 25, they shall be paid regular time plus time and one-half for all hours of work performed on said days in addition to their holiday pay. Employees who work on all other holidays recognized in this handbook shall be paid time and one-half the employee’s regular pay rate in addition to the holiday pay.”

Councilor Sette stated that the following recommendation was also made:

“In consideration for the policy change this could have on the full-time, non-union employees, we recommend consideration of granting an additional personal day, annually.”

Councilor Sette explained that this issue pertains to Public Works employees who are called into work on holidays for snow removal. Councilor Sette stated that he is in agreement with the first portion of this amendment, but does not feel that another personal day should be added. T. Mainville concurred and stated that he suggested that the Personnel Board not make this recommendation. Councilor Walsh asked how many personal days the employees currently get, to which Mr. Mainville replied two.

MOTION was made by Councilor Poirier to AMEND the Personnel handbook regarding holiday pay for non-union employees to read as follows:

“If work is performed by full-time employees, not otherwise covered by a union agreement, on January 1, the fourth Thursday of November, and December 25, they shall be paid regular time plus time and one-half for all hours of work performed on said days in addition to their holiday

pay. Employees who work on all other holidays recognized in this handbook shall be paid time and one-half the employee's regular pay rate in addition to the holiday pay."

seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

#### XI. New Business

##### A. Adopt Budget Fiscal Year 2006/2007

Councilor Sette stated the Council needs to adopt the budget to send to the Financial Town Meeting to be held on May 6, 2006.

Discussion: The total expenditures amount is \$24,105,297 and the amount to be raised by taxes would be \$16,553,142. The total Capital budget is \$637,378.

MOTION was made by Councilor Reichert to ADOPT the Proposed Operating Budget, including debt service, of \$24,105,297 for Fiscal Year 2006/2007 for presentation at the Town Financial Meeting on May 6th, 2006; seconded by Councilor Walsh.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to ADOPT the Proposed Capital Improvement Budget of \$637,378 for Fiscal Year 2006/2007 for presentation at the Town Financial Meeting on May 6TH, 2006; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

##### B. Wage increase: Meal-site Kitchen Aid

The Council has received a memo from the manager of the Meal Site as follows:

To: Town Council  
From: Fran Ballou, Senior Center Director  
Re: Wage increase for Catherine Pereira, Meal-site Kitchen Aid

Catherine Pereira was hired in December 2004 at a pay rate which was \$.17 over minimum wage. In July 2005, she received a 3% raise bringing her pay rate to \$7.13 which was \$.38 above minimum wage.

On March 1, 2006, minimum wage went to \$7.10. With that change her pay rate is now only \$.03 above minimum wage.

I am now requesting that her wage rate be increased to \$7.50 per hour at this time, in order for her to maintain the previous per hour difference above minimum wage. The difference will amount to less than \$100 for the remainder of the year, which can be absorbed in my budget.

Thank you for your consideration.

Fran Ballou

(end of memo)

Discussion: None

MOTION was made by Councilor Carroll to INCREASE the pay rate of Catherine Pereira, Meal Site Kitchen Aide, from \$7.13 per hour to \$7.50 per hour effective April 24, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

#### C. Approval Warrant Financial Town Meeting

Councilor Sette stated the Town Clerk has requested Council approval of the Warrant for the Financial Town Meeting. Councilor Sette asked the Council to review the warrant. Councilor Sette explained the warrant is a basic document most of which is mandated by Charter and only contains one additional item beside the voting on the budget and that is the authorization to borrow money if the Council decides to fix the middle school roof.

MOTION was made by Councilor Carroll to APPROVE the Warrant for the Gloucester Financial Town Meeting to be held on May 6, 2006; said warrant to be posted by the Town Sergeant pursuant to Chapter 3, Title 45 of the General Laws of the State of Rhode Island; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

## XII. Department Head Report/Discussion

1. There was discussion regarding the effect the adopted budget may have on the Town's bond rating. Tom Mainville (inaudible)

2. Brian Lombardi (inaudible)

3. Raymond Goff, Town Planner, spoke to the Town Council regarding a situation regarding Adelaide Road and Gloucester Memorial Park. R. Goff explained that it is a survey discrepancy which dates back over a hundred years. This discrepancy did not come up when the Town purchased the land in 1990, but did show up in a more recent survey. Mr. Goff stated that there is a small wedge of land which appears to belong to the Marceau property. R. Goff stated that there have been problems with the neighbors using this property, thinking that it is part of the park. R. Goff stated that the only way to correct this matter is to record a subdivision. R. Goff added that the chain-of-title for this property is difficult to look at and recommended that the title search be conducted by somebody trained in this field. John Bevilacqua, Town Solicitor, recommended that the Town not take any position as to relinquishing any property until such search is completed. J. Bevilacqua further stated that he would like to review the file of Gloucester Memorial Park to determine who performed the original title search.

R. Goff stated that the Gloucester Little League will be holding their opening day ceremony on Sunday and stated that the gates at the Senior Center construction site will be opened to allow passage into the park. There was discussion regarding the playground equipment which was removed for the construction of the Senior Center. R. Goff reported that there are plans to reconstruct the existing equipment near its original location by mid-summer. There was discussion concerning the progress of the Senior Center construction. R. Goff stated that he hopes it will be completed by the fall.

4. Anthony Parrillo, Recreation Director, stated that new lights are scheduled for repair by April 22nd. Councilor Sette asked A. Parrillo what was planned for the basketball backboards at Winsor Park. A. Parrillo replied that he has sprayed them as a temporary solution and will look into replacing them. Councilor Sette stated that he recently observed a fundraiser which was a duck race for which a fee is charged for each rubber duck. The ducks are placed in a river and the one which comes down the river first wins a prize. Councilor Sette stated that this is an idea which may work to raise funds for recreation. A. Parrillo stated that he will bring it up at the Recreation Commission meeting.

5. Jean Fecteau, Town Clerk, stated that Grow Smart is having a conference on May 12th at the RI Convention Center. J. Fecteau stated that this is concerning concentrating development in the state's urban areas while protecting rural areas.

XIII. Boards/Commissions  
None.

XIV. Council Correspondence/Discussion

Councilor Sette read a letter from Marie Plante on behalf of residents of Pine Meadow regarding the new Senior Center which is under construction. Ms. Plante points out in her letter that there is no safe way to walk to the site from the housing complex. The residents are requesting that a sidewalk be constructed from their driveway to the corner of Routes 102 and 101 with a crosswalk to an existing sidewalk on Money Hill Road. Councilor Poirier stated that the Town Council could send a letter to the State regarding this request.

XV. Open Forum

1 Marie Plante, secretary of the Pine Meadow Association, commented on the speed of construction at the new Senior Center. Ms. Plante stated that letters regarding the pedestrian hazard could be forwarded to our Senators, Representatives, and the Governor's Council on Safety.

2. Patricia Lizak, of 56 Goloskie Road, spoke to the Council regarding blasting which has taken place in the area. Ms. Lizak questioned the Town's requirements for blasting permits. Ms. Lizak went to the blasting site and found that nobody was there from the Fire Department. Ms. Lizak was concerned regarding damage which can be caused by blasting. There was discussion regarding State Law regarding blasting permits.

3. George Loxley, of Douglas Hook Road, spoke to the Town Council regarding the speed limit on Douglas Hook Road. Mr. Loxley stated that he has lived here for over 30 years and the speed limit has changed several times. Mr. Loxley stated that the 35 mph speed limit seems high. Mr. Loxley also feels that if you live within walking distance to the village, there should be a buffer zone of about 1/4 mile from Route 44. Mr. Loxley stated that Douglas Hook Road is a State highway and wondered if the Town has any say regarding the speed limit. Councilor Sette stated that the Council could send correspondence to our State legislators requesting that they review this matter.

4. Tom Sanzi, 81B Dorr Drive, thanked the Council for their assistance in the cleanup of debris on the Gloucester Light Infantry property. Mr. Sanzi voiced his concern regarding water runoff which appears to be draining from the building across the street from the State Police barracks.

5. Rose LaVoie of Wilmarth Road commented that the Henry Hawkins house in West Gloucester is in disgraceful condition. Mrs. LaVoie stated that the Land Trust owns this property and asked why something has not been done. Mrs. LaVoie shared several ideas regarding canoe races, bike paths and other things which would improve the Town. Mrs. LaVoie stated that she attended a meeting of the Gloucester Heritage Society and reported that the funding for the Blackstone River

Valley National Heritage Corridor will end in November. Mrs. LaVoie stated that she has contacted her legislators and urged the Council to do the same to support funding of the Blackstone River Valley National Heritage Corridor.

XVI. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 10:00 p.m.; seconded by Councilor Reichert.

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh

                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 18, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **May 4, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Charles Poirier; Kevin Walsh

Also present: Jean Fecteau, Town Clerk

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Ratification: Captain David Plante (Harmony Fire Fighter)

Councilor Sette stated that last week at the annual Firefighters banquet a resolution was presented to Captain David Plante of the Harmony Fire Company for his 35 years of service:

RESOLUTION

WHEREAS, the Town of Gloucester relies on our volunteer Firefighters to keep our families and our property safe from fire. They are the brave and unselfish men and women who are always there for us during those times of medical need and uncertainty. It takes a special person, a hero, to give of ones self any time of the day or night with little regard for themselves when the call goes out; and

WHEREAS, our veteran Firefighters are an important part of our companies as they dispense their "wisdom" to our rookies, they instinctively know the situation when they arrive on scene, and they inspire our newer recruits to uphold the same level of pride, honor, and dedication they have devoted to their community; and

WHEREAS, Captain David Plante, of the Harmony Fire Department, has served the residents of his community for 35 years with his dedication and diligence to the shield of the Firefighter. Captain Plante has risen in the ranks of those men who are the cornerstone of the Harmony Fire Company; and

WHEREAS, Captain Plante has also devoted many hours to Gloucester's youth through programs in Fire Prevention and Awareness at our schools, not only providing essential preventative education but inspiring what may be the new generation of the Harmony Fire Company.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL AND THE TOWN CLERK FOR THE TOWN OF GLOUCESTER, RHODE ISLAND;

That we extend our appreciation and honor this day to:

Captain David Plante, Harmony Fire Company

as a truly devoted individual for his 35 years of service to his Town and fellow Firefighters.

Dated this 29th day of April, 2006

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

MOTION was made by Councilor Sette to RATIFY the Resolution, dated April 29, 2006, in honor of Captain David Plante, Harmony Firefighter, for his thirty five years of service; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

VI. Public Hearing

- A. Amendment to Gloucester Code of Ordinance  
Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and copies have been available in the office of the Town Clerk.

Councilor Sette DECLARED the Public Hearing OPEN and asked anyone wishing to speak to step to the microphone and state their name and address.

Discussion:

Paul Jalette, Jackson Schoolhouse Road, asked what is the decibel level which is considered to be a violation of the Noise Ordinance. Mr. Jalette stated that according to OSHA it is 85 DB's and anything in excess should be considered a violation. Mr. Jalette asked if we have a noise level measurement which we are supposed to abide by. John Bevilacqua, Town Solicitor, replied that the Noise Ordinance has its own standard and it contains a two-table chart; the zoning districts' noise standard which is a National Standard that is issued and, in addition to this, there has to be an in-field examination as to what is the normal noise for the surrounding areas that are involved.

Mr. Jalette noted that the sound of a balloon breaking is measured at 157 decibels, therefore would that be a violation. Mr. Bevilacqua responded that this would not be a violation because it is not a continuous noise nor a recurring noise. Mr. Bevilacqua added that permitted uses such as hunting, a carnival or fireworks would also not constitute a violation. Mr. Jalette stated that the Kennelly family allows young people to play their musical instruments in their garage, but only until 10:00 p.m.. Mr. Jalette stated that he hopes that this ordinance does not negatively affect them, because he feels that this keeps the teenagers off the street. J. Bevilacqua replied that nothing would be done unless there is a complaint filed, and then a measurement would be conducted by the from a neighboring property line, not the Kennelly's driveway.

Linda Kennelly, of Rustic Acres Drive, asked where this proposed ordinance came from. Councilor Reichert replied that it was brought about due to a situation in West Gloucester where residents had numerous complaints regarding noise generated by a motorcycle shop. It was also noted that numerous noise complaints in all areas of town occur regularly. Mrs. Kennelly stated that she had a problem with the section regarding penalties and violations, which states that a first offense is punishable by a cease and desist order and a \$100.00 fine. Mrs. Kennelly stated that she has researched similar ordinances for other rural towns and most of them issue the cease and desist order for a first offense but do not impose a monetary fine unless another complaint is filed within 24 hours of the first complaint.

Mrs. Kennelly also pointed out that in some cases if there are three (3) complaints within a 30-day period, even if the offender has ceased and desisted each time, a fine is imposed. Mrs. Kennelly stated that she feels that this is fair. Mrs. Kennelly stated that she occasionally allows concerts to be held on her property for the young people in town, adding that she does not allow smoking or drinking at these events. Mrs. Kennelly is concerned that she may be cited for violating the proposed ordinance. Mrs. Kennelly also is concerned that the young musicians will have no place to go to if she must discontinue this activity. Mrs. Kennelly asked how the town will pay for the equipment and the training of the officers to carry out these measurements.

Ken Law, of 245 Old Snake Hill Road, stated that he is representing the American Motorcycle Association as well as the New England Trail Riders Association. Mr. Law stated that there is only one meter right now in the United States that a judge will approve. Mr. Law stated that he feels that a lot of research must be done before we implement this ordinance. Mr. Law stated that 98.6 is the standard decibel reading for motorcycles. Mr. Law feels that this will result in higher taxes for property owners in Gloucester.

Mark Bonn, Gloucester resident, stated that he is impressed with the proposed ordinance and asked if it was drafted by the Town Solicitor or if it has been gleaned from another town. Mr. Bonn questioned whether or not we need a police state in which we must monitor noise, adding that there are a number of issues within the Town which should be addressed but have not. Mr. Bonn asked if neighboring towns have similar ordinances in place. Mr. Bonn commented that this document has been drafted as a result of one noise situation in Town, and feels that it is not necessary at this time.

Ted Burlingame, Tourtellot Hill Road, asked if outdoor weddings would be affected by this ordinance. Mr. Burlingame stated that he feels that this ordinance is intrusive and needs to be fine-tuned. Mr. Burlingame suggested that if anything in the ordinance is superseded by State Law, it should be removed to eliminate any confusion.

Jeff Spring, of Absalona Hill Road, stated his opinion that this proposed ordinance was created for the city but is being applied to the country. Mr. Spring stated that the ordinance would have to be convoluted for the whole Town of Gloucester where there are various zones. Mr. Spring recommended throwing the entire document out and try to eliminate a few specific acts that people might do which generate noise. John Bevilacqua, Town Solicitor, stated that this ordinance just would allow the Police to ask an individual to quiet down if a complaint is made. Regarding whether this ordinance is more suited to the city, Mr. Bevilacqua pointed out that it is similar to that of Burrillville, Scituate, Foster and other rural areas. Mr. Spring felt that the ordinance could be interpreted several different ways.

Bruce Payton, Lake Washington Drive, commended the Town Council on finally improving an ambiguous ordinance which has been on our books for years. Mr. Payton agreed that there are a few problems with the wording, but he feels that is why we hold Public Hearings. Mr. Payton pointed out that "motorcycle" is not defined in this ordinance and feels that it should be. Mr. Payton stated that he lives on a lake and there is a bar which keeps its windows closed and follows every regulation, but still generates noise across the lake. Mr. Payton stated that on page 13, it states that the Town Solicitor should be contacted regarding continuing violations. Mr. Payton feels that this should be changed to "Town Council" since they are the licensing authority. Mr. Payton stated that it is a step in the right direction and if it solves some of the problems, it will be appreciated.

Paul Jalette, of Jackson Schoolhouse Road, stated that he participates in the concerts that take place at the Kennelly's house, stating that they are all good kids who enjoy these events and he is hoping that this ordinance will not ruin it for them. Mr. Jalette asked if the Senior Center which is under construction will strictly be for the seniors or would teenagers be allowed to use the building for their music. Councilor Sette stated that he cannot remember ever getting any complaints regarding this property and stated that as long as they continue to do things the way they have been, they should not have any problems. John Bevilacqua, Town Solicitor, concurred that there have been no complaints concerning these events.

Paul Ricard, of Larry Bird Drive, applauded the Town Council for attempting to address this very difficult issue. Mr. Ricard stated that everyone has the right for peaceful use and enjoyment of their property and he supports this proposed ordinance.

Rodney Pierce, of Durfee Hill Road, asked if this ordinance will be voted on. Councilor Sette replied that it will be voted on by the Town Council at some point. Mr. Pierce stated that he rides dirt bikes on his own property and asked if he would be fined for doing so. John Bevilacqua, Town Solicitor, responded that State Law controls the noise level allowed. Mr. Pierce was concerned that he may not know if he is in violation. J. Bevilacqua stated that if Mr. Pierce is on his own property using a vehicle with a regular muffler, he would most likely fall within an acceptable decibel level, but if he wanted to be sure, he could have the noise level tested. Mr. Pierce stated that if there were a public place for dirt-bike riding, it would solve some of the problem.

William Salvas, of 49 Airy Acres Drive, agreed that there should be some place for the dirt-bike riders to go other than the facility on Route 44 which was only supposed to be allowed to sell and repair motorcycles. Mr. Salvas commented that there is excessive noise generated by dirt bikes at this location, even on Sundays. Mr. Salvas asked why this situation has not been taken care of, adding that there have been several cease-and-desist orders placed on the business. Mr. Salvas stated that he supports the ordinance if it will stop the problem, but he feels that the Council needs to look at what it is doing to this Town.

Ken Law, owner of New England Dirt Riders, stated that he was granted to do certain things with his business. Mr. Law stated that he wishes he could relocate to an area away from Route 44.

Mark Bonn, of Durfee Hill Road, stated that he agreed that there are not many activities for young people in Gloucester. Mr. Bonn added that his son owns a dirt bike and rides it at the facility on Route 44. Mr. Bonn wondered if this ordinance is being proposed for the whole Town to comply with because of this one business. Mr. Bonn asked the Town Council to think about how much we want to restrict the kids of Gloucester. Mr. Bonn stated that if there is an issue with Mr. Law, let's address that issue and not try to pass a noise ordinance that will affect the entire Town.

Tom Sanzi, of 18B Dorr Drive, stated that he feels Mr. Law's business is good for the kids as well as their parents, adding that the noise created by the motorcycles is probably no worse than the 18-wheelers which pass through at night. Mr. Sanzi cautioned the Council to look at the "big picture".

Kevin Lavoie, of Pound Road, asked how far will enforcement go, and would the Police set up on Route 44 with decibel guns to fine any motorcycle which they determine to be in excess of the limit. John Bevilacqua, Town Solicitor, replied that this is not what the ordinance was designed for. Mr. Bevilacqua added that if a specific complaint is made, it will be responded to.

David Rounds, of 37 Airy Acres Drive, stated that he agrees with Mr. Salvas's comments regarding noise in the Airy Acres area. Mr. Rounds stated that if this ordinance can help reduce the noise in the neighborhood, he supports it.

Councilor Poirier pointed out that the Town prevailed in the situation regarding the zoning issue at the dirt bike track.

Leslie Poitras, of 25 Airy Acres Drive, asked Councilor Poirier for clarification on his remark about the Town having prevailed. Ms. Poitras asked if the decision was upheld in Superior Court. John Bevilacqua explained that there was a withdrawal of an appeal by Mr. Law. Ms. Poitras thanked the Town Council and Town Solicitor for their efforts to find a solution to the noise problem they have experienced over the last few years.

Linda Kennelly stated that this is an example of how, when there is a problem which is not covered by our existing regulations, they need to be updated. Councilor Sette stated that since the light ordinance was passed, there have not been any complaints.

Roland Rivet, owner of two properties in Gloucester, stated that he lived in the city for many years before purchasing property in West Gloucester twenty years ago. Mr. Rivet stated that it was so quiet all you could hear were birds chirping or fish jumping in the water. Mr. Rivet said that there is now so much noise at the cottage that he is spending less and less time there. Mr. Rivet feels that the Town Council should concentrate on West Gloucester and not the whole Town, adding that about 90% of the complaints come from West Gloucester.

Councilor Sette asked if anyone else wished to be heard regarding the proposed ordinance.

Discussion followed by the Council and a consensus was that the ordinance needed to be looked at further before consideration.

MOTION was made by Councilor Reichert to CONTINUE the Public Hearing regarding the amendment to the Gloucester Code of Ordinance, Chapter 217, Section 1-20, Noise, seconded by Councilor Poirier.

Discussion: NONE

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- B. Earth Removal Renewal
  - 1. Applicant: Stephen E. Hopkins, Trustee  
Location of Business: Keech Dam Road,  
further described as: AP 12 Lot 134

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and abutters have been notified.

Councilor Sette DECLARED the Public Hearing Open

Councilor Sette read correspondence from the Zoning Official regarding this renewal:

April 26, 2006

To: Gloucester Town Council  
From : Brian Lombardi, Building/Zoning Official  
Re: Hopkins Earth Removal Renewal Application  
Assessor's Plat 12, Lot 134

I have received and reviewed the renewal application for the referenced location. Included with the application is a narrative detailing the current status of the earth removal operation. Additionally, an inspection of the property was performed on April 26, 2006, with Mr. Stephen Hopkins. Based on the inspection, it is apparent that little activity continues to take place on a regular basis, nor is it proposed during the next licensing period. At the time of the inspection, discussion took place regarding the restoration of an exposed excavation on the easterly boundary of this property.

Regarding school bus traffic, a schedule is provided to the property owner annually, prior to the start of the school year, and an appropriate amount of Bonding is in place. Therefore, at this time, I would recommend issuance of this license.

(End of memo)

Councilor Sette asked if anyone would like to speak for or against this renewal to please step up to the microphone and state their name and address.

Discussion:

James Saucier, of 123 Keach Dam Road, stated that he attends this meeting each year, and each year he hears the same thing from the Building Official, that the applicant is doing a good job and should obtain his license renewal. Mr. Saucier disagreed, stating that there is dirt blowing from the gravel bank through his property.

James Frazier asked if there is a plan regarding this property or will they keep digging. Mr. Frazier stated that there is no topsoil covering ten acres. Mr. Frazier stated that this is negatively affecting the property next door which is owned by a friend of his. Councilor Reichert asked if the operation is at a level where part of it could be restored.

Noelene Stanley, of New Road, stated that an aerial shot would show a huge area with nothing but white, which is sand. Ms. Stanley feels that this is a beautiful piece of property that is being

destroyed and she asked the Town Council to think about this license renewal and perhaps take a ride down Keach Dam Road to view the area.

Mr. Frazier commented that the entire neighborhood is affected by this earth removal operation, adding that there are no construction barriers to prevent damage to other properties.

Bruce O'Connell asked if Mr. Hopkins could be asked to reclaim part of the property. Councilor Sette replied that this will be referred to the Building/Zoning Official.

Councilor Sette asked if anyone else wished to speak regarding this application

MOTION was made by Councilor Carroll to TABLE the Earth Removal Renewal to Applicant: Stephen E. Hopkins, Trustee; Location of Business: Keech Dam Road, further described as AP 12, Lot 134; seconded by Councilor Poirier.

Discussion: Councilor Walsh stated that he would like to get a copy of the maps to allow the Council to take a look at the property.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

## II. Consent Items

- A. Minutes: March 27, 2006 Special Meeting, March 28, 2006 Public Hearing, April 6, 2006 Town Council Meeting, April 13, 2006 Special Meeting, April 20, 2006 Town Council Meeting

MOTION was made by Councilor Reichert to APPROVE the minutes of March 27, 2006 Special Meeting & March 28, 2006 Public Hearing; to TABLE the minutes of April 6th Regular, April 13th Special, and April 20th , 2006 Regular Town Council meeting; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

## VIII. Unfinished Business

- A. Appointments
  - 1. Conservation Commission  
One (1) one year Alternate term to expire 2/2007

MOTION was made by Councillor Walsh to TABLE the appointment to the Conservation Commission for a one year Alternate term to expire 2/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Affordable Housing Advisory Board  
One (1) position

MOTION was made by Councilor Carroll to APPOINT Susan Monaghan to the Affordable Housing Advisory Board ; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

#### IX. New Business

- A. Bid Award:  
IFB 2006-08 Precast Concrete Skate Park Structures

Councilor Sette stated this bid award was added to the agenda prematurely, therefore, a motion is needed to table until the next Council meeting.

MOTION was made by Councilor Poirier to TABLE the Bid Award, IFB 2006-08 Precast Concrete Skate Park Structures; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- B. Waiver: Minor Sub-Division application fees  
Glocester Land Trust property

Councilor Sette read the following correspondence from the Chair of the Land Trust, Bruce Payton:

April 27, 2006

Glocester Town Council

The Glocester Land Trust is in the process of completing the purchase of the Kwandrans' Property in West Glocester, Plat 1 Lot 39. In order to proceed we must complete a Minor Subdivision Application. This is needed to separate the 86 acres the Land Trust is purchasing from the 6-acre homestead Mrs. Kwandrans wishes to keep.

I have been in contact with The Town Planner and the Treasurer's Office about payment of fees.

It was agreed that with the Town Council's approval the fees would be waived for both the Preliminary Plan Application and the Final Plan Application.

I would therefore like to petition the Town Council for a waiver of the above fees.

Thank you for your consideration.

Sincerely,

Bruce B. Payton, Chair  
Glocester Land Trust

(end of memo)

Discussion: None

MOTION was made by Councilor Reichert to WAIVE the Minor Sub-Division application fees filed by the Land Trust for the Kwandrans property, also known as Plat 1, Lot 39; seconded by Councilor Carroll.

Discussion: None

VOTE:           AYES: Carroll, Poirier, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

C.     Adoption of Revised Controlled Substance and Alcohol Testing Policy  
       (Employee CMV Drivers)

Councilor Sette stated that we have received information from Tom Mainville, as Personnel Director, regarding mandated amendments to the Controlled Substance and Alcohol Testing Policy.

Discussion: Councilor Reichert stated he was familiar with this mandate and agreed the Council needed to adopt this policy.

MOTION was made by Councilor Carroll to ADOPT the revised Town of Gloucester, Controlled Substance and Alcohol Testing Policy, for Employee-CMV Drivers effective May 18, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

D. Senior Center Task Force Amendment to Charge  
Councilor Sette read a request from the Senior Center Task Force.

May 4, 2006

To: Gloucester Town Council  
Steven Sette, President

From: Raymond Goff, Chairman  
Senior Center Task Force

RE: Membership of the Senior Center Task Force

Due to the lack of quorum at the last two (2) meetings of the Gloucester Senior Center Task Force, I am asking that the makeup of the Task Force be changed. At present, we have eight (8) voting members (Ray Goff, David Fecteau, Joseph Peters, Edward Juaire, Ernest LaFazia, Wayne Tetreault, Paul Plante, and Carol Ventura), necessitating a five (5) member quorum.

On behalf of the Task Force members, I respectfully request that we change the composition of the Task Force to seven (7) voting members, changing Carol Ventura and Paul Plante to Ad Hoc Non-Voting Member status, and adding Debra Rogala as a voting member. Debra has been attending the Senior Center Task Force meetings regularly and has taken on the responsibility of Secretary to the Board. Since she participates and is a contributing member, we ask that she be added as a voting member of the Task Force.

Thank you for your consideration in this matter.  
(End of memo)

MOTION was made by Councilor Reichert to AMEND the composition of the Senior Center Task Force to a seven voting member committee; to change Paul Plante & Carol Ventura to Ad-

Hoc, Non-Voting members and to move the current clerk, Debra Rogala, to a voting position, seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- E. Wastewater Management District Commission  
Declaration of position

Councilor Sette stated that the Clerk has received a request from Lou Cadwell, Chair of the Wastewater Management District Commission, to have the seat of Michael Carnevale vacated due to lack of attendance. Mr. Cadwell also recommends the appointment of Frank Williams as he has expressed an interest.

MOTION was made by Councilor Poirier to VACATE position #4 on the Wastewater Management District Commission for a term to expire 6/2008; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- F. Appointments

- 1. Wastewater Management District Commission  
One (1) five-year term to expire 06/2008

MOTION was made by Councilor Carroll to APPOINT Frank Williams to the Wastewater Management District Commission for a term to expire 6/2008; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- 2. Economic Development Commission  
One (1) three-year term to expire 05/2009

MOTION was made by Councilor Poirier to TABLE the appointment to the Economic Development Commission for a three year term to expire 5/2009; seconded by Councilor Walsh.

Discussion: There was consensus to table the appointments to the Economic Development Commission until the Council can speak to the members.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

Two (2) one year Alternate terms to expire 05/2007

MOTION was made by Councilor Carroll to TABLE the appointments to the Economic Development Commission for a one year term to expire 5/2007; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion  
None

XI. Boards/Commissions  
None

XII. Council Correspondence/Discussion

1. There was discussion regarding a Resolution received from Burrillville concerning amendments to school housing project costs. The consensus was to refer the Resolution to the School Committee for their input.

XII. Council Correspondence/Discussion

1. There was discussion regarding a Resolution received from Burrillville concerning amendments to school housing project costs. The consensus was to refer the Resolution to the School Committee for their input.

2. Councilor Sette stated that the Council has received a letter from Kevin Kitson regarding the removal of sand from the roads within Hemlock Estates. Councilor Sette asked if anyone on the Council had a problem with this request. There was consensus among the Council to

authorize Public Works to help the mobile home park. Councilor Reichert stated that he will contact the Director of Public Works to advise him of the Councils approval.

### XIII. Open Forum

1. Tom Sanzi, stated he spoke on behalf of the residents of Dorr Drive, expressed his concern regarding several incidents which have occurred since the proposed no-thru traffic issue was addressed. Mr. Sanzi stated that some vehicles exiting the Town Hall parking lot are continuing to turn right onto Dorr Drive. Mr. Sanzi asked if a memo could be forwarded to Town employees asking them to honor the “no right turn” signs at the exit of the lot.

Gregory Gabel, of 114C Phillips Lane, distributed copies of incorporation papers for the Harmony Estates Association which consists of Phillips Lane and Valley Road. Mr. Gabel started that the Association has been attempting to make repairs to the roads and have conducted several meetings with the majority of the property owners. Mr. Gabel stated that of the 28 parcels of land, 24 of the owners have agreed to pay a portion of the cost and the remaining four owners are either undecided or are definite “no’s”.

Mr. Gabel stated that, realizing that they will not get any funding from the Town, the Corporation is requesting assistance from the Highway Department in obtaining materials at the bid prices the Town pays. Mr. Gabel pointed out that this will not cost the Town anything, only additional work for the Director of Public Works. Mr. Gabel stated that they are already collecting funds and their goal is to have the roads repaired within five years. Councilor Reichert asked if this could be done without the consent of the four residents who object.

Mr. Gabel responded that this is more of a civil matter and that he is not sure of the legal ramifications. John Bevilacqua, Town Solicitor, stated that the Town has received an indemnification agreement from the Association which would leave the Town responsible for maintenance in the future. J. Bevilacqua stated that the Town will not agree to this. Mr. Gabel explained that this was not the intention. Mr. Gabel stated that the residents of these roads do not get from the Town what other residents get. Councilor Walsh pointed out that some private roads do not get plowed WHEREAS Phillips Lane and Valley Road do, and in that respect these residents get more from the Town than others.

Mr. Gabel noted that the condition of these roads is such that they are barely passable. J. Bevilacqua stated that the issue is not that the Town will not try to assist the Association in regard to cost savings, but rather the issue is how the Association addressed the liability and responsibility of maintaining the road in the future. There was discussion regarding the residents who object to this project and who are complaining about the tactics used by the Association to generate their participation.

Mr. Bevilacqua cautioned Mr. Gabel to express to the Association to rethink their approach. Mr. Gabel asked if it would help to draft a document which would not hold the Town responsible for anything except for the assistance the Association is requesting. J. Bevilacqua replied that he

would be willing to review such document. Mr. Gabel asked for permission to contact the Director of Public Works to obtain prices for materials. Councilor Reichert stated that he himself would work with the Director of Public Works to arrive at an estimated cost. Mr. Gabel thanked the Town Council for their time.

XIV. Executive Session

A. Pursuant to 42-46-5 (a) 5

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to 42-46-5(a)5; seconded by Councilor Carroll.

VOTE: AYES: Carroll, Poirier, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

XV. Reconvene to Open Meeting

A. Disclosure of votes taken

None taken

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:14 p.m.; seconded by Councilor Carroll

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

At a Town Council Meeting holden in and for the Town of Gloucester on **May 18, 2006**:

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh

Member absent: Charles Poirier

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Susan Harris, Deputy Town Clerk; Thomas Mainville, Finance Director; Brian Lombardi, Building/Zoning Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by retired Police Captain David Laplante who will be retiring from the Police Department.

IV. Open Forum for Agenda Items

None

V. Fiscal Year Budget 2006/2007

Discussion: Councilor Sette stated that this is on the agenda for the purpose of establishing a time-line and to give taxpayers a better understanding of what transpired at the Financial Town Meeting. Councilor Sette explained that, on May 3rd, he received a phone call from the Superintendent of Schools requesting a meeting with himself and the Business Manager the following day. Councilor Sette explained at that meeting discussion was held regarding the \$383,000 the Council has decided to withhold from the Regional School budget and there were suggestions made as to how that could be handled.

Councilor Sette stated it was agreed the solicitors for the Region and for the Town would get together to discuss the issue to see if a resolution could be reached so that the Towns of Gloucester and Foster would not be burdened by the encumbrance in this year's budget. The Council did authorize their solicitor to go forward and meet with the School's solicitor. Councilor Sette stated an agreement was reached between the Town and the School Department which was read at the Town Financial Meeting. Councilor Sette stated that until the Superintendent arrived at the Financial Meeting the Council did not know they had an agreement, as "things" happened rather quickly. Councilor Sette further explained that \$314,000 of the \$383,000 (which was added to the budget at the Regional Financial Meeting) would not have to be paid by the Towns of Gloucester and Foster in this year's budget and was felt to be "off the table."

Councilor Sette added that the School Committee also agreed if the need arose to fund any positions, it would come from their fund balance, which is in the \$600,000/\$700,000 range. Councilor Sette also stated that the Town has agreed to move \$100,000 from our fund balance and to cut another \$50,000 from the overall Town budget. Councilor Sette pointed out that this would not jeopardize our bond rating and would allow a budget which, in the long-run, would not severely curtail services to the citizens of Gloucester. Councilor Sette stated the Moderator of the meeting then asked if anyone had questions, no one spoke and the budget was approved.

Councilor Sette stated that in hindsight if there had been time he would have called the Council together for an additional meeting to explain further. Councilor Sette explained because the Council did not know there was an agreement before hand there was no time to discuss this before the meeting.

Councilor Sette further explained that the Regional School Committee, on Friday night (May 12), subsequently voted to spend the additional \$314,000 out of their fund balance, which increases the budget by that amount and puts us at the encumbrance of the \$314,000 in next year's budget. Councilor Sette stated we thought we had a hand shake agreement that the School Committee wouldn't spend the money but they went ahead and did, out of their fund balance. Councilor Sette asked if anyone wished for further clarification. Councilor Walsh asked if next year, the schools will get the 7.2% which we recommended or if they will get the full 13.4% which they wanted this year.

John Bevilacqua, Town Solicitor, replied that he believes that their base is the bottom line figure from the Regional Financial Meeting which includes the \$314,000. Councilor Carroll asked if we are obligated by this agreement in regard to next year's budget. J. Bevilacqua repeated his opinion that their base will include the \$314,000. Councilor Sette stated he believed the minimum increase could be \$314,000 and not that it had to be. Councilor Walsh asked if the Council must formally approve the budget. J. Bevilacqua stated that the budget was adopted at a Town Council meeting and was modified at the Town Financial Meeting when the proposal was presented. Councilor Walsh expressed his sentiments on what the School Department did to the Town after making the agreement.

Councilor Sette stated as the Town goes forward with the idea of full regionalization the taxpayers should be aware of these issues. There was discussion concerning enabling legislation for regional school districts. Councilor Sette read the following from State Law "(Regional School Districts): Powers of Regional School District Financial Meeting, The Regional School District Financial meeting shall determine the Regional School District budget as to overall amounts; the decision as to the levying of taxes covering the functions of the Regional School District, the purchase of land and the construction of buildings; extension of the scope and functions of the Regional School Districts as approved by the Board of Regents for elementary and secondary education and the election of members to the Regional School District School Committee."

Councilor Sette asked if that one statement regarding the levying of taxes gives the School District tax levying authority per Rhode Island General law. The Solicitor stated it does allow

the District, if they choose, to be their taxing authority. Councilor Sette asked if the Town can amend the authority of the Regional School District to give them that tax levying authority. The Solicitor stated the Town can amend to give that authority. Councilor Sette stated this may be the opportunity to do that and to have them subject to the caps provided by the state.

VI. Public Hearing

A. Earth Removal Renewal- Continuation

1. Applicant: Stephen E. Hopkins, Trustee  
Location of Business: Keech Dam Road , further described as:  
AP 12 Lot 134

Councilor Sette stated that the Public Hearing was opened on May 4th, 2006, at that time it was noted the application hearing had been advertised and abutters notices were sent. Councilor Sette stated after discussion the Public Hearing was continued to this meeting.

Brian Lombardi, Building/Zoning Official, stated that he met with Mr. Hopkins and was informed that it is Mr. Hopkins' intention to begin restoration of the right-hand side of the property. Councilor Sette stated that several abutters to the property were present at the last meeting with concerns as to when reclamation would be complete. B. Lombardi replied that, based on his conversation with Mr. Hopkins, the reclamation would begin as soon as the license is granted. Stephen Hopkins was present and concurred with Mr. Lombardi.

Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the Earth Removal Renewal to Applicant: Stephen E. Hopkins, Trustee; Location of Business: Keach Dam Road, further described as AP 12, Lot 134; contingent upon Building/Zoning approval; all Town fees being paid; and current bonding secured; said license to be valid June 1, 2006 to May 31, 2008; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Minutes: April 6th Town Council Meeting; April 13th Special Meeting; April 20th Town Council Meeting; May 4th Regular Meeting & May 4th, 2006 Executive Session

MOTION was made by Councilor Carroll to APPROVE the minutes of April 6th & April 20th 2006 & May 4th Regular Meetings and to TABLE the minutes of April 13th Special Meeting and May 4th Executive Session; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Appointments

1. Conservation Commission

One (1) one year Alternate term to expire 2/2007

MOTION was made by Councilor Carroll to TABLE the appointment to the Conservation Commission for a one year alternate term to expire 2/2007; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Carroll, Reichert, Sette, Walsh

NAYS: 0

MOTION PASSED

IX. New Business

A. Resignation/Retirement

1. Gloucester Police Captain

Councilor Sette stated that the Council has received a correspondence from the Chief of Police:

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: May 9, 2006

Re: Retirement of Captain Laplante

Captain David Laplante has decided to retire after twenty years of service with the Town of Gloucester. His last day with the Town will be on May 20, 2006.

Due to the important nature of the Captain's duties here he has several matters that are pending. I have spoken to him and he is willing to continue on a part time or even as a need basis. As I understand the State Municipal Police Pension rules they allow him to

work up to seventy five (75) eight hour days per year. Therefore I am requesting the Council approve him as a part time police officer.

Thank you for your time and consideration in this matter.  
(End of memo)

Discussion: Councilor Sette thanked Captain Laplante for his twenty years of service to the Town of Gloucester and stated that he has earned the respect of his peers and the citizens of the Town.

MOTION was made by Councilor Reichert to ACCEPT the retirement of Captain David Laplante from the Gloucester Police Department as of May 20, 2006; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

B. Appointments

1. Police Department
  - a. Part time Police Official

MOTION was made by Councilor Reichert to APPOINT David Laplante under the terms of the State Municipal Pension Rules which allow him to work up to seventy-five (75) eight (8) hour days per year at a rate of \$23.20 per hour; seconded by Councilor Walsh.

Discussion: Councilor Walsh asked if there are benefits with this position, to which Tom Mainville, Finance Director, answered to the negative.

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

2. Public Works
  - a. Building Maintenance/Driver Laborer

Councilor Sette stated that we have received correspondence from the Director of Public Works:

5-11-06

To: Honorable Town Council

Subject: Recommendation for Building Maintenance/Driver Laborer Position

Honorable Council:

I wish to recommend Mr. Christopher D. Leonard of 52 Diamond Hill Road Chepachet to fill the above vacancy. His starting rate of pay is step one \$15.88 per hour. Mr. Leonard has a valid and active CDL License and has experience in plowing operations. He also has experience in maintenance and construction.

He will be working with Mr. Dauphinais in the building and grounds maintenance department and will assist in plowing operations as well as general labor operations when and if time permits.

Respectfully submitted,  
Alan Whitford

(End of memo)

Discussion: None

MOTION was made by Councilor Carroll to APPOINT Christopher D. Leonard to the position of Public Works, Building Maintenance/Driver Laborer, at a starting rate of \$15.88 per hour effective June 5, 2006; seconded by Councilor Reichert.

Discussion: None

VOTE:           AYES: Carroll, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

3.     Economic Development Commission
  - a.     One (1) three-year term to expire 05/2006

MOTION was made by Councilor Walsh to REAPPOINT Thomas D'Angelo to the Economic Development Commission for a three year term to expire 5/2009; seconded by Councilor Reichert.

Discussion: None

VOTE:           AYES: Carroll, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

- b.     Two (2) one-year alternate terms to expire 05/2006  
          Two (2) one year Alternate terms to expire 05/2007

MOTION was made by Councilor Carroll to TABLE the appointments to the Economic Development Commission for a one year term to expire 5/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

- C. Summer Recreation Employment/Appointments:
1. Lifeguards (7) - 2 Subs
  2. Water Safety Instructor (3)
  3. Water Safety Aide (6) - 2 Subs
  4. Arts and Craft Instructor (1)
  5. Tennis Instructor (1)
  6. Tennis Aide (3) - 1 Sub
  7. Parks and Grounds (2)
  8. Parking Lot Attendant (6)

Councilor Sette stated that we have a recommendation from the Recreation Director for appointments to these positions.

Discussion: Anthony Parrillo, Recreation Director, stated that one of his recommended lifeguards is not yet certified, but will be at the end of May. A. Parrillo requested holding off on this candidate until that time. Councilor Carroll suggested tabling the appointments for Water Safety Aides until the next meeting because there are still some openings for these positions. A. Parrillo was in agreement.

Councilor Walsh recused himself from this vote.

MOTION was made by Councilor Carroll to:

APPOINT Patrick Walsh, Michael Sherman, Aaron Beltram, Alana Markowitz, & Laura Steere to the position of Lifeguard at an hourly rate of \$10.25;  
to APPOINT Laura Steere, Alana Markowitz, & Ashley Leja (substitute) to the position of Water Safety Instructor at an hourly rate of \$13.25;  
to APPOINT Ellen Shannon to the position of Arts and Crafts Instructor at an hourly rate of \$9.25;  
to APPOINT Richard Lawrence to the position of Tennis Instructor at an hourly rate of \$17.00;  
to APPOINT Chris Brown, Alexandra Lawrence, Jesse Tucker, and Ashley Winsor (substitute) Tennis Aides at an hourly rate of \$7.50;  
to APPOINT Alexander Healy and Robert Barrows to Parks & Grounds at an hourly rate of \$8.25;

and to APPOINT Nicholas Berube, Alixandra Choquette, Mary Bilodeau, & Katie Lorraine to the position of Parking Lot Attendant at an hourly rate of \$7.10; seconded by Councilor Reichert.

Discussion: Note: There are various appointments still to be made at the next meeting.

VOTE: AYES: Carroll, Reichert, Sette  
NAYS: 0  
RECUSED: Walsh

MOTION PASSED

- D Bid Award:  
1. IFB 2006-08 Precast Concrete Skate Park Structure.

Councilor Sette stated that the Council has a recommendation from the Board of Contracts & Purchases:

May 17, 2006

To: Town Council  
From: Board of Contracts & Purchase (Board)  
Re: Awarding of IFB 2006-08 ~ Precast concrete skate park structures

- I. IFB 2006-08 was advertised in accordance with current rules and procedures.  
II. Two (2) companies bid.  
III. The Board recommends the bid be awarded to the lowest qualified bidder.

Skate Parks, Inc.  
Old Driftway Road  
P.O. Box 606  
Scituate, MA 02066

Bid price:	\$9,990.00	Large 4' half pipe built w/6 qtr pipes
	3,750.00	3 fallout ramps
	1,795.00	40" spine w/ double coping
	11,655.00	7 (@ \$1,665) 4' quarter pipe
	695.00	special launch ramp w/ rail
	895.00	'Freddie' box w/ double rails
	3,995.00	Medium fun box w/ planter (modified)
	3,850.00	Delivery & set-up
Total	\$ 36,625.00	

[Note: The bid amount is \$36,625.00, which exceed the funds available (\$35,854.91) in Fund 'EW' for this project by \$770. However, funds are available from the GMP Capital Projects fund which can cover this overage.]

Respectfully submitted,

Jean M. Fecteau ~ Town Clerk  
Brian Lombardi ~ Building/Zoning Official  
Thomas P. Mainville ~ Director of Finance

(end of memo)

Discussion: Anthony Parrillo stated that this quote was originally obtained in March of 2004 and he is pleased that the company has held their prices.

MOTION was made by Councilor Reichert to AWARD IFB 2006-08 Precast Concrete Skate Park Structure to Skate Parks, Inc. of Scituate, MA. for the quoted bid of \$36,625.00; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Carroll, Reichert, Sette, Walsh  
                  NAYS: 0

MOTION PASSED

2.           IFB 2006-10 Kubota Diesel Zero Turn Mower ZD28 or Equivalent

Councilor Sette asked Councilor Walsh to read the following recommendation from the Board of Contracts & Purchases:

May 18, 2006

To:   Town Council

From: Board of Contracts & Purchase (Board)

Re:   Awarding of IFB 2006-10 ~ Kubota Diesel Zero Turn Mower ZD28 or equivalent

- I.   IFB 2006-10 was advertised in accordance with current rules and procedures.
- II.   Six (6) companies bid.
- III.   The Board recommends the bid be awarded to the lowest qualified bidder.

Dubay Tractor Center, LLC  
65 Dubay Drive  
Danielson, CT 06239

Bid price:   \$ 9,975.00   Exmark model LZ27DD604 diesel mower

	1,579.00	3 bag Ultra Vac grass collector
	157.00	XP kit for UVD60C
Total	\$ 11,711.00	

[Note: The bid amount is \$11,711.00, but the budgeted amount is \$10,000. The Director of Public Works met with the Board and noted that \$1,711 overage will be covered from savings on another capital project.]

Respectfully submitted,

Ray Goff ~ Town Planner  
 Susan Harris ~ Deputy Town Clerk (representing Jean M. Fecteau ~ Town Clerk)  
 Thomas P. Mainville ~ Director of Finance

(end of memo)

MOTION to was made by Councilor Carroll to AWARD IFB 2006-10 Kubota Diesel Zero Turn Mower ZD28 or Equivalent to Dubay Tractor Center, LLC of Danielson, CT for the bid quote of \$11,711.00; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Carroll, Reichert, Sette, Walsh  
                   NAYS: 0

MOTION PASSED

- E.     Glocester Animal Control
  - 1.     Adoption of Policies

Councilor Sette stated that the Council has two applications to consider for adoption, Volunteer Application and Animal Adoption Application, and asked Councilor Carroll to explain.

Councilor Carroll stated that there have been certain issues recently at the Animal Shelter and felt that this would be a good time to institute a policy regarding the Animal Control Department. Councilor Carroll added that he has proposed several options and stated that this could be acted upon at the next meeting after review by the Solicitor.

- 2.     Discussion: Animal Shelter volunteers

Councilor Sette stated that there are several people at the meeting who wish to speak regarding this matter and reminded them that the performance of the Animal Control Officer will not be discussed due to the fact that this would be a personnel matter addressed in Executive Session.

Councilor Sette stated that one of the issues for discussion tonight is a contract between a volunteer and the Town of Glocester. Councilor Sette clarified that contracts can only be

approved by the Town Council, with the signature of the Town Council President. Jamie Hainsworth, Chief of Police, stated that for almost two years, Volunteer Services for Animals has been assisting the Animal Control Officer in finding homes for animals. Since that time, Chief Hainsworth pointed out that there has been some changes in policies and staff at the pound. Captain Laplante stated that everyone involved in the pound is doing a good job.

Captain Laplante stated that Mary Tilton has taken over the VSA sponsorship in Gloucester. Captain Laplante stated that by State Law, the Town is only required to keep an animal for five days, after which it can be euthanized. Captain Laplante stated that Gloucester does not follow this policy and never has. Captain Laplante pointed out that decisions regarding placement of animals can only be made by the Town of Gloucester and the Animal Control Officer. Captain Laplante went on to say that there are several reasons why some animals are not suitable for placement. Captain Laplante stated that the parties involved in this matter must work together to reach an agreement.

Captain Laplante stated that Mary Tilton provides a valuable service and will save the taxpayers money. Captain Laplante added that Michael Merchant, Animal Control Officer, does a great job also. Captain Laplante pointed out that there was never a contract between the parties, but rather a Memorandum of Understanding. Councilor Sette asked what is the Town's policy regarding donations of food for the Animal Shelter. Captain Laplante replied that they would sometimes receive donations of outdated food from grocery stores as well as various types and brands of pet food from individuals. Captain Laplante pointed out that this leads to an inconsistent diet for the pets. Captain Laplante stated that it was decided to purchase food for the shelter.

There was discussion concerning the "Petfinder" website, maintained by Mary Tilton. Captain Laplante explained that this website is used to find homes for abandoned animals. Captain Laplante stated that this website is one of the subjects at issue, but he feels that cooperation between the parties is the main issue, pointing out that the goal is to do the best for the animals. Councilor Sette stated that the Animal Control Officer is still the person responsible for the operation of the department. Captain Laplante agreed, adding that the Animal Control Officer is a Town employee who is paid to uphold the ordinances of the Town.

Mary Tilton addressed the Council. Ms. Tilton stated that she has been a resident of Gloucester for three (3) years and has been assisting at the Animal Shelter for almost two (2) years. Ms. Tilton stated that she has been employed full time for ten years at Met Life Auto and Home as an underwriter. Ms. Tilton stated that she has submitted her resume for the Council members to read to give them a sense of who she is and her level of professionalism.

Ms. Tilton asked the Council to review the Memorandum of Understanding. Ms. Tilton pointed out that many people in attendance tonight are here because they care about the animals and want to find the best homes for them. Ms. Tilton added that the best part is that the service she provides is free. Ms. Tilton stated that she started Volunteer Services for Animals in Gloucester because she saw that there was a need for it. Ms. Tilton added that she has the full support of the VSA Board of Directors.

Councilor Sette referred to the Memorandum of Understanding and questioned the item which states “Mary will maintain the website for the Gloucester Animal Shelter.” Councilor Sette asked if the Animal Control Department has a website of its own or do we use the Petfinder website. The response was that there is a link to Petfinder on Gloucester’s website. Ms. Tilton stated that she would like to amend the agreement to include Turn to Ten Pick of the Week because she gets a good response from this resource. Ms. Tilton also stated that she would like to do Gloucester VSA website as opposed to Gloucester Pound website.

Councilor Sette stated that the Animal Control Officer is still the person who is appointed to run the pound. Councilor Sette wondered if the link between the VSA and Gloucester gives the impression that the VSA is in fact running the pound. Ms. Tilton stated that she sees no reason why the two entities cannot work together. Ms. Tilton further stated that VSA is a statewide organization which has their own liability insurance so anyone volunteering on their behalf is covered. Councilor Carroll stated that we welcome volunteers but that the Animal Control Officer should have the authority to say who and how many.

Jamie Hainsworth, Chief of Police, stated that we have not been successful in getting the two sides to work together, adding that some type of counsel is needed.

John Bevilacqua, Town Solicitor, stated that according to the Town Charter, the Animal Control Officer has the right to institute certain policies regarding that office.

Councilor Sette expressed his opinion that the two sides are not far from reaching an agreement or an understanding as to what everyone’s role and responsibility is.

Councilor Walsh asked Ms. Tilton how many animals are presently at the pound. Ms. Tilton replied that she has not been to the pound since last week, so she has no idea. Councilor Walsh asked if Ms. Tilton could estimate the average number of animals. Ms. Tilton replied three or four cats and maybe a few dogs. Councilor Walsh asked Ms. Tilton why, with all the resources she has, does she need the Gloucester pound. Ms. Tilton replied that her passion is to help the animals in the shelter who sit in cages 24/7.

Sue Tassoni stated that when somebody takes a job, they must have the credentials to fill that job and she feels that Mike does have the credentials. Ms. Tassoni stated that they are only looking for a team-oriented situation. Ms. Tassoni added that they only wish to make sure the animals are socialized so that when they are adopted, they are not brought back to the shelter.

Councilor Sette asked Councilor Reichert & Chief Hainsworth to work with the parties in an attempt to come to an agreement so that by the next Town Council meeting a resolution can be reached.

#### X. Department Head Report/Discussion

1. Councilor Sette stated that he has an issue regarding Gloucester schools to discuss with Tom Mainville, Finance Director. Councilor Sette referred to the RI General Laws Chapter 16-2-9, item f., which reads as follows: “In the event that any obligation, encumbrance, or expenditure

by a superintendent of schools or a school committee is in excess of the amount budgeted or that any revenue is less than the amount budgeted, the school committee shall within five (5) working days of its discovery of potential or actual over expenditure or revenue deficiency submit a written statement of the amount of and cause for the over obligation or over expenditure or revenue deficiency to the city or town council president and any other person who by local charter or statute serves as the city or town's executive officer; the statement shall further include a statement of the school committee's plan for corrective actions necessary to meet the requirements of subsection (d). The plan shall be approved by the auditor general." Councilor Sette asked if we received notification that the school department was running a deficiency on revenue.

T. Mainville replied the information was included in a report he had received from the Business Office and he distributed to the Council. Councilor Sette asked if this notification was received within the time frame and in the manner indicated in the General Law. Councilor Sette asked if this is the first notification to the Council. T. Mainville stated it was the first notification. T. Mainville replied that he does not know when it was discovered that there would be a deficit on the revenue side.

(At this point, there was discussion with Walter Steere, School Committee member, who was in the back of the room away from the microphone.)

T. Mainville reviewed the report he presented to the Council. T. Mainville stated the revenue account is \$63,000 short at this time.

Councilor Sette stated according to the General Laws the Council should be notified as well as submitting a plan to Council which has been approved by the Auditor General. Councilor Sette stated the School Department is in violation of RIGL 16-2-9. f..

School Committeeman Steere (inaudible)

T. Mainville stated there was another issue, spending funds for a playground and spending \$93,000 for the energy savings project and of that the schools were going to pay a portion. T. Mainville stated he asked Mr. Winsor if these expenses were included in the totals and Mr. Winsor stated he would have to get back to him. T. Mainville stated if there were not included the School could be running a deficit on the revenue side.

Councilor Sette suggested that the Town Council send a letter of reminder to the School Department with a copy of the RI General Law which governs School Committees and Superintendents.

2. Raymond Goff, Town Planner, stated that the Senior Center is moving along quickly despite twelve days of rain. R. Goff stated that they are still seeking donations and have sent notices to businesses. R. Goff reported that he received a call from Kerrie Shea regarding Adelaide Road. R. Goff stated that he told Ms. Shea that we are waiting for the title search to be

completed. J. Bevilacqua, Town Solicitor, stated that title search will be completed by the end of the week.

3. Councilor Sette addressed Brian Lombardi, Building/Zoning Official, regarding correspondence received from Mr. Jeffrey of Stirling Drive. There was discussion regarding blasting and B. Lombardi stated that he is researching other towns before going further in developing an ordinance.

There was discussion concerning fees for the construction of the new middle school. Councilor Walsh suggested that a letter be sent to the Foster Town Council requesting that they contribute to costs incurred by the regional schools.

4. Councilor Walsh asked Alan Whitford, Public Works Director, if he has met with Mr. Luther regarding Willie Woodhead Road. A. Whitford stated that he has not heard from Mr. Luther. Councilor Carroll asked A. Whitford if he has had any communication with Mr. Gabel of the Harmony Association. A. Whitford replied that he has backed away from the situation and has not had any further discussions with Mr. Gabel.

5. Councilor Sette addressed Jamie Hainsworth, Chief of Police, regarding correspondence he has received from the Governor's office concerning evacuation. Councilor Sette asked if he, as Town Council president, has the authority to order an evacuation in the event of a disaster such as a hurricane, or if that authority comes from the Police Department. Chief Hainsworth replied that there should be some ordinances passed in the near future regarding emergency management.

XI. Boards/Commissions  
None

XII. Council Correspondence/Discussion  
Councilor Reichert read the following correspondence:

Dear Council Members:

I, Bruce W. O'Connell, of the Town of Gloucester, believe that there is a serious problem with the way the Gloucester Land Trust is running its operations. There is a problem with their own bid specs not being filed properly, especially the Steere Hill Farm project. I have pictures to back up the allegations. The Phillips Farm work did not go out to bid, but over \$500.00 of work was done, which is in violation of the law. Speaking of law, personnel and committee members are running equipment, which is in direct violation of Rhode Island Title 28 Hoisting and Engineers Division, Department of Labor.

I, in the investigation of both violations, found a tractor owned by the town is being used by the Land Trust chairperson to work on Land Trust land which is public property owned by the Town of Gloucester. The person operating this machine is not licensed to do so. This puts the members of the Council at risk of being fined or sued in the event

someone is hurt. The Land Trust's own rules state that there is prohibited use of any vehicle on Land Trust, also the disturbance of any natural materials, whether animal, vegetable or mineral are prohibited. The preceding allegations of violations are ongoing and still being looked into by myself and other individuals involved.

I would like the Council to know that I probably would not have found the existing problems if my son and myself were not accused of an unfounded allegation. The Land Trust chairperson endangered my son by, without warning, cutting across a public road on the corner with a private vehicle to stop and accuse my son of being on Sprague Farm Land Trust land two weeks earlier.

The ATV he was riding he owned for only three days. I have spoke with the Chief of Police about this incident. I would gladly come before the Council to support more information as it becomes available. The material is a public record. I still need financial records from the Finance Director for all monies spent by the Land Trust personnel and trustees. The Council ought to be very interested in what actually is going on here with the tax situation. I would appreciate the Land Trust Trustees be present to refute this matter.

Sincerely,  
Bruce W. O'Connell

(End of letter)

Bruce W. O'Connell was present at the meeting to address the Council. Mr. O'Connell asked the Council members if they were familiar with the bid that went out on Hill Farm. The members replied that they are not. Mr. O'Connell stated that between reading the bid and looking at the pictures he has, it is self-explanatory. Mr. O'Connell stated that he has not been to the Sprague Farm to see what they have done there.

Mr. O'Connell stated that the work was scheduled to be finished in June 2005 and it is now May 2006 and it has not been finished. Mr. O'Connell stated that this is a matter which needs to be taken under control, adding that this is the Town Tree Warden who is allowing this to take place. Councilor Sette stated that he will ask the chair of the Land Trust to attend the next meeting to address these concerns. Mr. O'Connell asked that the finance records concerning the Land Trust be available at that time. There was consensus to have this matter on the agenda for the meeting of June 1st.

### XIII. Open Forum

1. Lorraine O'Connors, School Committee member, stated that when Councilor Sette attended the Total Regionalization Subcommittee meeting, he had asked for copies of the legislation when they were submitted. Mrs. O'Connors presented Councilor Sette with the copies and asked that the Council review the legislation and meet with the Subcommittee at a later date.

2. Tom Sanzi stated that Chepachet Chatter features pets which are up for adoption and will continue to do so.

3. Rose LaVoie stated that she attended the Financial Town Meeting and feels that the Town was “taken” again. Regarding the Land Trust, Mrs. LaVoie stated that the properties are not taken care of properly. Regarding the Town Pound, Mrs. LaVoie stated that the old pound has a gate which is hanging. Mrs. LaVoie recommended that the Town have it repaired by an ironworker to improve the appearance.

4. Denise Brierly spoke regarding the situation on Adelaide Road concerning the family who is being harassed. Ms. Brierly stated that she is appalled and does not know how to help. Ms. Brierly stated that the family who is suffering personal illness are afraid to leave their home and at the same time are afraid to remain in their home. Regarding the “No Trespassing” signs, Councilor Sette asked who could remove them since the Town owns the land and they were erected illegally. J. Bevilacqua replied that the Public Works Department and the Police Department have the authority to remove the signs. Ms. Brierly thanked the Council for their help.

5. Beth Campanella stated that she has been a Gloucester resident for thirteen (13) years and has been a friend of Karlin and David DeCost for most of that time. Ms. Campanella stated that the DeCost family is fearful of the excessive speed on the right-of-way endangering their children and the taunting they have endured. Ms. Campanella urged the Council and the Police to do something before somebody gets hurt.

6. Colleen Viveiros also spoke regarding the situation on Adelaide Road. Ms. Viveiros stated that she is upset and frightened at how volatile the situation is. Ms. Viveiros stated that there are all-terrain vehicles speeding down the road, but when the police respond, nothing happens. Ms. Viveiros reported that there have been threats, taunting, and near-violence. Councilor Sette stated that a survey will solve the property dispute, but remarked that this seems to be more than a property dispute. Councilor Sette added that this has gone on long enough and something needs to be done.

7. Walter Steere, School Committee member, asked if the \$314,000 which will be picked up by the taxpayers next year will count against the 5.5% limit or will it be in addition to the 5.5%. Mr. Steere also asked if the School Department can use surplus funds to take care of revenue deficits without the requirement of a Financial Town Meeting. Mr. Steere stated that the attorney for the School Department advised him that they can use the surplus any way that they wish. Councilor Sette referred Mr. Steere to the RI General Law which states that they cannot.

Councilor Sette spoke regarding the young man who was rescued from a sand bank collapse recently and stated that citations should be issued to several individuals for their heroic efforts.

MOTION was made by Councilor Walsh to ADJOURN to Executive Session, Litigation - RIGL 42-46-5(a)2; seconded by Councilor Reichert.

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

XIV. Executive Session

A. Litigation- RIGL 42-46-5(a)2

XV. Reconvene to Open Meeting

A. Disclosure of votes taken

No votes taken

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:34 p.m.; seconded by Councilor Sette.

VOTE: AYES: Carroll, Reichert, Sette, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the June 15, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **June 1, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Brian Lombardi, Building/Zoning Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

V. Open Forum for Agenda Items

None

V. Public Hearing

A. Application for the Exception to the Ordinance Regulating the Issuance of Building Permits

Owner: Robert, Anthony & Luigi Lancellotta

Applicant: Nardelli & Brossman Builders, Inc.

Location: Lots adjacent to Putnam Pike further described as AP 14, Lots 67, 218, & 219

Application seeks driveway access for the Lancellotta Plat dated April 20, 2006

Councilor Sette stated this application was advertised in the Providence Journal on May 22, 2006 and abutters letters were sent out.

Councilor Sette DECLARED the Public Hearing OPEN

Councilor Sette stated the Council has the TRC report, which is comprised of the Public Works Director, Town Planner, & the Building/Zoning Official:

To: The Planning Board

From: Report of The Technical Review Committee (TRC)

Date: April 25, 2006

Subject: Recommendation for Exception to Ordinance Regulating the Issuance of Building Permits

Applicant: Nardelli & Brossman Builders AP: 14, Lots: 67, 218 & 219 Shared Driveway off Putnam Pike

The members of the TRC have reviewed the subject application, plan titled "Proposed Driveway Access for...The Lancellotta Plat" dated April 20, 2006 and materials for properties located on Putnam Pike and report the following recommendation(s) to The Gloucester Planning Board:

Findings/Recommendations:

- a) The existing lots of record are located adjacent to Putnam Pike, a state road, but require a shared driveway. The proposed driveway will straddle lots 67 and 218, but lot 219 has a right of way across these lots for access, therefore an exception is not necessary.
- b) Having separate access points is not recommended due to a 25 foot no disturbance buffer around the adjacent cemetery. Even if they were possible, they would not make practical sense since there would be three driveways intersecting with Putnam Pike within 40 feet of each other.
- c) This application is for access to only three dwellings from Putnam Pike. Based on town records, this would be the only lots to use this access driveway. It is the applicant's sole responsibility to seek and receive all clearances and or approvals prior to making any alterations or using this road for access to this property.
- d) The proposed access is the only feasible means of access/egress to the subject properties and directly connects to Putnam Pike which is a State road.
- e) The applicant has proposed to install a 20 foot wide gravel driveway with a 50 foot long paved entrance. Since the site is relatively flat grading of the site is limited to the area near the cemetery at the entrance. Adequate grading and drainage must be provided to maintain slopes and avoid degrading the road, and the TRC would recommend a 75 foot minimum paved entrance pad.
- f) The proposed access driveway will provide adequate access/egress for emergency and safety vehicles if improved as recommended. If improved as recommended, there will be no environmental or physical constraints that would prohibit physical access to this property.
- g) the Chepachet Fire Chief has been provided with a copy of this application and has been granted an opportunity to make a recommendation. A recommendation has not yet been received.

- h) This recommendation does not exclude the standard driveway permit application procedure and subsequent approval by the Public Works Director prior to the issuance of a building permit.
- I) The deed for these properties must be modified to include the language that the Town of Glocester will not be responsible for maintenance of any nature to this private road, inclusive of snow and ice control and that this language will remain part of the record when title passes in the future. A copy of the modified deeds are to be presented to the building Official and Director of Public Works prior to issuance of building permit.

The TRC finds that the proposed access to the lot meets the minimum design standards and, if constructed as proposed will provide adequate access to the existing lot and hereby recommends approval of this request for an Exception to the Ordinance Regulating Issuance of Building Permits.

s/ Raymond Goff	4/26/2006
s/ Brian Lombardi	4/26/2006
s/ Alan Whitford	4/26/2006

(end of memo)

Councilor Sette stated the Council also has an opinion from the Planning Board from their May 1, 2006:

Councilor Poirier read as follows:

A Motion was made by Susan Shuster for a positive recommendation to the Glocester Town Council regarding an application for an Exception to the Ordinance Regulating the Issuance of Building Permits by Applicants Nardelli & Brossman Builders, and owners Robert, Anthony and Luigi Lancellotta, for property located at Putnam Pike opposite utility pole 188 further described as AP 14, Lots 67, 218 and 219, as shown on the plan entitled "Plan of proposed Improvements to Assessors Plat 14, Lots 67, 218 and 219 for the Lancellotta Plat" the first one is dated December 9, 2004 and revised December 8, 2005 and the second one is dated April 20, 2006 prepared by Scituate Surveys, Inc., of 410 Tiogue Avenue, Coventry, RI. The applicant/owners seek to create a driveway to provide access to existing residential lots. The driveway is not depicted on the Town Assessor's map or in the Town Land Evidence Records. Granting this exception will allow the owners to access their property. In making this recommendation, the Planning Board has considered the following: 1) Rules and regulations adopted by the Glocester Planning Board; 2) A recommendation by the Fire Chief, Robert G. Dauphinais of the Chepachet Fire District, dated May 1, 2006; 3) The plans submitted by the applicant, Sheets 1 through 2, dated December 9, 2004 and revised December 8, 2005 and also dated April 20, 2006; 4) Road design and drainage plans with calculations prepared by Scituate Surveys, Inc., dated April 20, 2006; 5) The proposed improvements to ensure

adequate access by the public and public safety vehicles; 6) The Technical Review Committee Report dated April 25, 2006.

The proposed plan is found to be consistent with the 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 preserve 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 the full length of the driveway be paved; b) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit; c) That this private driveway 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 to this right of way 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; d) That a sign be installed prior to the issuance of a building permit on this driveway indicating that it is a “Private Way”; e) That the deed should also be modified to include the easement across Lots 67, 218 and 219 and that is inclusive of snow and ice removal and maintenance should be shared by all three partners; and f) That a physical alteration permit should be received prior to the issuance of any building permits. MOTION was seconded by Anthony Autiello.

Vote: AYES: Ayes - 5, NAYS: Nays - 0 Motion carried on a unanimous aye vote.  
(End of memo)

Councilor Sette asked if anyone wished to speak for or against this application.

Discussion:

1. Dan Nardelli, applicant addressed the Council and explained his intentions. Councilor Poirier asked Mr. Nardelli how far away the entrance is from the ball field. Mr. Nardelli stated approx.. 1/4 mile between the Gloucester Day Care and a Historical Cemetery.

Councilor Reichert asked if gravel will be removed. Mr. Nardelli stated if there is excess it will be removed but no gravel excavation operation activity is planned.

Councilor Walsh asked Mr. Nardelli if he had any problem with the stipulations. Mr. Nardelli stated he did not. Mr. Nardelli explained having one driveway as opposed to one for each of the three homes is a better situation and each of the three residents will share the maintenance of the driveway.

Councilor Sette again asked if anyone wished to be heard.

2. John Wren, abutter to the proposed site, spoke against the application. Mr. Wren made reference to an applicant some 15 years ago proposing a similar development. Mr. Wren stated there were issues that time and asked if the Planning Board read past applications. Mr. Wren indicated the property still shows the ill effects of that past applicant. Mr. Wren also noted he does not want the property turned into Cranston, and again stated he does not want the area developed.

Councilor Walsh questioned the whereabouts of Mr. Wren's property and reviewed the plan as submitted.

Mr. Nardelli stated Mr. Wren's property is totally landlocked and if he desires to develop his lot he will also need to come before the Council. Mr. Nardelli also stated Mr. Wren's property is substantially up gradient from his proposed development therefore he doesn't feel there are drainage problems nor would construction impact Mr. Wren's summer camp.

Councilor Poirier asked Mr. Wren how he accesses his property. Mr. Wren stated he has a right of way into his property. Mr. Wren also disagreed with Mr. Nardelli regarding his property grade. Mr. Wren stated the back portion of the property slants down towards his property at a steep grade, 25-30 foot grade.

Councilor Sette asked R. Goff if the Planning Board reviewed the old application that was discussed.

R. Goff stated that each application stands on its own and past applications are not referred to.

Councilor Poirier asked Mr. Wren if he had attended the Planning Board meeting on this application. Mr. Wren stated he had not because abutters are not notified for Planning Board meetings in this process.

Mr. Wren stated he was also concerned with the amount of water necessary for this type of development and questioned whether there would be enough. Mr. Wren stated he does not feel the rural character is being maintained.

Councilor Reichert stated these lots are pre-existing lots.

Mr. Nardelli agreed with Councilor Reichert that these lots are pre-existing lots and he is only asking for access to these lots.

Councilor Sette stated he feels the one access is probably safer than allowing the three accesses.

Councilor Sette DECLARED the Public Hearing Closed.

Councilor Sette asked the Solicitor if it would be appropriate to make a motion at this time.

MOTION was made by Councilor Reichert to APPROVE the Exception to the Ordinance Regulating the Issuance of Building Permits to Owner: Robert, Anthony & Luigi Lancellotta; Applicant: Nardelli & Brossman Builders, Inc.; Location: Lots adjacent to Putnam Pike further described as AP 14, Lots 67, 218, & 219 pursuant to the stipulations as outlined in the Planning Board opinion of May 1, 2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Minutes: April 13th Special Meeting; May 4th & May 18th Regular Meeting  
May 4th 2006 Executive Session
- B. Finance Directors Report
- C. Additions & Abatements

MOTION was made by Councilor Carroll to TABLE the minutes of April 13th Special Meeting, May 4th & May 18th Regular Meeting, & May 4th Executive Session; to ACCEPT the Finance Director's Report of April 2006; to APPROVE the Abatements to the 2005 Tax Roll in the amount of \$555.20 (no Additions to the Tax Roll this month); seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to move Item. VIII. H. Gloucester Land Trust, 1. Discussion Land Trust property; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Walsh, Poirier, Carroll, Reichert, & Sette  
NAYS: 0

MOTION PASSED

VIII. Gloucester Land Trust

- 1. Discussion Land Trust Property

Councilor Sette asked Mr. O'Connell what his main concerns regarding the Land Trust. Mr. O'Connell stated: soil erosion at the site in question; the Land Trust had a bid on a job that was changed during the process; where there soil tests at this site and the results of these tests; scope of the project: why Land Trust is working on Phillips property with no bid and there are numerous town employees as well as the Land Trust that do not have hoisting licenses.

Bruce Payton, Land Trust, introduced Joseph Bachand, National Resource Conservation Service, Department of Agriculture, who's contract the Land Trust has to do project on Steere Hill. Mr. Payton stated Mr. Bachand will explain the project and what the Land Trust is doing.

Mr. Bachand addressed the Council and first stated the contract has not been changed. The time line set in the original bid spec was discussed.

Mr. Bachand explained the specs that were used were Town specs.

Mr. Bachand explained the Wildlife Habitats Incentives program, from the 2002 Farm bill, which is a program that provides funding and technical assistance to private land owners, cities, towns, and states to create, restore, and enhance wild life habitats that have been lost. Mr. Bachand explained that each state develops their own plan to determine what types of habitats that will restore. Mr. Bachand stated Rhode Island has the State Wildlife Incentives Habitat program, which address grass land habitats (for nesting birds). Mr. Bachand explained the work done by his group and especially as it applies to Rhode Island communities. Mr. Bachand stated each program has a plan of operation developed for them with all the details explained.

J. Bevilacqua, Solicitor, pointed out that no one on the Council has ever seen the plan the Land Trust is working with and asked that those be supplied.

J. Bevilacqua asked if the technical assistance was requested by the Land Trust. Mr. Bachand stated the Land Trust requested this assistance. J. Bevilacqua asked if this person is responsible for this project. Mr. Bachand stated he is as well as himself. J. Bevilacqua asked when the last time the site was viewed and was it documented. Mr. Bachand stated he believes there was a visit last week which would may have been briefly documented. J. Bevilacqua asked Mr. Bachand if both he and the technical assistant have the responsibility to maintain what is required in the bid specs and if there is some deviation from the plan would that be noted in the report. Mr. Bachand stated to the affirmative, and stated if necessary there would be a contract modification. Mr. Bevilacqua asked if there had been any contract modifications on this plan. Mr. Bachand stated to the affirmative and reference the addition of funds for costs increases, and minor modifications to cleared areas. Mr. Bevilacqua questioned when these modifications are done does Mr. Bachand sit down with the municipality and reconstruct the bid documents to reflect these changes. Mr. Bachand stated negative as these are town documents. The relationship between the Town and the Land Trust was discussed.

Councilor Reichert asked if the work has been done correctly. Mr. Bachand stated the work has been done correctly and discussed typical machine breakdowns and problems that arise.

Mr. Bachand stated the Gloucester Land Trust has done a good job and further stated these contracts are often difficult work.

Councilor Reichert questioned the value at the beginning of the project and what the “add ons” totaled.

B. Payton stated he would address that issue.

Mr. Bachand stated the crews that work on these projects are not subject to the Davis Bacon Act.

Councilor Carroll asked if the contract for the development of this area covers the disposal costs for when the land is cleared. Mr. Bachand stated it is the Town’s plan and specs for each aspect are available for use by the land owner.

Councilor Poirier asked who was responsible for soil erosion control while the project is ongoing. Mr. Bachand stated the applicant is responsible for any permitting needed for the project as stated in the contract. Councilor Poirier asked if a lot of the property was reverted, old apple orchard. Mr. Bachand stated a lot of the property was and included invasive species also. Mr. Bachand stated they are trying to turn the property into a grass land which could support declining grass land species. Councilor Poirier questioned if, as far as they can determine, when disturbing the topsoil at the old apple orchards was there any potential problem with arsenic or chemicals used when the orchard was functioning. Mr. Bachand stated he does not believe that to be a problem as the property will not be used for residential property and if it were to be used for that purpose it would probably have to be capped. Councilor Poirier asked if the water run off could be a problem. Mr. Bachand stated he is not familiar with that chemical and how it is bound in the soil.

Councilor Reichert explained to Mr. Bachand that questions have come up regarding the length of time over the set completion date and overruns in the budget and that is why the Council is discussing this issue.

Councilor Sette asked if the reviews of the property are satisfactory to satisfy the requirements. Mr. Bachand stated it absolutely was done satisfactorily and the Land Trust has done a good job.

Bruce Payton, Chair of the Land Trust, stated he does not believe the original project was the problem at this site but that is what he will address. Mr. Payton explained the make up of the Land Trust has somewhat autonomous from the Town but that they are still held to very strict guidelines of the Town Finance Department. B. Payton explained how the bid process was held, including a mandatory pre bid process. B. Payton also explained the project at the subject property which includes the Phillips Farm, (part of the Steere Hill Project). 7 acre piece on back of Phillips farm where invasive species have been removed, old apple orchard 40 acres in size they are working on and removing invasive species and converting to a grassland. Mr. Payton stated this is all outlined, including payment for different procedures, in the contract with R.C.S.

Mr. Payton stated who signed this documents and the dates signed. Mr. Payton explained the different phases as outlined in the plan.

Mr. Payton acknowledged the possible confusion over the two signs present, Phillips Farm and Steere Hill Farm, but stated the bid did cover the Phillips Farm. Councilor Sette questioned if there was a separate bid. B. Payton stated there was not a separate bid and part of the pre bid was to explain the project area. B. Payton did explain that the then Chair of the Land Trust, Michael Gray, did make some changes and/or add ons during the bid process (these changes were noted in the bid specs and forwarded to all that attended the mandatory pre bid).

Mr. Payton stated he follows the Town's financial procedures. Mr. Payton stated he forwarded his concerns (12/13/2005) about ruts, disturbance and downed trees along the roadway. to the contractor and requested they be repaired by the end of the contract.

The Solicitor asked why the property names where not identified in the bid specs. B. Payton stated the Land Trust identified the property area, as shown in the map given to each bidder. The Land Trust procedures and practices were discussed. B. Payton explained his Board is schooled in the Open Meetings Law.

Mr. Payton addressed some of the issues brought forward at a previous meeting. Mr. Payton stated that agricultural activities are exempt from the hoisting license requirement. Mr. Payton stated further the Land Trust owns the tractor, referenced in a previous complaint. B. Payton stated the Land Trust owns Sprague Farm, as a town entity, but it is not owned by the Town.

Councilor Sette read from Rhode Island General Laws, Title 28-26-14, Hoisting Engineers, which states the exemption for agricultural uses.

Mr. Payton stated perhaps some of the policies of the Land Trust could be reconsidered or reviewed but assured the Council of the Land Trusts integrity.

Councilor Reichert stated part of the problem could be that you create the bid, award the bid and manage the bid. Mr. Payton agreed perhaps they could review their procedures.

Mr. Payton stated to the Council that he feels this issue is in the wrong forum. Mr. Payton further stated if someone needs access to public records they should go to the Town Clerks, fill out a request form, and they will then be advised as to the potential costs. Mr. Payton stated he gathered requested records out of respect for the Council.

Mr. Payton stated there are other issues involved in this situation. Mr. Payton agreed in the future he will call the proper authorities when he has issues instead of trying to handle the situation himself.

B. Payton he will no longer speak to the parents of the children riding ATV's on Land Trust property, he will contact the police.

Councilor Walsh stated the Council is trying to help clarify matters. Councilor Sette stated he feels the way the project was outlined may have caused confusion as to what the property involved was. Mr. Payton stated he will review the bid specs better in the future to avoid confusion.

Mr. O'Connell discussed the definition of hoisting and questioned whether the town was referring the public law or town charter. The Solicitor explained the issue regarding the hoisting law. Mr. O'Connell questioned if anyone has checked the property recently and discussed bulldozers "shoving" trees into the woods.

Mr. Payton stated there are different ways to handle tree removal.

Councilor Walsh stated to Mr. O'Connell that Mr. Payton and NRCS inspect the work as proper procedure.

Mr. O'Connell questioned if the soil test is done yet. Mr. Payton stated it was done but he did not believe they had received the results yet. Mr. O'Connell questioned if things were being pushed into wetlands. Mr. Payton stated in the negative and further explained an environmental survey was done at the time before it could be purchased. B. Payton also stated that the D.E.M. would not allow the Land Trust to use this property if the results were high.

Councilor Reichert questioned when the property was purchased. B. Payton stated the Phillips property was purchased in 1990 and the Hadision property in 2002. Mr. O'Connell was asked what he would like to see.

Mr. O'Connell stated he would like to see some oversight on the bid process, inspections are done, contractual payments are made, a semi-autonomous board with an annual report, and the rules are followed. Mr. O'Connell also stated he would like the town to enforce its erosion controls and D.E.M.'s wetlands criteria. The Solicitor stated the Land Trust has the authority to manage its properties and that a plan had been approved. The Solicitor also stated the Town's erosion act mirrors the State's.

Councilor Sette asked if the Building/Zoning Official could do a site visit. B. Payton stated to the affirmative.

Roy Najecki, Land Trust member, stated he has been checking the Steere Hill site along with NRCS and he feels the contractor is not moving anything unless he has been told to move it.

### III . Unfinished Business

#### A. Appointments

##### 1. Conservation Commission

One (1) one year Alternate term to expire 2/2007

Councilor Sette recommended removing this item from the table to such time as the Conservation Commission or Council has a recommendation.

MOTION was made by Councilor Poirier to REMOVE FROM THE TABLE the appointment to the Conservation Commission for a one year alternate term to expire 2/2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Economic Development Commission
  - a. Two (2) one-year alternate terms to expire 5/2007

Councilor Sette recommended reappointing the current alternates to these positions:

MOTION was made by Councilor Carroll. to REAPPOINT Michael Deignan & Susan Monaghan to the Economic Development Commission for a one year alternate term to expire 5/2007; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- B. Summer Recreation Employment/Appointments
  1. Water Safety Aide
  2. Lifeguards

Councilor Sette stated there are still summer positions still to be filled and we have received a recommendation from the Recreation Director:

MOTION was made by Councilor Carroll. to APPOINT Ashley Leja, Paul Jalette, Rachel Graham-substitute, & Tim Farnum-substitute to the position of Lifeguard for the 2006 season at the hourly rate of \$9.50; and Benjamin Boisclair, Julie Barrows, Andrew Walsh, Dan Fogarty, Molly Goodier, Dan Sherman, Justyna Barlow, & Katherine Sherman as Water Safety Aides for the 2006 season at the hourly rate of \$7.50; seconded by Councilor Poirier

Discussion: Councilor Carroll stated that it was decided to appoint all eight Water Safety Aides are regular positions because of lifeguard shortages and heavy beach volume.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0  
RECUSAL: Walsh

MOTION PASSED

VIII. New Business

A Bid Award

1. IFB 2006-11- Full Depth Pavement Reclamation

Councilor Sette stated we have a recommendation from the Board of Contracts & Purchases:

May 30, 2006

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Awarding of IFB 2006-11 ~ Full depth pavement reclamation

- I. IFB 2006-11 was advertised in accordance with current rules and procedures.
- II. Four (4) companies bid.
- III. The Board recommends the bid be awarded to the lowest qualified bidder.

Murray Paving & Reclamation Inc.

39 Taylor Street

Framingham, MA 01702

Bid price: \$ 1.81 per sq. yd. for full depth pavement reclamation

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 Carroll. to AWARD IFB 2006-11 Full Depth Pavement Reclamation to: Murray Paving & Reclamation Inc., address: 39 Taylor Street, Framingham, Massachusetts for the bid award of:

\$ 1.81 per sq. yd. for full depth pavement reclamation;

seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. IFB 2006-12 Hot Mix Asphalt

Councilor Sette stated the Council has a recommendation from the Board of Contracts & Purchases:

May 22, 2006

To: Town Council  
From: Board of Contracts & Purchase (Board)  
Re: Awarding of IFB 2006-12 ~ Hot mix asphalt

- I. IFB 2006-12 was advertised in accordance with current rules and procedures.
- II. Four (4) companies bid.
- III. The Board recommends the bid be awarded to the lowest qualified bidder.

Cardi Corporation  
400 Lincoln Avenue  
Warwick, RI 02888

Bid price for hot mix asphalt > 500 ton:  
\$54.48 per ton for hot mix asphalt  
\$ .25 per sq. yd. for tack coat  
\$ 2.00 per lineal ft. for asphalt cuts

Bid price for hot mix asphalt < 500 ton:  
\$54.48 per ton for hot mix asphalt  
\$ .25 per sq. yd. for tack coat  
\$ 2.00 per lineal ft. for asphalt cuts

Respectfully submitted,

Ray Goff ~ Town Planner  
Susan Harris ~ Deputy Town Clerk (representing Jean M. Fecteau ~ Town Clerk)  
Thomas P. Mainville ~ Director of Finance

(end of memo)

MOTION was made by Councilor Carroll to AWARD IFB 2006-12 Hot Mix Asphalt to Cardi Corporation, address: 400 Lincoln Avenue, Warwick, RI, for the bid price of:

hot mix asphalt > 500 ton:

\$54.48 per ton for hot mix asphalt  
\$ .25 per sq. yd. for tack coat  
\$ 2.00 per lineal ft. for asphalt cuts

hot mix asphalt < 500 ton:

\$54.48 per ton for hot mix asphalt  
\$ .25 per sq. yd. for tack coat  
\$ 2.00 per lineal ft. for asphalt cuts

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- B. RFQ 2006-01 Comprehensive Plan Five Year Update
  - 1. Award Contract (Exception to Bid Process)

Councilor Sette stated there is a request from the Town Planner:

To: Thomas Mainville, Finance Director  
Town Council, Steve Sette, President  
From: Raymond Goff, Town Planner

Date: May 25, 2006

CC: Town Solicitor, Planning Board

SUBJECT: RFQ 2006-01 Comprehensive Plan Five Year Update

I am writing to request an exception to the bid process procedure which requires at least three bids for an award to be made to the lowest bidder. Since the Request for Proposals process does not follow the standard procurement procedure of receiving three bids, I am forwarding this memo. The request for qualifications process does not require bid prices until a most desirable consultant is identified through an interview process. It is a competitive process in that the consultants must prove to the Town that they are the most qualified and then price becomes a factor.

On February 17, 2006, the Town advertized the Request for Qualifications in the Providence Journal. We received three responses, and all respondents were deemed qualified to prepare amendments to the Town's Comprehensive Plan.

The Planning Board met with the three respondents individually on April 17, 2006 to discuss their approach to amending the Comprehensive Plan for the five year update. Each was given approximately thirty (30) minutes to discuss their approach, resources, and to give man hours estimate (ball park figure).

Each proposer had various mixes of qualifications. The Board found Pare Engineering very qualified with numerous staff to meet the Town's needs, but, were estimating approximately three hundred eighty (380) hours to complete the amendments. The Board felt that with such a limited budget, funding could easily be used up before an acceptable product was produced.

Tom Kravitz had a very practical approach which would lean heavily on his experience as Burrillville's Town Planner. Unfortunately, the Board got the impression he would not be able to dedicate enough time to the project due to his full time status with Burrillville.

The most qualified for the project, as voted by the Board, was Sam Shamoon and Anthony Lachowitz. This was due to their combined Planning experience of nearly fifty (50) years, available time to dedicate to this project since both are retired, and their understanding of the Board's expectations for outcome. The Board then requested a fee proposal from them.

The Planning Board is forwarding a separate letter requesting that the contract be awarded to Sam Shamoon and Anthony Lachowitz for the Comprehensive Plan 5 year update.

I would like the Town Council to award this contract at the next available Council meeting. Please inform me of your determination at the earliest convenience.

(End of memo)

Discussion: None

MOTION was made by Councilor Carroll to AWARD the contract for RFQ 2006-01 Comprehensive Plan Five Year Update to Sam Shamoon and Anthony Lachowitz, said project to be completed within a budget of \$15,000, (as stated by parties of the contract); seconded by Councilor Reichert

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

- C.     Senior Center Task Force
  - 1.     Special Use Permit- Underground Tank

- a. Waive Zoning Board Application Fee
- b. Authorization to sign application

Councilor Sette stated the Council has received a request from the Planner requesting the Council President sign an application for a Special Use Permit (for the placement of an underground fuel tank) and also to waive the application fee for the Senior Center Task Force ;

Discussion: None

MOTION was made by Councilor Poirier to AUTHORIZE the signing of a Zoning Board of Review, Special Use Permit application on behalf of OWNER: Town of Glocester & APPLICANT: Senior Center Task Force for the placement of an underground fuel tank at the property located at 1210 Putnam Pike, also known as AP 10A, Lot 82 and to WAIVE the fee for said application; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- D. Impact Fees: Consultant Agreement between the Town of Glocester and Consultants: Shamoan; Ursillo, Teitz & Ritch Ltd.

Councilor Sette stated Council has received correspondence from the Town Planner requesting authorization for the Council President to sign the agreement presented between the Town and the consultant firm for the development of an impact fee ordinance.

Discussion: None

MOTION was made by Councilor Carroll to AUTHORIZE the signing of the agreement entitled, Professional Planning and Consulting Services, Schedule of Development Impact Fees, Town of Glocester, Rhode Island, said agreement between Town of Glocester, Shamoan Planning LLC, Samuel J. Shamoan AICP President and Ursillo, Teitz & Ritch, Ltd.; seconded by Councilor Reichert

Discussion: none

VOTE: AYES: Walsh, Poirier, Carroll, Reichert, & Sette  
NAYS: 0

MOTION PASSED

- E. Medical - Employee Contribution Medical Benefits

1. Public Works Employees contribution

Councilor Sette stated earlier this year a motion was made to stating that Department Heads would contribute to their health insurance costs at the rate of \$260 for an individual plan and \$520 for a family plan. Councilor Sette further stated as the next step is to implement this plan to Public Works employees a motion is necessary to facilitate this action. Councilor Sette stated he has discussed this with A. Whitford and the Public Works employees who are in agreement with this contribution.

Discussion: None

MOTION was made by Councilor Poirier to AUTHORIZE the Finance Department to charge Public Works Employees an Employee Medical Contribution for their health insurance costs at the rate of \$260 for an individual plan and \$520 for a family plan, effective July 1, 2006; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- F. Wastewater Management Board
  - 1. Community Septic Loan Program
    - a. Permission to waive the debt-to-income ration requirement (2 applications pending)

Councilor Sette stated the Council has received a request from the Finance Director and the Chair of the Wastewater Management Board as follows:

To: Town Council  
Re: Gloucester Community Septic Loan Program

RIHMFC notes that the Town has a requirement that the borrower's debt-to-income ration cannot exceed 45%, which has occurred in both of these applications (two have been received). RIHMFC is asking whether the Town wishes to waive this requirement.

Although RIHMFC does not make a recommendation as to whether the Town should waive the requirement, they do give pertinent information regarding the credit worthiness of the borrowers.

The Council may want to consider the impact to the Town environment if the requirement is not waived.

Regarding the program:

Clean Water Agency has provided the funds for the loan program. RHIMFC administers the loans. Monthly payments are made by the borrower to RHIMFC. Should the borrower default on the loan, RHIMFC expects the Town to make the payments. RHIMFC does place a lien on the property. We are reviewing the lien to determine whether the Town is covered/protected by that lien.

Does the Town Council wish to waive the debt-to-income ratio requirement for these two loans?

Lou Cadwell  
Tom Mainville

(end of memo)

Discussion: Councilor Walsh stated if we don't waive the requirement the systems will not be fixed. T. Mainville stated his office only distributes the application and has no further participation other than a notification that a loan has been given. T. Mainville questioned both RHIMFC and Clean Water Agency what happens in these situations. Both replied this has not occurred. T. Mainville reminded the Council the Resolution authorizing the project states the debt to income ratio cannot be more than 45%. T. Mainville stated the two applications pending have a higher debt to income ratio. T. Mainville stated any of the loans outstanding may default but we need to determine how to deal with the debt to income ratio. T. Mainville will attempt to get an opinion from RHIMFC.

MOTION was made by Councilor Reichert to TABLE the debt-to-income ratio requirement as set forth in the loan criteria for the Town of Gloucester Community Septic Loan Program; seconded by Councilor Poirier

Discussion: None

VOTE:           AYES:           Sette, Reichert, Walsh, Poirier & Carroll  
                  NAYS:           0

MOTION PASSED

G. Gloucester Skate Park

1. Determination of funding

Councilor Sette explained the scenario to date and referred to minutes of a past Financial Meeting where motion was made to lower the allocation for the park and to fund half of the park with donations. Councilor Sette stated it appears that D. Chace, then Recreation Director, felt as though lowering the cost to approx. \$43,000 would satisfy the situation

A. Parrillo, Recreation Director, was asked if any fund-raising has been done to date. Mr. Parrillo stated to date approx. \$800 has been raised by students.

Councilor Sette stated he received notification yesterday that the 2006 State Recreation Grants had been awarded and Gloucester was to receive \$20,000 for development of the skate park. Councilor Sette questioned with the park costing approx. \$43,750, if the \$20,000 was applied, could the additional \$20,000 go back to the taxpayers. A. Parrillo stated he had hoped to use the \$20,000 for miscellaneous expenses over and above the budgeted amount and further stated currently we are a few thousand dollars over the budget.

A. Parrillo stated anything then left over could go back to the Town. Councilor Sette asked if we could reduce the amount by the \$20,000 and then whatever the additional funding needed is it could come out of the \$43,000. T. Mainville stated the money could go back into the general fund because it was appropriated at Financial Town Meeting. Councilor Walsh asked if a fence around the skate park would be park of the skate park. T. Mainville stated he believed it would be appropriate. T. Mainville stated there is some additional funding in another account, capital fund, that could be used to cover expenses should the Council wish.

Councilor Sette stated he is still troubled by the fact that no fund raising was done and does not want the park to exceed the budgeted amount. A. Parrillo stated he has no intention of adding on the park and will only use grant money for safety extras.

- H. Gloucester Land Trust
  - 1. Discussion Land Trust property  
(Earlier on agenda)

IX Department Head Report/Discussion

- A. Town Clerk: The Clerk stated she would like Council's support in a presentation of citations to Police, Fire, and residents that were the first responders to the recent rescue scene of a young man trapped in a sand dune. Council concurred.

The Clerk stated she is trying to organize a meeting of the Council Road sub-committee.

- B. Chief Hainsworth informed the Council the Police and Fire will be holding their second Community Safety Day on or around August 12th. Councilor Sette stated the Council will give their full support and also that he, personally, and the Town Clerk have agreed to help in any way possible on behalf of the Town.

- X. Boards/Commissions  
None

- XI. Council Correspondence/Discussion  
None

- XII. Open Forum

1. Tom Sanzi, Dorr Drive, asked the Council if they could forward correspondence to the Town Hall employees reminding them not to turn right out of the Town Hall parking lot.

2. Lorraine O'Connors questioned and discussed development in the area near Tucker Street.

XIII. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 10:15 p.m.; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, Poirier, Carroll, Reichert, & Sette  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the July 20, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **June 15, 2006**.

I. Call to Order

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

II. Roll Call

Members present: William Reichert, Vice President; Patrick Carroll; Charles Poirier; and Kevin Walsh.

Member absent: Steven Sette, President

Also present: Jean M. Fecteau, Town Clerk; Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of Police; Brian Lombardi, Building/Zoning Official; John Bevilacqua, Town Solicitor; Alan Whitford, Director of Public Works; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

None

V. Citations:

Ratification: Eagle Scouts

Councilor Reichert stated that there is an Eagle Scout High Court of Honor being held at Chepachet Union Church. We have prepared Citations for each of the young men who are obtaining the rank of Eagle Scouts:

The State of Rhode Island and Providence Plantations

Town of Gloucester

Citation

Be it hereby known to all that:

The Town of Gloucester

hereby offers its sincerest congratulations to:

Aaron J. Beltram, William D. Corvese, Michael W. Lohr,  
Timothy M. Lyford, Michael J. Sherman, Timothy R. Steere,  
Patrick R. Walsh and Stephen M. Zariczny

in recognition of achieving the highest ranking honor of

Eagle Scout in the Boy Scouts of America

To achieve this award these young men of Troop 44 did work diligently and consistently for several years, have been leaders of other young men and followers of good example in Scouting

and the Town Council, Town Clerk and citizens of Gloucester are proud to have these Eagle Scouts as members of their community.

Proposed this Fifteenth day of June, 2006  
by Steven A. Sette  
President, Gloucester Town Council

Jean M. Fecteau  
Town Clerk

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Minutes: April 13th Special Meeting; May 4th & May 18th Regular Meeting  
May 4th & 18th 2006 Executive Session; June 1, 2006 Regular Meeting
- B. Finance Directors Report- June, 2006
- C. Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the minutes of April 13th Special Meeting; May 4th & May 18th Regular Meeting & Executive Sessions; to TABLE the minutes of June 1, 2006 Regular meeting; to APPROVE the Finance Director's Report of June, 2006; to APPROVE the Abatements to the 2004 Tax Roll in the amount of \$176.88, the 2005 Tax Roll in the amount of \$122.09, the addition to the 2004 Tax Roll in the amount of \$194.96, addition to the 2003 Tax Roll in the amount of \$201.05, seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

- A. Recreation Appointments
  - 1. One (1) Lifeguard
  - 2. One (1) Arts & Crafts Instructor
  - 3. One (1) Parking Lot Attendant

Councilor Reichert stated that we have a recommendation from the Recreation Director.

MOTION was made by Councilor Carroll to APPOINT Lindsay Mack to the position of sub-Lifeguard at the hourly rate of \$9.50; to APPOINT Sara Martin to the position of Arts & Crafts Instructor at an hourly rate of \$9.25; and to APPOINT Cortney Bouchard to the position of Parking Lot Attendant at an hourly rate of \$7.10 , all positions for the 2006 summer season; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- B. Wastewater Management Board

- 1. Community Septic Loan Program  
Permission to waive the debt-to-income ratio requirement  
(2 applications pending)

T. Mainville, Finance Director, explained that one of the two applications has qualified, so only the remaining application would be waived. T. Mainville added that there is a signed agreement between RIHMFC and Clean Water stating that if either applicant defaults on the loan, the lien will be assigned to the Town, therefore we would be covered. Councilor Reichert stated that in cases such as this, often the lienholder that is second or third in line gets left holding the bag. T. Mainville replied that, according to RIHMFC, no one has ever defaulted on this type of loan.

MOTION was made by Councilor Poirier to WAIVE the debt-to-income ratio requirement for application to the Community Septic Loan Program; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- C. Gloucester Skate Park
  - 1. Determination of funding

MOTION was made by Councilor Carroll to MOVE the agenda item C.1, Determination of Funding for the Gloucester Skate Park, to a later time in the agenda; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

VIII. New Business

A. Appointments

1. Local Boards of Appeals for Building Code  
One (1) Five-year term to expire 6/2011

MOTION was made by Councilor Poirier to REAPPOINT Greg Laramie to the Local Board of Appeals for Building Code for a five year term to expire 6/2011; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

2. Litter Corp.
  - a. One (1) Supervisor

Councilor Reichert read the following recommendation from the Public Works Director:

June 12, 2006

To: Honorable Town Council

From: Alan Whitford

RE: Litter Crew Supervisor

I recommend Felicia Imbriaco for the Supervisor of the Litter Clean Up Crew for the 2006 season. Felicia worked for two summers as part of the crew and last year she was the supervisor. She showed great leadership and was very responsible and dependable. From past experience I know she will be a great supervisor again this year.

Felicia will start on June 26, 2006 and will work 16 hours per week through August 4, 2006 at the rate of \$11.00 hour.

(End of memo)

MOTION was made by Councilor Poirier to APPOINT Felicia Imbriaco to the position of Litter Corp Supervisor for the 2006 season at the hourly rate of \$11.00, this appointment is effective June 26, 2006 and is for 16 hours per week through August 4, 2006; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

b. Two (2) Workers

T. Mainville, Finance Director, explained that we have eighteen (18) names, four (4) of which are non-residents, adding that the advertisement stated that preference would be given to Gloucester residents. A lottery was conducted using the fourteen (14) names of Gloucester residents. The names drawn, in order, were Danny Monroe, Marie Howard, Timothy Farnum, Domenic Ruggieri, Stephanie Pezzullo and Benjamin Gould. T. Mainville explained that the first two names drawn will be appointed and the remaining individuals will serve as alternates.

MOTION was made by Councilor Poirier to APPOINT Danny Monroe and Marie Howard to the position of Litter Corp workers for the 2006 season at an hourly rate of \$8.00 per hour, effective June 26, 2006, with Timothy Farnum, Domenic Ruggieri, Stephanie Pezzullo and Benjamin Gould named as alternates; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

3. Planning Office  
a. Full-Time Clerk

Councilor Reichert stated that in the past the Budget Board and the Council have received requests from the Town Planner to adjust the staffing in his office from a part time clerk to a full time clerk. This increase was approved in the recently adopted budget.

MOTION was made by Councilor Carroll to transition the position of part time Planning Office clerk (Maureen Baxter) to full time Planning Office Clerk effect July 1, 2006, at the salary rate classification of Clerk II; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- B. Termination of Design Services  
Robertson Design, Inc.

Councilor Reichert read the following request from the Town Planner seeking authorization for the Council President to sign an agreement which terminate the services of Robertson Design, Inc.

To: Town Council  
From: Raymond Goff, Senior Center Task Force Chair

Members of the Senior Center Task Force met on May 31, 2006 with John Robinson to discuss termination of architectural services described in the contract between the Town and Robinson Design Inc. By mutual agreement, and in an effort to save money, we have agreed to discontinue the services of Robinson Design Inc. for the construction over-sight portion of the contract. Since the Town has hired a very competent and capable construction company, and since construction is within budget and moving ahead of schedule, we believe it is appropriate to make this change now.

Another reason for this discussion was to settle any outstanding invoices from Robinson. We have been able to come to an agreement of \$12,500 as the final payment for any and all outstanding invoices. We have agreed to make a final payment and release Robinson Design Inc, as well as be released from any additional payments.

To this end, I am requesting the Town Council authorize the Town Council President to sign the enclosed agreement at the next available Town Council meeting.

(End of memo)

MOTION was made by Councilor Poirier to AUTHORIZE the Council President to sign the agreement dated June 8, 2006 between Robinson Design Inc. and the Town of Gloucester, said agreement releases Robinson Design Inc from outstanding administrative services and future payments and releases the Town of Gloucester from any and all liens related to services provided; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

- C. Fiscal Year 05/06 Reservation of Funds.

1. East Killingly Road

T. Mainville, Finance Director, explained that since the damage to this road occurred during the October heavy rains, the repairs would qualify as an unforeseen project and funding could be taken from the Town's reserves. T. Mainville stated that this is a private road and we have to decide whether we want to fix it, adding that if we choose to repair the road, we do not have anything budgeted for next year. Alan Whitford, Director of Public Works, stated that the dollar amount to be transferred is a worse-case scenario, adding that he hopes that it will be a lesser amount.

Motion was made by Councilor Carroll to AUTHORIZE the Director of Finance to transfer up to \$200,000 from General Fund account #01-058-2272 "Transfer out" (Storm/Snow Related Services' department) at June 30, 2006 (fiscal year end) to a separate fund to be carried forward to Fiscal Year July 1, 2006 - June 30, 2007 to be used for the repair/replacement of the bridge on E. Killingly Road and/or E. Killingly Road. This transfer will take place only if the total amount budgeted for Town expenses, inclusive of the funds appropriated for this project, exceeds total actual expense (for the Town) for fiscal year July 1, 2005 - June 30, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

2. Others

1. T. Mainville, Finance Director, referred to his memo dated June 8th regarding a demand for payment from the Foster-Glocester Regional School District. T. Mainville stated that they are seeking the full amount which was approved at the Foster-Glocester Regional Financial Meeting which is \$212,709.00 higher than the amount adopted at the May 6th Financial Town Meeting. John Bevilacqua, Town Solicitor, stated that Glocester is not obligated to pay the full amount. The Council directed Mr. Mainville not to pay the higher amount.

IX. Department Head Report/Discussion

Councilor Reichert stated that every year, William Davis is taxed on property known as the "Davis Dump." Mr. Davis does not believe he owns the property. Councilor Reichert stated that the Tax Collector was planning to put the property up for tax sale, but added that this is a Superfund site which should not be auctioned off. Councilor Reichert pointed out that if nobody claims it at tax sale, the Town would acquire it, which we do not wish to do. John Bevilacqua, Town Solicitor, stated that he will review the site and the history of the property.

C. Gloucester Skate Park  
1. Determination of funding

T. Mainville, Finance Director, stated that the question has been raised regarding the intention at the Town Financial Meeting of 2003. There is some confusion as to whether the Town was going to match the funds raised for the construction of the skate park. T. Mainville stated that \$8,768.00 has already been spent on gravel and asphalt. Councilor Poirier stated that he believes that it was agreed that half of the funding for the project would be raised by fundraising. T. Mainville stated that the total cost would be \$48,400.00 and the matching amount would be \$19,800.00. T. Mainville added that the cost to the Town would be approximately \$27,700.00. T. Mainville pointed out that even if the park is not completed, the Town has already spent \$7,000.00 on the asphalt.

MOTION was made by Councilor Carroll to AUTHORIZE the Recreation Director, Finance Director and the Director of Public Works to move forward on the building of the Skate Park based on the estimate of approximately \$48,400., \$20,700 of which will be from State Recreation Grant and fund-raising, and a contribution from the Town in the amount of \$27,700; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

Alan Whitford, Director of Public Works, stated that we have an offer from “Books for Charity”, a legitimate non-profit organization. A. Whitford explained that currently hard-cover books cannot be recycled, and this organization is willing to place a collection unit at the Transfer Station and will be responsible for picking up the donations. A. Whitford also stated that taxpayers currently have to pay to dispose of air conditioners to cover the fees the Town must pay when disposing them at the landfill. A. Whitford stated that a trailer has been donated for the purpose of collecting computer equipment, cell phones and air conditioners at no charge. The consensus was to place an advertisement in the newspaper informing residents of these new services.

Jamie Hainsworth, Chief of Police, asked for clarification concerning who the Animal Control Officer answers to. John Bevilacqua, Town Solicitor, stated that, by Charter, the Police Chief or his designee serves as supervisor to the Animal Control Department. J. Bevilacqua added that the Town Council could codify this in the form of a motion in order to facilitate the actual supervisory authority.

Brian Lombardi, Building/Zoning Official, spoke regarding a proposed Zoning Ordinance Amendment. B. Lombardi explained that this concerns Accessory Family Dwelling Units.

X. Boards/Commissions

None

## XI. Council Correspondence/Discussion

1. Councilor Poirier spoke regarding a change in taxation concerning land surrounding the Scituate Reservoir. Councilor Poirier stated that he has received some information from Mike Aiello of Scituate indicating that all forestland owned by Providence Water Supply Board would be virtually taken off of the tax rolls forever, adding that this would result in several million dollars that the Town of Gloucester would lose. Councilor Reichert stated that he feels that this would impact Scituate more than Gloucester, as the only area we have would be that near Ponaganset.

2. Councilor Poirier stated that he and Councilor Sette attended a meeting of the Regional School Committee, at which time Councilor Sette expressed concerns regarding full regionalization and what the fiscal implications are to the Town. Lorraine O'Connors, School Committee member, responded that Councilor Sette and Edward Juare, Budget Board Chair, met with the Full Regionalization Sub-Committee back in March and were supplied with a copy of the revised Charter which was to be submitted for legislation. Mrs. O'Connors added that it was at the request of Mr. Sette and Mr. Juare that the wording was put in that the budget would be formulated in consultation with the financial officers of both towns and that the Regional School District would comply with any and all existing laws regarding expenditure levels. Mrs. O'Connors continued by saying that the State has fully endorsed the efforts to totally regionalize and will so recommend to the Board of Regents.

Mrs. O'Connors stated that the legislature hopes to recess by the end of next week, which is four days to get this out of committee and in front of the voters. There was extensive discussion among the Council members, the Town Solicitor and Mrs. O'Connors regarding this matter. Councilor Reichert asked Mrs. O'Connors if she was seeking a Resolution from the Council this evening, to which she replied in the affirmative. Councilor Reichert pointed out that this is not on the agenda, to which Mrs. O'Connors replied that we only have four days or this will be a dead issue. J. Bevilacqua, Town Solicitor, stated that since this is not on the agenda, the Council may have discussion and he may answer questions, but no action can be taken. Councilor Poirier asked if Town Council approval is still needed to place this on the ballot, even if it is passed by the House. Jean Fecteau, Town Clerk, stated that August 9th is the date that local questions must be submitted to the Board. Councilor Poirier asked if the Foster Town Council has passed a Resolution, to which Mrs. O'Connors replied that they have not.

Ed Servello of the Regionalization Sub-Committee addressed the Council, stating that in this highly-charged issue of school finance, we sometimes tend to mix all the issues together. Mr. Servello explained that total regionalization neither creates nor corrects systemic financial problems. Mr. Servello pointed out that we have been partially regionalized for fifty years, and the original impetus was probably a similar situation that we are in now. Mr. Servello noted that this will garner ten million dollars in additional reimbursement from the State, as well as have a positive impact on the quality of education. Mr. Servello further stated that the tax issues need to

be worked out cooperatively between the Town and the School System. In closing, Mr. Servello asked the Council not to let politics cloud what total regionalization actually means for our community, and that working together, we can solve the financial issues.

Councilor Poirier responded that he is in total agreement with the positives that Mr. Servello referred to, such as the combining of efforts across the board, the reimbursement from the State, and fewer meetings. However, Councilor Poirier feels that this could have been a vehicle to correct problems which exist. Mr. Servello stated that the Charter for the schools is a statement of a framework, but not necessarily an enumeration of every policy that we have. Mr. Servello added that policy issues could be decided by the two groups working together.

Dr. Mario Cirillo, Superintendent of Schools, stated that he takes exception of things that were said regarding the sense of communication between the two groups. Dr. Cirillo stated that he was present at meetings with Mr. Juare and Councilor Sette where the legislature was discussed. Dr. Cirillo added that the School Committee listened openly to Mr. Juare and Councilor Sette and changes were made based on their opinions. Dr. Cirillo stated that they would like to get the Town Council's endorsement since they are under a time constraint.

Councilor Poirier stated that the time constraints referred to by Dr. Cirillo were not generated by this Council. Councilor Poirier also stated that the concerns regarding fiscal authority were brought forward early in the process.

Chris Hebert, resident of Gloucester and member of the Full Regionalization Sub-committee, stated that he agrees with Councilor Poirier that it could be a win-win situation, but the reality is that there is a time constraint. Mr. Hebert stated that if this dies, we will be losing an opportunity which we cannot get back. Mr. Hebert stated that, while the Committee would like the support of the Council, he feels that we should just get it on the ballot and let the voters decide. Mr. Hebert added that the fiscal aspect could be addressed separately. Councilor Reichert stated that he will contact Councilor Sette and see if something could be worked out with the Town Solicitor. Mr. Hebert thanked the Council for their time.

Walter Steere, School Committee member, expressed his opinion that the Town Council has a position of power and if they give up that power and agree to place this on the ballot, there may be repercussions. Mr. Steere stated that school committees are big spenders and will spend everything they are given. Mr. Steere added that he feels that there should be a cap and that when Mr. Juare and Councilor Sette saw some of the language, they believed that it would solve the problem. Mr. Steere pointed out that there is no State law pertaining to regional school districts. Mr. Steere feels that if this goes to the voters, many will support it without realizing the consequences.

Councilor Poirier asked Mr. Steere if the Foster-Glocester School Committee has voted on this matter. Mr. Steere replied that several versions were voted upon, but he was not sure if the final version was. Mrs. O'Connors stated that it was voted upon at the March 6th meeting of the Regional School Committee.

XII. Open Forum

1. Thomas Sanzi of Dorr Drive spoke regarding the possibility of installing crosswalks on Putnam Pike in the village. Jamie Hainsworth, Chief of Police, replied that flashing lights and crosswalks were requested from the State Traffic Commission. Chief Hainsworth added that crosswalks were approved, but not the flashing lights. Chief Hainsworth stated that this will be done with the reconstruction in the village.

XIII. Executive Session

- A. Collective Bargaining - RIGL 42-46-5(a)2
  - B. Litigation- RIGL 42-46-5(a)2
- None

XIV. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 9:24 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Carroll, Poirier, Reichert, Walsh  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the July 20, 2006 Town Council Minutes.

At a Special Town Council Meeting holden in and for the Town of Gloucester on **June 21, 2006**.

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Gloucester Town Solicitor; Bradford Gorham, Foster Town Solicitor; Dr. Mario Cirillo, Superintendent of Schools; Steven Winsor, Business Manager; Heidi Rogers, Foster Town Council President; Colette Matarese, Foster Town Council Member; and members of the Foster-Glocester Regional School Committee.

III. Pledge of Allegiance

Councilor Poirier led the Pledge of Allegiance

IV. CONSIDERATION: FULL REGIONALIZATION BILL

Councilor Sette acknowledged members of the Foster Town Council present, President Heidi Rogers & member Colette Matarese, and the members of the Foster-Glocester Regional School Committee present. Councilor Sette proceeded to explain the reason for this evenings meeting. Councilor Sette stated that from the School Full Regionalization Committee needs the support of both Councils in the form of a positive resolution before the legislation can be moved forward towards ballot placement. Our legislators have indicated they would not act without the town's recommendation.

Councilor Sette stated he Councilor Poirier and Foster Solicitor Gorham were all present at the sub committees June 6, 2006 meeting were the amendment was presented. Councilor Sette stated comments were made regarding the Council being in the loop from the beginning. Councilor Sette stated there was a few times when the Council gave their input, and these recommendations were not considered fully. Councilor Sette stated concerns were given at the meeting of June 6, 2006, at that meeting was the first opp the Regional School Committee saw the full amendment and Councilor Sette further stated he does not know if the Foster Town Council has seen the final amendment. Foster Solicitor Gorham stated they have not seen the final draft. Councilor Sette restated Foster has also not seen the final draft and both Councils are being asked to act.

Councilor Sette stated, from the Gloucester Councils view, currently there are some controls on the Gloucester School level that were given to the Town during the last election in the form of Charter Amendments. Councilor Sette stated one of the amendments authorizes the Town to take over the accounting for the Gloucester School system. Councilor Sette stated this was overwhelming granted to the Town by the voters in 2004. Councilor Sette further stated there

another amendment passed “No funds from a fund balance can be expended without approval of the voters”. Councilor Sette stated he mentions these controls because with the amendment as currently worded these are the controls that would be given up. Councilor Sette stated the second control is extremely important because it allows the taxpayers to have some control over spending and determine if spending is really needed.

Councilor Sette stated, some time ago, a 5.5% cap was discussed as well as the possibility of the region becoming their own tax levying authority but these suggestions were never acted upon and now at the eleventh hour that would be difficult to institute and would have allowed the region to have relief from the cap if needed. Councilor Sette stated we are now again asking for a 5.5% cap over the operations spending, which does not include the monies appropriated for the new school. Councilor Sette stated the Gloucester Home Rule Charter supercedes state law and provides for controls. Councilor Sette stated in the proposed region amendment there is language that mentions spending within state mandated caps but Councilor Sette stated that we have learned from our recent financial meetings that this language may not be black and white enough.

Councilor Sette stated the comment was made, (at a previous meeting) that the Council would be “robbing the taxpayers” if this amendment was not approved and Councilor Sette disagreed. Councilor Sette stated he believes that not allowing the taxpayers to have control on spending is what could be robbing the taxpayers. Councilor Sette further stated he would like to know if on the Foster side the unions at the local and regional school level are in favor of this amendment. Councilor Sette further expressed concerns regarding the three bus contracts that could be affected, with potential local contractors possibly being put out of business.

Councilor Sette stated he has a copy of the concerns that were previously given to the regionalization committee if anyone would like to see those concerns. Councilor Sette stated another concern was a proposed amendment for a 2% set aside for the capital fund. Councilor Sette stated in theory from a capital point of view is a good idea if the money is placed in a reserve accounts but the amount of money could be over 5 million dollars over ten years and without any capital plan in place that money is at risk,. Councilor Sette stated that within the next few years there will be a new middle school, a brand new rehabilitated high school, the Town of Gloucester has already replaced the West Gloucester Elementary School roof and have committed to repairing the roof at the Fogarty School.

Councilor Sette stated he personally felt a compromise would be to lower that percentage. Councilor Sette further expressed his concerns at a fund balance being a dangerous thing as it can artificially inflate a balance for the next year, versus having people say yes or no when money is needed. Councilor Sette stated the money he has seen expended from that balance has not been for educational, it has been for more people. Councilor Sette stated one of the School Committee members, not present this evening, has repeatedly asked for the purchase of new books and there has no discussion on books being purchase. Councilor Sette stated he has been informed by teachers that there are a number of purchase orders being held this year, some for the purchase of badly needed books, and he wonders how much paper is being used to copy books as well as

how infringement rights are being violated by copying said books. Councilor Sette stated the question is how to fix these problems in a fiscally responsible way. Councilor Sette asked Council President Rogers (Foster) if she would like to express her concerns from her Council.

Foster Council President Rogers addressed the Council and stated the Foster Council had forwarded a letter to the regionalization subcommittee expressing their concerns such of which were the at-large school committee membership proposal. President Rogers stated that, speaking for herself, she also agrees with the 5.5% cap (further reiterated she is speaking for herself and not the rest of the council as this discussion is scheduled for the Foster Council's meeting on 6/22/06). Councilor Rogers also stated she is in agreement with the capital set aside amount being looked at and stated she would like to see a plan in place.

Councilor Sette noted for the records that a Senate Bill had been passed (yesterday) that will mandate the school caps and lower over the next four years. Councilor Sette also noted that additional funds (13.3 million over the school aid) were voted into the school districts which means unanticipated revenue will be coming to the region.

Councilor Sette stated that having the language in the regional charter would supercede and protect funds should the legislation be changed.

Councilor Sette expressed what he feels the options are for the Council: approve the amendment as is; consider the Councils changes and pass a resolution to the House and Senate which reflect those changes; reject the request for a resolution; or table the issue to July 6. Councilor Sette stated if the issue was tabled the House and Senate would be in recess and it would be too late for the Council to act.

Councilor Poirier asked what the current status of the legislation is.

Councilor Sette stated that the House or the Senate will not act on this bill without Resolution of both Councils. Councilor Sette further stressed the magnitude of this proposed action and stated further that some of the other proposed language would change the way the region is currently run.

Councilor Poirier stated that perhaps Ray was referring to a student population shift that was not from town to town. Councilor Poirier pointed out that there have been years when the student population has decreased or remained the same and there were still budget increases.

Lorraine O'Connors, Regionalization sub committee chair, addressed the questions raised by Councilor Sette. Ms. O'Connors stated the sub committee had considered some of the ideas and addressed the issue of the region becoming their own taxing authority. Ms. O'Connors stated the concerns regarding state reimbursement/funding should this practice been attempted; how the taxation between the two communities would be balanced; and any actions, changing financial aspects, that would jeopardize bonds currently outstanding. Ms. O'Connors stated it was those reasons, and others, that caused the sub-committee to not consider that option. Ms. O'Connors agreed that some of the other issues brought forward by Councilor Sette needed to be worked out

and also stated that time was now the issue for this matter to go forward. Ms. O'Connors stated she feels at this point the voters deserve the right to choose and apologized for not realizing a resolution from both Councils was necessary and further stated they were not notified by the State that they needed that approval.

Ms. O'Connors stated both towns were notified of the transmittal to the state. Ms. O'Connors stated she understands Gloucester Council's concerns and presented a resolution that she feels represents a compromise and asked the Council's consideration. Ms. O'Connors stated the Regional School Committee has not had the opportunity to discuss this new proposal but that they could ratify this amendment at a future meeting if agreed upon. Ms. O'Connors explained the concept of the latest proposed amendment which she states "the Regional School District budget shall not exceed 80% of the maximum tax levy exclusive of debt service and emergency expenditures of either member Town, in the event a greater increase is approved by the voters at the regional financial meeting the amount in excess of the 80% must be approved by the local town financial meeting of the Town that's been affected."

Councilor Reichert expressed his concerns stating that is a large amount of money especially as the base amount rises.

Councilor Sette referred to a Senate bill that just passed that would provide the maximum amount budgeted for a school department would be 105.5% percent and would go down in increments over the next few years. Councilor Sette stated if there is a House bill and both are approved this could address our language issues. Councilor Sette stated that would mean the school is not being asked to do any more, financially, than any other government body.

John Bevilacqua, Town Solicitor, stated the Council President is correct in his reference and further referred to a floor amendment to Senate Bill 2006-3050 sub A, which refers to Rhode Island General Law 16-2-21, Budgets, and Atty. Bevilacqua read the following portion of said amendment: § 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets. – (i) the budget adopted and presented by any school committee for the fiscal year 2008 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in excess of one hundred five and one-quarter percent (105.25%) of the total of municipal funds appropriated by the city or town council for school purposes for fiscal year 2007;

J. Bevilacqua stated there is a portion of this amendment that refers to communities which hold financial town meetings in regards to these budgets having to be adopted by the financial town meeting. J. Bevilacqua further stated the bill progressively decreases by .25% each year until the year 2013 at which time it is capped off at 4% which is 104.0%. J. Bevilacqua stated that to say it has no effect is incorrect.

Ms. O'Connors stated that law speaks for itself and they have included language that states they will follow state law therefore why put in anything.

Councilor Sette questioned why not put the language in the amendment and further stated he would no longer take verbal agreements or “gray” areas, and, for Gloucester, everything will be in black and white language. Councilor Sette stated all the Council is striving for is reasonable, fair budgets the taxpayers can accept. Councilor Sette stated this amendment as proposed by the Council will allow both Towns to effectively budget from year to year.

Councilor Sette further stated we can all do what we have to do without situations such as recently occurred where a 14% increase was passed on to the towns and they in turn have to cut services. Councilor Sette stated we could eliminate the constant battle we currently have at our financial town meetings. Councilor Poirier asked if we want language which is specific to the 5.5% as it exists, or do we want something which would change with the State mandated tax levying caps. Councilor Reichert questioned if that bill fails what would happen. Councilor Sette stated the language would then be in place to protect the taxpayers. J. Bevilacqua replied that it could be worded either way. Walter Steere, School Committee member, expressed agreement.

School Committeeman Baker expressed concern with the percentage 5.5% cap on the increase on taxation and a 5.5% increase on the budget. Councilor Sette state it was a 5.5% on the appropriations. Baker explained we can have a 5.5% increase in the budget total and have much less than a 5.5 on appropriations based on growth. M. Baker questioned how we could come up with a calculation that will allow the school to stay within the cap and run the school programs.

Councilor Reichert stated the school now gets 80% of the budget and the town has to figure out how to manage with what is left. Councilor Walsh agreed.

Councilor Sette stated this will allow the Town to know year are year what we can afford and that is not an unreasonable concept to give our taxpayers. Councilor Sette stated he has had discussion with the Auditor General and stated it was at his direct request that the school not being allowed to spend their fund balance without the vote of the people. Councilor Sette stated everyone is under the impression that regionalization will give an additional 10.7 million as additional reimbursement on the new school but it will not go into our funds and only after we spend the money will we get any of that money back.

Councilor Sette stated people of both towns deserve some relief year after year and be better informed as to what is in that budget. Councilor Sette stated this forces operational efficiency, to look into ways to save, for example health care programs, and collaborative purchasing. Ms. O’Connors stated we want to do Regionalization so we can be more efficient. Councilor Sette stated then do it with our amendments and give the tax payers relief.

Rep. Nicholas Gorham addressed the Council and explained the logistical challenge of the House of Representatives completing their proposed legislation. Rep. Gorham stated they would need a Resolution of both communities as soon as possible. Rep. Gorham reiterated what he feels the Council is looking for, that the amendment allows the same accountability as cities and towns in reference to spending. Rep. Gorham made reference to the issue of growth. R. Fogarty also spoke: inaudible.

Councilor Poirier stated he believes that Mr. Fogarty is referring to a student population shift that was not from town to town. Councilor Poirier stated we have had years when student population went down and the budget still went up.

School Committeeman Steere stated he agrees with the cap as suggested by the Council in case the state law were to change. Mr. Steere also agreed with the Council on the capital set aside.

Councilor Sette referred to the 2% capital set-aside, stating that he feels that this is needed. Councilor Sette pointed out that with a new middle school, new high school and new roofs for two of the elementary schools, there will only be normal maintenance to be performed. Councilor Sette suggested cutting it back to 1%, since no major expenditures will be expected for several years, allowing the funds to accumulate and earn interest over time. Councilor Sette added that if it appeared that 1% would not be enough, it could then be raised to 2%.

School Committeeman King questioned the town's procedure regarding their capital set aside. Councilor Sette stated the Town puts aside 2% per year.

Discussion followed on ways the Town handles their capital improvement fund.

Brad Gorham discussed the request of the Gloucester Town Council and the function of the schools.

Greg Laramie stated that there will be capital expenditures at the High School, therefore he would prefer to leave the amount at 2%. Councilor Walsh asked why the roofs are not included in the renovations. Mr. Laramie replied that the roofs are not leaking at this time and are warrantied for another four years.

Ray Fogarty questioned alternative or special gifts and how this would effect this form of revenue. Councilor Sette stated as long as the money goes into a reserved account he does not see a problem.

Councilor Sette questioned if there were any other questions.

None

Councilor Sette called for a five-minute recess.

Councilor Sette called the meeting back to order. Councilor Sette stated that the Town Solicitor is writing up some language which will be read to determine if it is agreeable to all parties involved.

Councilor Sette suggested that we keep the-set aside at 2% for the next couple of years and see how it accumulates, adding that if there is too much money in the account, the percentage can be amended at a financial town meeting.

Councilor Walsh asked the School Business Manager, S. Winsor, what the percentage of state aid is currently.

S. Winsor stated approx. 30-33% and further that he has not seen the details yet for this year.

Discussion followed on how the Gloucester Town Charter requires a capital plan.

Councilor Sette requested that, in the future, when an issue like this arises, that all three bodies (Gloucester Town Council, Foster Town Council and Foster-Gloucester Regional School Committee) will be involved from the beginning of the process. Councilor Sette stated that this would avoid the last-minute situation that we are now facing. Councilor Sette thanked the Foster Town Council members as well as the Foster Town Solicitor for their attendance at this meeting. Councilor Sette also wished to thank the School Committee members for their participation in formulating some language that we all can live with.

Councilor Sette asked John Bevilacqua, Town Solicitor, to read the language he has drafted. J. Bevilacqua read as follows:

“This is in reference to the amendment the Charter of the Foster-Gloucester Regional School District: The following change shall, and I repeat shall, be included: That the budget adopted and presented by the Regional Financial District Meeting for any fiscal year shall not propose the appropriation of municipal funds in excess of 105.5% of the total municipal funds appropriated by the Financial Town Meetings of the Towns of Foster and Gloucester for school purposes for the then current fiscal year. This appropriation restriction shall change and be subject to the provisions of RI General Laws 44-5-2 entitled “Maximum Levy” and Title 16 Chapter 2 of the RI General Laws.”

MOTION was made by Councilor Poirier to amend the charter of the Foster/Gloucester School District to include the following: That the budget adopted and presented by the Regional Financial District Meeting for any fiscal year shall not propose the appropriation of municipal funds in excess of 105.5% of the total municipal funds appropriated by the Financial Town Meetings of the Towns of Foster and Gloucester for school purposes for the then current fiscal year. This appropriation restriction shall change and be subject to the provisions of RI General Laws 44-5-2 entitled “Maximum Levy” and Title 16 Chapter 2 of the RI General Laws.” This appropriation restriction shall change and be subject to the provision of RIGL 44-5-2 entitled “Maximum Levy” and Chapter 2, Title 16.; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Reichert, Walsh, Poirier, Sette, & Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll that the Gloucester Town Council submits to the General Assembly a Resolution in support of the amendment of the RI Public Laws of 1958, Chapter 101, of the Foster/Glocester School District subject to the amending of that amendment with the inclusion of the following: That the budget adopted and presented by the Regional Financial District Meeting for any fiscal year shall not propose the appropriation of municipal funds in excess of 105.5% of the total municipal funds appropriated by the Financial Town Meetings of the Towns of Foster and Gloucester for school purposes for the then current fiscal year. This appropriation restriction shall change and be subject to the provisions of RI General Laws 44-5-2 entitled "Maximum Levy" and Title 16 Chapter 2 of the RI General Laws." Seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Reichert, Walsh, Poirier, Sette, & Carroll  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to ADJOURN at 9:25 p.m.; seconded by Councilor Reichert

VOTE: AYES: Reichert, Walsh, Poirier, Sette, & Carroll  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the September 7, 2006 Town Council Minutes.

At a Town Council Meeting holden in and for the Town of Gloucester on **July 6, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; Patrick Carroll; Kevin Walsh & Charles Poirier

Member Absent: William Reichert, Vice President

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Brian Lombardi, Building/Zoning Official; Susan Harris, Deputy Town Clerk; and Michael Merchant, Animal Control Officer.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

None

V. Public Hearing

A. Victualing Licence

Peter Fratantuono, Jr., d.b.a. Moosup River Farm

Location of Business: 1 Snake Hill Road, Gloucester

Councilor Sette stated that this Public Hearing was advertised on June 20th , June 27th, & July 3rd, 2006 in the Providence Journal.

Councilor Sette DECLARED the Public Hearing open.

Discussion:

Peter Fratantuono, Jr., applicant, explained his plans to open and operate an agricultural business. Mr. Fratantuono added that he has been in farming for twenty years and currently grows and sells flowers in Greene, RI. Mr. Fratantuono stated that he would sell flowers and produce, most of which will be Rhode Island grown, as well as operate the restaurant on the site. Mr. Fratantuono added that he wishes to be open year-round. Councilor Sette stated that there are stipulations which were imposed at the former Blossoms Café, and any new business would have to adhere to these conditions. Mr. Fratantuono introduced his wife to the Council and stated that she will be in charge of food service at the restaurant. Councilor Sette wished the applicant luck in his new business.

Councilor Sette asked if anyone else wished to be heard regarding this application. Hearing none, Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Poirier to GRANT the issuance of a Victualing License to Peter Fratantuono, Jr., d.b.a. Moosup River Farm, Location of Business: 1 Snake Hill Road, Gloucester: pursuant to 1) payment of all Town taxes; 2) Building/Zoning approval; 3) Fire inspection as needed; 4) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales. This license is subject to the stipulations as outlined in the Decision of the Zoning Board of Review of the Town of Gloucester recorded in Book 267 Page 524 Gloucester Land Evidence on 10/1/2001 @ 1:35 p.m.; this license shall be for the interior of the premise only and is valid to November 30, 2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Minutes: June 1, 2006 Regular minutes, June 15, 2006 Regular minutes, & June 21, 2006 Special Meeting.
- B. Pole Grants
  - 1. Verizon: One new joint pole (P.30 ½)- Pulaski Road
  - 2. Verizon: Seven new joint poles & five anchor guy locations-Chestnut Oak Road
  - 3. Narragansett Electric company: Utility Easement -1210 Putnam Pike

MOTION was made by Councilor Carroll to TABLE the minutes of June 1, June 15th, & June 21st, 2006; and to APPROVE the Pole Grant for: Pulaski Road-Pole 30 ½ , & Chestnut Oak Road (seven joint poles & five anchor guy locations); and to AUTHORIZE the Utility Easement to supply electrical & telephone service to Town property,( known as Gloucester Senior Center) 1210 Putnam Pike; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

None

VIII. New Business

A Appointments

1. Police Officer Recruit to Police Officer Probationary

Councilor Sette stated that a memo was received from the Chief, dated June 19, 2006, requesting the following:

The appointment of Police Officer Recruit to Police Officer Probationary, retroactive to July 2, 2006:

Louis Manuel

Officer Manuel graduated from the Municipal Police Academy on June 23, 2006.  
(End of memo)

Discussion: None

MOTION was made by Councilor Carroll to APPOINT Louis Manuel to the position of Police Officer Probationary, retroactive to July 1, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Police Dispatcher: Part time (as needed)

Councilor Sette stated that the Chief has sent the Council the following:

June 19, 2006

I am recommending the appointment of John Desmarais, age 38, of Chopmist Hill Road, Glocester RI as a part time Dispatcher on an as needed basis. With a starting salary \$12.00 per hour during his training period and \$14.00 per hour once his training is complete. This appointment will be effective July 7, 2006.

This applicant was included in the last group of applicants we looked at, although he was going to be selected at that time he chose to withdraw due to pending commitments he had with his current full time employer. Those circumstances have now changed and he has expressed his interest in working here on an as needed basis.

Thank you  
Jamie A. Hainsworth

Chief of Police  
(end of memo)

Discussion: Councilor Sette asked if anyone has spoken to Chief Hainsworth regarding the number of hours this position entails. Councilor Carroll replied that it is his belief that this is a fill-in position for people who are on vacation and will not cut the hours of the current dispatchers.

MOTION was made by Councilor Carroll to APPOINT John Desmarais to the position of part time Dispatcher (as needed) at a starting salary of \$12 per hour during training period, \$14.00 per hour once training completed, effective July 7, 2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

3. Comprehensive Community Plan Coordination Committee  
12 (twelve) appointments  
Expired 2 year terms (chairs or designees of Bd.& Comm.)

MOTION was made by Councilor Poirier to REAPPOINT:

Daniel A. Romani, Jr. (HDC)  
David Calderara (Plan.Bd.)  
Edward J. Juairé (Budget Bd.)  
Gregory Agnone (GEDC)  
Louis H. Cadwell (WMDB)  
Charles F. Miller, Jr.(WRIHRP)  
Gregory J. Meinertz (Zoning Bd)  
Gary King (F-G SC)  
Kai T. Goto (GHA)  
Bruce Payton (GLT)  
Michael Dahlquist (Cons. Comm)  
Anthony Parrillo (Rec. Comm.)

to the Comprehensive Community Plan Coordination Committee for two year terms to expire 7/2008; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

4. Western RI Home Repair  
Executive Board position (Glocester)  
Expired 2 (two) year term

MOTION was made by Councilor Poirier to REAPPOINT Charles Miller & Michelle Ryan to the Western Rhode Island Home Repair Program Executive board for a two year term to expire 7/2008; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

5. Gloucester Housing Authority  
1 (one) expired 5 (five) year term (David Palmisciano)

MOTION was made by Councilor Walsh to REAPPOINT David Palmisciano to the Gloucester Housing Authority for a five year term to expire 7/2011; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

6. Chepachet Village Planning Committee  
2 (two) expired 2 year appointments (Sanzi & Lanphear)  
1 (one) expired 1 year appointment (Tetreault)

MOTION was made by Councilor Carroll to REAPPOINT Thomas Sanzi and Clayton Lanphear to the Chepachet Village Planning Committee for 2 year terms to expire 7/2008; and to REAPPOINT Elizabeth Tetreault for a 1 year term to expire 7/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- B. Promotions
  1. Gloucester Police Promotions  
(2) Patrol Officer to Sergeant

Councilor Sette stated that the Chief also requested the following in his memo of June 19, 2006:

I am recommending for promotion from the rank of Patrol Officer to Sergeant:

1. Kimberly Bertholic retroactive to July 1, 2006
2. Charles Entwistle effective to July 16, 2006

Both of these officers have served the Town well and have demonstrated their ability to make good decisions and lead their fellow officers.

Both appointments are conditional on these officers successfully completing a first line supervisor's course at Roger Williams University.

(End of memo)

Discussion: Councilor Sette stated that a formal swearing-in ceremony will be held prior to the Town Council Meeting on July 20th.

MOTION was made by Councilor Carroll to PROMOTE Patrol Officer Kimberly Bertholic to Sergeant on the Gloucester Police Department retroactive to July 1, 2006 and Patrol Officer Charles Entwistle to Sergeant on the Gloucester Police Department effective July 16, 2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- C. Bid Award: IFB 2006-13  
2006 Sierra 2500 HD 4WD  
Reg Cab Pickup Truck

Councilor Sette stated there is no recommendation at this time and called for a motion to table.

MOTION was made by Councilor Poirier to TABLE the Bid Award IFB 2006-13, 2006 Sierra 2500 HD 4WD, Regular Cab Pickup Truck; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- D. Allocated Budget Reduction (approx. \$50,000)

Councilor Sette stated that the Finance Director has forwarded the following memo:

June 30, 2006

To: Town Council

Re: Fiscal Year July 1, 2006- June 30, 2007 budget reduction

At the Financial town Meeting, the proposed budget for Municipal expenses was reduced, in total, by \$50,000. This amount needs to be allocated to specific line items in the budget before it is distributed to Department Heads and supervisors.

We will need direction from the Town Council as to which line items are to be reduced.

Tom Mainville

(end of memo)

Discussion: Councilor Sette stated that he has not had a chance to review the budget to determine which items could be reduced. Councilor Walsh suggested asking the Department Heads to see where they could cut funding from their budgets.

MOTION was made by Councilor Carroll to TABLE the Allocated Budget Reduction (approx. \$50,000) to the meeting of July 20th; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette

NAYS: 0

MOTION PASSED

E. Amendment: Personnel "We are Gloucester" Handbook  
Highway Department: Safety shoe allowance

Councilor Sette stated that the Council has received a memo from the Finance Director:

June 30, 2006

To: Town Council

Re: Personnel "We are Gloucester" Handbook

Presently, the handbook provides a shoe allowance of \$125.00 per person per year to members of the Highway Department.

Members of the Highway Department receive:

(A) one 1 pair of safety shoes, annually, not to exceed \$125.00 per person.

An allowance of \$200 per person per year was budgeted for in the upcoming fiscal year beginning July 1, 2006.

If the Council wants to increase the allowance, the employee handbook must be revised to reflect this change.

(End of memo)

Discussion: Councilor Poirier stated that since the Council agreed to increase the allowance, the Handbook should be amended to reflect that increase.

MOTION was made by Councilor Carroll to revise the Personnel "We are Gloucester Handbook" as follows:

Members of the Highway Department receive: (A) one 1 pair of safety shoes, annually, not to exceed \$200.00 per person.

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette

NAYS: 0

MOTION PASSED

#### IX. Department Head Report/Discussion

1. Thomas Mainville, Finance Director, spoke regarding the Litter Corps, stating that some of the members have quit and need to be replaced. The consensus was to allow the Personnel Director to appoint from the remaining names.

#### X. Boards/Commissions

1. Connie Leathers, Chair of the Parade Commission, was present and Councilor Sette commended her on an outstanding Fourth of July Parade and other festivities. All present agreed and applauded Ms. Leathers efforts. Ms. Leathers stated that the committee worked very hard and that it was a great event. Ms. Leathers thanked the Council members for their support. Councilor Sette pointed out that Mr. Siner at the Senior Center Building site was extremely helpful in allowing access to the fireworks location and thanks should also be extended to him.

#### XI. Council Correspondence/Discussion

1. Lake View Drive

There was discussion regarding correspondence received by Brian Lombardi, Building/Zoning Official. Councilor Sette stated this correspondence referenced complaints regarding alleged

trailers and debris throughout a particular neighborhood. Councilor Sette recommended that the Chief of Police be notified of the situation so that he can take a look at it also.

2. Putnam Properties, Inc. d.b.a. Sticks Tavern (request to read)  
Councilor Sette read into the record the following letter:

Putnam Properties, Inc.  
DBA Sticks Tavern  
417 Putnam Pike  
Chepachet, RI 02814

RE: Expansion of liquor service area

June 21, 2006

Dear Council Members:

I am requesting to be placed on the agenda of the next scheduled meeting of the town council. The purpose is to pursue the expansion of service for the property located at 417 Putnam Pike, Putnam Properties, Inc. DBA Sticks Tavern. My plan is to install a six foot in height chain link fence in a portion of the attached to the current structure. There will be two gates in the fenced area. Lighting will be provided on the current structure and on two of the corners of the fenced area.

Due to the passage of the indoor smoking ban, the permitted sale of alcohol by liquor stores on Sundays, and the continued rising costs of doing business in the liquor industry, it is imperative for our business to be granted the expansion.

Sincerely,  
Vincent Iannuzzi  
President, Putnam Properties, Inc.

(End of letter)

Councilor Sette noted that there is an attachment to the letter depicting what the property owner wishes to do. Councilor Poirier pointed out that there was much research conducted prior to the consideration of the variance granted to the White Horse Pub. J. Bevilacqua, Town Solicitor, added that the situations are different because the White Horse already had the enclosed outdoor area and noted that many restrictions were included in the expansion of the license. J. Fecteau, Town Clerk, stated that she has informed Mr. Iannuzzi that the Town does not currently have any ordinance which allows outdoor drinking. There was consensus to send a reply to Mr. Iannuzzi informing him of the procedure which must be followed to apply for this expansion of service.

3. Davis Mobile Home Park residents

Bonnie LeMay, resident of Davis Mobile Home Park for sixteen years, spoke to the Council concerning a situation with the new management at the park. Ms. LeMay stated that she is attempting to sell her mobile home and she received a packet from her realtor which contained Mobile Home Park Rules and Regulations and an application which she feels is unreasonable. Councilor Sette asked Ms. LeMay if the Mobile Home Commission has approved these Rules and Regulations, to which she replied “yes”.

David Carlozzi, resident of Davis Mobile Home Park, stated that he also is trying to sell his home and is having difficulty due to the Rules and Regulations instituted by the new management.

Ms. LeMay again spoke stating that, at first, the manager tried to forbid them from selling their mobile homes completely. Ms. LeMay stated that she feels trapped; she cannot stay and she cannot go. Ms. LeMay pointed out one of the rules which prohibits washers and dryers in the park. Ms. LeMay stated that there are no laundromats in Gloucester, and feels that this is unfair.

Anne Breton, resident of Davis Mobile Home Park, stated, in her opinion, that everything in these documents is against the law.

Councilor Poirier asked if anyone has signed the Rules and Regulations as they stand. Ms. Breton replied that she and the other residents have not had Rules and Regulations since 1997 and does not believe that anybody signed these.

Ms. LeMay stated that she has had several potential buyers who were discouraged by the situation and decided not to purchase.

Councilor Sette stated that, as the licensing authority, the Council will ask the Town Solicitor to review the documents. Ms. LeMay stated that any help would be greatly appreciated.

#### 4. Other correspondence

1. There was discussion regarding correspondence received from the Town of Burrillville concerning the Chepachet River Bridge, Gazza Road and bridge replacement closure. Councilor Sette read the following into the record:

As of July 5th, the Chepachet River Bridge and Gazza Road in the Mapleville section of Burrillville will be closed to through traffic through September. During this time, Burrillville Public Works will be replacing the bridge structure to make roadway safety improvements. Road detours are presently being advised in the local edition of the Bargain Buyer and detour signage will be posted prior to the bridge closing to aid motorists. Please be advised that these detours may affect residents in Gloucester in the area of Gazza Road, Whipple Road, Peach Orchard Road and Douglas Hook Road. Following receipt of this letter, the local Police and Fire Departments will be contacted to

coordinate mutual aid in the event of an emergency. If you have any questions pertaining to this road closure, please contact this department at your earliest convenience.

Signed, Kevin Cleary, Burrillville Town Engineer

(End of letter)

Councilor Sette was concerned because the last time this bridge was closed, there were many calls and complaints from residents of Gazza Road regarding trucks coming from the gravel bank on Peach Orchard Road. Councilor Sette stated that some of these trucks were traveling at a high rate of speed. Councilor Sette recommended that the Police monitor the area to control the speeding. Councilor Walsh suggested that the State Police also be made aware of the situation.

2. Councilor Sette spoke regarding a request for proposal for non-point source pollution abatement grants. This was referred to the Town Planner to see if Glocester qualifies.

3. Councilor Sette stated that we received a letter regarding the Scituate Reservoir Watershed Greenspace Project, which gives us the opportunity to identify and map all areas of the Town that we believe are important to protect, either by land acquisition or creative development. This was referred to the Town Planner for review.

4. Councilor Sette spoke regarding an invitation which was received to the Open Government Summit to be held on August 4th at Roger Williams School of Law. Councilor Sette noted that he attended this last year's session and found it to be very informative.

## XII. Open Forum

1. Peter Skeffington of 48 Anan Wade Road provided an update of the hydro-electric project in Glocester. Mr. Skeffington stated that he has sent a letter to the Chief of Energy and Community Services RI State Energy Office. Mr. Skeffington also has spoken to Ray Fogarty, of the school building committee, regarding the possibility of installing one or more wind-powered generators at the new school site, in view of the fact that the School Department is planning to install a cell tower. Mr. Fogarty seemed interested in the project and stated that the cell tower may bring in \$40,000 per year in revenue. Mr. Skeffington stated that he asked Mr. Fogarty where the profits would go, to the school system or the Town, to which Mr. Fogarty replied it should go to the school system. Mr. Skeffington stated that he realized that we have other Town owned land located in higher elevations which would likely be suited to wind-generator placement. Mr. Fogarty told Mr. Skeffington that there was tentative Federal funding for such projects but was unable to divulge the source at this time. Mr. Skeffington stated that he wanted the Town Council to know that they are still pursuing clean energy and its associated benefits. Councilor Sette thanked Mr. Skeffington for his report.

2. Steve and Pam Ferretti of Cranberry Ridge Road explained that several years ago, someone wanted to build on property which could only be accessed through the Ferretti's property by a right-of-way. Mr. Ferretti stated that at that time, he attended the Planning Board meeting and stated that he had no problem with that, but they did not want the right-of-way

touched. Mr. Ferretti stated when the Fire Chief determined that the path would have to be widened to fourteen (14) feet, Mr. Ferretti decided to be neighborly and go along with this. The house has since been built and Mr. Ferretti stated that the right-of-way is now wider than fourteen (14) feet. Mr. Ferretti's concern is that, at some point, the Town used wording on correspondence to the owner of the property which changed the term "right-of-way" to "driveway", leading the property owner to believe that it is either his right-of-way or common ground.

Mr. Ferretti requested that the Town transmit a letter indicating that the property owner has the right to pass, but that no further improvements are to be made. Councilor Sette stated that he was on the Council when this was granted and he believes that the Council was very specific as to what could be done to the right-of-way. J. Bevilacqua, Town Solicitor, stated that access was granted, but that the right-of-way cannot be expanded or improved without the permission of the neighboring property owner. Mr. Ferretti again stated that in some of the documents the path is referred to as a driveway, leading the other property owner to believe that he owns it. J. Bevilacqua stated that, with the Council's approval, he could prepare a letter that interprets the Town's position regarding each party's rights. Mr. Ferretti stated that he would appreciate that. Councilor Sette added that the minutes from the meeting at which the approval was originally given should be included with the letter. Mr. Ferretti expressed other concerns such as the movement of a stone wall and the dumping of fill onto wetlands, and J. Bevilacqua advised that these are civil matters.

3. Tom Sanzi thanked the Town Council and the Parade Committee for a successful 4th of July holiday.

4. Councilor Walsh stated that the Chepachet Free Will Baptist will be holding Old Home Day on August 26th to commemorate the 100-year anniversary of the event. Councilor Walsh added that they have asked if a member of the Town Council would like to speak at the event.

### XIII. Executive Session

- A. Correspondence Relative to Acquisition- RIGL 42-46-5(a)5
- B. Litigation- RIGL 42-46-5(a)2
- C. Personnel- RIGL 42-46-5(a)1

MOTION was made by Councilor Walsh to ADJOURN to Executive Session - Correspondence Relative to Acquisition RIGL 42-46-5(a)5, Litigation RIGL 42-46-5(a)2, and Personnel RIGL 42-46-5(a)1; seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

### XIV. Reconvene to Open Meeting

- A. Disclosure of votes taken

None taken

XV. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 10:24 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the August 17, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **July 20, 2006**.

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Alan Whitford, Director of Public Works; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police; and Virginia Peters, Director of Human Services

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Gloucester Police Department

A. Swearing in Ceremony  
Gloucester Probationary Officer

Jamie Hainsworth, Chief of Police, introduced Louis Manuel, Jr., a recent graduate of the Rhode Island Municipal Police Academy, adding that Mr. Manuel finished second in a class of thirty-four. Chief Hainsworth stated that tonight, Mr. Manuel will go from a Police Officer Candidate to Probationary Officer. Chief Hainsworth noted that Mr. Manuel is a graduate of Northeastern University with a degree in criminal justice, is a Gloucester resident and a graduate of Ponaganset High School. The candidate was sworn in by Councilor Sette.

B. Promotion Ceremony  
Patrol Officers to Sergeant (2)

1. Chief Hainsworth called upon Patrol Officer Kimberly Bertholic and stated that Officer Bertholic began her career with the Gloucester Police Department in June of 1986 as a part-time dispatcher. Chief Hainsworth added that in May of 1990, Officer Bertholic was hired by the Burrillville Police Department as a full-time dispatcher. Chief Hainsworth stated that in November of 1999, Ms. Bertholic was hired as a Police Officer by the Town of Gloucester. Officer Bertholic was sworn in to the rank of Sergeant by Councilor Sette.

2. Chief Hainsworth called upon Patrol Officer Charles Entwistle, stating that Officer Entwistle was hired as a patrolman in August of 1996 after having graduated from the Police Academy. Chief Hainsworth added that Officer Entwistle holds a bachelor's degree from Providence College and in his ten years on the force, has been involved in many investigations. Councilor Sette swore in Officer Entwistle to the rank of Sergeant.

Chief Hainsworth congratulated both officers on their promotion to the rank of Sergeant. Councilor Sette invited all present to join the Council for refreshments.

Councilor Sette called for a recess.

Meeting called back to order at 7:30 p.m.

V. Open Forum for Agenda Items  
None

VI. Consent Items

- A. Minutes - June 1, 2006 Regular minutes, June 15, 2006 Regular minutes, & June 21, 2006 Special Meeting; July 6, 2006 Regular & Executive Session; & amendment of May 4, 2006 Regular Meeting.
- B. Finance Directors Report - June, 2006
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Poirier to APPROVE June 1, 2006 & June 15 Regular minutes, and the amendment of the May 4, 2006 Regular Meeting, to TABLE the minutes of June 21, 2006 Special Meeting & July 6th Regular and Executive Sessions; to TABLE the Finance Director's Report of June, 2006; to APPROVE the Abatements to the 2005 Tax Roll in the amount of \$83.17, and the Addition to the 2004 Tax Roll in the amount of \$.20; seconded by Councilor Reichert.

Discussion: Councilor Sette stated that he has a question regarding the minutes of June 15th. Councilor Sette noted that Greg Laramie was reappointed to the Building Code of Appeals, adding that Mr. Laramie also serves as Chair of the Building Committee for the School Building Project. Councilor Sette asked John Bevilacqua, Town Solicitor, if this would constitute a conflict. J. Bevilacqua replied that if any issues arose which would cause a conflict of interest, Mr. Laramie would have to recuse himself.

VOTE: AYES: Poirier, Walsh, Reichert & Carroll  
(Councilors Sette and Walsh recused themselves from the vote on the minutes of June 15, 2006 as they were not present)  
NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A Budget Reduction (approx. \$50,000.00)

We have a memo from the Finance Director regarding possible budget cuts:

July 20, 2006  
To: Town Council

Re: Fiscal Year July 1, 2006 - June 30, 2007 budget reduction

As noted in my June 30, 2006 memo to the Town Council, the proposed budget for Municipal expenses was reduced in total, by \$50,000 at the May 6, 2006 Financial Town Meeting and that the \$50,000 had to be allocated to specific budget line items. At the July 6, 2006 Town Council meeting, the Council requested that the Department Heads and Supervisors be surveyed as to where budget reductions could be made.

The following list of recommended budget reductions was arrived at after conferring with the Department Heads and Supervisors:

- \$ 500. Town Clerk - Printing
- 500. Town Clerk - Education/Training
- 500. Town Clerk - Office equipment/furniture
- 1,000. Wastewater Board - Education program
- 10,800. Police Department - Vacation/illness coverage
- 500. DPW - Storm/snow related services - Salt
- 7,500. DPW - Storm/snow related services - Sand
- 19,800. All Departments - Fringe benefits (health care insurance)
- 1,200. Other operational expenses - Copier rental
- 5,700. Other operational expenses - Insurance - liability/property/other
- \$50,000. Total

Please let me know which line items in the budget are to be reduced.

Tom Mainville  
(end of memo)

Councilor Walsh asked Alan Whitford, Director of Public Works, if the salt and sand budget had already been cut and would be reduced further. A. Whitford replied in the affirmative. There was concern that we would not have enough of these items to last through the winter months. T. Mainville, Finance Director, stated that there was \$15,000 left from last year's budget. T. Mainville further stated that there is a mechanism by which, if something goes over budget, the Town can request additional funding.

Councilor Sette asked if anyone had any further questions or comments. Councilor Poirier asked what was meant by "All Departments - Fringe Benefits (health care insurance)". T. Mainville responded that since the budget was adopted, situations have occurred where employees have opted for the single plan over the family plan, or have waived health insurance in favor of the buy-back plan, which is less expensive to the Town.

Councilor Sette pointed out that the Town has also been talking to other carriers regarding health insurance, and there could be some savings if we pursued this further. There was discussion

regarding whether a motion is needed to follow the recommendations. J. Bevilacqua stated that a motion is not necessary.

IX. New Business

A. Chepachet Village Enhancements - Budget Estimate

Councilor Sette read the following memo from the Planners Office dated June 13, 2006:

Enclosed please find a copy of the revised budget for the Chepachet Village Enhancement project. I have asked Commonwealth Engineering to revise the scope of the project and the associated budget to respond to the Council's comments and revision requests.

This new scope for the project includes stamped concrete sidewalks and crosswalks, a pedestrian bump out with granite bollards, colonial style lights (drawing enclosed), street trees (info enclosed) and ornamental banners. As an option, they have priced out matching poles that can be used to hang event banners, such as have been hung from the telephone poles for Peddler's Faire.

Please review the attached budget and if this is found to be acceptable, please make a motion authorizing this project scope and budget so that I can inform RIDOT and Commonwealth Engineering to move forward with the design.

(End of memo)

MOTION was made by Councilor Walsh to AUTHORIZE the project scope as outlined in Option 3, revision of the Chepachet Village Enhancement project, dated February 9, 2006; seconded by Councilor Reichert.

Discussion: Councilor Sette stated that the owner of Commonwealth Engineering is an acquaintance of his and asked if he should recuse himself from this vote. J. Bevilacqua replied that if Councilor Sette is not related to the individual, recusal is not necessary.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Personnel

1. New Position: Public Works  
Roll-off Driver II

Councilor Sette stated that the Town Council has received a request from the Director of Personnel:

July 12, 2006

To: Town Council  
Re: Appointment - Dept. of Public Works

Presently, one of our employees, Jamie Gagnon, is classified as a Roll-off Driver.

During the budget process for the current budget (FY 2006-07), Alan Whitford (Director of Public Works) requested that Mr. Gagnon receive an in-grade promotion to level II. This was approved by the Budget Board and the Town Council during the budget process.

We currently do not have a position titled Roll-off Driver II, so, in order to do this, the Council will have to create the position of Roll-off Driver II and subsequently appoint Mr. Gagnon to that position. Attached is a job description for Roll-off Driver II.

The wage rates (including steps) for Roll-off Driver I are the same as Driver/Laborer I. Similarly, the wage rates (including steps) for Roll-off Driver II are the same as Driver/Laborer II.

Tom Mainville  
Director of Personnel

(End of memo)

MOTION was made by Councilor Carroll to create the position of Roll-off Driver II, effective as of July 1, 2006, with the rate of pay (including steps) to be the same as Driver/Laborer II; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Change Title: Tax Assessor's Request  
Engineer (currently vacant) to Cartographer

Councilor Sette stated that we have received a memo from the Personnel Director:

July 12, 2006

To: Town Council  
Re: Appointment - Cartographer

At present, the part-time position budgeted in the line item Engineering Services in the Tax Assessor's office is vacant. This position, historically, works an average of four hours per month.

The title that was given to this position was 'Engineer.' However, a more accurate title would be 'Cartographer.' Attached is a current job description.

Viviane Valentine (Tax Assessor) requested proposals from three firms. Responses were:

\$/hour	Firm name
\$ 85.00	Foster Survey Co. (Eric Colburn)
125.00	Marc N. Nyberg Associates
No response	National Land Survey

As you may recall, Mr. Colburn worked for the Town at the end of fiscal year 2004-05 (after John Dolan resigned) providing the services noted above. It was noted at that time that Mr. Colburn had previous experience providing similar services to the towns of Scituate and Foster. Ms. Valentine reports that his work for the Town of Gloucester was both timely and accurate.

Ms. Valentine is requesting that Eric Colburn be appointed as Cartographer, on an as needed basis, at a rate of \$85.00 per hour, effective July 21, 2006.

\$4,189 has been budgeted for this position in fiscal year 2006-07.

Tom Mainville  
Director of Personnel

(End of memo)

Councilor Sette questioned whether we now have GIS to create maps. T. Mainville replied that the Cartographer is needed to interpret and make final judgement on mapping issues.

MOTION was made by Councilor Reichert to change the title of "Engineer" (in Tax Assessor's Office) to "Cartographer"; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- C. Appointments
  - 1. Public Works
    - Roll-off Driver II

MOTION was made by Councilor Reichert to APPOINT Jamie Gagnon to the position of Roll-off Driver II, Step V. retroactive to July 1, 2006; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Tax Assessor's Office  
Cartographer

MOTION was made by Councilor Poirier to APPOINT Eric Colburn to the position of Cartographer, effective July 21, 2006, at a rate of \$85.00 per hour, on an as needed basis; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- D. Bid Award  
IFB 2007-02 Sierra 2500 HD 4WD Reg Cab Pickup Truck

Councilor Sette stated that we have a recommendation from the Board of Contracts & Purchases:

July 19, 2006

To: Town Council  
From: Board of Contracts & Purchase (Board)  
Re: Awarding of IFB 2007-02 ~ 2006 GMC Sierra 2500 HD 4WD regular cab pickup truck

- I. IFB 2007-02 was advertised in accordance with current rules and procedures.
- II. Two (2) companies bid.
- III. The Board recommends the bid be awarded to the lowest qualified bidder.

Paul Masse GMC-Chevrolet  
55 Fortin Drive  
Woonsocket, RI 02895  
Bid price: \$ 21,988.00 2007 GMC Sierra 2500 HD 4WD regular cab pickup truck

4,000.00 8' Fisher Minute Mount plow

\$ 25,998.00 Total

Respectfully submitted,

Jean M. Fecteau ~ Town Clerk

Jane Steere ~ Tax Collector

Thomas P. Mainville ~ Director of Finance

(end of memo)

Discussion: None

MOTION was made by Councilor Reichert to AWARD IFB 2007-02 ~ 2006 GMC Sierra 2500 HD 4WD regular cab pickup truck to Paul Masse GMC-Chevrolet at the Bid price of:

\$ 21,988.00 2007 GMC Sierra 2500 HD 4WD regular cab pickup truck

4,000.00 8' Fisher Minute Mount plow

\$ 25,998.00 Total

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

E. Town Assistance: Hemlock Estates

Councilor Sette stated that the Town Clerk was informed by the manager of the Mobile Home Park he would like to withdraw his request.

MOTION was made by Councilor Walsh to REMOVE from the agenda item E. Town Assistance: Hemlock Estates; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that there has been legislation passed regarding elderly tax exemptions and veterans tax exemptions. J. Fecteau added that our Code of Ordinance should now be amended to reflect the new laws and asked for approval to proceed toward getting them on the agenda for a first reading. Consensus was approval.

J. Fecteau stated that she has received an invoice from Field Building Co. for a temporary fence which was installed at Gloucester Memorial Park in response to the Fire Chief's recommendation regarding the evening of the fireworks. There was consensus to pay the invoice from the contingency fund.

J. Fecteau stated that she has received a request for an easement over Town-owned property and distributed copies to all Council members. This will be discussed further in Open Forum.

J. Fecteau stated that the Senior Center Task Force would like a plaque, to be placed at the Senior Center, commemorating all those who volunteered in any way to the Wheels to Meals program. They are seeking the approval of the Town Council to place the plaque at the Senior Center. The Council members had no objection. Consensus was approval

J. Fecteau stated that she has been in contact with Lou Cadwell, Chair of the Wastewater Management District Board, regarding the Board's newest Rules and Regulations. Mr. Cadwell intends to invite the Town Council to a workshop of the Wastewater Management District Board with the purpose of presenting the Rules and Regulations to the Council for review.

2. Raymond Goff, Town Planner, spoke regarding the Senior Center and the process they would like to follow to equip the building. R. Goff stated in regards to the kitchen, the original estimate was approximately \$58,000 for new equipment. The Task Force is in the process of obtaining quotes on both new and used equipment. R. Goff stated that next month, they will request that the standard bidding procedure be waived because some of the equipment is either refurbished or "scratch and dent" items. J. Bevilacqua stated that as long as they receive proposals from more than one bidder, there will be no violation of the bidding procedure.

R. Goff stated that the contractor for the Senior Center feels that the drainage system is complicated and expensive and requested that his engineer review the plan to determine if some money could be saved by simplifying it. After review, R. Goff was told that a savings of \$20,000 could be realized. R. Goff relayed this information to the Task Force and the consensus was to submit a revised plan to DEM which was signed by Councilor Reichert in the absence of Councilor Sette.

R. Goff stated that he has applied for an easement for the placement of telephone poles at the Senior Center, adding that this should be accomplished in the next week or two.

R. Goff stated that he was not satisfied with the work which was done at the mini park and has arranged for the contractor to come back and reset some of the benches. There was discussion concerning a dedication of the mini park in the future.

Councilor Sette asked R. Goff where the Planning Board stands regarding the Zoning Matrix. R. Goff replied that the Board has gone through it a couple of times several months ago, but has not gone back to it since that time.

Councilor Sette asked if the Road Committee has met recently. R. Goff he is not aware of their meeting schedule. Councilor Sette stated that he would like to see the Road Committee meet soon because they had been making progress.

There was discussion regarding sidewalks in the vicinity of Pine Meadow. Marie Plante, resident of Pine Meadow, was present. R. Goff, Town Planner, stated that he is waiting to hear from the Department of Transportation regarding a cost estimate. Councilor Sette asked if there is anything that can be done to facilitate this effort, such as a petition signed by residents of the complex. Councilor Poirier asked if the Council has forwarded a letter of support to the Senator and Representatives. Councilor Sette replied that the residents of Pine Meadow have done so. Councilor Poirier stated that Council support would be a good idea. There was discussion regarding the deteriorating sidewalks on Route 44 in the Harmony area.

There was discussion regarding D'Amico Lane drainage easements and swales. Councilor Sette read into the record a memo from Brian Lombardi, Building/Zoning Official regarding this matter. R. Goff, Town Planner, stated that the Planning Board had inspected the area and found it to be operating properly. Councilor Sette asked for a copy of the letter from the Planning Board which stated this.

3. Jamie Hainsworth, Chief of Police, spoke to the Town Council concerning the installation of large blue numbers on houses to indicate the address for 911 purposes. Councilor Sette proposed to the Council that if there is any funding that the Council can contribute toward the purchase of these numbers, it would be a good gesture on the part of the Town Council. Councilor Sette stated for the record that letters were received from the Harmony and West Gloucester Fire Departments in support of the 911 house numbers.
4. Alan Whitford, Director of Public Works, spoke regarding property at 137 Joe Sweet Road. A. Whitford has sent a letter to the property owner informing him of a problem with the piping which was installed several years ago to drain the property. A. Whitford is asking the property owner for his cooperation in the excavation of his driveway and part of his property, which is needed to rectify this situation and prevent further damage to the road.
5. Virginia Peters, Director of Human Services, spoke to the Council regarding a Town vehicle which is sometimes used for transportation of the elderly. Mrs. Peters stated that the car has close to 150,000 miles on it and has not been running properly. Mrs. Peters added that she has notified Public Works and believes that it could be repaired, but if a vehicle becomes available, Mrs. Peters would like to be considered.

6. Anthony Parrillo, Recreation Director, was questioned by Councilor Sette regarding a vacancy on the Recreation Commission. A. Parrillo stated that Richard Barrows no longer wishes to serve on the Commission. Councilor Sette advised that Mr. Barrows must submit a letter of resignation to the Town Council, or in the case of a member having missed at least three meetings in a row, the Chair of the Commission can declare the position vacant.

A. Parrillo stated that in his budget request for the fiscal year, he had requested funding for an Assistant Recreation Director. A. Parrillo explained that this would be to assist the Director at the weekly summer concerts, as well as to cover for the Director if he should be unavailable. A. Parrillo stated that this position would only be for approximately twenty (20) to twenty-five (25) hours per year. Councilor Sette asked Tom Mainville, Finance Director, if a new position would have to be created. T. Mainville replied that there already is a person who had been appointed last year on an as-needed basis, but there was no per-hour figure in place. T. Mainville stated that we now have a salary figure, so the individual could be appointed as Assistant Recreation Director at a salary of \$20.00/hr. on an as-needed basis.

There was discussion regarding the \$20,000 grant for the Skate Park. Councilor Sette reminded A. Parrillo that these funds will be restricted because \$50,000 will have to be cut from the Town-wide budget.

Councilor Walsh asked A. Parrillo how many members serve on the Recreation Commission. A. Parrillo replied that there are 5 members, but there has been a problem with attendance. Consequently, their meetings have not been held consistently.

Councilor Sette thanked and congratulated A. Parrillo on a successful 4th of July Road Race.

- XI. Boards/Commissions  
None

- XII. Council Correspondence/Discussion

1. Councilor Sette stated that the Council has correspondence from DEM, Administrative Adjudication Division.
2. Councilor Sette stated that we have received correspondence from the Town of Killingly CT indicating that they are changing the size of their signs through their zoning ordinance and as abutters the Town was notified.
3. Councilor Sette read a memo from the Town Planner regarding drainage in Chepachet Village.

4. Councilor Sette read a memo from the Building/Zoning Official regarding property on Narragansett Avenue.
5. Councilor Sette stated that the Council has received copies of approved minutes of the School Committee.
6. Councilor Sette stated that the Council is in receipt of an invoice in the amount of \$2,500 from Anthony Lachowicz regarding Conservation Zoning Amendment. R. Goff, Town Planner, explained that Mr. Lachowicz has provided the Town with a first draft.
7. Councilor Sette stated that we have received a fax from the Secretary of State's Office regarding primary and election ballots. Also, a lottery will be held tomorrow to determine the order of candidates on the ballots.
8. Councilor Sette read a letter from the Town of Burrillville regarding a Resolution they have adopted which concerns the General Concept of Real Estate Property Tax Relief. Councilor Sette added that the Town of Burrillville is seeking support from the Town of Gloucester regarding this Resolution. Councilor Sette suggested that all Council members read through the document before endorsing this Resolution.
9. Councilor Sette stated that a letter was received regarding a wash-out area on Cranberry Ridge Road.
10. Councilor Sette addressed Marie Plante regarding her correspondence.
11. Councilor Sette stated that a letter was received from the Emergency Management Agency regarding the National Incident Management System Compliance Activities required for Federal Fiscal Year 2006. Referred to C. Miller
12. Councilor Sette stated that the Council has received correspondence from Russell Blanco of Reynolds Road concerning the damaged bridge at Killingly Road.
13. There was discussion concerning the request from Sticks Tavern for an expansion of services. J. Bevilacqua, Town Solicitor, stated that a meeting will be scheduled between himself and the attorney for the owner of the establishment.
14. Councilor Sette stated that the Council has received correspondence from the Town of Barrington expressing their frustration at the General Assembly's unprecedented last-minute decreases in education aid to the Town of Barrington and over a dozen other communities. Councilor Sette stated that we will send a copy of this to both the Gloucester School Committee as well as the Regional School Committee.

15. Councilor Sette stated that, as the liaison for the local schools, he was asked to bring forward the issue of the Fogarty School bid. It was requested that the Town Council approve the bid as is to allow the work to be completed before school is back in session.

### XIII. Open Forum

1. Janice Lowell, 2402 Putnam Pike, spoke regarding problems she is having with Europa Restaurant and Coyote Smoke House. Mrs. Lowell stated that a Variance which was granted to the owner of the property had several conditions which have not been complied with. Mrs. Lowell asked the Council for their assistance in this matter. Councilor Sette asked J. Bevilacqua, Town Solicitor, if a cease and desist order could be served. J. Bevilacqua replied that there is a process to be followed, beginning with notification to the property owner that he is in violation. J. Bevilacqua stated that he will begin working on this tomorrow and will keep Mrs. Lowell informed of any progress.
2. Lorraine O'Connors of Tucker Street spoke to the Council regarding construction which is taking place on Parker Street. Mrs. O'Connors stated that on one day, 160 truckloads of fill were transported, which has seriously damaged Tucker Street. Mrs. O'Connors added that most of the roads in the Waterman Lake section are in poor condition.
3. Lorraine O'Connors, Chair of the Full-Regionalization Sub-Committee, asked that the Council render their decision this evening regarding endorsement of the bill to fully regionalize the schools in Foster and Gloucester. Mrs. O'Connors stated that she believes that the Town Council approved the Charter amendments which would allow the issue to go before the voters, but not necessarily the concept of full regionalization. Councilor Walsh asked Mrs. O'Connors if the Regional School Committee is in favor of regionalization.

Mrs. O'Connors replied that she cannot answer that, but that the Committee wants the voters to have the opportunity to decide. Councilor Sette stated that he wants to get an endorsement that the Committee is in favor of full regionalization, because if not, he does not see why it should be on the ballot. Mrs. O'Connors stated that she is not sure that the Regional School District is prepared to endorse the Charter amendments as are presently in place. Councilor Reichert asked if this was because they have a cap now. Councilor Sette stated that he wants the Regional School District to endorse what is going to be on the ballot as it is. Councilor Poirier stated that he would not wish to support it if the School Committee does not support it. Councilor Sette stated that the Town Council has a meeting on August 3rd, and by that date he would like to receive a letter from the Regional School Committee indicating that they endorse the amendment as written and asking us to put it on the ballot because it has to be in by August 9<sup>th</sup>.

If a letter is not received, Councilor Sette stated that he feels that the Council does not need to take action. Councilor Walsh stated that it is unfair to the voters of Foster and Gloucester to vote on an issue which the people who run the system are not willing to say

they endorse. Mrs. O’Connors commented that School Committee members will come and go, but if something is in the best interest of the community and the school system, the voters should decide. Councilor Sette stated that he feels that the School Committee does not want to be the ones to say that they support a cap on the Regional School District, but would prefer that the Town Councils of Foster and Gloucester be perceived as the “bad guys.” Mrs. O’Connors noted that the voters may also want a cap. Councilor Sette stated that the Town Council has proven that they support the concept of full regionalization, but with fiscal responsibility.

Councilor Walsh asked if the Regional School Committee had endorsed this before the Council made amendments to the Charter. Mrs. O’Connors replied in the negative. Councilor Poirier stated that he was at the meeting at which the matter was tabled, and that there was discussion concerning the amendments. J. Bevilacqua, Town Solicitor, asked Mrs. O’Connors if the Regional School Committee voted to approve the substantive value of what document was presented before the General Assembly. Mrs. O’Connors replied that they approved the concept of total regionalization and the amended Charter as was presented at that point in time. J. Bevilacqua stated that Mrs. O’Connors has not answered the question and asked again, did the Committee approve the substantive document that was presented before the General Assembly.

Mrs. O’Connors replied that it was approved by a 8-1 vote, but there were reservations voiced by several Committee members regarding certain aspects of the document. J. Bevilacqua asked if the Regional School District re-voted on the substantive changes that have been made in that document that has been approved by the General Assembly. Mrs. O’Connors replied “no”. J. Bevilacqua inquired if they have met and discussed those issues. Mrs. O’Connors replied that the Committee had not seen the document which was approved by the General Assembly, which is why it was tabled at their last meeting. Walter Steere, School Committee member, asked if the Paiva-Weed legislation would cover the districts also. J. Bevilacqua replied to the affirmative.

4. Marie Plante, resident of Pine Meadow, referred to correspondence she had submitted to the Council regarding the installation of sidewalks along the road where the housing complex is located. Ms. Plante stated that she has also sent correspondence to the Lt. Governor, Sen. Chaffee, Sen. Reed, and other legislators. Ms. Plante stated that she has received several replies, including one from Sen. Reed which was very helpful. Mrs. Plante stated that she received a suggestion that the Gloucester Housing Authority send a letter to the Department of Transportation citing the need for a sidewalk. Mrs. Plante stated that she was also given information regarding the TIP (Transportation Improvement Program). Mrs. Plante asked that the Council keep her apprised of any progress made toward this goal since she represents all residents of Pine Meadow.
5. Daniel Nardelli spoke to the Council regarding his request to obtain an easement across Town property to access property on Killingly Road. J. Bevilacqua, Town Solicitor, stated that he would have to research the property to determine if there are any

restrictions. Councilor Sette directed Mr. Nardelli to contact J. Bevilacqua to discuss what the next step would be.

XIV. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 9:56 p.m.; seconded by Councilor Reichert.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette

                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the August 17, 2006 Town Council Meeting.

At a Town Council Meeting holden in and for the Town of Gloucester on **August 3, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; Patrick Carroll; Kevin Walsh & Charles Poirier

Member absent: William Reichert, Vice President

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Jane Steere, Tax Collector and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris, Deputy Town Clerk.

IV. Open Forum for Agenda Items

1. Rose LaVoie, President of the Gloucester Heritage Society, stated that she has been informed by the Police Chief that two police officers will have to be present from 9:00 am to 4:00 pm on August 20th for the Heritage Day event at a cost of \$540.00. Mrs. LaVoie stated that last year's event required one police officer at a cost of \$240.00, pointing out that the profits from the event may not even amount to \$540.00. Mrs. LaVoie asked the Council if they could provide relief from this requirement; otherwise, the event will be cancelled and it has been a tradition for over thirty years.

V. Public Hearing

A. Exception to the Ordinance Regulating the Issuance of Building Permits

1. Owners: Fiorentino L. Adamo, Brenda A. Adamo & Nicholas M. Adamo  
Applicant: Fiorentino L. Adamo  
Location: NEP Plat, Lot 22, further described as an unnamed right-of-way off Goldmine Road

Applicant seeks a building permit on an unnamed right-of-way

Councilor Sette declared the Public Hearing open and stated that this Public Hearing was advertised in the Providence Journal legal ads on July 20, 2006.

Councilor Sette stated that, in the Council packets, there is a report from the Technical Review Committee dated April 28, 2006, as well as a copy of the Planning Board site visit minutes and the unapproved Planning Board motion. The following Zoning Board Motion was read by Councilor Poirier:

IV. Advisory Opinion of the Zoning Board to the Town Council  
Exceptions to the Ordinance Regulating the Issuance of Building Permits

Fiorentino Adamo, applicant/owner

Fiorentino Adamo, applicant/owner, Recorded Plat NEP, Lot 22, property located at Durfee Hill Road. (Continued from 6/5/06)

Motion

A motion was made by Susan Shuster for a positive recommendation to the Gloucester Town Council regarding an application for an exception to the ordinance regulating the issuance of a building permit by Fiorentino L. Adamo, Applicant and Fiorentino, Brenda and Nicholas Adamo, Owner for property located at Durfee Hill Road, further described as Recorded Plat NEP, Lot 22, as shown on the plans entitled "Site Plan for Larry Adamo, off Goldmine Road, for Recorded Plat 9, Lot 108, dated June 2006, and Proposed Leaching System Design for Larry Adamo off Goldmine Road, dated February 2006, prepared by Marc N. Nyberg Assoc., Inc.

The applicants and owners seek to utilize an unnamed Right of Way to provide access to their existing residential lot. The Right of Way is depicted on the town assessor's map as an unnamed Right of Way off Goldmine Road. Granting this exception will allow the owners to use the existing Right of Way that is cleared and rough graded rather than clearing additional land for a new driveway directly adjacent.

In making this recommendation, the Planning Board has considered the following: 1) Rules and Regulations adopted by the Gloucester Planning Board; 2) The plans submitted by the applicant, sheets 1 through 2, dated February 2006 and June 2006; 3) Road design and drainage plans with calculations prepared by Marc N. Nyberg Assoc., Inc. and dated June 2006; 4) Present condition of the road and connecting road; 5) Potential for future development; 6) The proposed improvements to ensure adequate access by the public and public safety vehicles; 7) A site visit by the Planning Board on May 8, 2006; and 8) The TRC Report dated April 28, 2006.

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 preserve 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 the road improvements, upgrade and turn around, as recommended by the TRC Report dated 4/28/06, be substantially completed prior to the

issuance of a building permit; B) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance an occupancy permit; C) That this unnamed Right of Way 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 to this Right of Way 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 Director of Public Works prior to the issuance of a building permit; and D) That a sign be installed prior to the issuance of a building permit on this unnamed Right of Way/Street indicating that it is a "Private Way". Motion was seconded by Anthony Autiello.

Vote: AYES: Ayes – 7, NAYS: Nays – 0 Motion carried on a unanimous aye vote.

Councilor Sette asked if there has been a recommendation made by the West Gloucester Fire Chief.

Fiorentino Adamo, Owner/Applicant, replied that the Fire Chief checked the blueprints and advised that as long as there was an eighteen foot wide road, that would be sufficient. Mr. Adamo added that the road that is planned is twenty-five feet wide. Councilor Sette stated that the Planning Board has not yet received this report from the Fire Chief. Councilor Sette further stated that, in the minutes of the Planning Board Site Visit, there was mention that a cul-de-sac is required. Mr. Adamo replied that a cul-de-sac was no longer needed, provided that the road was at least eighteen feet wide.

Mr. Adamo asked if it was possible to widen the road prior to obtaining the building permit, but not finish it until the foundation and well are complete to prevent damage from heavy equipment. John Bevilacqua, Town Solicitor, pointed out that the Planning Board motion stipulates that improvements have to be done before an occupancy permit can be issued. J. Bevilacqua also stated that the Planning Board motion indicates that a turn-around must be substantially completed prior to the issuance of a building permit. Mr. Adamo replied that the road is fifty feet wide at the bottom where vehicles could turn around, adding that the Planning Board agreed to this at the third meeting regarding this application. J. Bevilacqua asked if there is anything in writing to reflect this agreement. Councilor Poirier stated that there is also the issue of the Fire Chief's recommendation which at the time of the Technical Review Committee report, had not been received.

After reviewing the plans, J. Bevilacqua stated that he believes that the Planning Board still requires a turn-around, as stated in their minutes. Councilor Walsh expressed concern regarding drainage into the neighbor's yard. Mr. Adamo replied that there will be a two-foot drain on both sides of the road. J. Bevilacqua stated that this is not reflected in the recommendation. Nicholas Adamo, owner, asked what would have to be done to proceed with this application. Councilor

Sette replied that a recommendation from the Fire Chief is needed, as well as a clarification of the Planning Board recommendation. Councilor Sette stated that if these are received by the next Town Council meeting, the Public Hearing would continue, and the public would again be asked if they wished to be heard.

Councilor Sette asked if anyone else wished to be heard for or against the application.

MOTION was made by Councilor Carroll to CONTINUE until August 17, 2006 the Public Hearing for the Exception to the Ordinance Regulating the Issuance of Building Permits, Owners: Fiorentino L. Adamo, Brenda A. Adamo and Nicholas Adamo, Applicant: Fiorentino L. Adamo, Location: NEP Plat Lot 22; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VI. Unfinished Business  
None

VII. New Business  
A. Full Regionalization Referendum

Councilor Sette stated that the Board of Canvassers is requesting the Council's authorization to forward the local referendum question to the Secretary of State's Office. The Town Solicitor stated that he is in the process of working out the correct language, adding that when it is complete, he will forward it to the Town Clerk for submittal to the Secretary of State.

MOTION was made by Councilor Poirier to ADOPT and forward to the Secretary of State language regarding the question of full regionalization for placement on the November 2006 General Election Ballot; seconded by Councilor Walsh.

Discussion: Councilor Walsh asked if the School Committee endorses full regionalization. Councilor Sette replied that he was at the meeting of the School Committee at which time a vote was taken to support forwarding the referendum to the voters. Councilor Walsh again asked if the Committee was in favor of full regionalization. Councilor Sette stated he could not answer that question based on the meeting he attended. J. Bevilacqua, Town Solicitor, replied that if they supported the legislation that was before the General Assembly, and approved it unanimously, that would be an affirmative vote to support the entire act of regionalization.

Kelly Hunter, Foster/Glocester School Committee member, stated that Attorney Piccirelli's advice not to split the vote was to allow the committee to preserve their votes as private citizens at the ballot box in November. Ms. Hunter added that the committee did vote unanimously to move the ballot question forward to the voters. Councilor Walsh stated that the Council is just asking if the School Committee feels that this is the best thing for the Town of Glocester. Ms.

Hunter replied that as a School Committee member, she can only speak for herself, and she is in favor of regionalization. Councilor Poirier pointed out that every School Committee member had every opportunity to vote no. Ms. Hunter stated that at the meeting, some members indicated that they had reservations regarding the legislation as approved, but the vote was to place it on the ballot in November and let the taxpayers vote on the issue.

Lorraine O'Connors, chair of the Full Regionalization Sub-Committee, stated that the Regional School Committee approved the formation of a steering committee to look into the question of total regionalization a year ago January. Ms. O'Connors stated that the results of the steering committee were submitted to the Regional School Committee last July. The steering committee recommended that total regionalization be placed on the ballot and the School Committee accepted that and formulated the Total Regionalization Sub-Committee, with the distinct charge of amending the Charter to accommodate total regionalization. Ms. O'Connors added that the Sub-Committee has endorsed total regionalization and the changes to the Charter in order to bring it about.

Councilor Poirier compared the situation to when the Council presents a budget, they are not always in total agreement over each item, but they present the budget as a whole and support it. J. Bevilacqua, Town Solicitor, asked how many public hearings have been conducted at which there was explanation of the proposal which went before the General Assembly. Lorraine O'Connors replied that the Sub-Committee has had one hearing with public invitation, adding that all Sub-Committee meetings are open to the public. J. Bevilacqua asked if there have been any public hearings after the legislation was amended in the General Assembly. Councilor Sette replied that none have been held yet, but will probably go forward from here.

VOTE:           AYES: Poirier, Walsh, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

- B.     Resolution
  - 1.     Approving the Issuance of Bonds

Councilor Sette stated that T. Mainville has requested this item be placed on the agenda, explaining that procedure for acquiring financial bonds requires a resolution from the authority of the governmental body before the bond can be issued. Councilor Sette stated that in lieu of reading the entire resolution, the Council could read it by title.

- a.     Senior Center funding

Councilor Carroll read the following:

RESOLUTION  
TOWN OF GLOCESTER, RHODE ISLAND

RESOLUTION OF THE TOWN OF GLOCESTER APPROVING  
THE FINANCING OF THE ACQUISITION OF LAND FOR AND  
THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING  
OF A SENIOR CENTER IN THE TOWN BY THE ISSUANCE OF  
NOT MORE THAN \$2,215,000 BONDS AND/OR NOTES THEREFOR

RESOLVED, That:

SECTION 1. Pursuant to Chapter 558 of the Public Laws of 2004, an amount not to exceed \$2,215,000 is hereby appropriated for the purpose of financing the acquisition of land for and the design, construction, furnishing and equipping of a senior center in the Town by the issuance of not more than \$2,215,000 bonds and/or notes (the "Project").

SECTION 2. The Finance Director and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Two Million Two Hundred Fifteen Thousand Dollars (\$2,215,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$2,215,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Finance Director, may expend funds from the general treasury of the Town or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and

all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Finance Director and the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds and notes in accordance with the purposes of the laws of the State. This resolution confirms the Town's declaration of official intent, pursuant to Treasury Regulation '1.150-2, to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date hereof but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$2,215,000 and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Finance Director and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Finance Director and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon its passage.

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0  
MOTION PASSED

b. Fogarty Elementary School Roof

J. Bevilacqua, Town Solicitor, explained that the bond amount of \$2,215,000 is the total for which certain portions apply to the Senior Center and the Fogarty Elementary School roof. J. Bevilacqua further stated that each individual project must be approved to apply it to that sum which has been placed in reserve.

Councilor Poirier read the following:

RESOLUTION  
TOWN OF GLOCESTER, RHODE ISLAND

RESOLUTION OF THE TOWN OF GLOCESTER APPROVING THE REPAIR AND REPLACEMENT OF THE FOGARTY ELEMENTARY SCHOOL ROOF AND THE ISSUANCE OF NOT MORE THAN \$750,000 BONDS AND NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

RESOLVED, That:

SECTION 1. Pursuant to Chapter 558 of the Public Laws of 2004, an amount not to exceed \$2,215,000 is hereby appropriated for the purpose of financing the acquisition of land for and the design, construction, furnishing and equipping of a senior center in the Town by the issuance of not more than \$2,215,000 bonds and/or notes (the "Project").

SECTION 2. The Finance Director and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Two Million Two Hundred Fifteen Thousand Dollars (\$2,215,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$2,215,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Finance Director, may expend funds from the general treasury of the Town or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Finance Director and the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds and notes in accordance with the purposes of the laws of the State. This resolution confirms the Town's declaration of official intent, pursuant to Treasury Regulation '1.150-2, to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date hereof but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$2,215,000 and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Finance Director and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Finance Director and the President of the Town Council in order to comply with the SEC Rule. The Town hereby

covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or note holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon its passage.

Seconded by Councilor Walsh.

Discussion: Councilor Sette read the following items regarding the Fogarty School Roof:

To the Town Council:

The Board of Contracts and Purchases met at 10:00 a.m. on August 1, 2006 to discuss the bids received regarding the roof repairs for the Fogarty School.

In attendance were:

Board of Contracts & Purchases

- Jean Fecteau - Town Clerk
- Alan Whitford - Director of Public Works
- Thomas P. Mainville - Director of Finance

Charles Gorman - Gorman Roofing (1st of two bidders. Bid amount = \$710,000)

Les Weisman - M. Weisman Roofing Co. (2nd of two bidders. Bid amount = \$422,791)

Brendan Wall - W. P. Hickman (Manufacturer of roofing system specified in bid specs)

Laszlo Siegmund - Seigmund & Associates, Inc. (Consultant to Gloucester Schools)

Dr. Mario Cirillo - Superintendent, Gloucester Schools

Steve Winsor - Business Manager, Gloucester Schools

Joseph McGovern - Supt. of Buildings and Grounds, Gloucester Schools

Robert Dauphinais - Supervisor of Buildings & Grounds, Town of Gloucester

Jane Steere - Deputy Treasurer, Town of Gloucester

In the ensuing discussion, it was noted that:

1. The two bids received, although appearing to be equivalent in terms of warranty, differed in terms of the type of build-up and materials used, resulting in a significant price difference between the two bids. The difference in materials could have an effect on the longevity of the surface with regards to vandalism, etc.

2. If a contract was awarded, the earliest the work could start would be at the end of August, just before the beginning of the school year. There were concerns that this would pose safety issues for the school population and at minimum be a distraction for students for at least a month, perhaps longer, should there be delays in the project. The School representatives agreed and indicated they favored re-bidding the project early next year.

It was further noted that more bidders would be available to bid in the winter months when construction is typically slow.

3. In the event the bid is not awarded at this time, it is the recommendation of some members of this board that an amount for emergency repairs be allocated to effect emergency repairs to be accomplished prior to the start of the school year. There are areas that need immediate attention to get the facility through the winter months.

The amount of emergency funding estimated (by Joseph McGovern - Supt. of Buildings and Grounds, Gloucester Schools) is under \$20,000.

4. It is important that any new bid specifications include a stipulation that work must commence in late June of 2007. Also, due to the volatile pricing of asphalt and oil based products, the specification should provide for escalation based on a known price base of the raw materials involved.

MOTION was made by Jean Fecteau to formulate a recommendation to the Council at a meeting of the Board of Contracts & Purchases to be held on August 3, 2006 at 10:00 a.m.; seconded by Jane Steere.

Vote: Unanimous  
(end of memo)

The Board met again on August 3, 2006 and have submitted this report:

Date: August 3, 2006  
To: Town Council  
From: J. Fecteau, Town Clerk

**SUBJECT:** Fogarty Roof Bid Award

The Board of Contracts and Purchases met at 10:00 a.m. on August 3, 2006 to discuss a recommendation to the Town Council regarding the roof repair bid award for the Fogarty School.

In attendance were:

Board of Contracts & Purchases  
- Jean Fecteau - Town Clerk  
- Alan Whitford - Director of Public Works

- Jane Steere - Tax Collector

Also in attendance:

Steve Winsor - Business Manager, Gloucester Schools

Joseph McGovern - Supt. of Buildings and Grounds, Gloucester Schools

Based on interviews and discussion held by the Board of Contracts & Purchases, at their meetings of August 1 & August 3, 2006; the following motion was made:

MOTION was made by A. Whitford to recommend to the Town Council the following: - the roof replacement at Fogarty School be re-bid between January 15 and February 15, 2007,

- the bid specs be reviewed:

- to narrow the specifications on the materials to be used to insure that the type of roofing system that is bid is appropriate to the conditions that occur on the site such as damage from vandalism, and

- to allow appropriate comparisons between bids.

- the specs state that work commence in late June 2007,

- each bidder should provide for escalation based on a known price base of the raw materials involved.

Seconded for discussion by Jane Steere.

MOTION was made by J. Fecteau to AMEND the Main Motion to include “the bid specs shall be reviewed by the Supt. of Buildings and Grounds, Gloucester Schools and the Public Works Department; seconded by J. Steere.

Discussion: After discussion the Board agreed the motion should be as specific as possible.

VOTE on Amendment: Unanimous

MOTION was made by J. Fecteau to AMEND the Main Motion to include: “the repairs, quoted at approximately \$20,000 shall be funded by the Gloucester School’s Capital Improvement fund balance”; seconded by A. Whitford.

J. Steere stated the amendment should not include a set dollar amount as the repairs could exceed the \$20,000. There was a consensus of the Board to eliminate a dollar amount from the amendment.

MOTION was made by J. Steere to AMEND the Main Motion to include: “the repairs shall be funded by the Gloucester School’s Capital Improvement fund balance”; seconded by J. Fecteau.

VOTE on Amendment: Unanimous

VOTE on MAIN MOTION:

AYES: Whitford & Steere

NAYS : Fecteau

MOTION PASSED

(End of minutes regarding Fogarty School Roof bid)

J. Bevilacqua, Town Solicitor, stated that approval of this bond issuance should be postponed because we do not have any dollar amount at this time. J. Bevilacqua added that by approving this amount now, it would allow potential bidders to know the dollar amount. Councilor Poirier asked if we have to get approval to set the money aside. J. Bevilacqua explained that the money is already set aside; these motions will authorize the Finance Director to actually take the funds and use it for the purposes intended.

Councilor Poirier stated that the School Department is using their own capital improvement budget for the repairs, as stated in the motion. J. Bevilacqua said for the record that the bidding process which was conducted by the School Department was one in which we were informed about at a late stage. J. Bevilacqua added that, after review and much discussion, he found some serious questions regarding the execution of the award, stating that he found it most inappropriate and totally unauthorized.

J. Bevilacqua stated that he had reservations about awarding the bid to the high bidder without sufficient reason to deny the low bidder. Councilor Sette stated that by re-bidding with more specific specs we may attract more bidders. J. Bevilacqua stated that he believes that by narrowing the specifications, it means you are going for a specific result, which he feels is not creating an equal playing field.

Kelly Hunter, Chair of the Gloucester School Committee, stated that the problem with the low bid was the warranty, which would have been for a certain amount of time, after which we would have had to purchase additional years on that warranty. Ms. Hunter noted that the other bidder offered a warranty for 20 or 30 years.

J. Bevilacqua disagreed, stating that he read the warranties and the high bidder offered a warranty for 20 years with no conditions, WHEREAS the low bidder's warranty required a sealant to be placed on the roof. Ms. Hunter replied that extending the low bidder's warranty still would have incurred further cost to the district. J. Bevilacqua replied that the cost would have been much less than the \$300,000 difference in the two bids. J. Bevilacqua stated that he looked into the reasons why the low bidder was disqualified and he found there was no reason to substantiate the denial. J. Bevilacqua stated his opinion that there was a specific intent which is in contradiction to the purpose for which the bidding statute was formed.

Councilor Sette stated that the money has already been set aside, and this would only be a vote to allow the Finance Director to draw on that money. Councilor Sette asked if any hardship would

result if the Council waited until the bid is awarded. J. Bevilacqua replied that it would not, adding that if we authorize the Finance Director to draw on that money, interest will have to be paid. Councilor Poirier stated that his concern is whether the repairs which are needed now will actually be done. Jean Fecteau, Town Clerk, stated that Steven Winsor, Business Manager of the School Department, understood and would make provision to expend the money needed for repairs out of their Capital Budget.

Councilor Poirier WITHDREW his MOTION; Councilor Walsh WITHDREW his second.

No Vote Taken

- C. Bid Award
  - 1. IFB 2007-01 Dump Truck Body W/Screen & Load Cover

Councilor Sette stated that”

The Board of Contracts & Purchases met on July 28, 2006,

Members Present:

Jean Fecteau – Town Clerk

Jane Steere- Tax Collector

for the bid opening of IFB 2007-01 dump Truck body W/Screen & Load Cover.

Per the Town Clerk, there was one bid received:

W. H. Rose Inc.

9 Route 66 East

Columbia, Connecticut

for the bid price of \$25,899.00 (complete package per specifications)  
1,281.00 (LED flasher option)

and after review a recommendation was voted as follows:

Jean Fecteau made motion to recommend the only bidder W. H. Rose Inc. for the complete package of \$25,899.00 and LED Flasher option (if needed) of \$1281.00.

Seconded by Jane Steere and approved by both members present.

(End of memo)

Discussion: None

MOTION was made by Councilor Carroll to AWARD IFB 2007-01 Dump Truck Body W/Screen & Load Cover to W.H. Rose, Inc. for the bid price of: complete package of \$25,899.00 and LED Flasher option (if needed) of \$1281.00., seconded by Councilor Poirier.

Discussion: Councilor Walsh asked if this is within the budget. The consensus was that it would not be before the Council if it were not within the budget.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- D. Appointments
  - 1. Substitute Lifeguard

Councilor Sette stated that the Council has a received a request as follows:

To: Town Council  
From: Anthony Parrillo  
Date: July 21, 2006  
SUBJECT: Summer Recreation Employment

Laura Steere is resigning as Water Safety Instructor and Lifeguard. She has served the town in this capacity for a number of years and has done a wonderful job. Laura will be moving to New Hampshire to begin a new job. Her last day will be Friday, July 28th. Ashley Leja will finish the last week of swim lessons at Spring Grove. I recommend Daniel Fusco be hired to the position of Substitute Lifeguard at a rate of \$9.50 per hour. Dan would begin working on Saturday July 2<sup>nd</sup>.

Let me know if you have any questions.

Respectfully submitted,

Anthony Parrillo  
(end of memo)

MOTION was made by Councilor Poirier to APPOINT Daniel Fusco to the position of Substitute Lifeguard, retroactive to July 29, 2006, at an hourly rate of \$9.50; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- 2. Correction-Western Rhode Island Home Repair unexpired term

Councilor Sette stated that the Clerk has asked for this item on the agenda to correct an appointment made at the Council meeting of July 6, 2006. There was only one appointment up

for reappointment on the Western Rhode Island Home Repair Program Executive Board and the Council was accidentally asked to make two.

MOTION was made by Councilor Poirier to RESCIND the following motion made on July 6, 2006: MOTION was made by Councilor Poirier to REAPPOINT Charles Miller & Michelle Ryan to the Western Rhode Island Home Repair Program Executive board for a two year term to expire 7/2008; seconded by Councilor Walsh.

VOTE:           AYES: Poirier, Walsh, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to REAPPOINT Charles F. Miller, Jr. to the Western Home Repair Program Executive Board for a two year term to expire 7/2008; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

3.       Recreation Director Assistant (Council consensus, 7/20/2006)

Councilor Sette stated that the Council has received the following request from Tom Mainville:

July 26, 2006  
To: Town Council  
Re: Position of Assistant Director of Recreation

Director of Recreation Anthony Parrillo has requested that David Chace continue in his position as Assistant Director of Recreation. Mr. Chace has acted as Assistant Director in the past but was compensated by straight salary. Because his hours will fluctuate, Director Parrillo is requesting that Mr. Chace be compensated at a rate of \$20.00 per hour retro to June 1, 2006.

Mr. Chace has and will assist with summer concerts and may act as Director of Recreation on as needed basis. Director Parrillo anticipates this may amount to approximately 20 to 30 hours per year.

Tom Mainville

(end of memo)

MOTION was made by Councilor Carroll to CONTINUE the appointment of David Chace to the position of Assistant Director of Recreation at a rate of \$20.00 per hour, retroactive to June 1, 2006; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Carroll, & Sette  
NAYS: 0

MOTION PASSED

E. Gloucester Heritage Days (Request from Heritage Society regarding Police Detail)

Rose LaVoie of the Heritage Society stated that if they do not get some relief from the cost of hiring Police Detail at the Heritage Day event, they will have only three days to notify their vendors that the event will not take place. Councilor Walsh asked Mrs. LaVoie how many vendors typically participate in Heritage Day, to which Mrs. LaVoie replied this year there are only ten signed up so far.

Mrs. LaVoie pointed out that they only charge \$30.00 per vendor, which does not generate much profit from which to pay for Police detail. There was discussion regarding different ways in which this cost of \$540.00 could be covered. Councilor Sette stated that perhaps it could be taken from the Police Department budget or the Council's contingency fund.

Councilor Carroll suggested that the limited number of people expected at the event might require only one Police officer instead of two. Mrs. LaVoie pointed out that although the event runs from 9:00 am to 4:00 pm, people do not usually arrive until about 11:30 and are gone by 3:00. Councilor Carroll was directed to speak to Chief Hainsworth regarding a solution to the issue, and to report back before the meeting of August 17th.

F. Special Event Licence

1. Hoot Owl Scramblers  
Event: Barnes Way Memorial  
Date: August 26 & 27, 2006  
Location: 80 Barnes Way

Councilor Sette stated that the Clerk received a request this week for a special event license for this event. As in the past the Clerk has asked the Council to make this determination because of the size, time & type of event. The application has been noted received by the Chief of Police (notation on application form), and noted "denied (last year also)" by the Zoning Official. The Clerk is waiting for a certificate regarding flame retardant for tents to be used, a copy to be given to Zoning Official & Fire Chief. Fire Chief has not signed off on application as of this meeting.

Ken Law, 245 Old Snake Hill Road, spoke as representative of the Hoot Owl Scramblers. Mr. Law stated that he has a Certificate of Liability Insurance and added that they will follow the same regulations which were placed for last year's event. Mr. Law asked for clarification regarding the flame retardant tents. Jean Fecteau, Town Clerk, replied that there are new Fire Code regulations which require proof that tents are flame retardant.

Councilor Walsh pointed out that the tents used are not enclosed tents used for camping, but rather an open covering to provide shade or protection from rain. J. Fecteau stated that the application which was filled out by Bruce Barnes indicated that there would be “tents” at the event, which is why the Fire Chief has required this documentation. J. Fecteau suggested that Mr. Law contact Chief Goodnough to explain this matter to him. J. Bevilacqua pointed out that there were no incidents or accidents at last year’s event.

MOTION was made by Councilor Poirier to GRANT the Special Event License to Hoot Owl Scramblers M.C., Inc., location 80 Barnes Way, for an off-road motorcycle event to be held on August 26 and 27, 2006, subject to the conditions imposed with last year’s license, contingent upon approval from the West Gloucester Fire Chief; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

#### VIII. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that she wished to remind everyone about Community Safety Day to be held on August 12th at the Town Hall. J. Fecteau stated that the funding for the event might run approximately \$800.00 short and asked if a donation could be made from the contingency fund. Council consensus given.

J. Fecteau pointed out that this will also be the last day to register to vote in the primary and the Town Hall will be open for that purpose as well.

2. Jane Steere, Tax Collector, stated that she was contacted regarding a parcel which is listed for tax sale. J. Steere explained that the property owner owes unpaid taxes. J. Steere noted that the property has not previously been put up for tax sale due to questions regarding DEM violations and whether it was a superfund site. J. Steere stated that she has been informed the property is now classified as landfill which has no imminent health concern, but is not capped. J. Steere stated that the back taxes have been written off in the past, but she is looking for direction from this Council.

J. Steere stated that T. Mainville feels that the property should be placed on tax sale. Councilor Sette asked if a portion of this property is located in Smithfield. J. Steere replied that it is, but the owner is up to date on taxes in Smithfield. J. Bevilacqua, Town Solicitor, stated that uncapped landfills are under certain regulations and have to be monitored and supervised. J. Bevilacqua added that there has to be a plan for closure of any type of landfill. J. Bevilacqua stated that the liability issue is too great. Councilor Poirier expressed his agreement. J. Bevilacqua asked the Council to take the property off the list for this year’s tax sale to allow him to further review the situation.

IX . Boards/Commissions  
None

X . Council Correspondence/Discussion

1. Councilor Sette stated he has questions regarding the Zoning Matrix, but since R. Goff, Town Planner, is not present, he will address them at the next meeting. J. Bevilacqua stated that he also has questions for R. Goff regarding the Zoning Matrix.
2. Councilor Sette stated that the Council has received a letter from the owner of Sticks Tavern regarding what he is proposing at his establishment. J. Bevilacqua noted that he has spoken with the attorney for the property owner, adding that the letter does not represent what they are asking for, which is permission to consume alcohol in a regulated confined area outdoors, without service or storage in that area.
3. Councilor Sette stated that there is correspondence from a resident regarding speed bumps on Absalona Hill Road to slow down speeding vehicles. This resident has spoken with Jamie Hainsworth, Chief of Police. Councilor Sette questioned if this should be referred to the Safety Commission.
4. Councilor Sette stated that the Council has received a formal complaint regarding property on Pawtucket Avenue concerning numerous types of animals being kept on the property. Councilor Sette stated that this matter should be referred to the Building/Zoning Official.
5. Councilor Sette stated that there has been a cease and desist order (regarding the outdoor use) served to the Coyote Smoke House restaurant. J. Bevilacqua stated that the Police Department is aware of this and is staying on top of the situation.
6. There was discussion regarding correspondence received concerning hurricane preparedness. This information was forwarded to C. Miller, local EMA Director.
7. Councilor Sette stated that the Council has received a request from the Town of East Greenwich Town Clerk asking the Town to adopt a Resolution opposing the proposed amendment of the Constitution of State of Rhode Island to grant a single private company the right to a no-bid license for a casino in the Town of West Warwick. Councilor Sette stated that if the Council wants to discuss this issue further and to act on it at the next meeting, to notify the clerk.

XI. Open Forum

1. Ann Breton, resident of Davis Mobile Home Park, presented a petition signed by the majority of mobile home owners in the park. Ms. Breton stated that they do not agree with the policies that the new owner is attempting to enforce.

XII. Seek to Adjourn to Executive Session for the following:

A. Correspondence Relative to Acquisition- RIGL 42-46-5(a)5

MOTION was made by Councilor Walsh to ADJOURN to Executive Session; Correspondence Relative to Acquisition - RIGL 42-46-5(a)5; seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Carroll, & Sette

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XIII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:35 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, Poirier, Carroll, & Sette

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the September 7, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **August 17, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll & Charles Poirier

Member absent: Kevin Walsh

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Alan Whitford, Director of Public Works; Brian Lombardi, Building/Zoning Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police; and Virginia Peters, 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. Government Finance Office Association

Presentation: Certificate of Achievement Award

Councilor Sette stated that the Council has received notification the annual financial report submitted by Finance Director Thomas Mainville for the fiscal year ending June 30, 2005 qualifies for a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. Councilor Sette stated this certificate is the highest form of recognition in governmental accounting and financial reporting. Councilor Sette introduced William Fazioli from the GFOA.

Mr. Fazioli stated that, on behalf of the National GFOA, he wished to make this presentation to the Town of Gloucester for its certificate of achievement, which represents a significant accomplishment by government and its management. Mr. Fazioli stated that the award represents a lot of work done voluntarily by the Town over and beyond its annual audit. Mr. Fazioli noted that Thomas Mainville, Finance Director, has asked him to make the award presentation specifically to one individual in his department, although all employees in the department were very cooperative in their effort. Mr. Fazioli stated that Jaclynn DiPietro fully embraced this project and spent numerous hours completing it, many of which were after business hours. Mr. Fazioli presented the award to Ms. DiPietro.

Mr. Fazioli noted that this award will provide investors an added level of confidence when the Town borrows money in the future. Councilor Sette added his congratulations to T. Mainville and his staff for this well-deserved award.

VI. Public Hearings

A. Exceptions to the Ordinance Regulating the Issuance of Building Permits

1. CONTINUED FROM 8/3/2006

Owners: Fiorentino L. Adamo, Brenda A. Adamo &  
Nicholas M. Adamo  
Applicant: Fiorentino L. Adamo  
Location: NEP Plat, Lot 22, further described as an unnamed  
right-of-way off Goldmine Road  
Applicant seeks a building permit on an unnamed right-of-way

Councilor Sette stated that this Public Hearing was opened to the public on August 3, 2006, at which time there was discussion regarding this exception. Councilor Sette stated the issues at that time were the lack of Planning Board minutes before hand. Councilor Sette read into the record the following letter from the West Gloucester Fire Chief:

August 14, 2006  
To: Larry Adamo  
From: Larry Goodnough  
Chief, West Gloucester Fire District  
Re: NEP lot 22

West Gloucester Fire District has received the proposed plans, by Matt Nyberg, in regards to the right of way for NEP Lot 22, dated June 06.

The 25 ft. wide right of way is sufficient and a clear minimum height of 14 ft. must be maintained.

Respectfully,  
Larry Goodnough (l.s.)  
Chief, WGFD  
cc: Ray Goff

Councilor Sette stated the issue of a turn-around must still be addressed. Raymond Goff, Town Planner, stated that he has spoken with the Chair of the Planning Board, who stated that there was a previous application for an exception on this same road where a turn-around was to be installed as part of the improvements. R. Goff explained that the Planning Board agreed that if that turn-around was constructed, it would be adequate for this application. R.Goff added that the turn-around had not been completed and is in its rough stages, and the Planning Board was concerned that it would not be completed. R. Goff stated after the Planning Board was informed

that the applicant is still waiting to get his Certificate of Occupancy, the Board was sufficiently satisfied that this turn-around will allow fire and safety vehicles to access the property.

Councilor Sette stated that the Planning Board motion reflects something different, indicating that a cul-de-sac would be required. Councilor Sette added that the Fire Chief's recommendation has been submitted, but there still remains the issue concerning the Planning Board motion. R. Goff agreed that the motion was rather vague and did not specify who was to build the cul-de-sac and how big it should be. R. Goff added that he believes that the Planning Board was assuming that the cul-de-sac was going to be constructed as part of the previous application submitted by Mr. Devolve.

Councilor Sette read into the record the minutes of the Planning Board as follows:

A motion was made by Susan Shuster for a positive recommendation to the Gloucester Town Council regarding an application for an exception to the ordinance regulating the issuance of a building permit by Fiorentino L. Adamo, Applicant and Fiorentino, Brenda and Nicholas Adamo, Owner for property located at Durfee Hill Road, further described as Recorded Plat NEP, Lot 22, as shown on the plans entitled "Site Plan for Larry Adamo, off Goldmine Road, for Recorded Plat 9, Lot 108, dated June 2006, and Proposed Leaching System Design for Larry Adamo off Goldmine Road, dated February 2006, prepared by Marc N. Nyberg Assoc., Inc. The applicants and owners seek to utilize an unnamed Right of Way to provide access to their existing residential lot. The Right of Way is depicted on the town assessor's map as an unnamed Right of Way off Goldmine Road. Granting this exception will allow the owners to use the existing Right of Way that is cleared and rough graded rather than clearing additional land for a new driveway directly adjacent.

In making this recommendation, the Planning Board has considered the following: 1) Rules and Regulations adopted by the Gloucester Planning Board; 2) The plans submitted by the applicant, sheets 1 through 2, dated February 2006 and June 2006; 3) Road design and drainage plans with calculations prepared by Marc N. Nyberg Assoc., Inc. and dated June 2006; 4) Present condition of the road and connecting road; 5) Potential for future development; 6) The proposed improvements to ensure adequate access by the public and public safety vehicles; 7) A site visit by the Planning Board on May 8, 2006; and 8) The TRC Report dated April 28, 2006. 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 preserve 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 the road improvements, upgrade and turn around, as

recommended by the TRC Report dated 4/28/06, be substantially completed prior to the issuance of a building permit; B) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance an occupancy permit; C) That this unnamed Right of Way 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 to this Right of Way 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 Director of Public Works prior to the issuance of a building permit; and D) That a sign be installed prior to the issuance of a building permit on this unnamed Right of Way/Street indicating that it is a "Private Way". Motion was seconded by Anthony Autiello.

Vote: AYES: Ayes – 7, NAYS: Nays – 0 Motion carried on a unanimous aye vote.

Councilor Poirier noted that the first condition mentioned in the motion refers to the Technical Review Committee report dated 4/28/06, which states; "A prior exception approval required improvements to the road inclusive of the installation of a cul-de-sac turn-around." Councilor Sette stated that this is the reason the Council questioned Mr. Adamo's testimony at the last meeting. J. Bevilacqua, Town Solicitor, stated that there are no drawings for the Council's review which demonstrate where the turn-around is located or its dimensions.

R. Goff indicated on a map where the cul-de-sac is located. Fiorentino Adamo, owner and applicant, stated that at the last meeting, he thought it was specifically said that a cul-de-sac would not be necessary as long as there was a 50 foot wide area at the end of the road. J. Bevilacqua explained that the problem is that nobody put this on paper, adding that the burden is on the petitioner to supply the Council with all the necessary documentation. J. Bevilacqua added that he has found no minutes to reflect what Mr. Adamo is saying. Mr. Adamo replied that the Planning Board spoke regarding the cul-de-sac at the first two meetings prior to the meeting at which an advisory opinion was rendered.

Mr. Adamo added that the problems were all taken care of at the last meeting, but now they are coming up again. Councilor Poirier stated that the letter from the Fire Chief only references the 25 foot right-of-way, not a turn-around or cul-de-sac. Mr. Adamo stated that the Fire Chief told him that the 25 foot right-of-way would be sufficient to turn the trucks around.

J. Bevilacqua stated that he does not dispute that the Chief is correct; however, in his opinion, he does not know where this turn-around is going to be placed. Mr. Adamo pointed out on his plans the location of the turn-around. J. Bevilacqua questioned why the engineer did not indicate it on the plans. Councilor Sette explained that if the Council approves this application based on the Planning Board recommendation, the applicant will be required to adhere to all of the conditions, including the construction of a cul-de-sac. Councilor Sette added that this continuance is to protect the interests of the applicant. R. Goff stated that the Planning Board is scheduled to meet on Monday and this will be placed on the agenda for clarification. Councilor Sette recommended

that this be addressed first at the Planning Board meeting so that Mr. Adamo does not have to wait for this clarification.

It was determined that, since action would be taken on this item, there would be a 48-hour requirement for posting the addition of this to the Planning Board agenda. R. Goff stated that, due to this, it would not be on the agenda until the meeting of September 11th. J. Bevilacqua stated that if it were posted in two public places immediately, the requirement would be met.

Councilor Sette asked if anyone else wished to be heard regarding this application. Hearing none, Councilor Sette called for a motion.

MOTION was made by Councilor Reichert to CONTINUE the Public Hearing for the Exception to the Ordinance Regulating the Issuance of Building Permits for Owner/Applicant Adamo, location of property is NEP Plat, Lot 22 further described as an unnamed right-of-way off Goldmine Road; seconded by Councilor Poirier.

Discussion: None

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

2.       Owners:       Robert M. Eaton, Jr.  
          Applicant:   Robert M. Eaton, Jr.  
          Location:    Highland Lake Drive, further described as Recorded Plat  
                          Highland Lake, Lots 59 & 63 (Originally platted as lots:59-68 & 79 &80)

Applicant seeks a Building Permit for access to two (2) dwellings from Nemo Terrace (an unconstructed platted road with a 20 foot wide right-of-way)

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on August 7, 2006 Legal ads, and abutters notices were sent.

Councilor Sette DECLARED the Public Hearing Open

Councilor Sette read into the record a letter from the Chepachet Fire Department:

May 1, 2006

To:    Raymond Goff, Town Planner

From: Robert Dauphinais, Chepachet Fire Chief

Subject: Except. To the Ord. Reg. The Issuance of Building Permits

I have reviewed the project plan and materials submitted for Highland Lake Plat, Lots 59 & 63 and the upgrade of Nemo Terrace. Based on the new plans and materials submitted,

it appears there is now adequate room for the access and egress of emergency vehicles to this area. If the plans are to change this office should be notified.

Should you have any questions or concerns do not hesitate to contact this office at the above number.

Sincerely,

Robert G. Dauphinais  
Chief

(end of memo)

Councilor Sette read into the record the Planning Board opinion from the unapproved minutes of July 10, 2006:

Robert M. Eaton, Jr., applicant/owner  
Robert M. Eaton, Jr., applicant/owner, Recorded Plat HL, Lot 59, property located at Nemo Terrace and Narragansett Avenue. (Continued from 615/06)

#### Motion

A motion was made by Susan Shuster for a positive recommendation to the Gloucester Town Council regarding an application for an exception to the ordinance regulation the issuance of building permits by Applicant/Owner, Robert M. Eaton, Jr. for property located at Nemo Terrace and Narragansett Avenue and further described as Recorded Plat HL, Lots 59, 63, 79 and 80, as shown on the plan entitled "Proposed Site Plan Proposed Single Family Dwelling Nemo Terrace prepared for Robert M. Eaton dated May 2006 and prepared by Thalmann Engineering Co., Inc.

The applicant and owners seeks to create a driveway to provide access to an existing residential lot off Narragansett Avenue a non-town Road. Granting this exception will allow the owners to use the existing non-town Road rather than clearing additional land for a new driveway directly adjacent. In making this recommendation, the Planning Board has considered the following: 1) Rules and Regulations adopted by the Gloucester Planning Board; 2) The plans submitted by the applicant, sheets I through I, dated May 2006; 3) Present condition of the road and connecting roads; 4) Potential for future development; 5) The proposed improvements to ensure adequate access by the public and public safety vehicles; 6) The Technical Review Committee Report dated 4/24/06; 7) The site visit by the Planning Board on May 10, 2006; and 8) The plan being recommended herein represents a significant reduction in scope and complication over the originally submitted plan.

There is only one house instead of two and a new roadbed (non-town) with significant drainage issues has been replaced by a private driveway. The proposed plan is found to be consistent with the Gloucester Comprehensive Community Plan 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"; and Section 6.2.4 "To preserve the loss, destruction or misuse of natural and cultural resources in order to preserve the special character and sense of place of Gloucester". The Planning Board recommends that the following conditions be included in any approval of this application: A) That Narragansett Avenue 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 to this Right of Way 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 a building permit; B) That the portion of the road reflected on the referenced plan as being an abandonment of a portion of Nemo Terrace be abandon by the Town; and C) That the driveway be subject to the normal approval procedures of the Public Works Department. Motion was seconded by Anthony Autiello.

Vote: AYES: Ayes -7 , NAYS: Nays - 0 Motion carried on a unanimous aye vote.  
(End of opinion)

Councilor Sette stated that the following letter was received from an abutting property owner:

To: Gloucester Town Council  
Re: Postponement of Hearing on the Building of Homes by Robert Eaton on Highland Lake Plat to heard August 17, 2006.

Gentlemen, I am a direct abutter to the property in question and have many objections to the building of more homes in Highland Lake Plat. I have been involved in the ongoing fight to prevent Mr. Eaton from building on this land. I will be out of town on August 17th on business and will not be able to attend the meeting. I ask that this matter be postponed until the next Council meeting. I am enclosing some of my objections on the enclosed letter but as I'm sure you know, it is very difficult to address this matter in full in writing, and of course to address any specific issues brought up at that time.

The objections are as follows:

1. Safety issues with Police, Fire and Rescue. The entrance to this area is on a steep incline that is dangerous during the winter. Rescue vehicles and fire trucks could not maneuver to get into this property or properly protect its inhabitants.
2. The roads are not developed and have not had specific ownership since 1953 when William B. Hall was listed as the owner on the deed of the Steere property.

3. Highland Lake is an over-developed area that was not meant to support the houses that are already there. It was originally platted as summer camps. There have been numerous problems with wells being affected by any new building due to the close proximity of the properties.
4. Mr. Eaton has repeatedly tried to find some way to build on this property and has been denied on at least two occasions that I am aware of.
5. Mr. Eaton submitted to the Planning Board a plan to build only one house which I still object to, but the letter from the Town that I received states that he wishes to build two homes on the property. Again, a contradiction by Mr. Eaton.
6. Mr. Eaton stated at a previous Town Council meeting that the home he built in 1998 would be his last home in the plat.

These are just some of the issues that I have with this request before the Council and I would like the opportunity to discuss it further at the next Council meeting.

Regards,  
Paula Sgambato  
167 Vernon Drive  
Chepachet

Public Comment:

Atty. Thomas Hefner, 1420 Mendon Road in Cumberland, stated that he represents Mr. Eaton, owner/applicant who owns Lots 79 and 80 as well as lots 59 and 63. Mr. Hefner commented that he noticed the public notice for tonight's hearing maintains that Mr. Eaton is seeking to build two homes rather than one. Mr. Hefner added that this has been revised to one home at the last hearing of the Planning Board.

Mr. Hefner stated that this is important because if the application was for two lots, they would have an expert witness present similar to the one who testified at the Planning Board meeting. Mr. Hefner noted that, due to the revision and due to the plan which was actually approved by the Planning Board, this application is no different than someone asking to build a single-family home on one lot. Mr. Hefner stated that the four lots will be combined to create a 3/4 acre lot. Mr. Hefner stated that if the Council requires expert testimony, their expert is out of state on vacation and they would reserve the right to bring that person in at the next hearing. Mr. Hefner stated that his client would be agreeable to any restrictions placed by the Solicitor, Highway Department, or Zoning Official to ensure that Narragansett Avenue remains a private road.

Robert M. Eaton Jr., owner/applicant, was sworn in by the Town Clerk. Mr. Hefner interviewed Mr. Eaton to establish a time line of events leading up to this hearing. There was discussion regarding a similar proposal Mr. Eaton had for the Planning Board and Town Council in 2002.

Mr. Hefner asked that the exhibits which were part of the Planning Board meetings be marked as exhibits and incorporated in the Town Council's decision.

Councilor Poirier expressed his concern that the application before the Town Council differs from the one which was originally submitted. Jean Fecteau, Town Clerk, stated that she has received no indication that the application was amended to one structure. Mr. Hefner stated that he became involved in this matter after the application was submitted. John Bevilacqua, Town Solicitor, stated that the application refers to a proposed plan for two separate lots and was not properly amended at the Planning Board to reflect that it is now a merger of four lots and an abandonment which creates only one buildable lot.

J. Bevilacqua added that the notice which appeared in the newspaper and was mailed to abutting property owners was incorrect. Mr. Eaton pointed out that once he submitted the application, it was out of his hands. Mr. Eaton was concerned that, through no fault of his own, he will be required to return despite the fact that he received a positive recommendation from the Planning Board. J. Bevilacqua replied that what is told to the public must be correct. Mr. Eaton asked if he would have to bear the cost of renotification and advertising. J. Bevilacqua responded that if any mistake was made, it was at the Planning Board level, and the applicant would not be responsible.

Councilor Sette suggested that the Council not hear any testimony on this application as it stands. Councilor Sette stated we should post it correctly and hear the testimony on the amended application. Councilor Sette pointed out that the Council has taken testimony on an application for two dwellings, which is not correct. J. Bevilacqua advised the Council to close the Public Hearing without prejudice to the applicant.

MOTION was made by Councilor Poirier to allow the Applicant, Robert M. Eaton, Jr., to amend his application for Public Hearing to reflect the amendments made at the Planning Board level and to CLOSE the Public Hearing without prejudice to the applicant; seconded by Councilor Reichert.

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll that Robert M. Eaton, Jr. will not be responsible for the cost of readvertising and renotification on the application for the Exception to the Ordinance Regulating the Issuance of a Building Permit; seconded by Councilor Poirier.

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

3.       Owners:       Joseph W. Carpenter

Location: an un-named right-of-way off Putnam Pike, further described as AP 7, Lot 83A

Applicant seeks access to one (1) proposed dwelling off a shared right-of-way (approximately 40 foot wide)

Councilor Sette stated that this Public Hearing was advertised on August 7, 2006 and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing open.

Councilor Sette read into the record the Planning Board motion from July 17, 2006:

#### Motion

A motion was made by Janine Pitocco for a positive recommendation to the Gloucester Town Council regarding an application for an Exception to the Ordinance Regulating the Issuance of a Building Permit by Applicant and Owner Joseph W. Carpenter, for property located at 1910 Putnam Pike, Chepachet and further described as Recorded Assessor's Plat 7, Lot 83A, as shown on the plan entitled "Plan of proposed Travelway for Lots 84, 106 and 83A on AP 7, Gloucester, RI, prepared for Joseph Carpenter, dated December 2005, and revised April 2006 and July 2006, prepared by N. Veltri Survey, Inc.

The applicant/owner seeks to utilize an existing Right-of Way across AP 7, Lot 83 and create a new Right-of-Way across AP 7, Lot 106 to provide access to his existing residential lot. The Right-of Way is depicted on the Town Assessor's map as, in part, an existing Right-of-Way on AP 7, Lot 83. Granting this exception will allow the owners to use an existing Right-of Way that is mostly cleared and rough graded rather than clearing additional land for a new driveway on the other existing Right-of-Way which crosses AP 7 Lot 83 from East to West and travels along AP 7, Lot 106 from North to South.

In making this recommendation, the Planning Board has considered the following: 1) Rules and Regulations adopted by the Gloucester Planning Board; 2) The plans submitted by the applicant, sheets 1 through 1, dated December 2005 and revised April 2006 and July 2006; 3) Road design and drainage plans with calculations prepared by N. Veltri Survey, Inc., and dated July 2006; 4) Present condition of the road and connecting roads; 5) Potential for fixture development; 6) The proposed improvements to ensure adequate access by the public and public safety vehicles; 7) The Technical Review Committee Report dated 7/11/2006; 8) The proposed access is the only practical means of access/egress to the subject property and directly connects to Putnam Pike; 9) There are no environmental or physical constraints that would make the proposed access impractical or impossible; 10) The proposed access avoids wetlands and minimizes steep slopes and does not obstruct scenic views from publicly accessible areas.

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 preserve the loss, destruction or misuse of natural and cultural resources in order to preserve the special character and sense of place of Gloucester"; 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 the road improvements/upgrade and turn around, as recommended by the Technical Review Committee Report dated 7/11/2006, be substantially completed prior to the issuance of a building permit; B) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit; C) That this as yet unnamed Travelway 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 to this Right-of Way 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 Director of Public Works prior to the issuance of a building permit; D) That a sign be installed prior to the issuance of a building permit on this as yet unnamed Travelway indicating that it is a "Private Way", and that this Travelway be given a name for mail collection and emergency 911 purposes; E) That it is the applicants sole responsibility to seek and receive all permissions, clearances and or approvals from owners of this private Right-of-Way prior to making any alterations or using this driveway for access to this property; F) That the standard Driveway Permit Application procedure and subsequent approval by the Public Works Director prior to the issuance of a building permit be followed; G) That the existing Right-of-Way west of the cul-de-sac on both lots 83 and 106 be abandoned; H) That the grade between station 5+ and station 7+ which is proposed at 9% be reduced to the extent possible or paved to avoid soil erosion issues; and I) That the gravel base be increased from 6 inches to 9 inches and the 1 ½ to 2 inch crushed stone be increased to a minimum of 6 inch of rip rap along the westerly edge of the proposed driveway on Lot 106. Motion was seconded by Lynn Furney.

Vote: AYES: Ayes 4 , NAYS: Nays - 0

Motion carried on a unanimous aye vote.

(End of minutes)

Councilor Poirier read the following into the record:

To: The Planning Board

From: The Technical Review Committee (TRC)

Date: July 11, 2006

Subject: Recommendation for Exception to the Ordinance Regulating the Issuance of Building Permits

The members of The TRC have reviewed the subject application, plans entitled “Plan of Proposed Travelway” dated 12/05 and revised 4/06, and materials for property located on an un-named right- of-way off Putnam Pike and report the following recommendation(s) to The Gloucester Planning Board:

Findings/Recommendations:

- a) The existing lot of record does not abut a Town or State road and is accessible via an existing private right-of-way through AP 7 Lot 83 and AP 7 Lot 106 and therefore an exception is necessary.
- b) This application is for access to one (1) proposed dwelling off a shared right-of-way (approximately 40 foot wide). The right-of-way currently provides access for two residences, one of which is on Lot 83 and one on Lot 106.
- c) There is an existing gravel driveway providing access to residences. Further improvements have been proposed to widen the driveway to eighteen (18) feet with two (2) foot shoulders and install recycled asphalt over the travelway. Improvements to the driveway also include the installation of a cul-de-sac turn around on Lot 83 at the point where the driveways branch off to each residence.
- d) The proposed access is the only practical means of access/egress to the subject property and directly connects to Putnam Pike.
- e) There are no environmental or physical constraints that would make the proposed access impractical or impossible.
- f) The proposed access avoids wetlands and minimizes steep slopes and does not obstruct scenic views from publicly accessible areas.
- g) It is recommended that the grade between station 5+ and station 7+ which is proposed at 9%, be reduced to the extent possible or paved to avoid soil erosion issues.
- h) By using the existing right-of-way and creating a driveway along the easterly portion of the property the proposed access is designed to minimize cutting of trees and vegetation and subsequent soil erosion.
- i) Consideration should be given to naming this right-of-way as properties located adjacent to it are using a Putnam Pike address for mail collection and E-911. The E-911 Coordinator has been informed of this situation and may be contacting residents living on this right-of-way to coordinate the naming.

- j) The West Gloucester Fire Chief has been provided with a copy of this application and plan and has been granted an opportunity to make a recommendation. A recommendation has not been received.
- k) It is the applicant's sole responsibility to seek and receive all permissions, clearances and/or approvals from owner(s) of this private right-of-way prior to making any alterations or using this driveway for access to this property.
- l) This recommendation does not exclude the standard Driveway Permit Application procedure and subsequent approval by the Public Works Director prior to the issuance of a Building Permit.
- m) The Deed for this property must be modified to include the language that the Town of Gloucester will not be responsible for maintenance of any nature to this private road, inclusive of snow and ice control and that this language will remain part of the record when title passes in the future. A copy of the modified deed is to be presented to the Building Official and Director of Public Works prior to issuance of building permit.

XIV. The "Exceptions to the Ordinance Regulating Building Permits" is a process by which owners of legal lots of record in Gloucester are able to obtain a building permit for the construction of a residence when the lot does not abut a town/state road or a suitably improved non-town road. This process is flexible in that it allows the Town to make reasonable exceptions and issue a permit subject to conditions that will assure adequate access for vehicles necessary for the protection of health and safety and will protect the future street layout on the Official Town Road Map. In cases where there is driveway access for a single house, the process is usually very simple and logical, but when the exception process is initiated to provide access through a right-of-way, private road, paper street etc., that already serves other residences, the process is sometimes more complex. The TRC in no way encourages private roads for multiple home sites, but is required to make recommendations as part of the guidelines established by the Planning Board.

The TRC finds that the proposed access to the lot meets the minimum design standards and, if constructed as proposed with the additional consideration given to the above, will provide adequate access to the existing lots and hereby recommends approval of this request for an Exception to the Ordinance Regulating Issuance of Building Permits.

Town Planner  
 Building/Zoning Official  
 Director of Public Works

(end of memo)

Public comment: Councilor Sette asked if anyone wished to be heard for or against this application.

Attorney Steve Archambault was present on behalf of Joseph Carpenter with respect to this application. Mr. Archambault stated that there are two separate lots, both owned by Mr. Carpenter, with an existing dwelling on the front lot and a proposed dwelling on the back lot. Mr. Archambault explained that the easement extends from Putnam Pike across Lot 83 which is owned by David Jimmis. Mr. Archambault gave the Council members copies of a deed and a plat map which indicate ownership of the right-of-way. Mr. Archambault distributed copies of an easement deed signed by Mr. Jimmis granting permission to use the right-of-way.

Mr. Archambault stated that there were initial concerns regarding wetlands on Lot 106, adding that an Insignificant Alteration Permit was granted by the Department of Environmental Management on June 7, 2006. Mr. Archambault stated that a member of the Planning Board has come up with clear language which will be incorporated into the deed, indicating that to the west of the cul-de-sac, any part of the existing easement is abandoned. Mr. Archambault added that this will provide absolute clarity for title examiners in the future.

Regarding health and safety issues, Mr. Archambault stated that he has met with the Town Planner several times to review the turnaround aspect of fire equipment. Mr. Archambault stated that they are still waiting for a recommendation from the Fire Chief. Mr. Archambault stated that there were three key areas of concern on the part of the Planning Board; the grade of the road, the abandonment of the easement, and the road profile.

Nicholas Veltri, a licensed surveyor for 30 years, was asked by Mr. Archambault if he testifies with respect to survey issues on a regular basis. Mr. Veltri replied in the affirmative. Mr. Veltri was sworn in by the Town Clerk and qualified. Mr. Veltri addressed the issue of the grade, stating that 9% grade reflects the original ground where the driveway is going. Mr. Veltri stated that it has been cut to 8% so the driveway is in the ground as opposed to over the ground. Mr. Veltri explained that the road would be constructed of recycled asphalt which provides a hard base, adding that this would help eliminate erosion during heavy rains.

Mr. Veltri added that the driveway will be pitched in such a way that no runoff will approach the abutting property. Mr. Archambault asked Mr. Veltri if he has taken into consideration the health and safety aspect of emergency vehicles when designing the cul-de-sac at the top of Lot 83 where it abuts Lot 106. Mr. Veltri replied in the affirmative, explaining that the cul-de-sac will measure 35 feet in diameter and the private driveway which will lead to the rear lot through Lot 106 will have a T-shaped turnaround to allow emergency vehicles to turn around. Councilor Sette asked if anyone had any questions.

Councilor Poirier asked if there has been approval from the Fire Department. Mr. Archambault stated that it has been referred to the West Gloucester Fire Chief and they have not heard back.

Councilor Poirier asked what are the dimensions of the parking/turnaround area. Mr. Veltri replied that the driveway itself is about 12 feet wide, and there is about 25 feet on each side of the driveway.

Mr. Archambault called upon Ed Pimental, a land use expert. Mr. Pimental was sworn in by the Town Clerk and qualified. Mr. Archambault asked Mr. Pimental if he has prepared a plan for the Council with respect to this application. Mr. Pimental replied that he did so by reviewing the Gloucester Comprehensive Plan and the Zoning Ordinance and comparing them to the statutory standards of both the Planning Board and the Town Council. Mr. Archambault asked Mr. Pimental to summarize his findings and to tell the Council why he feels the plan meets all the requirements of the Gloucester Planning and Zoning Ordinances.

Mr. Pimental stated that the property is situated in a residential A-4 district requiring a minimum of 4 acres. The property in question has approximately 11.39 acres. Mr. Pimental added that a title search was conducted and this is a prior recorded developable lot. Mr. Pimental noted that this application is right in line with the Comprehensive Plan. Mr. Archambault asked if the Council had any questions for Mr. Pimental. Hearing none, Mr. Archambault asked that Mr. Pimental's report be submitted as part of the record.

Councilor Sette asked if anyone wished to be heard regarding this application. Alan Whitford, Director of Public Works, referred to the little bridge over which the access will be and asked Mr. Veltri how wide is the bridge. Mr. Veltri replied that the bridge is approximately 11 feet wide. A. Whitford questioned the condition of the structure, adding that the steel piping which forms the base of the bridge is rotted out. Mr. Veltri replied that he is not a structural engineer and could not respond to the question.

Michael Calise, 1912 Putnam Pike, asked where the driveway will be located in respect to his property. Councilor Poirier asked Mr. Calise if he is concerned that the proposed driveway will be right along his boundary, to which Mr. Calise replied in the affirmative. Mr. Calise asked it was established that the easement is totally on the Jimmis property. Councilor Poirier asked if Mr. Veltri what effect, if any, this proposal would have on Mr. Calise's driveway. Mr. Veltri replied that the proposed improvements will be entirely within the 40-foot right-of-way. Mr. Archambault added that Mr. Calise's right-of-way will not be affected, and possibly be improved as a result of this proposal.

J. Bevilacqua asked Mr. Calise to testify regarding his concerns so that they may be addressed by the applicant. Mr. Calise stated that he is not sure where the easement is. Mr. Veltri replied that the proposed easement which will be servicing the rear lot will go along the easterly property of Lot 106 which would be the westerly property of Mr. Calise (Lot 84). Mr. Veltri added that the easement will be entirely on Lot 106, with no effect on Mr. Calise's property.

Mr. Calise expressed concern regarding the condition of the bridge which would now be accommodating additional traffic. Mr. Calise was also concerned that he would be responsible for the maintenance of the right-of-way. J. Bevilacqua advised Mr. Calise that his responsibility

under the deed is to maintain the right-of-way in adequate condition; any repairs or improvements have to be done by the individuals who have access or use of the right-of-way. J. Bevilacqua added that the maintenance of the bridge would be shared by the three property owners who use it to access their property.

J. Bevilacqua stated that if the bridge is in disrepair at the present time, the present users must maintain the bridge and bear the cost of the repair jointly or severally. J. Bevilacqua further stated that if there is a concern that the bridge is not capable of sustaining heavy equipment for the purpose of construction, the owners of the right-of-way must maintain that bridge.

Joseph Carpenter, Owner/Applicant, stated that he wonders why Mr. Calise is so worried about heavy equipment traveling over the bridge when Mr. Carpenter witnessed Mr. Calise driving an excavator over the bridge multiple times. Mr. Archambault added that there has been discussion back and forth between Mr. Carpenter and Mr. Calise regarding this application.

Mr. Archambault stated that he is more concerned with the comments from the Public Works Director regarding the condition of the bridge. Mr. Archambault stated that Mr. Carpenter is willing to pay his share of any repairs to the bridge. Mr. Archambault commented that the applicant has a legal right by the deeds to go across the southerly portion of lot 106 and up the westerly portion to get to lot 83A, but it is completely impractical.

Councilor Poirier questioned why the Planning Board had recommendations regarding public safety with respect to the turnaround for vehicles, but did not address the issue of the bridge. R. Goff, Town Planner, replied that it is a private bridge; therefore, the Planning Board cannot address the matter.

Councilor Sette stated that if the Council approves this application, there will have to be some contingencies because the Fire Chief has not submitted his letter and the applicant has agreed to have the Director of Public Works look at the bridge to determine if there is any structural repairs needed. There was discussion regarding the bridge and there was consensus that the applicant should submit an inspector's review because it is their responsibility. Mr. Archambault expressed his agreement.

Councilor Sette asked if anyone else wished to be heard regarding this application. Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Carroll to GRANT the Exception to the Ordinance Regulating the Issuance of Building Permits for Owners: Joseph W. Carpenter: Location: an un-named right-of-way off Putnam Pike, further described as AP 7, Lot 83A with the following stipulations as recommended by the Planning Board:

- A) That the road improvements/upgrade and turn around, as recommended by the Technical Review Committee Report dated 7/11/06, be substantially completed prior to the issuance of a building permit;

- B) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit;
- C) That this as yet unnamed Travelway 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 to this Right-of-Way 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 Director of Public Works prior to the issuance of a building permit;
- D) That a sign be installed prior to the issuance of a building permit on this as yet unnamed Travelway indicating that it is a "Private Way", and that this Travelway be given a name for mail collection and emergency 911 purposes;
- E) That it is the applicants sole responsibility to seek and receive all permissions, clearances and or approvals from owners of this private Right-of-Way prior to making any alterations or using this driveway for access to this property;
- F) That the standard Driveway Permit Application procedure and subsequent approval by the Public Works Director prior to the issuance of a building permit be followed;
- G) That the existing Right-of-Way west of the cul-de-sac on both lots 83 and 106 be abandoned;
- H) That the grade between station 5+ and station 7+ which is proposed at 9% be reduced to the extent possible or paved to avoid soil erosion issues; and
- I) That the gravel base be increased from 6 inches to 9 inches and the 1 ½ to 2 inch crushed stone be increased to a minimum of 6 inch of rip rap along the westerly edge of the proposed driveway on Lot 106,

CONTINGENT UPON the Fire Chief's positive recommendation and CONTINGENT UPON the present owners of the easement upon which the bridge is located obtaining a certificate of structural integrity prior to the issuance of a building permit;

seconded by Councilor Reichert

Discussion: None

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                       NAYS: 0

MOTION PASSED

Councilor Sette called for a ten-minute recess.

VII.   Consent Items

- A.   Minutes - June 21, 2006 Special Meeting; July 6, 2006 & July 20, 2006 Minutes
- B.   Finance Directors Report - June & July 2006
- C.   Tax Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the minutes of July 6 & July 20, 2006, to TABLE the minutes of June 21, 2006; to ACCEPT the Finance Directors Report of June & July, 2006; and to ACCEPT the Tax Assessor's Abatement to the 2005 Tax roll in the amount of \$167.79 and the abatement to the 2006 Tax roll in the amount of \$12,584.42; Additions to the 1997 Tax roll in the amount of \$199.10; the 1998 Tax roll in the amount of \$205.39; the 1999 Tax roll in the amount of \$207.03; the 2006 Tax roll in the amount of \$213.40; the 2001 Tax roll in the amount of \$219.02; the 2002 Tax roll in the amount of \$79.32; the 2003 Tax roll in the amount of \$79.92; the 2004 Tax roll in the amount of \$83.64; the 2005 Tax roll in the amount of \$97.63; the 2006 Tax roll in the amount of \$9,609.54; seconded by Councilor Poirier.

Discussion: None

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

VIII . Unfinished Business  
      None

IX. New Business

    A.     Ratification: Recognition of Service (Retired Police  
            Captain LaPlante)

Councilor Sette stated that on August 2, 2006 a recognition of service was awarded to Retired Police Captain, David LaPlante and tonight this recognition award needs to be ratified.

MOTION was made by Councilor Carroll to ratify the following:

#### RECOGNITION OF SERVICE

The Town Council and Town Clerk of the Town of Gloucester would like to recognize Captain David R. LaPlante for his twenty (20) years of service on the Gloucester Police Force.

David graduated from the Police Academy in January, 1987 after receiving a Bachelor of Arts Degree in Administrative Justice from Roger Williams University. He then joined the Gloucester Police Department as a recruit on October 13, 1986, was promoted to Sergeant on August 8, 1991, promoted to Lieutenant on January 15, 1998 and promoted to Captain on October 1, 2000 before retiring on May 21, 2006.

During his years with the Gloucester Police, David has been at the frontline of every major accident, murder, drug bust, assault and many other types of calls in the past two decades whether or not he was called to respond.

Once appointed to second in command in August, 1999, David has managed the day to day responsibilities of the department, has supervised the prosecution of criminal and traffic cases, as well as internal-affairs investigations and has served as a liaison to the media, all while still responding to calls whenever possible.

To sum it up, David LaPlante has been a dedicated Police Officer for twenty (20) years, and we know he will continue to be dedicated in any capacity he may serve. He is a thorough, serious, compassionate man who has worked hard and diligently each and every day to benefit the citizens of Gloucester.

The Town Council, Town Clerk and citizens of Gloucester wish David R. LaPlante much contentment and peace in his retirement years and much success in his future endeavors.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Bid Award

1. RFP 2007-01 Police Station Dispatch Upgrade

Councilor Sette read the following recommendation from the Board of Contracts and Purchases:

August 11, 2006

To: Town Council  
From: Board of Contracts & Purchases  
Re: Award of RFP 2007-01 Police Station dispatch center upgrade

- a) RFP 2007-01 was advertised in accordance with current rules and procedures.
- b) One (1) proposal was received.
- c) The Board recommends the bid be awarded to the qualified bidder who was the lone bidder:

Cyber Communications, Inc.  
90 Colorado Avenue  
Warwick, RI 02888

Bid Price: \$85,840.00 equipment and installation as specified in RFP 2007-01  
Police Station dispatch center upgrade.

Respectfully submitted,  
Jean Fecteau, Town Clerk  
Ray Goff, Town Planner  
Thomas Mainville, Director of Finance

(end of memo)

MOTION was made by Councilor Poirier to AWARD RFP 2007-01 Police Station dispatch center upgrade to Cyber Communications, Inc. for the bid price of \$85,840.00; seconded by Councilor Reichert.

Discussion: Councilor Poirier asked why only one bidder responded to this RFP. Ed Juairé replied that two companies requested specs, but only one responded. Councilor Poirier asked what is being done regarding the upgrade. E. Juairé stated that the wall in the dispatch center will be moved approximately two feet to gain more room and two new operating stations will be installed.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- C. Resignations
  - 1. Senior Van Driver

Councilor Sette stated that the Council has received the resignation of Patricia Juairé from the position of Senior Van Driver to become effective August 31, 2006.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Patricia Juairé from the position of Senior Van Driver, effective August 31, 2006; seconded by Councilor Carroll.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- Board & Commission Resignation
  - 1. Budget Board Member
  - 2. Senior Center Task Force Member

Councilor Sette stated that the Council has also received the resignation of Ed Juairé from the Budget Board and the Senior Center Task Force.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Ed Juairé from the Budget Board and the Senior Center Task Force effective August 31, 2006; seconded by Councilor Reichert.

Discussion: Councilor Poirier stated that it is with regret that the Council accepts Mr. Juairé's resignation, adding that he will be sorely missed. Councilor Sette expressed his agreement, stating that the Town Financial Meetings were always run smoothly by Mr. Juairé and whoever takes over will have big shoes to fill.

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

- D.     Appointments
  - 1.     Senior Van Driver

Councilor Sette read the following memo from the Director of Human Services:

August 11, 2006  
To:    Town Council  
Re:    Part time Van Driver position

Patricia Juairé has submitted her resignation effective as of end of business day on Thursday, August 31, 2006.

We have posted the position opening in-house to see if there is any interest. That posting is scheduled to close on Wednesday, August 16. We have not advertised externally. Presently, Christopher Tucker, has expressed interest in this position. Mr. Tucker has worked as a part-time van driver for Human Services since November 2004. Typically, he drives the van on Fridays, taking our seniors shopping. He has also filled in during absences of Pat Juairé, our primary driver. He has worked as a seasonal worker for the Dept. of Public Works cutting grass for the last five views. He has also plowed snow and done some electrical work for DPW.

Mr. Tucker is an ideal candidate for the Part-time Van Driver position. We anticipate that, barring interest from other applicants, I will be recommending that he be appointed to this position at your August 17 meeting.

Sincerely,  
Virginia M. Peters  
Director of Human Services

(end of memo)

Virginia Peters, Human Services Director, was present and requested that the Friday shopping trip be incorporated into the job description. Ms. Peters added that if this results in too many

hours to be considered part-time, the shopping trip could either be cancelled or covered by somebody else.

MOTION was made by Councilor Poirier to APPOINT Christopher Tucker to the position of Part time Van Driver at a hourly wage of \$12.59, not to exceed an average of thirty-two (32) hours per week, said appointment will be effective September 1, 2006; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

Board & Commission Appointments

1. Budget Board Member

MOTION was made by Councilor Poirier to TABLE the appointment to the Budget Board for an unexpired term to expire 1/2007 ; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Senior Center Task Force Member

MOTION was made by Councilor Poirier to APPOINT Marie Plante to the Senior Center Task Force to fill the unexpired term of Ed Juare; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

E. Town Computer Operations/Technical support

Councilor Sette read into the record a memo from Ed Juare regarding the computer services he provides to the Town .

August 10, 2006  
Steven Sette

Honorable Town Council:

As you may or may not be aware, I helped the town into the computer age in 1992, first with the Town Hall and then the Police Station. With my leaving town, this will mean a necessary change in how computer maintenance and upgrades will be handled. I am recommending the Council consider the following:

- a) Matthew Floor be the person to oversee the computer operations of the Town. This would, by necessity, be in addition to his current position. The computer work would be done during hours which would not be in conflict with his current work. He is very receptive to this arrangement.
- b) I continue to work with the Town and Matt via a remote system. We currently have capability to do this and it has been used successfully on several occasions. Much of the work now is to trouble shoot issues and this can be done without being here physically.
- c) Continue to use the services of GenXPS for the “heavy” server and WAN networking needs

The Town has an excellent computer system. It has had only a few system wide failures over the years and those were for very brief periods. With proper maintenance, it can continue to function in this manner. The system has the capacity to be expanded at minimal costs.

The Town’s expenses for computers and related services have been extremely low when compared to what has been accomplished and the services it offers and can offer it in the future.

Also, a new person should be authorized to be the contact with Cox Communications. Matt would be the logical choice.

Sincerely,  
Ed Juairé

(end of memo)

There was discussion regarding whether this would affect the Dispatchers’ Union Contract. Councilor Carroll volunteered to work out the details with the Chief of Police and the Finance Director.

F. Cox Communications Contact Authorization

Councilor Sette stated that this appointment would not be made until the previous item is worked out.

G. Addition to Town Road List - D'Amico Lane

Councilor Sette read into the record the following memo:

7/12/06  
Ray Goff

This letter is to request that the Town Council adopt D' Amico Lane, the said easements, swales, and retaining pond. The improvements wanted by the Town have been addressed and inspected for satisfaction. The Planning Board has made a positive recommendation for the Town to accept these areas as their own. If there are any questions or concerns please feel free to contact me.

Thank you,  
Raymond D' Amico  
Owner  
(end of memo)

Councilor Reichert read the following memo from the Town Planner:

To: Town Council  
From: Raymond Goff, Town Planner  
Date: August 11, 2006  
SUBJECT: Olney Keach Estates - Acceptance of Road and Improvements - D' Amico Lane

The Planning Board, at their regular meeting on Monday, August 7, 2006, voted to recommend to the Town Council acceptance of D' Amico Lane and all associated improvements. The Planning Board based their decision on the recommendation from the TRC, and the final inspection report by the Public Works Director.  
(End of memo)

There is also a memo from the Building Official:

July 12, 2006  
  
From: Brian Lombardi, Building/Zoning Official  
Re: Olney Keach Estates- subdivision off Olney Keach Road

Please allow this memo to serve as a follow up to my May 31, 2006, memo regarding the referenced subdivision. On July 11, 2006, I performed another inspection Raymond Goff, Town Planner, and Raymond D' Amico, property owner. Previously, the owner was directed to stabilize the banks of the drainage swale along the north side of the road and remove/replace the decomposing hay bales.

This inspection revealed that the owner has satisfactorily complied with my requests. Finally, please be advised that my inspection was limited to the erosion of the banks of the drainage swale and not the proper functioning of the drainage system. Regarding the installation of the rip rap stone and proper operation of the drainage structures, as always, this should be referred to the Director of Public Works for inspection.

(End of memo)

We have a memo from the Public Works Director:

8-2-06

To: Honorable Town Council  
From: Director of Public Works  
Subject: Olney Keach Subdivision (Olney Keach Estates)

I have inspected the roads and roadside swales installed and found them all to be satisfactory and according to plans submitted to the Planning Board.

I know that they were issues with the retention pond. I believe that those issues were addressed by both DEM and the Gloucester Planning Board Chairperson and found by those agencies to be in accordance with the engineering plans submitted to them prior to construction.

I am writing this memo to release and sign off on the road and drainage.

As I am unaware of the possibility of further issues concerning the retention pond I am including this statement with this memo.

Sincerely,  
Alan Whitford  
Director of Public Works

(end of memo)

MOTION was made by Councilor Carroll to ADOPT "D'Amico Lane" to the Official Town Road List; seconded by Councilor Reichert.

Discussion: Councilor Poirier stated that the Road Subcommittee has been working on establishing criteria for the adoption of new roads and was under the impression that the Subcommittee had a problem with the addition of any more roads to the Town Road List. J. Bevilacqua stated that this was part of a subdivision plan and specifications for the road were approved by the Town.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

H. Land Acquisition:

Authorization to Enter into Agreement

Councilor Sette stated that, based on information received by the Department of Environmental Management, this item should either be tabled or removed from the table. Councilor Sette noted that since Councilor Walsh is absent, this will be tabled until the next meeting.

MOTION was made by Councilor Carroll to TABLE Item H: Land Acquisition Agreement; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

I. Public Works: Authorization Road Repair  
Outside Vendor assistance

Alan Whitford, Director of Public Works, stated that the roads in question, in the Waterman Lake area, are private roads which are in such a state of disrepair, that they are beyond patching. A. Whitford pointed out that this would not be paving of the roads nor a long-term situation, but would make conditions much better until something is done on the issue of private roads.

A. Whitford stated that this would only cost approximately \$6,000, adding that he may be able to arrange the obtaining of a piece of equipment which is worth at least the \$6,000 spent on the materials. A. Whitford stated that he would not wish to set a precedent for other roads. A. Whitford reiterated that this would not be a long-term solution, but it would improve the road significantly.

MOTION was made by Councilor Reichert to AUTHORIZE the Director of Public Works to proceed with the road repairs in the Harmony Lake area. This in no way will set a precedent for any private roads, now or in the future; seconded by Councilor Poirier.

Discussion: There was discussion concerning the name of the road which will receive the improvements. Councilor Reichert WITHDREW his MOTION and Councilor Poirier WITHDREW his SECOND.

MOTION was made by Councilor Reichert to AUTHORIZE the Director of Public Works to proceed with the road repairs in the Waterman Lake area. This in no way will set a precedent for any private roads, now or in the future; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

J. Employee benefit authorization

Councilor Sette read the following memo from Alan Whitford:

August 7, 2006

To: Honorable Town Council

From: Director of Public Works

Subject: Present Public Works employee Christopher Tucker

I have had the pleasure of Mr. Tucker assisting this department for the past four years. He has been available for emergency plowing operations for the past four years and has been mowing the towns facilities and recreation fields for the past two years.

It is my understanding that he will be working for the human resources department in the capacity of van driver (which he has been assisting with for some time) on a permanent basis. Mr. Tucker has been a valuable asset to the town and has never refused any responsibility assigned inclusive of flagging during paving, utilizing his talents with electronics to help trouble shoot problems with vehicles and equipment, plowing during emergencies, and of course mowing and maintaining fields and facilities.

Christopher works well with very little direction necessary and has always been here for the town in any capacity needed. He will be missed by this department however I am pleased that he will have the opportunity to move to a more permanent position.

I am writing this not because he was informed that he would have to wait for two years prior to receiving all benefits offered by the town. As he has actually provided services to the town for the past four years I wish to propose that the waiting period be waived in this particular instance due to his loyal service.

Sincerely,  
Alan Whitford

(end of memo)

Discussion: Councilor Sette noted that the Employee Handbook has been amended to include benefits for part-time employees. T. Mainville, Finance Director, stated that this pertains to vacation and the 50% paid benefits.

MOTION was made by Councilor Poirier to WAIVE the two year period before receiving all benefits offered by the Town for part time employee Christopher Tucker; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

K. Harmony Estates: proposed Reclamation & Repavement Project

Councilor Sette stated that a memo has been received from Thomas McAndrew proposing an agreement. Councilor Sette stated that there are still some questions and concerns. J. Bevilacqua stated that he has discussed this issue with A. Whitford, Director of Public Works, and have agreed that, although this is a significant step toward an agreement, the members of the association still place the responsibility of repair and maintenance on the Town.

J. Bevilacqua stated that the Town is willing to assist them with the cost factor and help them with minor grading or removal of rocks, but the Town does not want total responsibility. Councilor Sette suggested responding to Mr. McAndrew indicating that the proposed agreement is not what was verbally agreed to at a previous meeting. J. Bevilacqua stated that he will send Mr. McAndrew the minutes from the May 4th meeting which spell out what the Town is willing to do.

X. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, asked if the Council is still proposing the proposal made by Ed Juairé and Matt Floor. Councilor Sette replied that Councilor Carroll will meet with the parties to work out the details. J. Fecteau asked if it will be ready for the next agenda, because Mr. Juairé is leaving the following week and we must have something in place beforehand. The consensus was to place it on the next agenda.
2.
  - a. Jamie Hainsworth, Chief of Police, was asked by Councilor Poirier if he had been contacted regarding speeding cars on Absalona Hill Road. Chief Hainsworth replied in the affirmative and stated that there are already speed signs and slow children signs, but drivers use the road as a cut-through. Chief Hainsworth stated that he had suggested to the Council several months ago to review other traffic-calming ideas used by other communities. Chief Hainsworth offered to set up a work session which would involve Public Works and Planning. Councilor Sette stated that this would be a good idea because speeding is becoming more and more of an issue.
  - b. There was discussion regarding the position opening which resulted from the retirement of Captain LaPlante. Chief Hainsworth stated that they will advertise the position for patrolman.
3.
  - a. Thomas Mainville, Finance Director, stated that he has received a request from Bruce Payton, Chair of the Land Trust, to borrow money to acquire a piece of property until a grant from DEM is received. B. Payton explained that it is a 50/50 grant, but the

Land Trust does not have the necessary funds to complete the transaction. B. Payton further stated that the Land Trust has already extended the sales agreement with Mrs. Kwadrans once, and there is pressure from her family, and they wish to finalize the sale as soon as possible. J. Bevilacqua stated that this cannot be done by consensus, and since this was not on the agenda, it cannot be voted upon at this meeting. J. Bevilacqua stated that if T. Mainville has the authority to transfer the funds on his own, he could just inform the Council of his intentions. T. Mainville stated that he will process the transaction.

b. T. Mainville, Finance Director, read the following into the record:

August 17, 2006  
To: Town Council  
Re: Bond Counsel

The Town must obtain Bond Counsel to obtain \$2.215 M GO bonds for the Senior Center.

I had planned to use the services of Ellen Corneau and Karen Grande, the individuals who have served as our Bond Counsel in our prior bond procurement process.

Corneau and Grande, up until recently, worked at the firm of Tillinghast Licht. Those individuals have done most of the Bond Counsel work for most of the communities in the state. They have since transitioned to the firm of Edwards Angell Palmer & Dodge.

After speaking with Town Solicitor John Bevilacqua, I disseminated an RFP to four firms qualified as Bond Counsel:

- Edwards Angell Palmer & Dodge LLP
- Partridge Snow & Hahn LLP
- Taft & McSally LLP
- Tillinghast Licht LLP

Even though it was not required, as obtaining legal counsel is exempt from the State's purchasing laws (RIGL 45-55-14), I asked the Board of Contracts & Purchases to be present when the bids were opened so that the bid amounts would be read aloud and made public immediately.

The Board met on Thursday, August 13.  
Bidders and bid amounts were as follows:

Edwards Angell Palmer & Dodge LLP	\$5,500
Partridge Snow & Hahn LLP	Hourly basis with a \$12,000 cap
Taft & McSally LLP	\$5,000

Tillinghast Licht LLP                      \$6,000

I checked the references of the low bidder, Taft & McSally. They were given an A+ rating.

David H. Ferrara (Taft & McSally) is the individual who will handle our work. He graduated from Brown University (1979, magna cum laude, Phi Beta Kappa) and Harvard Law School (J.D. 1982).

Even though I had originally planned to use the services of Corneau and Grande who now work for Edwards Angell Palmer & Dodge, I find no reason to not use Taft & McSally, and unless otherwise directed will use the services of Taft & McSally, the low bidder.

Tom Mainville

(End of memo)

The Council gave their consensus on T. Mainville hiring Taft & McSally as Bond Counsel.

4. Alan Whitford, Public Works Director, stated that the Town has met the recycling goals that Rhode Island Resources have established. A. Whitford stated that there will be a meeting on September 8th at which time a check will be given to the Town to represent our share of \$300,000 statewide.
5. Councilor Sette asked Brian Lombardi, Building/Zoning Official, if anything has been done regarding two situations on Stirling Drive. B. Lombardi replied that the matter of unregistered vehicles has been addressed, but that due to a death in the family, he has held off on the other complaint.

XI . Boards/Commissions  
None

XII. Council Correspondence/Discussion

Councilor Sette stated that the Council has received the Rules and Regulations from the mobile home park.

XIII. Open Forum

- 1) Bob Lyons, resident of Waterman Lake Shores, thanked the Council and the Public Works Director for their help regarding the roads within the Waterman Lake plat. Mr. Lyons stated that he has been appointed to a committee which has been established within Waterman Lake Shores to address the issue of roads. Mr. Lyons stated that he wished to relay some of the concerns of the residents. Mr. Lyons stated that the roads in the area are being destroyed by contractors going in to build houses, adding that the same situation may occur in the vicinity of Nemo Terrace and Narragansett Avenue. Mr. Lyons presented photographs to the Council which demonstrate the poor condition of the roads. Mr. Lyons suggested that the Council require that bonds be posted on roads leading up to

the roads on which construction is taking place and gave, in the case of Narragansett Avenue and Nemo Terrace, Highland Lake Drive as an example. Mr. Lyons once again thanked the Council and Public Works Director for their assistance.

- XIV. Seek to Adjourn to Executive Session for the following:  
A. RIGL 42-46-5(a)2 Litigation

MOTION was made by Councilor Reichert to ADJOURN to Executive Session pursuant to RIGL 42-46-5(a)2 Litigation; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

- XV. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 11:05 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

APPROVED at the September 7, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **September 7, 2006**.

I. Call to Order

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

II. Roll Call

Members present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Brian Lombardi, Building/Zoning Official.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum for Agenda Items

None

V. Public Hearings

Councilor Sette explained that the Public Hearings will be heard in order by the length of time each item has been before the Council, adding that Mr. Adamo will be heard first, followed by Mr. Eaton and finally Mr. Forgue.

B. Exceptions to the Ordinance Regulating the Issuance of Building Permits

CONTINUED FROM 8/17/2006

1. Owners: Florentino L. Adamo, Brenda A. Adamo & Nicholas M. Adamo  
Applicant: Florentino L. Adamo

Location: NEP Plat, Lot 22, further described as an unnamed right-of-way off Goldmine Road

Applicant seeks a building permit on an unnamed right-of-way

Councilor Sette stated that at the last Council meeting this public hearing was continued until there was further clarification from the Planning Board. Councilor Sette stated the Council has received the following memo:

To: Town Council, Steven Sette, President  
From: David Calderara, Planning Board Chair

Date: August 22, 2006

SUBJECT: Florentino L. Adamo, applicant, Exception to the Ordinance Regulating the Issuance of Building Permits

On Monday, August 21, 2006, the Planning Board made the following motion regarding the above mentioned application.

Motion was made by Susan Shuster to clarify the July 10, 2006 motion for applicant Fiorentino L. Adamo, and owners Fiorentino, Brenda and Nicholas Adamo, for property located at Durfee Hill Road and further described as Recorded Plat NEP, Lot 22, as shown on the plans entitled "Site Plan for Larry Adamo, off Gold Mine Road, Gloucester, RI Recorded Plat 9, Lot 108, dated June, 2006" and prepared by Marc N. Nyberg Associates, Inc.

The clarifications are as follows:

1. The existing turn-around between lots 23 & 24 has been deemed sufficient and that is confirmed in a letter from the West Gloucester Fire Chief, dated August 14, 2006.
2. The existing road is to be improved to the end of the applicant's property similar to the standards set forth in the Planning Board Rules and Regulations for Exceptions to the Ordinance Regulating the Issuance of Building Permits.
  - III. Design standards B. Private Road, service four (4) or fewer homes
    1. 20 foot wide road bed with minimum 2 foot shoulders, cleared and free of obstructions.
    2. Gravel surface with a 12" gravel base as described in the referenced plan
    3. Adequate drainage
3. Final improvements and the completion of the roadbed should be done prior to the issuance of a certificate of occupancy.

All other recommendations on the TRC report of April 28, 2006 should be adhered to.

Motion was seconded by Janine Pitocco

VOTE: Ayes - 6 (Calderara, Autiello, Pitocco, Furney, Steere, Shuster)

Motion carried on a unanimous aye vote.

(End of memo)

Councilor Sette asked if anyone wished to speak for or against the application:

Discussion: Fiorentino Adamo, owner/applicant, presented a new plan to the Council and there was discussion concerning the turnaround. John Bevilacqua, Town Solicitor, stated that the map does not indicate a turnaround, only a road. Mr. Adamo stated he was instructed to submit a map with the dotted line showing where the turnaround is to be located. The Solicitor stated the map presented

should show the scale and placement of the turnaround. Councilor Sette asked the Planner to give the Council some clarification.

Raymond Goff, Town Planner, explained that there is an existing turnaround at the end of the street that abuts Mr. Adamo's property. R. Goff further explained that only half of the bulb will be on Mr. Adamo's property; the other half will be on the other owners property when he applies for his exception. Councilor Walsh questioned if this is not marked on the drawing, how does the Council know what they are approving.

J. Bevilacqua replied that there is a writing in existence that provides for it, and perhaps when the other applicant comes in, this drawing will be completed. Councilor Walsh stated, in theory, the applicant is meeting the intent of what is in writing but it does not show on the map. Councilor Sette stated the map should reflect the whole turnaround. The Solicitor stated that, other than the Planning Board stating in writing there is room, there is nothing that shows there is room.

Councilor Sette stated before a Certificate of Occupancy can be issued this must all be demonstrated. The Solicitor agreed. Nicholas Adamo, applicant, commented that the Fire Chief has deemed the turnaround sufficient, and asked if this was not enough to indicate that the turnaround does exist. The Solicitor stated there is no evidence of this turnaround (on record) should everyone currently involved with this application no longer be present.

Nicholas Adamo agreed and further clarified for the Council. Councilor Sette proposed if this exception is approved based on the Planning Board's recommendation and it is subject to the turnaround being in place before the Certificate of Occupancy is granted couldn't the approval also be subject to a plan being completed and submitted.

The consensus of the Council was that "half of the bulb" should be shown and submitted on a plan before the Certificate of Occupancy is granted.

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

Hearing none, Councilor Sette CLOSED the Public Hearing.

MOTION was made by Councilor Reichert to (to clarify the July 10, 2006 motion) GRANT the Exception to the Ordinance Regulating the Issuance of a Building Permit for applicant: Fiorentino L. Adamo, and owners Fiorentino, Brenda and Nicholas Adamo, for property located at Durfee Hill Road and further described as Recorded Plat NEP, Lot 22, as shown on the plans entitled "Site Plan for Larry Adamo, off Gold Mine Road, Glocester, RI Recorded Plat 9, Lot 108, dated June, 2006" and prepared by Marc N. Nyberg Associates, Inc.

The clarifications are as follows:

1. The existing turn-around between lots 23 & 24 has been deemed sufficient and that is confirmed in a letter from the West Glocester Fire Chief, dated August 14, 2006.

2. The existing road is to be improved to the end of the applicant's property similar to the standards set forth in the Planning Board Rules and Regulations for Exceptions to the Ordinance Regulating the Issuance of Building Permits.

III. Design standards B. Private Road, service four (4) or fewer homes

1. 20 foot wide road bed with minimum 2 foot shoulders, cleared and free of obstructions.
  2. Gravel surface with a 12" gravel base as described in the referenced plan
  3. Adequate drainage
3. Final improvements and the completion of the roadbed should be done prior to the issuance of a certificate of occupancy.

Turnaround area shall be clearly marked on newly submitted plans to the Council and Building Inspector for final approval before the Certificate of Occupancy shall be granted.

Seconded by Councilor Poirier

Discussion: Councilor Walsh questioned if the 2' minimum bed on sides as stated in the Planning Boards letter would be followed or the drawing which shows 2 ½ foot bed on each side. The applicants stated they would go by the 2 ½ foot bed.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Owners: Robert M. Eaton, Jr.  
Applicant: Robert M. Eaton, Jr.  
Location: Highland Lake Drive, further described as Recorded Plat  
Highland Lake, Lots 59 & 63 (Originally platted as lots:59-68  
& 79 &80)  
Applicant seeks a Building Permit for access to a one family dwellings  
from Nemo Terrace (an unconstructed platted road with a 20 foot wide  
right-of-way)

Councilor Sette stated that this Public Hearing was continued for further advertising and amendment of the application. Councilor Sette stated that at the previous meeting the opinion of the Fire Chief was read as well as the Planning Board opinion. There was also a letter read at that time from an abutter to the property in question stating their objections. Jean Fecteau, Town Clerk, stated for the record that this Public Hearing was re-advertised on August 29th in the Providence Journal legal ads.

Councilor Sette read the following letter from Thomas Hefner, attorney for Mr. Eaton.

August 21, 2006

Mr. Raymond Goff  
Town Planner  
Town of Glocester  
1145 Putnam Pike  
PO Box B  
Chepachet, RI 02814

RE: Robert M. Eaton, Jr.

Dear Mr. Goff:

After the Town Council hearing of August 17, 2006 it was determined that I should amend the application form on file at the Town Clerk's office to reflect the revised plan approved by the Planning Board on July 10, 2006. I will do that on August 22, 2006 in the afternoon after having consulted with the Town Solicitor this morning.

I also am requesting that the Planning Board's technical review committee and the Public Works Director and Chief of the Fire District take another look at the scaled down version of the plan. I believe that the TRC report and Fire Chief's report are still based upon the earlier request for two (2) houses.

Thank you for your consideration in this matter.

Very truly yours,  
Fogarty & Hefner  
Thomas E. Hefner, Esquire

Attached to Mr. Hefner's letter was an "Exhibit A" which reads as follows:

**REVISED APPLICATION OF ROBERT M. EATON, JR. FOR  
EXCEPTION TO ORDINANCE REGULATING THE ISSUANCE OF  
BUILDING PERMITS**

Petitioner submitted a revised petition to the Planning Board which the Board approved on July 10, 2006 with the present recommendation to the Town Council

Amendments are as follows:

Location  
Assessor's Plat 42

Assessor's lots 59 & 63 (original lots 59-68), 79 & 80

Total # of lots proposed - 1  
Lots 59, 63, 79 & 80 to be merged into 1 lot

Total # of dwellings proposed - 1

Name of unimproved street(s) - Nemo Terrace & Narragansett Avenue

- (a) unimproved street abut lot - yes
- (b) frontage on unimproved street
  - 50' on Narragansett Ave.
  - 200' on Nemo Terrace
  - 250' on Massachusetts Ave.

(End of letter)

Councilor Sette read the following letter into the record:

To: Gloucester Town Council

I would like to bring to the Town Council's attention some of the building practices currently taking place in the Town of Gloucester. I find disturbing some of the conditions left behind for the homeowners, particularly the road conditions. I would like to know why the Town is not requiring that the opening of paper streets in our town are not being brought up to town standards or at least to suitably improved conditions as required by State law.

Aside from the roads, I would also like to know how a CO can be issued with the power lines to a house draped over a gutter as is to the house at 17 Marley Street. I am asking for the Town Council to step up and protect the citizens of Gloucester against questionable practices so the residents and emergency equipment can be safely reach their homes. I've enclosed copies of the RI General Laws regarding the issuance of building permits on non-town roads.

Sincerely,  
Bob Lyons

(End of letter)

Councilor Sette DECLARED the Public Hearing OPEN.

Discussion: Thomas Hefner, attorney for the applicant, stated that he believes that the issues brought up at the August 17th hearing have been corrected by the amendment and re-advertisement of the application. Mr. Hefner stated that the driveway will actually come in on Narragansett Avenue, and the only reason Nemo Terrace is mentioned in the application is

because a portion of Nemo Terrace will be abandoned per the Planning Board's conditions. Mr. Hefner noted that this is a scaled down version of something that the Planning Board reviewed, adding that the Planning Board was very much in favor of going from two lots to one lot.

Robert M. Eaton was sworn in by the Town Clerk. Mr. Hefner asked Mr. Eaton if he is the owner of the four lots that are included in the application. Mr. Eaton replied that this is correct. Mr. Hefner asked Mr. Eaton if he took it upon himself to reduce the number of homes he wished to build, based upon the recommendation of the Planning Board. Mr. Eaton replied in the affirmative.

Mr. Hefner asked Mr. Eaton if testimony was provided before the Planning Board in respect to drainage and septic design. Mr. Eaton stated that is correct. Mr. Hefner stated that Mr. Eaton has received approval from DEM for an ISDS on this parcel and he has also discussed with his engineer the design of the driveway which will come in off Narragansett Avenue. Mr. Hefner asked Mr. Eaton if he agrees to all of the conditions imposed by the Planning Board in their approval. Mr. Eaton stated that he does agree.

Mr. Hefner asked Mr. Eaton if he agrees to anything that the Town Council may ask him to do within reason and within their authority. Mr. Eaton replied in the affirmative. Mr. Hefner stated that the most recent plan was not given to the Town Council on August 17th, but that at this point, the Council does have the plan which conforms to the amended petition. Mr. Hefner added that he wished this plan to be entered as an exhibit to the application. Mr. Hefner further stated that the Technical Review Committee and the Fire Chief have issued new opinions regarding this project.

Councilor Sette read the following letter into the record:

August 22, 2006

RE: Exception to the Ordinance Regulating the Issuance of Building Permits

I have reviewed the plan for the proposed single family development for Highland Lake Plat Lots 59 and 63, originally platted as Lots 59 - 68, 79 and 80, for applicant Robert Eaton based on the new plan submitted. There appears to be adequate access and egress for emergency vehicles to this area. If the plans change, this office should be notified. Should you have any questions or concerns, do not hesitate to contact this office at the above number.

Sincerely,  
Robert Dauphinais  
Chepachet Fire Chief

(End of letter)

Councilor Sette read the following report into the record:

To: Town Council, Steven A. Sette, President  
From: Report of The Technical Review Committee (TRC)  
Date: August 21, 2006  
Subject: Recommendation for Exception to Ordinance Regulating the Issuance of Building Permits

Applicant: Robert Eaton Recorded Plat HL , Lots 59, 63  
Highland Lake Drive (Originally platted as lots: 59-68 & 79-80)

The members of The TRC have reviewed the subject application, revised plan identified as “Plan Showing Proposed Single Family Dwelling ... Prepared for Robert Eaton, Jr.” by Thalmann Engineering Co. Inc., Dated May 2006 and materials for property located on Nemo Terrace and Narragansett Avenue and report the following recommendation(s) to The Gloucester Planning Board:

Findings/Recommendations:

- a) The existing lots of record are located adjacent to an unimproved portion of Nemo Terrace and an improved portion of Narragansett Avenue in the Highland Lake plat, which are Non-Town roads and therefore an exception is necessary.
- b) This application is for access to one (1) dwelling from Narragansett Avenue . All platted lots will be combined into one (1) lot and a request for the abandonment of a portion of Nemo Terrace will need to be executed prior to merger. Town records indicate that there may be other vacant lots of record adjacent to Nemo Terrace. It is the applicant’s responsibility to demonstrate that there are alternate access locations to these lots.
- c) The applicant proposes to install a 12 foot driveway that ties into Narragansett Avenue for access to the proposed dwelling. The plans indicate the installation of a 15 foot turning radius on the north east side of the driveway entrance.
- d) The proposed access is the only practical means of access/egress to the subject property and directly connects to Putnam Pike, a State road, via Narragansett Avenue and Highland Lake Road, both private roads.
- e) The proposed access is the most logical means of access/egress to the subject property due to existing roads and topography of the area. It is the applicant’s sole responsibility to seek and receive all clearances and or approvals from owner(s) of this private road prior to making any alterations or using this road for access to this property.

- f) The Chepachet Fire Chief has been provided with a copy of the previous application and the revised plan. An opportunity has been granted to make a recommendation. A recommendation was received for the initial application, but a recommendation on the revised application has not been received.
- g) This recommendation does not exclude the standard driveway permit application procedure and subsequent approval by the Public Works Director prior to the issuance of a building permit.
- h) The deed for this property must be modified to include the language that the Town of Gloucester will not be responsible for maintenance of any nature to Narragansett Avenue (a private road) inclusive of snow and ice control and that this language will remain part of the record when title passes in the future. A copy of the modified deed is to be presented to the Building Official and Director of Public Works prior to issuance of building permit.
- i) The “exceptions to the ordinance regulating building permits” is a process by which owners of legal lots of record in Gloucester are able to obtain a building permit for the construction of a residence when the lot does not abut a town/state road or a suitably improved non-town road. This process is flexible in that allows the Town to make reasonable exceptions and issue a permit subject to conditions that will assure adequate access for vehicles necessary for the protection of health safety and will protect the future street layout on the official town road map. In cases where there is driveway access for a single house, the process is usually very simple and logical. But when the exception process is initiated to provide access through a right-of-way, private road, paper street etc., that already serves other residences, the process is sometimes more complex. The TRC in no way encourages private roads for multiple home sites, but is required to make recommendations as part of the guidelines established by the Planning Board.

The TRC finds that the proposed access to the lot meets the minimum design standards and, if constructed as proposed with additional consideration given to the above, will provide adequate access for the proposed development and hereby recommends approval of this request for an Exception to the Ordinance Regulating Issuance of Building Permits.

(End of report)

Councilor Poirier asked if this report is referenced in the Planning Board’s most recent recommendation. Raymond Goff, Town Planner, replied that the Planning Board had made their recommendation regarding the proposal that is before the Council, therefore he did not see the need for sending them a copy of the TRC report. Councilor Poirier asked if there are any significant changes in the second TRC report from the first report. R. Goff replied in the negative, adding that it is only a reduction in the number of lots.

Councilor Poirier questioned item (e) of the report. Mr. Hefner replied that this was applicable when the application called for two house lots. Councilor Poirier asked why it is still in the report. Mr. Hefner stated it can be left in, but approval is no longer needed, since the driveway will now go across the applicant's property. R. Goff added that this is part of the standard language that is included in TRC reports regarding this type of exception.

Mr. Hefner stated that Mr. Eaton has spoken to several of the property owners in the area and they indicated that they had no objection to his proposal. Mr. Hefner asked Mr. Eaton if the abandonment of a portion of Nemo Terrace will negatively impact the residents of Narragansett Avenue. Mr. Eaton replied that the residents of Narragansett Avenue will still be able to access their property. Mr. Hefner asked Mr. Eaton if the abandonment of a portion of Nemo Terrace will affect any of the other residents of Highland Lake Plat in regard to access to their property.

Mr. Eaton replied that they will be able to access from Massachusetts Avenue and Pawtucket Avenue. Mr. Hefner stated that Mr. Thalmann of Thalmann Engineering Co is present if the Council feels that his testimony as an expert witness is necessary. Councilor Sette stated that he would like to hear Mr. Thalmann's testimony, adding that he has walked the property with some of the residents and is concerned with the steepness of the proposed house site. Mr. Eaton stated that it is level where the house is going and also where the septic system will be installed. Councilor Sette stated that his concern is the drainage.

Brian P. Thalmann was sworn in by the Town Clerk and was qualified by Attorney Heffner to the satisfaction of the Council. Mr. Hefner asked Mr. Thalmann if the amendment of the application from two house lots to one would change any of the recommendations he had provided regarding the original application. Mr. Thalmann stated that the reduction from two lots to one would certainly lessen the impact of drainage because less runoff would have to be mitigated. Mr. Hefner asked Mr. Thalmann to address the concerns of residents of the area with respect to runoff onto Nemo Terrace. Mr. Thalmann replied that he does not see where this proposal will create any off-site nuisances to any of the residents to the east.

Mr. Thalmann further stated that it is his professional opinion that there will be no negative impact either on any of the abutting properties or the ISDS which will be installed as part of this development. Mr. Hefner asked Mr. Thalmann if he will be retained by Mr. Eaton if this project is approved in order to ensure that this drainage system is followed. Mr. Thalmann replied in the affirmative.

Councilor Walsh asked Mr. Thalmann if, when he says the area will not be interfered with, does he mean that the trees will remain or will lawns be put in. Mr. Thalmann replied that he thinks that there will be some lawns installed, but if the Council stipulates that only a certain percentage of this property be maintained as a lawn, Mr. Eaton will be amenable to that. Councilor Walsh noted that presently the runoff is directed down the driveway towards the house at which time the runoff heads northeast toward the septic system or the neighbor's.

Councilor Walsh asked how the water can be kept from running down toward that existing dwelling. Mr. Thalmann replied that they could incorporate an infiltration trench which would direct the water back into the ground. Councilor Walsh expressed concern regarding a ten-foot pitch at the property line. Mr. Thalmann replied that it is his professional opinion that this is graded within a reasonable degree that this can be maintained and vegetated quickly such that there are not detrimental impacts.

Councilor Carroll asked Mr. Thalmann if he has worked on any other properties in the neighborhood. Mr. Thalmann replied that he has worked on several properties along Spring Grove Road, which is a little further to the east. Councilor Carroll asked if his recommendations regarding drainage situations have been accurate, to which Mr. Thalmann replied in the affirmative. Councilor Poirier asked if Mr. Thalmann was representing Mr. Eaton in any of those cases, to which Mr. Thalmann replied “no”.

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

Paula Sgambato, 167 Vernon Drive, stated that she has concerns both personally and as part of a group of residents of the area. Ms. Sgambato asked if the Safety Commission has reviewed the plans and has established that the situation would be safe. Ms. Sgambato stated there are safety issues regarding fire and rescue vehicles. Councilor Sette replied that the Council has a recommendation from the Fire Chief which was read earlier, adding that there was no mention of any safety issues in the recommendation.

Councilor Sette further stated that it is not customary to consult the Safety Commission regarding this type of application. Ms. Sgambato stated that Mr. Eaton has been before the Town Council several times for exceptions, noting that the last time he was building, he stated that it would be his last project in the area. Ms. Sgambato stated that she has copies of the minutes from that meeting. Ms. Sgambato stated that she also has issues regarding Mr. Reedy, whom Mr. Eaton referred to as a resident of the area, stating that Mr. Reedy is not a resident, but a person who purchased property at a tax sale, making him an investor.

Ms. Sgambato stated that Mr. Eaton has not approached any of the residents regarding the abandonment of Nemo Terrace. Ms. Sgambato questioned why Mr. Eaton’s plans are thirteen feet from Massachusetts Avenue, when the Building Official requested that she re-dig her basement to allow thirty feet from the same road. Ms. Sgambato also questioned why her driveway had to be 25 feet wide, and Mr. Eaton’s only has to be 22 feet wide. Ms. Sgambato stated that the residents also have concerns regarding well water and wells going dry during new construction. Ms. Sgambato recommended that the Town Council visit the site to see for themselves the poor condition of the roads. Councilor Sette stated that he has walked the property, so he understands the concerns of the residents.

Terry Hague, 5 Nemo Terrace, stated that he believes that he has the only house that is referenced on Nemo Terrace. Mr. Hague indicated his property on the map of Highland Lake Plat. Mr. Hague stated that if a portion of Nemo Terrace is abandoned, it would block access

to part of his property. Mr. Hague feels that his access should not be denied to allow somebody else to build a house for profit. Mr. Hague asked the Town Council to think about how much development we want to have in such a small area, pointing out that other towns which allow such development have town water and sewers. Mr. Hague stated that if this construction is allowed, he will have to have a new well installed, costing him thousands of dollars.

Councilor Sette stated that there is a discrepancy in the sworn affidavit by Alan Reedy. Councilor Sette stated that in the affidavit, Mr. Reedy states that he is the owner of several lots, one of which is lot 135. Councilor Sette stated that Mr. Hague has just testified that he is the owner of lot 135. Mr. Reedy, President of Suburban Land Company, was present and explained that the affidavit contains a typographical error and should read lot 136 instead of lot 135. John Bevilacqua, Town Solicitor, stated that Mr. Reedy could make the correction and initial the affidavit.

Thomas Hefner stated that Mr. Hague's testimony was not accurate, noting that Mr. Hague's parcel does not abut Nemo Terrace where the potential abandonment will take place. Mr. Hefner also disagrees with Mr. Hague's allegation that he will be denied access to his property. Mr. Hefner further stated that the lot owned by Mr. Eaton is not 10,000 square feet, but is a three-quarter acre lot.

Alan Reedy stated that his company owns five parcels in the Highland Lake Plat, making him the largest property owner in the plat. Mr. Reedy stated that he has reviewed Mr. Eaton's proposal and feels that it would affect his property more than any of the residents who have objected to the application. However, Mr. Reedy stated that he completely supports Mr. Eaton's proposal and hopes that he obtains approval. Mr. Reedy stated that he feels it is Mr. Eaton's right as a taxpayer to develop his property.

Councilor Walsh asked Mr. Reedy where he resides. Mr. Reedy replied that he resides at 79 Coolridge Road in Greenville.

Dave Williams, of 49 Narragansett Avenue, showed pictures to the Council which indicate the condition of the road during the winter months. Mr. Williams stated that his house was supposed to be the last one that Mr. Eaton would build in the area.

Steve Pimental, 5 Curry Terrace, stated that his property abuts the property in question. Mr. Pimental stated that he would like to see Mr. Eaton put up a performance bond to protect the road from further damage which would be caused by construction equipment. Mr. Pimental expressed the opinion that this is not a hardship case, adding that Mr. Eaton has build several houses in this Town, often obtaining the land by quitclaim deed at no cost.

Anthony DiVincenzo, of 48 Narragansett Avenue, stated that the Highland Lake Plat is already over-developed and any further construction will make matters worse. Mr. DiVincenzo stated that his well is only ten or fifteen feet below Nemo Terrace and his

concern is that vehicles turning into the proposed driveway could damage his well or his home. Mr. DiVincenzo added that most of the residents are opposed to the application and are concerned with drainage issues.

Paula Sgambato spoke again, stating that she has photos of two homes built by Mr. Eaton, both of which have had flooding problems. The Town Council members and Mr. Hefner viewed the photos. Mr. Hefner stated that he does not see any evidence that these problems have been caused by anything Mr. Eaton had done at the time of construction. Mr. Hefner pointed out that if there was a significant problem, the owners of these houses would be here tonight. Councilor Sette stated that he saw the damage to the foundation depicted in the photos. Mr. Hefner stated that he fails to see the correlation between this damage and what Mr. Eaton is trying to do here. Mr. Hefner pointed out that the only expert witness who has testified regarding the drainage issues is Mr. Thalmann and he did not see a problem. Councilor Walsh stated that he has been by one of these houses and the front of the property was completely under water. Mr. Hefner replied that this does not apply to this project.

Councilor Sette stated that he has walked through this area as have other Council members, and stated that the roads are nothing more than paths through the woods. Councilor Sette added that in 1938 when this plat was drawn up, maybe things weren't as overgrown and the roads were easier to distinguish. Councilor Sette made a personal statement that he would like to propose a moratorium on any more of these Exceptions to the Ordinance on any private roads. Councilor Sette stated that he grew up in Cumberland where house lots were 100 by 100, but were serviced by town water and sewer, adding that we do not have that luxury. Councilor Sette stated that more and more of these applications have been coming before the Council, and he would like to discuss a moratorium at the next meeting.

Councilor Walsh asked if the Town Council has the authority to abandon a paper road. John Bevilacqua, Town Solicitor, replied that this would be the responsibility of the land owner and whoever owns that road. J. Bevilacqua added that private roads are owned by the residents, and the Town cannot interfere with their private property rights. Regarding a moratorium, J. Bevilacqua stated that we have not yet established a standard as to how private roads are addressed. J. Bevilacqua added that the Town has always recognized this and has had a practice where they allow this type of development. Concerning bonds, J. Bevilacqua stated that the Town has required them in the past to protect against any road damage which may occur during construction. Councilor Walsh clarified his question by stating that this application is to build a home in the middle of Nemo Terrace, which he believes is a paper road. J. Bevilacqua stated that if Nemo Terrace is owned by the applicant, and there is no other easement, right-of-way, or restrictions, the Town cannot get involved in a civil matter.

Councilor Poirier stated that the issue of a moratorium has been discussed at meetings of the Road Committee, but they need more clarification on the status of some of the roads. Councilor Poirier stated that some sites seem to be impossible to develop without some kind of consequence. J. Bevilacqua stated that it is the authority of the individual who submits the plan to demonstrate that he has exclusive right of that portion of Nemo Terrace.

Thomas Hefner stated that one of the reasons that the abandonment was brought up was because that Planning Board thought it would be beneficial to the Town by eliminating access to other lots. Mr. Hefner stated that he does not agree with that because it does not eliminate access. Mr. Hefner stated that when this plat was recorded in 1938, it had to be approved by a board from this Town, adding that when each of the property owners took their lots in their deeds, they did not take the streets.

Mr. Hefner stated that when the plat was recorded, those streets were supposed to be deeded to the Town. In this case the Town did not accept them. J. Bevilacqua stated that if the road was not accepted by the Town, the ownership of that portion of the road would be divided by the two abutting property owners. Mr. Hefner asked the Town Council to go along with the recommendation of the Planning Board, the applicant will file a petition to abandon, and if the Town's position is that it does not have an ownership interest, then there should be no objection to the abandonment. Mr. Hefner added that this would then become a title issue which may have to go to court.

Councilor Walsh asked Mr. Hefner what the taxes are on the buildable lot referenced in this application. Mr. Hefner replied that he does not know. Councilor Walsh further inquired whether this lot is taxed at full value as a buildable lot, or if it is taxed as unbuildable and unusable. Mr. Hefner stated that at present, they are separate lots, but when they are combined, it will be a 31,000 square foot lot, which will have a greater assessed value. Councilor Walsh again asked what is the value of this property as it stands. J. Bevilacqua replied that this information could be obtained from the Tax Assessor.

Councilor Sette asked if anyone else had any questions or concerns.

Hearing none, Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Walsh to TABLE to September 21st the application of Robert M. Eaton, Jr., Owner/Applicant, Location: Highland Lake Drive, further described as Recorded Plat Highland Lake, Lots 59 & 63 (Originally platted as lots:59-68 & 79 &80). Applicant seeks a Building Permit for access to a one family dwellings from Nemo Terrace (an unconstructed platted road with a 20 foot wide right-of-way); seconded by Councilor Poirier.

Discussion: Councilor Reichert asked what was the reason for tabling this application. Councilor Walsh replied that there is still the question of how the property is taxed. Councilor Carroll stated that he also wishes to determine the wording for the requirement of a bond. J. Bevilacqua stated that this could all be done before the next meeting.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

Councilor Sette called for a five-minute recess.

- A. Zoning Map Amendment  
Owner/Applicant: Julian Forge, owner and applicant  
Location: Putnam Pike, further described as a portion of AP 17, Lot 213  
Proposed Amendment: To re-zone a 15 acre parcel from an A-4  
(Agricultural/Residential 4 acre) zone to a B-2  
(Highway Commercial) zone to accommodate a  
public self-storage facility with a total of five (5)  
buildings.

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal on August 23, 30, September 6, 2006 Legal Ads.

Councilor Sette DECLARED the Public Hearing open and stated that the Council has the unapproved minutes from the Planning Board:

UNAPPROVED MINUTES  
GLOCESTER PLANNING BOARD MEETING– August 7, 2006

Motion

A motion was made by Susan Shuster for a positive recommendation to the Town Council for an application for a Zoning Map Amendment for applicant and owner Julian Forge for property located at Chestnut Oak Road and Route 44 and further described as AP 17, Lot 213, Sub A. The owner seeks a zone change from A-4 Agricultural/Residential to B2 Commercial as described on the plan entitled "Jay Forge AP 17, Lot 213 Route 44 and Chestnut Oak Road, Glocester, RI" by National Surveyors-Developers dated April 2006, Sheets 1 through 4.

Applicant seeks to use this property for a 5-building Public Self-Storage Facility and the zone change will be a natural extension of the B2 Zone to the west of the property. The Planning Board has considered the following in making this recommendation; 1) The limited amount of traffic typical of this kind of a facility with intermittent use spread over the course of a day; 2) The fact that the facility will be behind forested wetlands and there should be little or no visual pollution; and 3) The fact that this change will contribute to the economic development of the Town with few negative impacts.

The Planning Board further recommends that this Zoning May Amendment change be limited to the stated use only. This change would be consistent with the Comprehensive Community Plan Section 5.2.1 "To 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 Glocester Vision"; Section 5.2.2 "To 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"; Section 5.2.3 "To broaden and diversify the Town's economic base to reduce the residential sector's property tax burden"; and Section 3.3.3 "To create a method to preserve, protect, enhance and maintain the noteworthy physical attributes of the Town, while allowing for appropriate development to occur". Motion was seconded by Janine Pitocco.

Vote: AYES: Ayes — 6, NAYS: Nays — 0 Motion carried on a unanimous aye vote.  
(End of minutes)

Councilor Sette read the following opinion from the Chepachet Fire Chief:

July 7, 2006

To: Jay Forgue  
From: Chief Robert G. Dauphinais  
Re: AP 17 Lot 213, Putnam Pike & Chestnut Oak Road

To Whom It May Concern:

I have reviewed the plans submitted for Assessors Plat 17 Lot 213. I have also viewed the area where the entrance/exit point will be located on Putnam Pike. It is in my opinion that the entrance/exit point will have little or no impact to the traffic flow on Route 44.

Should you have any other questions or concerns I can be reached at the above number.

Sincerely,  
Robert G. Dauphinais Chief  
(end of memo)

Discussion: Timothy Kane, Attorney representing Julian Forgue, stated that Norbert Therrien of National Land Surveyors is present to answer any technical questions the Council may have with regard to the site plan. Attorney Kane stated that there have already been two public meetings before the Planning Board, one for the advisory opinion to the Town Council, and the other involving the amending of the future land use map to move the B-2 zone over in an easterly direction to encompass this fifteen acre parcel.

Mr. Kane stated that the Planning Board has rendered a positive recommendation in both cases. Mr. Kane pointed out that if the Council grants the Zone Change, Mr. Forgue will be directed back to the Planning Board for another Public Hearing to finalize the subdivision, then the project is subject to full site-plan review. Mr. Kane stated that he feels that this is a good project for the Town, adding that there is a need for public self-storage as society

becomes more mobile. Mr. Kane pointed out that there will be no traffic issues as there is no peak time for public self-storage facilities. Mr. Kane stated that, as Mr. Therrien would confirm, that there is a line of sight of 1500 feet in an easterly direction and 1100 feet in a westerly direction.

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

Martha Condon, of 601 Putnam Pike, expressed her concerns regarding lighting and hours of operation. Julian Forgue, 401 Snake Hill Road, applicant, replied that it is hard to say what the hours of operation will be because it is a gated situation whereby customers have a card to gain entry, adding that most self-storage companies are available 24 hours a day. Regarding the lighting, Mr. Forgue stated that the lighting will be minimal at night.

Councilor Sette asked what types of things will be stored in the compartments and if anything will be prohibited. Councilor Walsh asked if flammable materials would be allowed to which Mr. Forgue replied no. Councilor Walsh asked if Mr. Forgue will inspect the items being stored. Mr. Forgue responded that they cannot monitor this because people are in and out of the facility at all different times. Councilor Walsh stated that with card access, the times could be limited to reasonable hours. Mr. Forgue was agreeable to the suggestion. Councilor Walsh asked what type of fencing would be installed. Mr. Forgue replied that the only fencing necessary would be where the driveway will be located.

Norbert Therrien, Professional Land Surveyor and owner and operator of National Land Surveyors for 28 years, stated that his office prepared the plan for Mr. Forgue. Mr. Therrien indicated on the plans that the area will be surrounded by wetlands on three sides. Mr. Therrien stated that the wetlands have been reviewed by the Department of Environmental Management. Councilor Poirier asked if the vegetation surrounding the wetlands is thick enough to hide the building from view. Mr. Therrien stated that during the normal course of the seasons, other than the entrance, the building will not be noticeable.

Mr. Therrien added that the colors of the building could be made to camouflage the building. Councilor Poirier asked how many units were planned. Mr. Therrien explained that each of the five buildings are 25 to 30 feet in depth and the roof is trussed so that petitions could be inserted to customize the size of the units. Councilor Walsh asked how far from the road would the closest building be located. Mr. Therrien replied approximately 200 feet. Councilor Walsh asked if this proposal would have any affect on public wells in the area. Mr. Therrien replied in the negative.

Councilor Sette asked if anyone else wished to speak regarding the application.

Hearing none, Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Reichert to APPROVE the Zoning Map Amendment for Julian Forgue, owner and applicant, Location: Putnam Pike, further described as a portion of AP 17, Lot 213, Proposed Amendment:

To re-zone a 15 acre parcel from an A-4 (Agricultural/Residential 4 acre) zone to a B-2 (Highway Commercial) zone to accommodate a public self-storage facility with a total of five (5) buildings CONTINGENT upon compliance with the Comprehensive Community Plan before the start of construction.

seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Minutes - June 21, 2006 Special Meeting, August 3, 2006 Regular Meeting & Executive Session & August 17, 2006 Regular Meeting & Executive Session.

MOTION was made by Councilor Poirier to APPROVE the minutes of June 21, 2006 Special Meeting, August 3 Regular Meeting, August 17 Regular & Executive Session Meetings; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

- A.. Town Computer Operations/Technical support

Councilor Sette read the following recommendation from the Finance Director:

September 7, 2006

To: Town Council

Re: Town Computer Operations/Technical Support

Attached is a summary of what was discussed at an August 29, 2006 meeting regarding this issue.

Based on what was discussed at that meeting, it is my recommendation is that Ed Juaire continue in his position as IT Manager. Mr. Juaire would continue to resolve as

many issues as possible, remotely. Matt Floor will respond to on-site needs. Steven Gorriaran, Genesys Consulting, will respond on a limited basis as needed.

If the Council agrees, a motion is needed to appoint Matt Floor to the position of IT Specialist.

Tom Mainville  
Director of Personnel

To: Patrick Carroll - Town Council (liaison to Police Dept.)  
Jamie Hainsworth - Chief of Police  
Matthew Floor - Administrative Aide, Police Dept.

Re: August 29, 2006 meeting concerning Information Technology tasks and possible assumption of those tasks by Matt Floor, Administrative Aide, Police Dept.

Meeting was attended by:

Patrick Carroll - Town Council (liaison)  
Jamie Hainsworth - Chief of Police  
Matthew Floor - Administrative Aide, Police Dept.  
Tom Mainville - Director of Finance/Personnel

- I. The discussion opened with a description (by Mainville) of how IT issues and problems for the Town are currently handled/resolved.

For example, presently when an IT problem occurs and can't be resolved by the user and/or someone at the Town Hall, a phone call is placed to Information Technology Manager Ed Juaire who resolves the issue remotely or on-site as necessary.

Juaire also resolves issues and performs maintenance at the Town's radio sites. Also, when a computer needs to be replaced or new computer/equipment ordered, Juaire determines what is ordered and places the order thru the Treasurer's Office. Juaire subsequently installs or replaces the equipment.

- II. Mainville anticipates that Juaire will remain in his current position of IT Manager and will still be able to handle most (estimated at 75%) of the problems/issues. In those instances where he can't resolve the issue, it will be necessary to have an on-site visit from a qualified individual.

From discussions with Juaire, Mainville's understanding is that Floor is interested, qualified and anticipates that he can provide this service.

Mainville said, based on the above, that he is interested in making this a workable situation.

III. Several concerns were noted:

- Mainville ã that Administrative Aide (AA) duties would be segregated/separated from Information Technology duties.
- Hainsworth ã that Administrative Aide duties are primary.
- Hainsworth ã that calls to Floor would come from only one designee from the Town Hall.
- Floor ã Floor would like to, and is requesting to, be relieved of dispatch duties altogether. He is concerned about adding IT duties and tasks to his present AA duties, and having to assume dispatch duties as well.

IV. Mainville said that if Floor were to assume IT duties, Mainville's view of how it would work would be:

- When Town Hall experiences an IT problem (computers, phones, etc.) the primary call will be placed to Juaire. Juaire will attempt to resolve the problem remotely. In the event that he determines the problem cannot be resolved remotely, Juaire will determine the next course of action, specifically who (Floor or Genesys) will be called in.
- If Floor is asked to respond, work at the Town Hall (or perhaps at the radio sites) would, generally, be done at times other than Floor's normal shift. This work would include:
  - changes to equipment, and
  - minor equipment/software failures. For example, there are 3 computers in the Tax Collector's office. Failure of 1 of the PC's would be considered a minor issue and would be resolved at a time other than during a normal shift.
- If necessary to come to Town Hall during day, short periods of less than 1/2 hour? (1 hr?) will be absorbed into the regular "Administrative Aide" day. However, this should be reviewed if these mini-visits become frequent.
- For periods longer than a 'mini-visit', Matt would transition to IT Specialist and be paid at the IT Specialist rate. Any time, during a normal shift as an AA, spent working as an IT Specialist would be made up performing AA duties at the current AA rate.

- V. The IT Specialist rate will be \$45 per hour and be paid thru the Town's payroll. As this is not considered part of normal Administrative Aide duties, time worked and paid as an IT Specialist will not be eligible for the pension system.
- VI. This is an arrangement that is desirable, but not compulsory by any party. It is sincerely hoped that this will be a workable solution to the Town's current needs. However, should it be determined that this arrangement will not work or should one of the parties to it no longer find it desirable to continue, then the arrangement may be discontinued by any of the parties at any time, preferably with reasonable notice to the other individuals or parties involved.

Tom Mainville  
(end of memo)

MOTION was made by Councilor Carroll to appoint Matt Floor to the part-time position of Information Specialist, on an as needed basis, at a rate of \$45 per hour, effective Friday, September 8, 2006. The position of Information Specialist will be separate from, and will be unrelated to, the duties of Administrative Aide for the Police Department. The communication written by the Finance Director will be made part of this record.

Seconded by Councilor Reichert.

Discussion: Councilor Reichert asked if there should be some sort of time limit placed on this agreement. Tom Mainville replied that item IV indicates that if this arrangement does not work out, it can be discontinued by any of the parties at any time. Councilor Sette asked if this will be covered by the budgeted line item. T. Mainville replied that he does not anticipate any increase in cost. There was discussion regarding Matt Floor's other duties with the Police Department and it was decided to review the situation periodically. Councilor Poirier asked how many hours per week are anticipated. T. Mainville replied that he is hoping for no more than a few hours per week.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

Councilor Reichert suggested moving agenda item C. under New Business to this point because there are numerous residents of the Waterman Lake area present at the meeting.

- C. Town/Private Roads
  - 1. Waterman Lake Shores

Bob Lyons, of Waterman Lake Plat, was present to discuss the road conditions in the area. On behalf of the residents of the Waterman Lake Plat, Mr. Lyons thanked the Town Council for work recently done on some of the roads. Mr. Lyons presented a petition signed by many

residents, taxpayers and voters who are anxious and supportive that the matter regarding roads in the Waterman Lake Shores plat be brought to conclusion. Mr. Lyons stated that there is proof that the roads were previously accepted by the Town Council on May 12, 1988.

Mr. Lyons requested that the Council acknowledge for the record all improved roads within Waterman Lake Shores to be identified on the official Town Road List, so that these roads can be maintained and repaired by the Town. Mr. Lyons noted that he has researched twenty years of Town Council minutes from 1968 through 1988, so he feels that he is able to answer any questions the Council may have. Councilor Sette read the Motion from 1994 where the Council adopted Appendix "B," a revised list of officially publicly owned Town roads, with the following roads deleted: Arrowhead Trail, Barclay Street, Bolton Street, Brandon Street, Cross Road, Daventry Street, Dawson Street, Echo Road, Griswold Street, Iroquois Trail, Killingly Road, Lake Drive, Oliver Street, Parker Street, Richardson Clearing Trail and Tucker Street.

Councilor Sette pointed out that some of these roads are located in the Waterman Lake plat. Mr. Lyons replied that there was discussion following this Motion which states that there may be, at a later date, the addition of several of those deleted roads to the official road list, if acceptance could be documented. Mr. Lyons explained that when they call Public Works to ask for repair, the Director has his hands tied because of the status of the roads. Mr. Lyons added that the repairs which were made recently have helped greatly, adding that the cost to the Town was minimal. Mr. Lyons stated that back in the late 1960's, somebody bought land from Mrs. Burgess with the intention of building on that land. Mr. Lyons further stated the Waterman Lake Association would not allow this man to build, stating that the roads were private. and the individual took the Association to court and won the case, with the Judge's ruling that the roads were public. Mr. Lyons stated that in 1974, the Association went into negotiations with the Town Council, with the Council agreeing to take the main roads over right away, and adding one side road each year until the Town had taken all of the roads. John Bevilacqua, Town Solicitor, asked Mr. Lyons if he had any evidence of this court decision having been recorded. Mr. Lyons replied that he was unable to locate it in the Town records, but thought perhaps it was in the Supreme Court's records.

John Lyman, resident of Waterman Lake Shores, stated that he has been involved in the effort to get the roads accepted since the beginning. Mr. Lyman stated that they were originally private roads with a gate person to keep people from entering. Mr. Lyman further stated the court became involved, stating that the roads were public, but the Town contended that they did not come up to certain standards, so the Town did not have to accept them. Mr. Lyons stated that there is a quitclaim deed on record from the Waterman Lake Association to the Town for the main road and the roads around the beach. Mr. Lyons added that the Town has maintained the roads for more than twenty years through sanding, salting, plowing and patching.

J. Bevilacqua stated that a quitclaim deed does not make it a Town road, adding that there are certain procedures and standards which have to be followed and there has to be an acceptance

by the Town. Mr. Lyons stated that in 1988 these roads were on the official road list. Mr. Bevilacqua replied that in 1994, the Town Council had reservations as to what was done in 1988, and these roads were deleted from the list. J. Bevilacqua stated that this matter should be before the Road Committee. Councilor Sette stated that the Road Committee is on its way to a conclusion, and he hopes that it is resolved before the end of the year.

J. Bevilacqua stated that the Road Committee has been concentrating on the matter of suitably improved roads and how to deal with them, but the issue of private roads has not been fully examined and researched. Mr. Lyons stated for the record that on March 27, 1986, Town Council President Beverly Comber stated that if the Town maintains a road for twenty years, it becomes a Town road. Mr. Lyons further stated that any additions or modifications to an official map can only be done after a Public Hearing is held.

Mr. Bevilacqua recommended that the Association hire competent individuals to present a memorandum with appropriate exhibits and evidence to demonstrate that these roads have been accepted by the Town. Councilor Sette asked if the Association would have to retain an attorney to challenge the validity of these statements, with the Town having to defend it. J. Bevilacqua replied that is one way to proceed, adding that if the Council wishes, he could research the deeds. J. Bevilacqua noted that this would be a massive undertaking because there has been thirty or more years of activity to research.

Gary Wheaton, 36 Dawson Street, expressed his thanks to Mr. Lyons for his time and effort in researching this matter. Mr. Dawson also thanked the Town for the work that has been done on the roads. Mr. Wheaton stated that he has lived here for 21 years and is very happy, however, several years ago a house was built on his street that he did not approve of and did not receive appropriate notice. Mr. Wheaton stated that he does not see anything inappropriate about what Mr. Lyons is doing. J. Bevilacqua stated that he did not say it was inappropriate, but that there are different avenues to take, one of which would be a civil matter if there is a deadlock between the Town and the Association. Mr. Wheaton stated that the Association cannot afford to hire an attorney.

Councilor Sette stated that the Town has taken steps to attempt to alleviate the problems on the roads. Councilor Sette stated that the issue of road conditions has been a problem for a long time which is why they have established the Road Committee. Councilor Poirier cautioned that the Town Council Road Sub-Committee is not a cure-all. Councilor Poirier stated that A. Whitford, Public Works Director, has put in countless hours generating lists of roads and the considerations for acceptance of Town roads. In the process, the Committee realized that the roads in the Waterman Lake area may not be the same as what they were trying to achieve with other roads.

Mr. Lyons stated that he would like to move forward on this petition and will do whatever needs to be done to come to a conclusion. Councilor Sette asked the other Council members if they would like to refer this to the Solicitor's office for preliminary work. There was consensus to have the Town Solicitor review the matter to determine if there ever was a court

case in which some of the roads were accepted as Town roads. Mr. Lyons stated that he will submit copies of the research he has already conducted and will help in any way he can.

Lorraine O'Connors, of Tucker Street, stated that she has spoken to the Council several times over the years regarding the roads within Waterman Lake Shores. Ms. O'Connors noted that, several years ago, she was asked by the Council to develop a chronology and submit it to the Planning Board, which she did. Ms. O'Connors stated that about a year and a half later, when the Road Committee was meeting, the chronology was presented to the Committee, and at that point, it was expressed that their situation was somewhat different. Regarding the deletion of these roads from the official Town Road List in 1994, Mrs. O'Connors stated that she wondered how one Town Council can undo the action of a previous Town Council. Councilor Sette replied that, since none of the current Council members sat on that Council, the records would have to be researched to determine what discussion took place at that time. Mrs. O'Connors stated that the Association will do anything they can to assist and facilitate this project.

- B. Appointments
  - Board & Commission Appointments
    - 1. Budget Board Member

MOTION was made by Councilor Walsh to APPOINT Edward Burlingame to the Budget Board for an unexpired term to expire 1/2007; seconded by Councilor Poirier.

Discussion: Councilor Sette discussed the importance of having someone with experience at this time and stated that Mr. Burlingame has agreed to take the position on a temporary basis.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

- C. Cox Communications Contact Authorization

T. Mainville stated that authority was to be passed on to M. Floor should he be appointed to assist with our computer work but he asked at this time if that item be tabled.

MOTION was made by Councilor Reichert to TABLE the authorization of the Cox Communications Contact to a later date; seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

- D. Land Acquisition:

Authorization to Enter into Agreement

Councilor Walsh explained the property owner would like to remove this item from the Council's agenda until issues are cleared up.

MOTION was made by Councilor Carroll to TABLE this item to a future date; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll

NAYS: 0

MOTION PASSED

VIII. New Business

A.. Promotions: Gloucester Police Department

Councilor Carroll read the following recommendation from the Chief of Police:

To: Honorable Gloucester Town Council Members

From: Jamie A. Hainsworth

Date: August 29, 2006

RE: Appointments to be made at the September 7, 2006 Council Meeting

I am recommending the following officer for promotion effective Sunday, September 10, 2006:

From Lieutenant to Captain: Joseph V. Mattera

At an annual salary rate of \$55,813.15

From Sergeant to Lieutenant: Matthew J. Fague

At an annual salary rate of \$52,813.15

These promotions are within this fiscal budget.

Both of these officers have served the Town well and have demonstrated their ability to make good decisions and lead their fellow officers.

I am requesting you schedule a public swearing in ceremony on 9/21/06.

Thank you for your attention in these matters.

Jamie A. Hainsworth

Chief of Police

(end of memo)

MOTION was made by Councilor Carroll to PROMOTE Lieutenant Joseph V. Mattera to the rank of Captain in the Gloucester Police Department, effective Sunday, September 10, 2006; Officer Mattera shall be outside the police collective bargaining unit, but he shall continue to receive salary increases and fringe benefits in accordance with the police collective bargaining unit; seconded by Councilor Reichert

Discussion: The consensus was that Lieut. Mattera was a good choice for this position and further, that this is the same language used in the past when a promotion for Captain was made.

VOTE:           AYES: Sette, Reichert, Walsh, Poirier & Carroll  
                  NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to PROMOTE Sergeant Matthew J. Fague to the rank of Lieutenant in the Gloucester Police Department, effective Sunday, September 10, 2006; seconded by Councilor Walsh

Discussion: The consensus was that this individual is also a good choice for promotion.

VOTE:           AYES: Sette, Reichert, Walsh, Poirier & Carroll  
                  NAYS: 0

MOTION PASSED

B.     Liquor License Violations

Councilor Sette stated we have received notification from the Police Chief of two establishments with liquor license violations which is now entered into the record:

Inter-Office Memorandum

To:     Honorable Town Council & Local Liquor Licensing Authority  
From:   Jamie A. Hainsworth, Chief of Police  
Date:   August 16, 2006  
Re:     Pinewood Pub- License Violation

On August 11, 2006 this Department performed a compliance check of the various liquor establishments throughout the Town. At approximately 8:50 p.m there was a violation at the Pinewood Pub.

The bartender (Ms. Judy Shepherd) served the 17 year old male decoy, two bottles of Budweiser Light Beer without asking for any form of identification. She will be charged in the District Court later this week.

The license holder Mr. William Kapanakis was advised of this violation. When asked about the bartenders "server certification and training" Mr. Kapanakis told the officers the bartender was certified and will show proof of her certification.

I have reviewed this establishments history (partial owner since April 15, 2003) I recommend a show cause hearing be scheduled by you as the local licensing authority as soon as possible.

- 4/15/03 New Owners James R. Wilson & William J. Kapanakis as Cocktails Inc. d.b.a. Pinewood Pub
- 10/24/04 Open after hours Sent to Council disposed of on 12/14/04
- 11/13/04 Served a minor (same bartender) on 12/14/04 agreement reached and consented by Town Council Ten (10) day suspension/closure.
- 7/21/05 Ownership solely to William Kapanakis as Prickly Pear Inc" d.b.a. Pinewood Pub
- 3/26/06 Not reporting assault/disturbance; 4/20/06 Warned by Licensing Authority

Thank you for your time and consideration of these matters.  
(End of memo)

After meeting with the owner of the establishment the Chief has forwarded the following:

To : Gloucester Town Council  
Subject: Liquor Violations Pinewood Park  
From: Jamie A. Hainsworth, Chief of Police

On August 11, 2006 Members of the Gloucester Police Department conducted a compliance check (survey) of Prickly Fear Inc d/b/a Pinewood Pub . The bartender of this establishment served a seventeen year old male two Bud Light Beers without asking for any forms of identification or questioning this juveniles age.

On August 16, 2006 Chief Hainsworth spoke with the owner Mr. William Kapanakis about this violation. Mr. Kapanakis has agreed to waive the "Show Cause Hearing" and accept the following sanctions or penalties for the violations:

1. Mr. Kapanakis as the owner of Pinewood Pub would accept a five consecutive day suspension of all issued licenses for this establishment. The dates of license suspension will be September 19,20,21,22 & 23.

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 five 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.
3. At the time of the annual renewal of this liquor license the owner will supply a current list of all employees that have the duty to serve alcohol along with a copy of their certification as mentioned in paragraph "2" with the application for renewal to the Town Clerk.
4. Posting proper warning signs throughout the building requiring proper identification will be installed, as approved by the police department.
5. That the owner accepts said suspension and these conditions without a formal hearing and understands any future violations within three years will result in another suspension or revocation of this license.

In addition, Mr. Kapanakis understands that the above agreement must have the advice and consent of the Gloucester Town Council. On September 7, 2006 at their scheduled meeting, the Town Council will consider this agreement.

Signed,  
(By William J. Kapanakis & Chief Hainsworth)  
(end of memo)

MOTION was made by Councilor Carroll to ACCEPT the sanctions and/or penalties for Liquor License Violations imposed upon the owner of the establishment, Prickly Pear Inc d/b/a Pinewood Pub, as outlined by Chief Hainsworth, dated September 5, 2006; seconded by Councilor Poirier

Discussion: Councilor Walsh questioned Item. 2. which stated the "Any new employee hired will also be required to complete the same type of course within five days of their date of hire" and asked if this could be enrolled within five days of their hire. Council agreed to amend.

Councilor Poirier WITHDREW his second and Councilor Carroll WITHDREW his motion.

MOTION was made by Councilor Carroll to ACCEPT the sanctions and/or penalties for Liquor License Violations imposed upon the owner of the establishment, Prickly Pear Inc d/b/a Pinewood Pub, as outlined by Chief Hainsworth, dated September 5, 2006; and to amend Item. 2. of the Chief's stipulations to state "Any new employee hired will also be

required to be enrolled in the same type of course within five days of their date of hire” by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

Councilor Sette stated there was another violation reported by the Chief. The Clerk has passed on the information that the Chief has stated Mr. Lincoln has not agreed to penalties. The Chief informed the Clerk today that he asked Mr. Lincoln to respond before this Council meeting and has not yet heard from Mr. Lincoln.

After discussion it was agreed to schedule a Show Cause Hearing for the next Council Meeting to hear this issue.

MOTION was made by Councilor Carroll to set a Show Cause Hearing for the White Horse Sports Pub liquor license violation, that occurred on August 11, 2006, for September 21, 2006, seconded by Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

- C. Town/Private Roads
  - 1. Waterman Lake Shores

Bob Lyons of the Waterman Lake Shores area has requested to be on the agenda. (See page 17.)

- 2. Future development

Councilor Sette stated that this item concerns a proposed moratorium on future construction on non-town roads.

- D. Authorization: Open Space “Small” Recreation Grant Contract

Councilor Sette stated the Council has received the 2006 Department of Environmental Management Small Grant Award, Recreation Contract, dated August 22, 2006 with an effective date of May 12, 2006, which needs to be signed by the Council President.

MOTION was made by Councilor Poirier to AUTHORIZE the Council President to sign the Department of Environmental Management Small Grant Award Recreation Contract, for the skate park project, dated August 22, 2006, effective May 12, 2006; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

- E. Zoning Matrix:
  - 1. Discussion

Councilor Sette stated we have received a memo from the Town Planner:

Date: August 29, 2006

Subject: Gloucester Zoning Ordinance - Table of Land Use Regulations (Zoning Matrix)

Please be advised, that at the August 21, 2006 Planning Board Workshop meeting, the Planning Board made a motion for a positive recommendation for adopting amendments to the Zoning Ordinance, Article 350, Attachment 1, "Table of Land Use Regulations" also known as the Zoning Matrix. A copy of the motion and a copy of the amended Zoning Matrix are attached. Please place this item on the next available Town Council Agenda to be considered for adoption.

(end of memo)

Discussion: Councilor Sette stated he had asked some time ago for this item to be brought before the Council to clean up some zoning issues. Councilor Sette stated he would like to schedule a workshop with the Planning Board to further discuss these issues. Councilor Reichert stated he would prefer to just set a Public Hearing for this potential zone change.

- 2. Set Public Hearing Date

There was consensus to schedule a Public Hearing for October 5th regarding the Table of Land Use Regulations.

- F. Liquor Establishment: Request for additional use of property

The Council has received a request from the owner of a local establishment:

August 28, 2006

RE: Sticks Tavern expansion of liquor consumption area

Dear Council members;

I am requesting to be placed on the agenda of the next scheduled meeting of the town council. the purpose is to pursue the expansion of the consumption area for the property located at 417 Putnam Pike, Putnam Properties, Inc., DBA Sticks Tavern.

My proposal includes the following:

- a) The outdoor area shall be contained in a four foot in height chain link fence. The exits will have appropriate mechanism to allow individuals to exit in the event of an emergency. There will be no ability to gain entrance to the outdoor area, except through the established bar.
- b) There shall be no service, sale, or storage of any alcoholic beverages within the outdoor enclosure
- c) No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage in the outdoor area.
- d) Horseshoes and bocce will only be permitted during daylight hours.

The property is located in a business area with no houses in the nearby area. I have contacted my neighbors and asked if they would have any objections to my expansion. All replied no.

Due to the passage of the indoor smoking ban, the permitted sales of alcohol by liquor stores on Sundays, and the continued rising costs of doing business in the liquor industry, it is imperative for the business to be granted this expansion.

Plans have been submitted to the Gloucester Police Chief and the Harmony Fire Chief.

Sincerely,

Vincent Iannuzzi

President, Putnam Properties, Inc

(end of memo)

Discussion: Attorney Timothy Kane was present as was Vincent Iannuzzi, president of Putnam Properties. Mr. Kane stated that he has researched the restrictions which were placed on the White Horse Sports Pub when they made a similar request. Mr. Kane further stated that they have letters of no objection from abutting property owners. Mr. Kane noted that Mr. Iannuzzi has made a considerable investment in this property and has made many improvements, such as a new septic system. Mr. Iannuzzi answered several questions posed by Council members.

Councilor Walsh asked Brian Lombardi, Zoning Official, if there are any zoning issues concerning the proposed fencing in the back of the building, to which B. Lombardi replied no. J. Bevilacqua, Town Solicitor, stated that the Council would need a recommendation from the Chief of Police. Councilor Sette stated that the Harmony Fire Chief should also be consulted.

IX. Department Head Report/Discussion  
None

X. Boards/Commissions  
None

XI. Council Correspondence/Discussion

a) Councilor Reichert stated that a check was given to the Town from RI Resource Recovery in the amount of \$9,028.00.

b) There was discussion regarding the work which was done on the roads in the Waterman Lake area.

XII. Open Forum

A. Marie Plante, 56 Victory Highway, congratulated Tom Mainville and his staff for the award which was presented to the Town. Ms. Plante thanked the Senior Center Task Force for accepting her appointment as a voting member of the Committee. Ms. Plante stated that she accompanied the Town Planner on a walk-through of the Senior Center and she was very impressed.

XIII. Seek to Adjourn to Executive Session for the following:

- A. RIGL 42-46-5(a)2 Litigation
- B. RIGL 42-46-5(a)5 Land Acquisition
- B. RIGL 42-46-5(a)5 Land Acquisition

MOTION was made by Councilor Walsh to ADJOURN to Executive Session; seconded by Councilor Carroll.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll  
NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 11:45 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Carroll

NAYS: 0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

APPROVED at the October 19, 2006 Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **September 21, 2006**.

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Roll Call

Members present: Steven Sette, President; Patrick Carroll; Kevin Walsh & Charles Poirier

Member absent: William Reichert, Vice President;

Also present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Brian Lombardi, Building/Zoning Official

III. Pledge of Allegiance

The Pledge of Allegiance was led by Sgt. Kimberly Bertholic.

**SWEARING IN CEREMONY**

Gloucester Police Department Promotions

Councilor Sette stated tonight the Town has two officers that were recently promoted:

From Lieutenant to Captain: Joseph V. Mattera

&

From Sergeant to Lieutenant: Matthew J. Fague

Councilor Sette stated these officers will now be officially sworn in to their new positions:

The officers were sworn in before colleagues, family and friends.

Councilor Sette then invited all present to join the Council for a coffee hour.

(Recess)

IV. Open Forum for Agenda Items

None

V. Public Hearings

A. Comprehensive Plan

Proposed Amendment: Owner/Applicant: Julian Forgue, owner and applicant

Change the Future Land Use Map for the use of a portion of property known as AP 17, Lot 213, located along Putnam Pike from A-4 (Agricultural/Residential) to B-2 (Highway Business)

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on September 11, 2006, Legal ads.

Councilor Sette read the following Planning Board opinion:

IV. Public Hearings  
Recommendations to the Town Council for Comprehensive Community Plan  
Amendment

Julian Forgue, AP 17, Lot 213, property located at Chestnut Oak Road and Route 44.

A motion was made by Susan Shuster for a positive recommendation to the Town Council for an application to change the Comprehensive Community Plan Future Land Use Map submitted by applicant and owner Julian Forgue, AP 17, Lot 213, property located at Chestnut Oak Road and Route 44. The owner seeks a zone change to extend the B2 Zone to include a 15 acre portion of AP 17, Lot 213 Sub A as described on the plan entitled "Jay Forgue AP 17, Lot 213 Route 44 and Chestnut Oak Road, Glocester, RI" by National Surveyors-Developers dated April 2006, Sheets 1 through 4. This change is consistent with the Comprehensive Community Plan Section 5.2.1 "To 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 Glocester Vision; Section 5.2.2 "To 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; and Section 5.2.3 "To broaden and diversify the Town's economic base to reduce the residential sector's property tax burden. Additionally the Planning Board finds that as stated in 13.4 of the Comprehensive Community Plan, that "new opportunities for economic growth should primarily occur in proximity to existing non-residential zoned areas in order to contain such growth and prevent haphazard sprawl". Motion was seconded by Anthony Autiello.

Vote: AYES: Ayes – 6, NAYS: Nays – 0 Motion carried on a unanimous aye vote.  
(End of motion)

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to be heard regarding this application.

Atty. Nichole Carroll-Barnes was present representing Julian Forgue, applicant. Councilor Walsh stated that at the last meeting the subject of hours of operation was discussed. Councilor Walsh stated that he would like the hours of operation to be approved by the Town

Council. J. Bevilacqua, Town Solicitor stated that this could be done, but this is not the appropriate time. Councilor Walsh also stated that he would like to limit the amount of equipment parked on the site.

J. Bevilacqua stated this hearing is strictly for the Zoning Map Amendment, so it would have to conform with whatever B-2 zoning requires. Atty. Bevilacqua stated any other restrictions would be pertaining to licenses or permits. Councilor Walsh noted that the Town has no licensing requirements for this type of business, so the applicant would not have to return to the Council for a license. J. Bevilacqua recommended that the Town create an Ordinance on licensing this type of enterprise.

Councilor Sette asked if anyone else wished to be heard.

Hearing none, Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Carroll to ADOPT the Amendment to the Comprehensive Community Plan as requested by Applicant: Julian Forgue to change the Future Land Use Map for the use of a portion of property known as AP 17, Lot 213, located along Putnam Pike from an A-4 (Agricultural/Residential Zone) to a B-2 (Highway Business Zone); seconded by Councilor Walsh.

Discussion: None

Councilor Sette asked the Clerk to poll the Council.

Councilor Poirier - Aye  
Councilor Walsh - Aye  
Councilor Carroll - Aye  
Councilor Reichert - Aye  
Councilor Sette - Aye

VOTE:       AYES: 5  
              NAYS: 0

MOTION PASSED

- B.    Exceptions to the Ordinance Regulating the Issuance of Building Permits
    - 1.    Continued from September 7, 2006
      - Owners:       Robert M. Eaton, Jr.
      - Applicant:    Robert M. Eaton, Jr.
      - Location:     Highland Lake Drive, further described as Recorded Plat Highland Lake, Lots 59 & 63 (Originally platted as lots:59-68 & 79 &80)
- Applicant seeks a Building Permit for access to a one family dwellings from Nemo Terrace (an unconstructed platted road with a 20 foot wide right-of-way)

Councilor Sette stated that this Public Hearing was opened on August 17, 2006, all were heard, and the Public Hearing was Closed on September 7, 2006.

Council Discussion: Thomas Hefner, attorney for applicant (Robert Eaton), stated that prior to the closing of the Public Hearing, Councilor Walsh had requested information regarding the assessed valuation of the four lots as they presently are, as well as if they were considered build able.

Mr. Hefner stated that his client has received a letter from Viviane Valentine, Tax Assessor, as well as an appraisal report. This information was presented to Council.

Mr. Hefner asked the Council if he could summarize the evidence which was presented to the Town Council over the course of the Public Hearing. Mr. Hefner stated the following:

“This is a petition for an Exception to the Ordinance Regulating the Issuance of Building Permits in that this particular parcel or parcels are located on a private or non-town accepted road. The ordinance that the Town has places a certain burden on the petitioner, and I submit to the Council that we have in fact met that burden. A)We have shown that access is over Narragansett Avenue and essentially is the only reasonable access to this property, B)It provides a direct connection to the lot from, in this case, Route 44 and is the most reasonable to get to the property. The proposed road is not a town-accepted road; it is in fact a road that was placed in the Land Evidence records back in 1938. It is basically a non-town accepted road, a private road, therefore subject to your ordinance.

It provides adequate access for emergency and safety vehicles. You have into evidence a letter that was submitted by the Fire Chief which says the proposal that is before the Town Council provides that adequate ingress and egress. There is no environmental or physical constraint that makes access impossible. There are already houses that are located below this property on Narragansett Avenue. They get in and out of their properties to wit maybe with some problems in the winter, but they're still living down there and this is in fact above at least two of the houses.

It minimizes the use of wetlands; there's no evidence that there's any wetlands or flood plains, however, we did address the issue of runoff, we did address the issue of the septic system through an expert witness, Mr. Thalmann, who gave uncontradicted testimony that in his professional opinion, there was no adverse effects that would be felt by any of the neighboring properties as a result of this house being put in there. There is no obstruction of any scenic views that I am aware of. That's part of your ordinance. It does not interfere with any unique or historical properties or buildings; I am not aware of anything that would fall within this particular subdivision. It minimizes the cutting of trees. The only trees that would be cut in there is anything that would be needed to access this from Narragansett across a private driveway, and obviously, where you would put your footprint for your foundation. We've heard some of the neighbors get up and complain that they felt that their wells are going to be

affected, or other things were going to be affected. There are a couple of photos that show a crack or some flooding around a foundation.

There's no evidence that Mr. Eaton ever had anything to do to cause any of that. There's suggestion that he may have been the one that caused these issues, there's no reliable, credible evidence that would substantiate that. In fact, the only evidence in is that there is an approved ISDS system, which has been approved for some time by the Department of Environmental Management, and also that any of the water or runoff that would be caused would be caught and we would do whatever it would take to make sure that there is no runoff onto the adjoining properties. The petitioner in this case actually has met his burden; there is no evidence to the contrary.

You have the Town's Technical Review Commission, you have the Fire Chief, and you have the Planning Board all endorsing this. There is nothing inconsistent with your ordinance as proposed by Mr. Eaton's petition. And finally, what you have is the information that Mr. Walsh needed. I had also in a letter I sent to Mr. Bevilacqua stated it is my opinion that all of these lots that were in there were treated the same, they were not treated as unbuild able lots, but as lots that were on non-town accepted roads. Obviously when you get your permit, if you get a permit, under this ordinance, that property has a greater value because it is now property that you can grant a building permit for.

Again, we are willing to agree to any reasonable conditions you put on including deed restrictions, including a reasonable bond even though we are not under the subdivision regulations, if there is something that the Town Council is concerned about with Mr. Eaton bringing equipment down, we are more that agreeable to that. We are agreeable to, as a condition from the Planning Board, of filing a petition for abandonment. In a letter to Mr. Bevilacqua, I agreed with his concerns that they may be some additional legal avenues that we would have to take, for instance, if there was a title problems with Nemo Terrace or access, we would have to do that in order to get clear title to that property.

But it is also my strong feeling that, because the recording of the subdivision was prior to your Zoning Ordinance and Subdivision Regulations, it is a plat of record, albeit not one that has its roads all accepted, but it is on record. So I believe that a petition for abandonment should be made a condition to this and it would have to come back before this Council. I thank you for your time and I am here to answer any questions you have." (End of summary)

Councilor Walsh stated that the report that Mr. Hefner gave the Council indicates that this area is in a flood area type X, and asked for an explanation. Mr. Hefner did not know what the designation signified. Councilor Walsh stated that the Assessor's appraisal of \$102,000 for full value of these lots is in the same ball park as the applicant's estimate of \$115,000.

Councilor Walsh noted that in September of 2002, the applicant was before the Council regarding the same lots, but has since added to it. Councilor Walsh further stated that there was another proposal from the same applicant in January 1999, and one of the findings of fact

was that no further development is contemplated by the applicant. Mr. Hefner pointed out that at that time, there was another partner involved, and Mr. Eaton has since acquired more lots.

Councilor Walsh stated that in 2002, one of the abutting neighbors stated “Let us continue to use wisdom and reasonable and profitable expansion without incurring extra liability”. Councilor Walsh agreed that this is a tough area and as far as he’s concerned, the Town has already said that we don’t think it’s worth the value of a fully assessed lot, and that’s why it is valued at \$5,000, and is not worth a lot of time, effort and money. Councilor Walsh stated that he does not think that we should be putting a house up there; he has seen it and he does construction and it is a terrible place to put a building.

Councilor Poirier echoed the comments made by Councilor Walsh. Councilor Poirier stated that there are a lot of unanswered questions, one is the possible denial of other people’s rights to access. Councilor Poirier stated that the second issue is severe site limitations presented by that portion of land. Councilor Poirier stated that there were questions regarding the Town’s jurisdiction and asked J. Bevilacqua if he has looked into that. J. Bevilacqua replied that he has and will express his findings when Councilor Poirier is finished speaking. Councilor Poirier went on to say that there are problems which were created in the past and are unresolved. In summary, Councilor Poirier stated that it makes it very hard to approve this project from his point of view.

Councilor Reichert stated that in a perfect world, nobody should be living down there; nothing should have ever happened down there. Councilor Reichert added that the issue that is before the Council is that everyone has approved the application. Councilor Reichert stated his concern that a denial could set the groundwork for a lawsuit.

John Bevilacqua, Town Solicitor, stated that he had the opportunity to review the entire area, both visually and with maps. J. Bevilacqua stated that he tried to find something on record that some of these roads were granted or deeded over to the Town, which they were not. J. Bevilacqua added that this is why he indicated his opinion at the last meeting that the petitioner would have to do whatever is legally required to abandon the property, if a condition for abandonment is contained in the recommendation from the Planning Board. J. Bevilacqua stated that the process by which the Town allowed these plats to be recorded did not meet approval for those lots.

J. Bevilacqua stated that the Town has from time to time allowed other individuals to build within that plat on lots which were not to the standard that Zoning required. J. Bevilacqua stated that the Planning Board has indicated that, not only did the applicant have to abandon the road, but he also has to merge a number of lots to make this a build able lot. In reviewing the Assessor’s memo, the amount of taxes that are assessed on a property, one must look at that amount not so as to determine that it isn’t enough to be paid, but as to whether or not the assessment was made as to a lot which was build able or unbuild able. In this circumstance, these lots, all of them individually, were build able lots, but because they were on a paper road, they were assessed with an adjustment.

The main issue is that these are build able lots which have been recommended to be merged to create a larger build able lot, and that is something that has not been done before in this plat. J. Bevilacqua stated that the issue is whether or not those lots make that area build able, whether this conforms with how the Council has reviewed and considered the grants of permission in this same area to build other homes, and does it conform with that same grant to build other homes. J. Bevilacqua stated that his only caution is that the evidence of cracked foundations of other homes, evidence of water in driveways of other homes, unless there is some evidence or proof that water is the result of the modifications and changes on this topography, then that could be considered, adding that he did not hear such evidence.

J. Bevilacqua stated that the issues that have come before this Council should be directed mainly as to whether or not this particular request is creating any incumbrance or causing any changes in other properties in the area. J. Bevilacqua stated that the denial in 2002 was an appropriate decision, but cautioned the Town Council that they must not base their decision on the previous application, pointing out that this is a different petition with different circumstances.

Councilor Poirier stated that we have two maps, one of which has lots of record which have some rights to be built upon. Councilor Poirier stated that none of the parcels that he sees on the map are that small and there has to be a reason why these lots were not all allowed to build individual residences on. Councilor Poirier stated that he understands the intent is to modify this area to make it a larger lot and he has no problem with that. Councilor Poirier stated that he has concerns about the road abandonment to make that lot. J. Bevilacqua pointed out that the Council has no say in the road abandonment, but it would be up to the applicant to get that resolved.

J. Bevilacqua added that he has checked, and the Town does not own that land or have any interest in it, nor did the Council ever accept the plat. J. Bevilacqua stated that the Town has no right to abandon the road other than to place it as a condition before construction, adding that, in his view, the plan mandates that the portion of the road be abandoned because the house is going on it. Councilor Poirier stated that this map was created at a time when there were summer cottages, adding that the ISDS would never allow this to occur now.

J. Bevilacqua stated that the fact of the matter is that it is a plat of record and was in accordance with the process by which the Town allowed these lots to be adopted. J. Bevilacqua further stated that if you look at the history of how houses were built on those lots, they were a combination of lots to a certain degree. People would buy a number of lots and build one house on them. J. Bevilacqua pointed out that this is the same, the only difference being that there is an abandonment issue that requires the abandonment in order to build. J. Bevilacqua reiterated that this is the applicant's responsibility, not the Town's.

J. Bevilacqua stated that, at the Public Hearing, the subject of damage to the roads from construction equipment was raised. J. Bevilacqua added that, in the past, this Council has requested that bonds be placed to allow for repair in the case of damage. J. Bevilacqua added

that there should be a statement in the motion which says that the road must be maintained in a condition that allows emergency vehicles to have safe access in accordance with Town standards.

Councilor Carroll brought up the subject of possible restrictions which could be placed, such as drainage, water runoff and road maintenance. Councilor Carroll stated that he has viewed the site, and he personally feels that there should not be any more houses built there. However, Councilor Carroll stated that the Planning Board, Police and Fire Chiefs and others who are knowledgeable about matters such as this have all made positive recommendations. Councilor Carroll feels that the Council should discuss what conditions could be placed, should this application be approved, to allow the neighbors the best outcome possible. Councilor Carroll expressed his concern regarding the road, which is already in poor condition, and how it would withstand construction equipment.

John Bevilacqua stated that there should also be a restriction in the deed which states that the owners of the property will be responsible for maintaining the road, at least in front of the house.

Councilor Sette quoted the adage “If we don’t learn from history, we are doomed to repeat it.” Councilor Sette stated that he respects the fact that the Planning Board took the time to look at this, and that the Technical Review Committee submitted their report, but just because prior Councils made certain decisions does not necessarily mean that this Council must perpetuate the decisions. Councilor Sette expressed his feeling that the Council members are elected to make decisions in the best interest of the people of the Town, not any one individual.

Councilor Sette stated that, while he respects the Solicitor’s opinion, the Council must take a look at this and say “Is this in the best interest of the people and does this make sense for the Town?”. Councilor Sette concurred with Councilor Poirier’s comments that this Town is not the same as it was in 1938 when this plat was recorded. J. Bevilacqua pointed out that this was before subdivision regulations were in place, so a property owner could cut up his property and simply record it with the Town Clerk.

Councilor Reichert compared this application with the one filed by CVS, and stated the Council knew that CVS was going to build, so they made the best deal they could. Councilor Reichert stated that Mr. Eaton will go to court and eventually get his house without any conditions imposed. Councilor Poirier asked Councilor Reichert if he is saying that there can never be site limitations so severe that a house should not be built. Councilor Reichert replied that there are already two houses at the bottom of the hill. Councilor Poirier stated that he agrees with Councilor Sette that we learn from the past. Councilor Reichert stated that this would be denying somebody his right to build a house, and what do we base it on, how do we defend ourselves.

Councilor Sette asked the Council members if they had any further comment. Councilor Walsh stated that we do have to look out for the Town and its people, adding that there is

nothing here that is in the best interest of anybody. Attorney Thomas Hefner asked if he could address this. John Bevilacqua replied that this is Council discussion. Councilor Reichert pointed out that the Council has approved other building sites which are at least as bad as this one. Councilor Sette commented that this is his point; that just because it has been done in the past does not necessarily mean we always do it. Councilor Carroll asked if an expert could come in and discuss the water issue. Councilor Walsh replied that we had two experts in here last week; one said a ten-foot pitch is gradual and the other said a ten-foot pitch was steep.

Councilor Sette asked if there is any further discussion. Hearing none, Councilor Walsh called for a Motion.

MOTION was made by Councilor Poirier to DENY the Exception to the Ordinance Regulating the Issuance of Building Permits for Owner/applicant: Robert M. Eaton, Jr.; location: Highland Lake Drive, further described as Recorded Plat Highland Lake, Lots 59 & 63 (Originally platted as lots:59-68 & 79 &80); seconded by Councilor Walsh.

Councilor Sette asked the Clerk to poll the Council.

Councilor Poirier - Aye  
Councilor Walsh - Aye  
Councilor Carroll - Aye  
Councilor Reichert - Nay  
Councilor Sette - Aye

VOTE:           AYES: 4  
                  NAYS: 1

MOTION PASSED

- VI.    Consent Items
  - A.    Finance Directors Report-August 2006
  - B.    Tax Assessors Additions & Abatements
  - C.    Verizon Communications & Narragansett Electric Company: One new joint pole (P.77 ½) - Reynolds Road

MOTION was made by Councilor Carroll to ACCEPT the Finance Director's Report of August, 2006; to APPROVE the Tax Assessors Additions to the 2006 Tax Roll in the amount of \$2,161.80 and Abatements to the 2006 Tax roll in the amount of \$2,499.95; and to APPROVE the Pole Grant for one new joint pole (#77 ½ ) Reynolds Road; Seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A.. Liquor License Violation

Councilor Sette stated that the Chief of Police has forwarded an agreement signed by himself and Mr. David Lincoln (of the Whitehorse Sports Pub). Councilor Sette read the following into the record:

TO: Gloucester Town Council  
SUBJECT: Liquor Violations White Horse Sports Pub  
FROM: Jamie A. Hainsworth, Chief of Police

On August 11, 2006 Members of the Gloucester Police Department conducted a compliance check of the White Horse Sports Pub. The bartender of this establishment served a seventeen year old male two Bud Light Beers without asking for any forms of identification or questioning this juveniles age.

On August 16, 2006 Chief Hainsworth spoke with the owner Mr. Dave Lincoln about this violation. Mr. Lincoln has agreed to waive the "Show Cause Hearing" and accept the following sanctions or penalties for the violations:

1. Mr. Lincoln, as the owner of White Horse Sports Pub would accept a five consecutive day suspension of all issued licenses for this establishment. The dates will be October 3, 4, 5, 6 & 7, 2006 set by the chief of Police upon the Town Council's approval of this agreement.
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 five 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.
3. At the time of the annual renewal of this Liquor License the owner will supply a current list of all employees that have the duty to serve alcohol along with a copy of their certification as mentioned in paragraph "2" with the application for renewal to the Town Clerk.
4. Posting proper warning signs throughout the building requiring proper identification will be installed, as approved by the police department.

5. That the owner accepts said suspension and these conditions without a formal hearing and understands any future violations within three years will result in another suspension or revocation of this license.

In addition, Mr. Lincoln understands that the above agreement must have the advice and consent of the Gloucester Town Council on September 21, 2006 at their scheduled meeting, the Town Council will consider this agreement.

David C. Lincoln l.s.  
Jamie A Hainsworth l.s.  
September 14, 2006

(End of memo)

Discussion: None.

MOTION was made by Councilor Poirier to ACCEPT the sanctions and/or penalties for Liquor License Violations imposed upon the owner of the establishment, Whitehorse Sports Pub, as outlined by Chief Hainsworth, dated September 14, 2006; and to amend Item. 2. of the Chief's stipulations to state "Any new employee hired will also be required to be enrolled in the same type of course within five days of their date of hire"; seconded by Councilor Walsh.

Discussion: John Bevilacqua, Town Solicitor, pointed out that the bartender in this case has been convicted of this offense and has paid a fine.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- B. Appointments  
Board & Commission Appointments
  1. Foster-Glocester Juvenile Hearing Board
    - One (1) Three Year Term
    - One (1) One Year Term- Alternate

Councilor Sette stated that the following appointments are expired terms:

MOTION was made by Councilor Poirier to REAPPOINT Kevin J. Kitson to a three year term on the Foster/Glocester Juvenile Hearing Board to expire 9/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

Councilor Sette stated that there is also one alternate term to fill:

MOTION was made by Councilor Walsh to REAPPOINT Christopher VanPelt to a one year alternate term on the Foster/Glocester Juvenile Hearing Board to expire 9/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VIII. New Business

A. Sprague Farm Hunting Rules & Regulations

Councilor Sette stated that we have received the annual Sprague Farm Hunting Rules & Regulations from the Land Trust.

MOTION was made by Councilor Carroll to ADOPT the Sprague Farm Hunting Rules and Regulations as recorded; seconded by Councilor Walsh.

Discussion: Councilor Sette questioned the portion of the Rules and Regulations which states "Each person must personally pick up their own permit," noting that in the past this was waived to allow people who are working during Town Hall business hours to have somebody else pick up their permission for them. Jean Fecteau, Town Clerk, stated that last year, each person was allowed to obtain their own permit as well as one other provided they had the necessary paperwork with them. There was consensus to amend the aforementioned line in the Rules and Regulations to reflect last years practice.

MOTION was made by Councilor Carroll to AMEND his motion to state that each person must comply with the provisions as adopted in 2005; seconded by Councilor Walsh.

VOTE ON AMENDMENT: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VOTE ON MAIN MOTION AS AMENDED:

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Naming of Road for 911 purposes:

## Unnamed Private Right of Way off Gold Mine Road

Councilor Sette stated that the Council has received a request from the E-911 Coordinator, Karen Emond asking the Council to name an unnamed traveled way off of Gold Mine Road pursuant to the Gloucester Code of Ordinances, 2-01-04. Ms. Emond also notes that due to the fact that this is a non town road it is the policy of the Town to designate the roadway as a “Lane” or “Way.” Councilor Sette stated that we have also received a memo with recommendations solicited from the property owners adjacent to this right of way.

MOTION was made by Councilor Walsh to DESIGNATE the traveled way off Gold Mine Road, further described as a traveled way that originates between North End Ponaganset Plat, Lots 11 & 21, as Mountain Laurel Lane, with the stipulation that once named the E-911 Coordinator will notify all property owners, Police, Fire, and all Town Departments as well as request the Public Works Department to post a sign with the designated name and the statement “Not a Public Road;” seconded by Councilor Poirier.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

### C.     New Development: Proposed moratorium

Councilor Sette stated that he requested this item because of matters before the Council in recent months. Councilor Sette stated he would like discussion to take place regarding a moratorium on future applications for Exceptions to the Ordinance Regulating the Issuance of Building Permits on non-town roads. J. Bevilacqua, Town Solicitor, added that he would like to extend that to those roads which have not been constructed by the Town.

Councilor Poirier stated that this has been discussed by the Town Council Sub-Committee. Councilor Walsh asked Brian Lombardi, Building/Zoning Official, how a moratorium would affect his department. B. Lombardi replied that a this is long overdue, explaining that there have been problems due to the road lists which were adopted in 1989 and 1994. Councilor Sette asked Walter Steere, Planning Board member, for his opinion. Mr. Steere replied that more and more exceptions are coming before the Planning Board and the Town Council, and he personally feels that a moratorium is a good idea, adding that he cannot speak for the other Planning Board members.

David Fecteau spoke regarding property he owns on a private road and asked how this would affect him. J. Bevilacqua stated that if he has not yet filed for an Exception to the Ordinance Regulating the Issuance of Building Permits, he would not be able to with a moratorium in place. Councilor Reichert stated that we should get the Road Committee back together before the Council goes any further on this matter. Mr. Fecteau pointed out that this would change

the value of his piece of land. J. Bevilacqua stated that the moratorium would be for a short period of time, not indefinite, adding that this would allow the Road Committee to evaluate and make recommendations regarding how to handle these roads. The consensus was to get input from the Road Committee members as well as the Public Works Director before going forward.

D. Veterans Day Observance

Councilor Sette stated that Senator Fogarty had requested that the Town of Gloucester plan an observance to commemorate Veterans' Day on November 11th. Councilor Sette pointed out that we had a recognition for Gloucester residents who are currently in the military, but he felt the Town should also do something for those who went before. Jean Fecteau, Town Clerk, and Councilor Carroll offered to plan something for that day.

E. Ethics Commissions Correspondence

Councilor Sette stated that he requested this agenda item because we recently had a Board/Commission member who had a hearing with the Ethic Commission due to paperwork not being filed on time. Councilor Sette stated that, although he understands that there is a process which needs to be followed, it is already difficult to get citizens to volunteer on Town boards. Councilor Sette wished to go on record with the Ethics Commission to explain what we are up against in a small town concerning getting volunteers. Councilor Sette stated that, unfortunately as a result of this situation, the person who received the fine from the Ethics Commission has submitted his resignation from the two boards on which he serves, and a family member has also submitted their resignation.

Councilor Poirier agreed with Councilor Sette that this is ludicrous and it should not cost people money to serve on a Town board or commission. Councilor Walsh stated that there are many citizens who do not serve the Town because of the Ethics Commission forms which have to be submitted. Councilor Reichert recommended that a strongly worded letter be forwarded to the Ethic Commission and a Motion should be made to have the Town pay the fine. Councilor Sette stated that he will draft the letter and have it ready for review by the next meeting.

MOTION was made by Councilor Reichert to forward "strong" correspondence from the Town Council and the Town Council President regarding Richard Barrows and a fine levied on him by the Ethics Commission, and in the event the Ethics Commission will not rescind the fine, the Town will pay the fine, and if Mr. Barrows has already paid the fine, the Town will reimburse him; seconded by Councilor Poirier.

Discussion: Councilor Walsh stated that the Council should address the two matters separately. Councilor Poirier withdrew his second to the Motion.

Councilor Reichert AMENDED his MOTION as follows: To send a strongly-worded letter from the Town Council expressing our displeasure regarding the fine imposed on volunteer members of Town Boards and Commissions; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

Councilor Sette stated that since the matter of the Town reimbursing the board member is not on the agenda, it will be discussed at another time.

F. Trap Road: Reaffirm Road abandonment action previously taken

Raymond Goff, Town Planner explained that the Town Council had abandoned Trap Road in 2004, at which time a plan was to be completed by the applicant. R. Goff stated the applicant never followed through, and called recently asking what was to be done to get this work completed. R.Goff asked J. Bevilacqua for his opinion and was advised that the Council could reaffirm the Motion to abandon the road.

R. Goff further explained that the agreement which was done at the time of the abandonment must be amended because one of the plans referenced was from a surveyor who no longer had his license. The Town Clerk stated that the agreement was never signed because the applicant had not submitted the items required. J. Bevilacqua advised that the Council needs to authorize Councilor Poirier, who was President at the time, to execute the agreement with the amendment made. J. Bevilacqua stated that he will rewrite the agreement and submit it at the next meeting.

G. Resolution - Bond for Senior Center

Councilor Poirier stated that T. Mainville has requested that a resolution be adopted to facilitate the bonding for the Senior Center. Councilor Reichert read the following into the record:

RESOLUTION  
TOWN OF GLOCESTER, RHODE ISLAND

RESOLVED THAT:

WHEREAS, at all times since the voter approval of \$2,215,000 of bonds for the Senior Center on November 2, 2004, the Town has intended to finance the construction of such center with bond proceeds; and

WHEREAS, at the time the Town awarded a construction contract for the Senior Center with Field Building Co., Inc. On March 2, 2006, the Town had

not issued bonds or notes and the Town Council intended that the Director of Finance advanced monies from the General Fund to make payments to such contractor; and

NOW THEREFORE

SECTION 1. In addition to all prior authorizations to him, which are hereby confirmed, the Director of Finance is authorized to reimburse the General Fund for an amount up to \$231,311 for a payment to said contractor made on May 1, 2006.

SECTION 2. This Resolution shall take effect upon its passage.

Adopted at the Regular Town Council Meeting of September 21, 2006

Steven A. Sette, President  
Glocester Town Council

Seconded by Councilor Walsh.

Discussion: J. Bevilacqua explained that this was necessary because the time for payment should have been left open to allow the Finance Director to execute the payments at the appropriate time.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- a. Ray Goff, Town Planner, stated that he has met with neighboring communities regarding putting a regional grant application together for Phase 2 compliance, pertaining to storm water. R. Goff went on to explain that the thought behind this was if we do get some funding, the Town can match that with whatever we could budget for the coming year.

Councilor Walsh stated that the Council has received calls regarding a survey discrepancy concerning Glocester Memorial Park and Adelaide Road. R. Goff stated that Kerrie Shea, the property owner, filed a subdivision which was approved by the Technical Review Committee. R. Goff stated that the Solicitor's recommendation was that the Town does not own the property and never did, and it was probably a survey discrepancy which was carried through over time. Councilor Walsh stated that it sounds like somebody is just coming in and claiming this land. Councilor Walsh would like to review a copy of our survey.

Councilor Walsh also wondered how there could be a discrepancy when there was a title search conducted. J. Bevilacqua stated that the Town may have an action against the title company. Dave Decost, owner of property which abuts the disputed land, stated that the Shea and Grange families have posted no trespassing signs behind his house, preventing his children from going in to what they thought was part of the park. Mr. Decost stated that he purchased the house in 1999 after being told that it abutted town land. Mr. Decost stated that he checked all maps available to confirm this information. Mr. Decost stated that Kerrie Shea and Mr. Grange have stated that they have a 40-acre lot on which they wish to build a subdivision.

Mr. Decost stated that Ms. Shea and Mr. Grange want to take that disputed land and build a road to allow the subdivision. J. Bevilacqua, Town Solicitor, stated that this is not an agenda item, therefore, cannot be addressed at this time. J. Bevilacqua stated that this will require extensive research because the description somewhere along the line was incorrect. R. Goff stated that he has spoken with several surveyors concerning this problem and there are several opinions about what happened and when, which R. Goff believes was in the 1800's. R. Goff pointed out that any surveys that have been done since that time may have picked up that information from the 1800's. R. Goff stated that he is in no position to make that determination.

Councilor Sette asked how this will affect the administrative subdivision which was approved. R. Goff stated that a corrective plan will have to be recorded if it is determined that there was an error. Councilor Sette stated that, in the meantime, we are in a situation where there is an approved subdivision and people are doing work on what could potentially not be their property. J. Bevilacqua stated that there would have to be some order directed to cease any construction until the property dispute is settled. Councilor Sette asked J. Bevilacqua to draft the afore-mentioned order.

- b. Jean Fecteau, Town Clerk, asked if October 19th is acceptable for the Zoning Matrix Public Hearing. (Council consensus was to the affirmative).  
J. Fecteau stated that a plan has been submitted by Attorney Tim Kane regarding the request by Sticks Tavern to expand their service area.  
J. Fecteau stated that the Council has received a notice from the State Mobile Home Commission regarding Davis Mobile Home Park, adding that the Council will have to determine how this will affect the license renewal.  
J. Fecteau stated that Fran Ballou, Meal Site Director, has scheduled three flu clinics.
- c. Councilor Sette stated that Tom Mainville was not present at the meeting, but Councilor Sette announced that the Town's bond rating was upgraded from A+ to AA, which has only been achieved by 30% of the municipalities in the State. Councilor Sette stated that this will result in a savings of \$40,000 in interest regarding the Senior Center bond. Regarding the School bond, Councilor Sette stated that the AA rating will result in a net savings of approximately \$262,000. Councilor Sette stated that he wished to congratulate Tom and his department for this achievement.

X . Boards/Commissions

None

XI. Council Correspondence/Discussion

Councilor Sette stated that the Council has received two items concerning Casino Resolutions. After Council discussion, Councilor Sette pointed out that this question is already on the ballot and cannot be changed at this point, and is now in the hands of the voters.

Councilor Sette spoke regarding a letter he sent to the Attorney General concerning the agenda for the Foster-Glocester School Committee, noting that they hold their Executive Session at the beginning of the meeting as opposed to the end. Councilor Sette stated that this meant that people who would attend the meeting would have to wait as long as an hour and a half for the meeting to begin. Councilor Sette reported that the School Committee has since changed their policy and now hold their Executive Session at the end of all regular business.

Councilor Sette stated that a letter was received from the Foster-Glocester School Department informing the Council that they are projected to exceed expenditures as approved at the May 2006 Financial Town Meeting by the amount of \$134,000. Councilor Sette stated that the School Department has adequate fund balance to cover this over-expenditure. Councilor Sette stated that this should be forwarded to the Auditor General.

Councilor Reichert stated that he has had several calls regarding pornographic tapes being sold in plain view at one of the convenience stores. Councilor Walsh stated that the Town Council serves as the Licensing Board and if they feel that this is inappropriate, the store's hours could be limited. J. Fecteau stated that the Police Chief had spoken to the store owner (last year) and had directed him to keep these items behind the counter out of sight.

XII. Open Forum

- a) Marie Plante, representing the residents of Pine Meadow, asked for an update on their request for sidewalks. Councilor Sette stated that he will look into it and try to have an answer for the next meeting. Ms. Plante thanked the Council and stated that they do a fantastic job.

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:10 p.m.; seconded by Councilor Poirier.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the October 19, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **October 5, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also Present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Alan Whitford, Public Works Director; and Jamie Hainsworth, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

None

V. Resolution

Councilor Sette read the following into the record:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Thomas P. Mainville, Gloucester's Finance Director, for the hard work and energy he has given to earn Gloucester the AA- rating which was achieved from Standard and Poor's rating service; and

WHEREAS, Gloucester was upgraded from an A+ rating to an AA- rating, in September of 2006, which sets our community apart from others and with it carries a sense of pride and prestige; and

WHEREAS, the AA- rating reflects the Town's strong financial management, a commitment to building reserves and a supportive Town Council and community; and

WHEREAS, Gloucester is expected to reap financial benefits as a result of the AA-rating, and subsequent substantial savings to the taxpayers which has been a long time goal; and

WHEREAS, Gloucester is considered to have a superior Finance Department by auditors and continues to enjoy an excellent reputation for managing its finances; and

WHEREAS, Gloucester's Finance Department was also the first in Rhode Island to implement completely the Governmental Statement #34 requirements in 2002 and has since won the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk as well as the citizens of Gloucester appreciate the high standards the Finance Department has achieved; and

BE IT FURTHER RESOLVED THAT to earn this AA- rating it took the efforts of many including the Finance Department Staff, the Town Council, the Budget Board, Gloucester's citizens and the teamwork of all Town employees; however, they were all led by Thomas Mainville the Town of Gloucester's Finance Director who always strives for excellence.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Reichert.

Discussion: The Finance Director was thanked by all for his hard work and efforts on behalf of the Town.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

#### VI. Citation - Volunteer Appreciation

Councilor Sette stated that tonight the Council would like to recognize some people that are deserving of recognition as they have unselfishly donated of their time, as well as financially, to help our seniors with transportation assistance to the meal site. Councilor Sette stated these seniors are not only then able to enjoy a hot meal and time with their friends, they are given independence. Councilor Sette also stated within this group there are individuals that are responsible for the creation of this "Wheels to Meals" program: Mr. Larry Torti, Mr. Irving Jaques & Mr. Paul Plante provided the vehicle, maintenance of that vehicle, insurance, the driving and whatever else was needed. Councilor Sette also acknowledged individuals who

have provided financial support when needed and a group of drivers who have stepped up to join the rotation of people, who without them, the program would not be able to continue:

Councilor Sette asked the following people or their family members to please stand: Larry Torti, family of Irving Jacques & family of Paul Plante:

Councilor Sette stated the Council has a citation for each of you which reads as follows:

The State of Rhode Island and Providence Plantations

Town of Glocester

Be it hereby known to all that:  
The Town of Glocester  
hereby offers it sincerest congratulations to:

Eleuterio (Larry) Torti

Irving Jaques

Paul Plante

in recognition of

Your commitment to “Wheels to Meals”

“Wheels to Meals” is an organization you have helped create which allows our seniors independence and socialization, while enjoying a hot meal with their friends at the Glocester Meal Site.

It is because of thoughtful, generous people like you that our Town continues to be a “good place to live.”

The Town Council and Town Clerk would like to thank you in honor of being one of the founders and continuing supporters of “Wheels to Meals.”

Proposed this 5th day of October, 2006

Steven A. Sette, President,  
Glocester Town Council

Jean M. Fecteau, Town Clerk

Councilor Sette asked the following people or their family representatives to please stand up:

Alvin Durfee

Leon Gagnon  
George Leonhardt  
Jackie Brousseau  
Norman Crete  
Raymond McKeon  
Gilda Desormier  
Milton Aldrich  
Edward Mathewson  
Ralph Pace  
Kathy Plante  
Marie Plante  
Paula Plante  
Gary Plante  
Larry O'Keefe

Councilor Walsh read the following Citation:

The State of Rhode Island and Providence Plantations

Town of Gloucester

Be it hereby known to all that:  
The Town of Gloucester  
hereby offers you its sincerest congratulations:  
in recognition of

Your volunteer work with "Wheels to Meals"

"Wheels to Meals" is a group of people that provide transportation for our seniors to and from the Gloucester Meal Site. If not for the volunteers who give of their time these seniors may be unable to get to the Meal Site for lunch and social activities.

The Town Council and Town Clerk would like to thank you for the time you continue to give to our seniors.

Your time and efforts help make Gloucester a "better place" to live.

Proposed this 5th day of October, 2006

Steven A. Sette, President,  
Gloucester Town Council  
Jean M. Fecteau, Town Clerk

Councilor Sette stated that we also have a citation for an individual that has made financial contributions when called upon, to help keep this program going: Julian Forgue:

The State of Rhode Island and Providence Plantations

Town of Glocester

Be it hereby known to all that:  
The Town of Glocester  
hereby offers you its sincerest congratulations:  
in recognition of

Julian (Jay) Forgue  
in recognition of

Your commitment to “Wheels to Meals”  
“Wheels to Meals” is a group of people that provide transportation for our seniors to and from the Glocester Meal Site. If not for financial contributors, such as yourself, some of our seniors would be unable to share lunch with friends and participate in social activities.

The Town Council and Town Clerk would like to thank for your continued financial support to “Wheels to Meals” .

Proposed this 5th day of October, 2006

Steven A. Sette, President,  
Glocester Town Council  
Jean M. Fecteau, Town Clerk

MOTION was made by Councilor Carroll to ADOPT the Citations for the founders, contributors, & drivers for the “ Wheels to Meals” program; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. Consent Items

A. Minutes: September 7 & September 21, 2006 Regular Meetings  
MOTION was made by Councilor Carroll to TABLE the minutes of September 7 & September 21, 2006 Regular Meetings; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VIII . Unfinished Business

A. New Development: Proposed moratorium

The Solicitor was asked what could be done and if a moratorium could be set for a short period of time just until a policy is established. After discussion the following motion was made:

MOTION was made by Councilor Reichert to refer this item to the to the Town Council Road Sub-Committee; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

IX. New Business

A. Waive Personnel Vacation Policy

Councilor Sette read the following memo from T. Mainville:

October 5, 2006

To: Town Council  
Re: Vacation allowance

Due to an unforeseen extended absence in my office during the latter part of fiscal year 2005-06, I was unable to use my vacation allowance.

The policy per the personnel handbook is that unused earned vacation greater than 240 hours at the end of a fiscal year does not carryover to the following year.

As of June 30, 2006, I had 36 hours which was unused and per the policy should not be carried forward to fiscal year 2006-07.

I am requesting that the Council waive this policy in this instance and allow the 36 hours to be carried forward to fiscal 2006-07.

Thank you for your consideration.  
Tom Mainville

(end of memo)

Discussion: T. Mainville, Finance Director stated he has been unable to use his vacation time due to projects that needed to be addressed, therefore, he is requesting this waiver.

MOTION was made by Councilor Carroll to WAIVE the Vacation policy as set forth in the “We are Gloucester” Personnel Handbook regarding unused vacation time at the end of a fiscal year for Thomas Mainville; said waiver will allow for the carry over of his unused time to the 2006-2007 fiscal year; seconded by Councilor Reichert

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

- B.       Authorization: Request for payment  
          Recreation related items/Senior Center

Councilor Sette read into the record the following a memo from the Town Planner:

TO:           Town Council, Steve Sette, President  
FROM:        Senior Center Task Force, Raymond Goff, Chair  
DATE:        October 4, 2006  
SUBJECT:     Gloucester Memorial Park Improvements - Senior Center

In the course of developing the Senior Center, we have come across a few unanticipated expenses. Some of these expenses relate to the Gloucester Memorial Park operation.

We would like to use some of the funding not being used for the skate park to pay for these items. We had a well company evaluate the well and pump at Gloucester Memorial Park Snack Bar. The pump is undersized and since it has been installed for approximately thirteen years, is near the end of its expected life span.

We have also kept operational an irrigation well that is beside the Senior Center. This well was formerly used for domestic water for 1210 Putnam Pike. We have installed the well pump and piped it into the Senior Center for future use to irrigate the property and possibly the ball fields.

We have also planned to install an additional six (6) foot high section of fencing along the outfield of the ball field. This fence is necessary to keep stray balls from hitting windows in the Senior Center as well as unlucky persons around the Senior Center. If the ball field were used as designated for girls softball, there would be no problem; but we’ve found hard balls over the fence, thus creating the problem.

The total cost of these items is approximately \$10,276.13. The fence is \$4,875.00, the irrigation well is \$2001.48 and the new well and associated plumbing is \$3399.65.

The Senior Center Task Force requests that the Council authorize the expenditure of excess funds from the skate park construction to be used for these unanticipated Senior Center expenses.

(End of memo)

Discussion: Councilor Sette questioned if this request would have to come from the Senior Center Task Force or can it be considered now. T. Mainville, Finance Director, stated that the well needs to be fixed anyway and the fence will be a “preventative cost” and, in his opinion, money well spent.

MOTION was made by Councilor Reichert to AUTHORIZE the expenditure of excess funds from the skate park construction to be used for unanticipated Senior Center/Recreation improvements: to include fencing and existing well improvements; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

C. Reimbursement: Ethics Commission fine

Councilor Sette stated this item was discussed at the last meeting and it was decided to further discuss whether the Council should reimburse the board member.

Discussion: Councilor Sette explained that the Town has trouble getting volunteers to serve on Boards and Commissions, and when they get fined, it gets increasingly difficult. Councilor Carroll stated that he feels that reimbursing the Board member is a good idea, but that it should not set a precedent for the future. Councilor Sette will forward correspondence and if the Ethics Commission does not rescind the fine the consensus was the Council would reimburse the member.

MOTION was made by Councilor Carroll to REIMBURSE the Ethics Commission fine levied against a Board member; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

#### D. Signs (Historic District)

Councilor Sette stated that the Clerk received a letter for the Council earlier this week from Mr. John Devine regarding signage issues in the village. Councilors Walsh & Poirier had requested this added item added to the agenda.

Mr. Devine explained the situation with the signs located at the Aegean Pizza building owned by George Moragemos. Mr. Devine stated the signs came down and were not allowed to go back up. Mr. Devine stated he was told the business was closed for thirty days, therefore he could not put the signs back up. J. Devine explained that he had removed the signs from Aegean Pizza and the former Country Bakery to enable the owner of the building to make some improvements to the exterior of the building. Mr. Devine added that the intent was to put the signs back up after completion of the project, but they were informed that this was prohibited by the sign ordinance.

Mr. Devine stated he believes the signs should be allowed up and further that he does not like the way this was handled by the Chair of the HDC or the Building Official. Mr. Devine further stated, in his opinion, the code is being used falsely to ban a sign which violates a first amendment right. Councilor Walsh questioned how a new business is effected and further discussed whether an existing business has the right to put a sign back up.

John Bevilacqua, Town Solicitor, stated that the condition of the signs, whether structural or electrical, may require review by the Building Official. Councilor Sette stated that four of the current Council members were present when it was it was adopted that when Main Street is completed, compliance with the sign ordinance will be enforced. Councilor Sette suggested that, since the Main Street project is not complete, we could allow the signs to be put back on the building.

George Moragemos, owner of the building in question, stated that before it was a computer store, it was Jelly Donuts. Mr. Moragemos stated that when the operators of Jelly Donuts left, he received a letter from the Building Inspector stating that he had to remove the face of the sign or after thirty days a fine would be imposed. Mr. Moragemos asked the Historic District Commission for a permit to change the face of the building to include red shingles, adding that in order to replace the shingles, the signs would have to be removed. Mr. Moragemos stated that he was not notified that the signs would have to be placed back within thirty days.

J. Bevilacqua stated he is giving the Council an opinion based on the facts he has received. Mr. Moragemos questioned why the Town would do this to the new business owner, the computer store. Mr. Moragemos stated that he is doing his best to improve the appearance of the building.

Councilor Sette reminded all present this discussion came about because of a letter received from Mr. Devine. Councilor Sette pointed out that this is not a Public Hearing at which testimony is taken. Councilor Sette also stated anyone wishing to speak on this item may do so in Open Forum. Councilor Sette stated basically the Council is trying to work out a way to make this work for the business owners.

John Bevilacqua, Town Solicitor, suggested to the Council that, if the original signs conform with the code regulations for putting them back as far as structurally or if they are electrical signs, that has to be examined.

Regarding the new sign, J. Bevilacqua stated that this is not clear as to its meaning because it is a new business. J. Bevilacqua stated because it is a new business, new sign, he believes the Building Official assumes, rightfully so, that it conforms with the Historic District. J. Bevilacqua stated the amortization periods includes is existing signs, it does not say the content of those signs, there is some vagueness involved. J. Bevilacqua stated that if the Council wishes, he could speak to the Building Inspector to indicate the desire of the council as to the meaning of the amortization period so that he will feel comfortable about alleviating at the least the historic requirement.

Councilor Sette and Councilor Reichert agreed with the five year period. J. Bevilacqua stated that doesn't begin until the village improvements are started. Councilor Sette referred back to when a previous Council agreed that when "Main Street" is done (ie. new sidewalk, etc.) then people will have to come into compliance with the sign ordinance. Councilor Sette asked if there was a reason why this can't be allowed. J. Devine questioned who was going to supply the funds to replace all the signs when that period begins. J. Bevilacqua

Councilor Sette agreed that the Town Solicitor should meet with the Building Official regarding this matter and expressed the desire to work with the businesses in town.

J. Devine questioned when they can expect an answer. J. Bevilacqua stated he would talk to the Building Official when he returns from his conference.

E. Resignations

1. Zoning Board of Review

One (1) unexpired five year term to expire 11/2010

Councilor Sette stated that we have received the resignation of Richard Barrows from the Zoning Board of Review which is on file in the Clerk's office.

Discussion: Councilor Poirier stated that he would like more time to speak with Mr. Barrows regarding this resignation and his intent to resign from the Recreation Committee. J. Fecteau, Town Clerk, stated that according to Anthony Parrillo, Recreation Director, Mr. Barrows does wish to resign from the Recreation Committee. Councilor Poirier stated that he has no objections to accepting the resignation from the Recreation Committee, but he suggested tabling the resignation from the Zoning Board until he has had a chance to speak to Mr. Barrows.

MOTION was made by Councilor Walsh to TABLE the resignation of Richard Barrows from the Zoning Board of Review for the unexpired five year term to expire 11/2010; seconded by Councilor Reichert.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

2. Recreation Committee  
Two year Term to expire 01/2007

MOTION was made by Councilor Walsh to ACCEPT the resignation of Richard Barrows from the Recreation Commission for a two year term to expire 1/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

3. Wastewater Management Board Clerk

MOTION was made by Councilor Carroll to ACCEPT the resignation of the Wastewater Management Board Clerk, Sarah DeStefano, to be filed in the office of the Town Clerk; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- F. Appointments
  1. Zoning Board of Review  
One (1) unexpired five year term to expire 11/2010

No Action (see item E-1 above).

2. Recreation Committee  
Term to expire 01/2007

Councilor Sette stated the Recreation Director is recommending Gary Martinelli for this position and further that Mr. Martinelli has expressed an interest in the position.

MOTION was made by Councilor Carroll to APPOINT Gary Martinelli to the Recreation Committee for a term to expire 01/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0  
MOTION PASSED

3. Wastewater Management Board Clerk

Councilor Sette stated that we have received a memo from the Finance Director regarding this appointment:

October 2, 2006

To: Town Council

Re: Appointment ~ Wastewater Management District Board Clerk

Three applications were received. Interviews were conducted on Thursday, September 28 and Saturday, September 30.

Interviewers were:

Louis Cadwell- Chair, Wastewater Management District Board

Thomas P. Mainville - Director of Finance/Personnel

Lori A. Desautel is being recommended for the position of Wastewater Management District Board Clerk. Ms. Desautel has considerable computer experience and has held positions as a Senior Information Support Coordinator, System Operator, and Assistant Network Administrator. She has indicated she is experienced in taking minutes at meetings and in transcription.

Tom Mainville

Director of Personnel

(end of memo)

Discussion: None

MOTION was made by Councilor Reichert to APPOINT Lori Desautel to the position of Wastewater Management Board Clerk; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

4. Police Department  
Part time Dispatcher

Councilor Sette read the following memo from the Chief of Police:

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: October 3, 2006  
Re: Appointments Dispatchers Part Time

I request you appoint the following four people, all are part time dispatcher positions to work on an as needed and call in basis.

Kyle Cahill, Jason LeMaire, Glen Biddiscombe and Thomas Murgo.

The rate of pay shall range from \$12.00 per hour while training and to \$14.00 per hour, once training is completed.

Thank you for your time and consideration in this matter  
(end of memo)

MOTION was made by Councilor Reichert to APPOINT Kyle Cahill, Jason LeMaire, Glen Biddiscombe, & Thomas Murgo to the position of Police Department, Part time Dispatcher at an hourly rate of \$12.00 per hour while training and \$14.00 per hour once training is completed; seconded by Councilor Carroll.

Discussion: Councilor Walsh stated that the Council had appointed several dispatchers not long ago and asked why these appointments are up again. Jamie Hainsworth replied that several people have left. Councilor Walsh asked if the reason is due to the limited hours available for these as-needed positions. Chief Hainsworth replied that there are several reasons for these departures.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

G. Liquor Establishment: Request for additional use of property

Councilor Sette stated that Mr. Iannuzzi, owner of Sticks Tavern has requested to be on the agenda, adding that this will not be conducted as a Public Hearing.

Discussion: Timothy Kane, attorney for Mr. Iannuzzi, stated that Mr. Iannuzzi is seeking approval of outdoor consumption of alcohol in a controlled environment. Mr. Kane stated that it has been established with the Zoning Office that going back to a time which predates Zoning, a host of activities have occurred outdoors at this location, including bocce and horseshoes. Mr. Kane pointed out that smoking is prohibited indoors and people who go to these establishments have to go outdoors to smoke and sometimes like to bring a drink with them.

Mr. Kane stated that the proposal is to allow drinking in a controlled environment outside, with no glass containers. Attorney Kane noted that the clientele of this establishment is mostly middle-

aged and would not cause any disturbances. Mr. Kane further stated that this tavern is not located in a residential neighborhood, but is bordered by the Peterson Farm to the left and commercial property to the right. Mr. Kane stated that the owner of the property, Mr. Iannuzzi, is a responsible business owner who served in the Air Force and is currently a pilot, adding that Mr. Iannuzzi is a diligent land owner who pays great attention to detail.

Councilor Poirier asked the Town Solicitor where the business stands in terms of pre-existing use. J. Bevilacqua replied that bocce ball and volleyball were the only two activities which had been there in the past. J. Bevilacqua stated that, even for bocce and horseshoes, if it exceeds fifty individuals, a license must be obtained. The Council members reviewed the plans which were submitted. Councilor Reichert asked how high the fence would be. Mr. Iannuzzi replied that four feet is his recommendation, but indicated that he would be willing to amend this if the Council wished.

J. Bevilacqua stated that the gates would be required to remain unlocked during business hours due to fire code regulations, and it would be the responsibility of the owner to ensure that nobody gains entrance through the gates during business hours. J. Bevilacqua stated that serving of alcohol would not be allowed outdoors, but only in the existing structure. Councilor Walsh asked Mr. Iannuzzi about the proposed patio to be added, noting that it is right up against the motel. Mr. Iannuzzi replied that he also owns the motel and indicated that would not be a problem, in his opinion.

J. Bevilacqua pointed out that people in the motel will not have access except through the bar. Councilor Reichert stated that he would prefer a six-foot fence rather than a four-foot fence. J. Bevilacqua asked where the gates would be located. Mr. Iannuzzi pointed them out on the plan as well as the lighting he plans to use. Councilor Walsh stated that if this proposal is approved, the same standards will have to be adhered to as the White Horse Pub goes by. Mr. Iannuzzi asked what his next step would be. Councilor Sette stated that the license will be on the agenda for approval on November 16th and this proposal could be addressed at the same time. In the meantime, Mr. Iannuzzi was directed to provide more detail regarding the fence, signs and lighting. Councilor Sette recommended that any further submissions regarding this proposal also be forwarded to the Chief of Police to keep him informed.

#### X. Department Head Report/Discussion

- a. Jean Fecteau, Town Clerk, stated that her office will be open from 10:00 am to 4:00 pm on Saturday, October 12th, for voter registration only, as it is the deadline to register.

J. Fecteau, stated that she has received two items of correspondence for the Council, one a letter from Mr. Anderton regarding the Vehicles and Parking Storage Ordinance, and the other a letter from Chester's regarding outdoor alcohol consumption.

- b. Ray Goff, Town Planner, was directed by Councilor Sette to speak with the contractor of the Senior Center project to inquire about shielding the lights on the back side of the building.
- c. Jamie Hainsworth, Chief of Police, reminded the Council that on October 10th there will be a traffic calming seminar conducted at the Town Hall.

Chief Hainsworth stated that for several months, he has been trying to get the Volunteer Services for Animals and the Animal Control Officer to work together, but nothing he has tried has worked. Chief Hainsworth added that there seems to be a personality conflict and they just do not get along. Chief Hainsworth suggested that Jim Burrill, a part-time worker, be reassigned to work with the volunteers and handle all of the adoptions. Council expressed their agreement that the Chief try this approach.

- d. Alan Whitford, Director of Public Works, was asked if Killingly Road was now open.
  - A. Whitford replied in the affirmative.

XI. Boards/Commissions  
None.

XII. Council Correspondence/Discussion

- A. Councilor Sette read the following letter from the owners of Chester's Restaurant:

October 2, 2006

Dear Town Council Members,

We would like, at this time, to request permission from the Gloucester Town Council to consider a variance that would allow outdoor seating for both dining and alcohol consumption at our restaurant. It would be our desire to enclose an area on the Southeast corner of the building enclosed by a fence. We would appreciate your consideration as well as direction as to the steps needed for this project.

Sincerely,  
Patricia H. Johnson (l.s.)  
Treasurer, Chester's Restaurant

(End of letter)

Councilor Sette stated that since this request is to serve food outdoors as well as alcohol, there are other issues to consider. Councilor Walsh stated that the first thing is to decide if this is the way we wish to go. Councilor Reichert stated that the owners should design a plan to submit to the Council. J. Bevilacqua pointed out that this would require service outdoors which the others

do not allow. J. Bevilacqua stated that the owners should meet with the Police Chief, Fire Chief, Building Official and himself to discuss the details. J. Bevilacqua stated that to ask for a preliminary nod from the Council is inappropriate. The consensus was that a detailed plan should be submitted.

B. Councilor Sette read a letter from Roy Anderton

Glocester Town Council  
Town of Glocester, Rhode Island

Dear Council:

Because of resent prosecution under Chapter 263 (VEHICLES, PARKING AND STORAGE OF), I had reason to investigate the reason why I felt the ordinance had been substantially changed since it's inception in 1984. At the time, I was under the impression that I was not in any serious violation by virtue of the fact that I lived on a farm and kept several vehicles and equipment for various agriculture pursuits in conjunction with other members of my family on adjacent properties.

During my investigation it came to my attention that sections #1 and #2 of the aforementioned chapter had been omitted from the previous versions. Apparently, this happened during the various compiling of the ordinances sometime between 1984 and I believe 1991, but most certainly by 2001.

After careful review of the original ordinance and the subsequent revisions, I have come to the conclusion that subsections #1 and #2 of section #3 were substituted, by mistake of omission, for sections #1 and #2, in affect elimination Sections #1 and #2 entirely. Section #3 remains oddly missing from the ordinance used before the most recent compilation. The present numbering of sections erases any evidence of the previous mistakes. Upon further study of the original ordinance, please note, that Section #3 (Notification) is not worded the same as the actual ordinance section #1. It appears that this eventually led to the subsequent mistakes because of their similarities.

Since key language has been lost by mistake of omission and subsequent attempts to patch up this ordinance have led to substantial changes, therefore, Chapter #1 General Provisions s1-2 Continuation of existing provisions... should take effect and return to the provisions of the original ordinance until a complete review of this ordinance can be called and its impact on all the citizens of Glocester can be reviewed.

Thank you,  
Roy Anderton  
(end of memo)

Councilor Poirier asked the Town Solicitor what course is taken when there is ambiguity such as this. J. Bevilacqua replied that it depends on how the Ordinance was enacted, but a court of law is the only one that could make that determination. J. Bevilacqua stated that he will review the reports and if there is a problem with the Chapter, the appropriate remedies can be taken. Mr. Anderton began to speak, but J. Bevilacqua advised him that if he has a violation which will go to court, he should not make statements which could eventually be used against him.

#### C. Letter of Support: Referendum regarding proposed Casino

Councilor Sette stated that Council Poirier requested discussion on this item. Councilor Poirier stated that both Gubernatorial candidates have expressed objection to this referendum and he feels that there should be discussion among the Council members as to whether or not to support the various resolutions received by other cities and towns. Councilor Walsh does not approve of changing the Constitution for the benefit of one company. Councilor Reichert expressed his concerns on the effects of gambling on our children, and referenced Keno games.

Councilor Poirier stated in his opinion that this would be a good deal for Harrah's, a fair deal for the Narragansett Indians, but a bad deal for the State of Rhode Island. Councilor Carroll stated that this will be on the ballot whether we like it or not, and it is up to the voters, regardless of how this Council feels about it. Councilor Poirier stated that, as a Council, there is nothing wrong with expressing an opinion. The consensus was to place this Resolution on the agenda for October 19th.

D. Councilor Walsh stated that he has a copy of the title insurance policy for Gloucester Memorial Park which he will compare to the map to determine if there is a discrepancy on where the back line falls in relationship to the houses.

### XIII . Open Forum

A. Claudine Rivet of 13 Sherman Lane, spoke in reference to Chapter 203 "Outdoor Lighting". Mrs. Rivet stated that she can sit in her kitchen at night with the lights off and still read a newspaper, adding that her dogs are constantly barking because her entire back yard is illuminated. Mrs. Rivet stated that the shields on the lights will not work because the lights are twenty-five feet from the ground. Mrs. Rivet stated that her property value is decreased and she wishes to sell her house. Councilor Sette stated that he visited the site and agrees that there is a problem. Councilor Sette added that he has been told that the lights are on a timer and shut off automatically at 8:00.

Mrs. Rivet stated that the lights are on 24 hours a day. David Fecteau, of the Senior Center Task Force, stated that he was in the parking lot of the Senior Center the previous evening shortly after 8:00 and the lights were off. Kevin Rivet, also of 13 Sherman Lane, stated that when the Senior Center was built, the lot was raised a total of eight feet, which makes it higher than their house. Councilor Reichert asked when the electricity was turned on and Mr. Fecteau replied two days ago. Councilor Sette

stated that something will have to be done to shield the lights. Mrs. Rivet stated that this will not work because the lights are too high off the ground.

Councilor Sette stated that the light could be redirected away from the Rivets' house and back yard. Mrs. Rivet asked if Rhode Island State Codes supercede Town Lighting Ordinances. J. Bevilacqua stated that State Codes usually provide the minimum, sometimes Towns go a little further in their restrictions. Mrs. Rivet asked when these lights will go off. Councilor Sette replied that the lights are on a timer and should turn off each night at 8:00, and if they do not, the timer will have to be adjusted. Councilor Sette stated that he will direct the Building Inspector to go to the property to assess the situation.

- B. Peter Ruggieri, 24 Lakeview Drive, spoke in support of the new computer store in Town.
- C. Tom Sanzi, Dorr Drive, reminded the Council of the Columbus Day events scheduled by the Gloucester Light Infantry.
- D. Ruth Moragemos, co-owner of the building which houses Aegean Pizza, wished to go on record that at the time they obtained the permit to renovate the building, they were not told of the thirty-day law where you have to take the sign down and put it back up. Mrs. Moragemos stated that she has confidence in Mr. Devine's expertise regarding the electrical work involved, and she sees no reason why he can't replace the signs as early as tomorrow. Councilor Sette replied that, although nobody is questioning Mr. Devine's competency, it is a matter of interpreting the Ordinance, adding that nothing will change until the Main Street project is completed, and then there would be a five-year period during which signs would have to be changed. Mrs. Moragemos noted that the tenants receive notification regarding matters such as this, but the owners find out after the fact.

#### XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:15 p.m.; seconded by Councilor Poirier.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the November 2, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **October 19, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll (arrived at 7:40 p.m.); & Charles Poirier

Member Absent: Kevin Walsh

Also Present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Alan Whitford, Public Works Director; Virginia Peters, Human Services Director; and Joseph Peters and David Fecteau, Senior Center Task Force members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

None

V. Resolution

Re: A request of support from other City & Town Councils

Councilor Poirier read the following into the record:

RESOLUTION

WHEREAS, the General Assembly has adopted a resolution placing before the voters a constitutional amendment which would grant a private entity the right to a no-bid license for a casino to be located in the Town of West Warwick; and

WHEREAS, a casino in West Warwick is a matter of state concern; and

WHEREAS, amending our state constitution, the repository of our most basic rights, to allow for a no-bid gambling casino is abhorrent to the principles of constitutional government and our state constitution should not be utilized in this manner for the establishment of a casino in Rhode Island; and

WHEREAS, the present casino proposal is a no bid proposal, which, by its terms, does not return optimal tax revenue or other necessary benefits to the taxpayers of Rhode Island; and

WHEREAS, the honorable Governor, Lieutenant Governor, and Attorney General of the State of Rhode Island, and the members of several Town Councils, have taken strong and definitive positions against this casino proposal; and

NOW THEREFORE BE IT RESOLVED that the Glocester Town Council is opposed to the proposed constitutional amendment to allow a casino in the Town of West Warwick; and

BE IT FURTHER RESOLVED that copies of this resolution be conveyed to the Honorable Governor Donald L. Carcieri, the leadership of the Rhode Island General Assembly, and the Glocester Legislative Delegation.

Steven A. Sette, President  
Glocester Town Council

seconded by Councilor Reichert. (for discussion)

Discussion: Councilor Sette stated that this Resolution is similar to those that we have received from several other municipalities. Councilor Poirier stated his opinion that this amendment to the Constitution is not a good deal for the taxpayers. Councilor Reichert pointed out that the Constitution has been changed sixty times and further stated that the taxpayers will decide if it is a good deal. Councilor Sette stated that he disagrees with the “no-bid” concept and Councilor Poirier stated that he feels the same way.

VOTE:           AYES: Poirier & Sette  
                  NAYS: Reichert

MOTION PASSED

- VI.    Consent Items
  - A.    Minutes: September 7, September 21, 2006, and October 5th Regular Meetings
  - B.    Finance Director’s Report, September 2006
  - C.    Tax Assessor’s Additions & Abatements

MOTION was made by Councilor Reichert to ACCEPT the minutes of September 7th & 21st, 2006; to TABLE the minutes of October 5th, 2006; to ACCEPT the Finance Director’s report for September, 2006; and to APPROVE the Abatements to the 2006 Tax Roll in the amount of \$3,072.69; & Additions to the 2006 Tax Roll in the amount of \$729.49; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Reichert & Sette  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Zoning Board of Review  
One (1) unexpired five year term to expire 11/2010

Due to the fact the resignation was not yet accepted this item shall be tabled.

MOTION was made by Councilor Reichert to TABLE the appointment to the Zoning Board of Review for one (1) unexpired five year term to expire 11/2010; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Reichert, & Sette  
NAYS: 0

MOTION PASSED

VIII. New Business

A. Resignation

1. Economic Development Comm.  
Three (3) year unexpired term to expire 5/2007

Councilor Sette stated that the Council has received the resignation from Gregory Agnone from the Economic Development Commission. This resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor Poirier to ACCEPT the resignation of Gregory Agnone to the Economic Development Commission for a three (3) year unexpired term to expire 5/2007; seconded by Councilor Reichert.

Discussion: Councilor Sette stated that it is with regrets that the Council accepts Mr. Agnone's resignation.

VOTE: AYES: Poirier, Reichert & Sette  
NAYS: 0

MOTION PASSED

B. Appointments

1. Economic Development Comm.  
Three (3) year unexpired term to expire 5/2007

Councilor Sette explained that in the case of the Economic Development Commission, an alternate fills the vacancy and a new alternate will be appointed at the next meeting.

MOTION was made by Councilor Poirier to APPOINT Michael Deignan to the Economic Development Commission for a three (3) year unexpired term to expire 5/2007; seconded by Councilor Reichert.

Discussion: None

VOTE:           AYES: Poirier, Reichert & Sette  
                  NAYS: 0

MOTION PASSED

C.     Glocester Senior Center - Management

Councilor Sette read the following memo from the Town Planner regarding the management of the new senior center which is scheduled to open in the next few months:

TO:            Glocester Town Council  
                  Steven Sette, President

FROM:         Raymond Goff, Chairman  
                  Senior Center Task Force

DATE:         September 27, 2006

SUBJECT:      Glocester Senior Center - Management

The new Glocester Senior Center is expected to be ready to open its doors in November. There will be many decisions to be made with respect to the operation of the Center. We respectfully request that once the Center is open, the existing Senior Center Task Force be deemed to have fulfilled its mission and a new Senior Center Board of Directors be created. We request that this Board of Directors whose mission statement will be "serving all seniors", be made up of the following five members: David Fecteau, Joseph Peters, Ernest LaFazia, Marie Plante and Debra Rogala. We also request that a Town Council Liaison be appointed to facilitate communication with the Council.

In addition to the Senior Center Board of Directors, we respectfully request that an Advisory Board be appointed by the Town Council consisting of seven ex officio members of the three senior groups in Town, namely; the Town Meal Site, Chepachet Union and the Glocester Seniors. This Advisory Board will serve as representation for the Glocester senior residents and will come before the Board of Directors with any suggestions, requests and comments.

Thank you for your consideration in this matter.  
(End of memo)

Councilor Sette stated that R. Goff has given the Clerk another memo as follows:

TO: Town Council, Steve Sette, President  
FROM: Raymond Goff, Senior Center Task Force Chair  
DATE: October 17, 2006  
SUBJECT: Gloucester Senior Center - Management

Since my last memo dated September 27, 2006, regarding the establishment of a Board of Directors (BOD), I have been approached by an individual interested in serving on the Senior Center BOD.

Karen Emond has expressed interest in helping with the Senior Center management by serving on the BOD. Karen has excellent problem solving skills, is very professional and works well with the public. I think she would be an asset to the Senior Center and the Town serving in this capacity.

(End of memo)

Discussion: Councilor Sette stated that there are several things to consider, such as the length of term for people serving on the Board of Directors. Councilor Sette suggested that the terms run concurrent with those of the Town Council. Councilor Sette further recommended that the creation of the an Advisory Board should not take place until the Board of Directors is in place.

MOTION was made by Councilor Carroll to CREATE the Senior Center Board of Directors and to APPOINT the following members: David Fecteau, Joseph Peters, Ernest LaFazia, Marie Plante, Debra Rogala, Karen Emond, & as liaison Councilor Walsh for a term to run concurrent with the Town Council, to expire December 31, 2008; seconded by Councilor Poirier.

Discussion:

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

There was no action taken, at this time, regarding the formation of a senior advisory board. Consensus of the Council was to wait until the newly appointed Board of Directors presents their recommendation for members to this advisory board.

- D. Correspondence:  
1. Letters of Appreciation for donations (Public Works) (2)

Councilor Sette stated that the Public Works Director has requested the Council forward two letters of appreciation: one to Barnes Concrete for the donation of processed gravel (which was used on Killingly Road for repairs) and to Torti Paving for the donation of a Bomag Roller as well as for his assistance with the road work in Waterman Lake Shores.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward letters of appreciation to Barnes Concrete & Torti Paving for their contributions of materials, time, & machinery to the Town of Glocester; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Letter of Recommendation (Senior Center Builder)

Councilor Sette stated that the Senior Center Task Force has requested the Council write a letter of recommendation for Mr. Al Siner, Project Manager for Fields Construction. Councilor Sette Mr. Siner has worked diligently to bring the Senior Center project ahead of schedule and within the budget.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward a letter of recommendation regarding Mr. Al Siner, Project Manager & Fields Construction; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- E. Western Rhode Island Home Repair: Consortium Agreement

Councilor Sette stated that the Council has received the annual Consortium Agreement from the Program Manager of Western Rhode Island Home Repair, Ellie Tetreault. This agreement is to be approved by Glocester, Foster, & Scituate Town Councils.

Discussion: Councilor Sette explained that this is an agreement which comes before the Town Council annually.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the Western Rhode Island Home Repair Consortium Agreement for 2006/2007 between the towns of Foster, Scituate, & Glocester; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

F. Lease Agreement: Terry Lane (Senior Meal Site)

Councilor Sette read into the record correspondence which the Finance Director has forwarded to the owner of the current meal site property located on Terry Lane terminating the lease agreement the town currently has:

October 12, 2006

Land Plus c/o William J. Hamill

Re: Leased property located at 15B-17A Terry Lane, Glocester, RI.

Dear Mr. Hamill:

We anticipate that our new Senior Center will be ready for occupancy in November.

Per the terms in our lease agreement, this is our notice that we are terminating our lease agreement effective November 30, 2006.

On behalf of our seniors, we thank you for the use of your facility for our seniors to eat lunch and socialize for the past few years.

Respectfully,

Thomas P. Mainville

Director of Finance

(end of memo)

Councilor Sette explained that due to a time deadline for notification the Director forwarded this notice on behalf of the Council, addint that the Council now needs to ratify that action.

MOTION was made by Councilor Reichert to RATIFY the TERMINATION of the lease agreement between the Town of Glocester and Land Plus c/o William J. Hamill for the property located at 15B-17A Terry Lane; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

- G. Sherman Lane
  - 1. Discussion
  - 2. Resident complaint

Claudine Rivet, owner of property on Sherman Lane, stated that she would like to know the Town's intentions concerning Sherman Lane in reference to the new Senior Center. Mrs. Rivet stated that, according to her deed, Sherman Lane is a right-of-way which she is responsible to maintain for emergency traffic. Mrs. Sherman stated that, because the land was raised four or five feet for the construction of the Senior Center, an ambulance cannot go over that.

Councilor Sette stated that if there were an emergency situation at the Senior Center, vehicles would use the newly created entrance for access instead of Sherman Lane. Mrs. Rivet asked if Sherman Lane could now be abated to the public. Kevin Rivet stated that they would like the Town to revoke their right-of-way as pedestrian entrance to Gloucester Memorial Park, adding that there is no longer any reason for the Town to have a right-of-way through this private property.

Mrs. Rivet stated that, along with her neighbor, Denise Laprise, she would like to erect a fence at the corner of her house across Sherman Lane to the Laprises' property. Mrs. Rivet stated that in the interest of public safety, it would be easier for the Police to deter teenagers from going into Sherman Lane to access the woods. Mrs. Rivet added that she has witnessed accidents and she has had to contact emergency 911. Councilor Poirier asked Ms. Rivet where she resides.

Ms. Rivet described her property as Plat 10, lot 57. Ms. Rivet stated there is currently a fence the town previously erected. Councilor Sette stated that this is an existing right-of-way and once construction at the Senior Center is completed, there will be two entrances to the park, one at the Senior Center and the other on Adelaide Road. Councilor Reichert stated that Mrs. Rivet has previously stated that they wish to sell their home. Mrs. Rivet replied that they are trying to, but are unable to because of obvious reasons which are not relevant at this time. Councilor Reichert stated a deeded right of way does not "go away."

John Bevilacqua, Town Solicitor, stated that if the Town chooses to abandon the right-of-way, a Public Hearing and Town Council vote would be necessary. Mrs. Rivet stated that they are asking for it to be the private property of the Laprises and of the Rivets. J. Bevilacqua replied that this Council cannot dictate that because it is a matter of law (who holds a right of ways and what other persons deed reads) and is outside the jurisdiction of the Town Council. The

Solicitor stated the Town cannot put an empermater as to whom owns the property. Councilor Sette asked if the Town can abandon the right-of-way, to which J. Bevilacqua replied that it can be done but there is a process which must be followed.

Councilor Poirier stated that each Spring, there seems to be an issue regarding the Little League players walking through the right of way to get from one field to another. Councilor Poirier asked if it is within the rights of the players to use the right-of-way. J. Bevilacqua responded that it is designated as a pedestrian right-of-way and anybody would have the right to use it for the purposes of pedestrian traffic or emergency access.

Mrs. Rivet stated the safety issue also relies on the liability issue, the culvert is in disrepair and they do not want the public there anymore. Mrs. Rivet stated that it would cost thousands of dollars to maintain the culvert and she cannot afford to do that. Councilor Sette pointed out that if the Town abandons the right-of-way, the responsibility still remains with the property owner.

Denise Laprise, 1182 Putnam Pike, stated that Sherman Lane goes through her property. Mrs. Laprise stated that she believes the walkway has been jeopardized and she stated she does not see how the Little League parade can pass through there now that the Senior Center has been constructed on an incline and drainage has been installed which directs the runoff through her property. Mrs. Laprise stated that they have experienced a lot of havoc.

Mrs. Laprise mentioned the playground which was removed for the skate park. Councilor Sette replied that the playground will be reconstructed. Mrs. Laprise stated that they would like to install a fence to prevent kids from going through the property and invading their privacy. Mrs. Laprise also stated that although she is happy that the Senior Center has been built, the Sherman Lane area has been jeopardized as a result. Ms. Laprise questioned why they were not notified the senior center was being erected. Councilor Sette stated that was on the 2004 General Election ballot.

Councilor Sette stated that the Council will take this matter under advisement, and if the Council decides to abandon Sherman Lane, the neighboring property owners would be notified. Mrs. Laprise asked how the Council expects the crowds (baseball parade & 4th of July celebration) to go through there. Councilor Sette stated those are all things to consider. Mrs. Laprise asked when they can expect a decision. Councilor Sette stated within a reasonable amount of time. Councilor Poirier stated a decision surely should be determined before those situations (Little League Baseball and the parade) occur again.

Councilor Sette stated that at the last meeting, the lighting at the Senior Center was discussed, adding that a letter was received from the Senior Center Task Force. Councilor Sette read the letter into the record.

October 18, 2006

In response to recent complaints regarding lighting at the Senior Center, the Senior Center Task Force is taking steps to reduce the impact on abutting properties.

We are working with Brian Lombardi, Building/Zoning Official, and Lt. Matthew Fague of the Gloucester Police Department, to inspect the light levels in and around the Senior Center. We plan to use a light meter on abutting properties to gain an unbiased determination of the amount of light that is spilling off the site and to ensure that we are consistent with the Outdoor Lighting Ordinance contained in the Code of the Town of Gloucester.

We have disconnected the parking lot light adjacent to the Rivet residence and will be relocating it shortly. The electricians have adjusted the shields in the other lights to direct the lighting away from neighboring residences. We have also asked the electrical contractor to give us other options to reduce the glare from the other parking lot lights. We did try using a coated bulb to reduce the glare, but were not satisfied with the results.

We have requested that all exterior soffit lighting be reduced to 20 watt bulbs to reduce the light wash on the building. We believe this will reduce the glow, while still providing for security to the building.

We are planning the installation of plantings along the parking lot to further shield abutting properties. We will continue to work on finding a solution that is both cost effective and sensitive to adjacent property owners.

Be assured that the Senior Center Task Force is committed to eliminating any problems associated with the Senior Center lighting. Our hope is that all parties involved will grant us some time and patience in reaching a solution to this problem.

(End of memo)

Claudine Rivet quoted RI General Law Book 42 Chapter 136-3 Definitions as follows:

“As used in this chapter, direct light means “light emanating generally in a downward direction by a lamp, off a reflector or through a refraction of a lighting unit. Fully shielded lighting unit means a lighting unit that is constructed in such a manner that all light emanated either directly from the lamp or indirectly by reflection or refraction from any part of the lighting unit is projected below the horizontal.”

Mrs. Rivet asked the Council if they are aware that the Senior Center land is built up so that the land starts at her five-foot fence; therefore her property is below the horizontal. Mrs. Rivet stated that, due to this, their property will still be illuminated regardless of any shielding that may be installed. Mrs. Rivet stated that her seclusion and right to privacy have been taken away. Mrs. Rivet stated she is happy for the Town’s turnout at the Senior Center open house, but when she looks out she can only see cars. Mrs. Rivet stated that she has photographs

which demonstrate the “before and after” views from her property. Mrs. Rivet asked the Council how they were going to rectify this situation and further stated the lights need to be abated. Ms. Rivet asked the Council to refer to Rhode Island General Laws.

Councilor Sette replied that the Senior Center Task Force has indicated that they plan to take measures to rectify the lighting situation. Mrs. Rivet stated that it is not fair that all she can see from her yard is a parking lot filled with cars. Mrs. Rivet stated that she is happy for the addition of a Senior Center in town, but stated that it is infringing upon her rights. Ms. Rivet stated she has asked each Councilor to come to her property to view the situation. Councilor Sette stated he went to the park the previous evening to check the lighting. Councilor Poirier asked Mrs. Rivet if she had any ideas.

Kevin Rivet stated that in other communities, a fence is often constructed around Town property. Councilor Poirier stated that something immediate needs to be done as plantings are a long-term solution. Mr. Rivet stated that trees, some fifty years old, that formerly shielded the lights at the tennis and basketball courts were removed for the Senior Center, so now these lights are also a nuisance. Councilor Poirier questioned if a stockade fence or wooden fence would be more pleasing. Mrs. Rivet pointed out that the property is in the Historic District and they must abide by the laws pertaining to the Historic District. Mrs. Rivet stated that the only fence which would shield her property from these lights would have to be twenty-five feet high, which is prohibited in the Historic District. Ms. Rivet stated they have been deprived of their rights.

Councilor Reichert pointed out that when the Rivets purchased their property, the baseball field was already in place. Mrs. Rivet stated that she has photographs that she would like to show the Council members. Councilor Reichert stated this property is town property and the taxpayers agreed to build on the property. J. Bevilacqua, Town Solicitor, informed all present that interrupting the Council will not be permitted. Councilor Sette invited Mrs. Rivet to bring her photos to the table for the Council members to view. The grade of the property was discussed.

(Multiple conversations, out of order)

Councilor Sette stated that the Council will take under advisement whether or not to abandon Sherman Lane. Additionally, Councilor Sette stated that the problems with the lighting at the Senior Center are being addressed. Councilor Sette stated that the residents of Sherman Lane have given the Council more to think about, more to look at and more to respond to. Councilor Sette added that the Council has tried to keep dialogue open and are trying to be as sensitive as possible to what the residents are faced with. Mr. Rivet stated that there are sure to be issues in the future, such as snow removal and spring thaw. Councilor Sette replied that further problems will be dealt with as they occur.

- H. Personnel Handbook amendment
  - 1. Annual Leave, item a.

Councilor Sette stated that the Council has received a memo from the Personnel Director requesting Council's consideration:

October 13, 2006

To: Town Council  
Re: Holidays

Presently, the Gloucester personnel handbook states that: "Whenever a holiday falls on a Saturday, Friday shall be designated and if it falls on Sunday, Monday shall be designated as leave."

This year, Veteran's Day (November 11) falls on a Saturday. Per the handbook, the Town Hall would be closed on Friday, November 10.

However, the State of RI follows a different schedule: "When a legal holiday falls on a Saturday or Sunday, then State employees celebrate on the following Monday (RIGL 25-1-1).

Does the Council wish to change the handbook to follow the State policy?

Tom Mainville  
Director of Personnel  
(end of memo)

Discussion: Councilor Poirier asked T. Mainville if the employees have a preference. T. Mainville replied that he has not heard that there is a preference. T. Mainville further stated that he has spoken to the Public Works Director who has no objection to following the State law. Councilor Poirier asked if there would be an impact on the Public Works Department. T. Mainville replied that since the Transfer Station is already closed on Mondays, it would not cause a problem. Councilor Sette stated that it makes sense to observe the holiday on the same day as the State government.

MOTION was made by Councilor Carroll to AMEND the "We are Gloucester Employee Handbook" to read as follows:

Whenever a holiday, celebrated by the Town of Gloucester, falls on a weekend, the Town will celebrate that day on the same day as that observed by the State of Rhode Island. If not observed by the State of Rhode Island, whenever a holiday falls on a Saturday, Friday shall be designated and if it falls on Sunday, Monday shall be designated as leave;

seconded by Councilor Poirier.

Discussion: None

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0  
MOTION PASSED

IX.     Department Head Report/Discussion

- a.   Jean Fecteau, Town Clerk, stated that the Council had given her permission to set a Public Hearing for the Zoning Matrix changes, which was to have been in October. J. Fecteau stated that, after she had prepared the advertisement, the Zoning Official and Planning Board asked for additional amendments to be incorporated into the same Public Hearing. Due to this, J. Fecteau asked to set a Public Hearing for November 16th.

J. Fecteau, Town Clerk, stated that she has received correspondence from Bruce Payton, Chair of the Gloucester Land Trust, asking for a waiver of fees pertaining to a recent Administrative Subdivision. Mr. Payton is further requesting that a blanket waiver be put in place for the future. The Council agreed to place this on the agenda for November 2nd.

- b.   Councilor Sette stated that there is an issue regarding reimbursement to the Gloucester Heritage Society for Police detail which they were required to have at their Heritage Day event. T. Mainville, Finance Director, stated that he reviewed the minutes of the meeting at which this was discussed, and he feels that it was not clear that the Town would cover the cost. J. Fecteau, Town Clerk, stated that the intention was there, but a motion was not conducted. Councilor Sette asked if the Council could give the Finance Director authorization to pay. J. Bevilacqua, Town Solicitor, replied that this is not an ordinary and customary expenditure, and the Council would have to vote on it. There was consensus to place this on the agenda for November 2nd.
- c.   Councilor Sette asked Anthony Parrillo, Recreation Director, if there was any type of sign at the skate park regarding safety issues. A. Parrillo replied that there is a sign indicating rules and regulations as well as the importance of wearing helmets. Councilor Sette asked if the sign stated the hours of operation of the park. A. Parrillo replied that he believes so, but he will double-check. Councilor Sette stated that there have been a number of calls to the Police regarding problems caused primarily by residents of other communities.

A. Parrillo stated that he has spoken to some of the kids who use the park, adding that it is not supervised. Councilor Sette stated that if these problems continue, the Town may have to place restrictions on the hours of operation. A. Parrillo stated that the skate park has been busy and gets a lot of use. There was discussion of the possibility of installing video surveillance to deter any questionable activity.

Councilor Poirier stated that when this idea was introduced, there was enthusiastic response from the young people in Town, adding that the key is to continue to work with these individuals. A. Parrillo stated that he will continue to speak to the kids whenever he is in the area.

X. Boards/Commissions  
None

XI. Council Correspondence/Discussion

Councilor Sette stated that we have received several Resolutions from other cities and town regarding Question 1 and one letter in support of Affordable Housing.

Councilor Sette stated that a letter was received from the State of Rhode Island Traffic Commission regarding a request for “School Zone” signs on Anan Wade. This letter will be referred to the Public Works Director and Police Chief.

Councilor Sette stated that correspondence was received from Insurance Services Offices regarding a program called “Building Code Effectiveness Grading Schedule”. A questionnaire was enclosed and will be forwarded to the Building/Zoning Official.

The Planning Board Annual Report for 2005 has been received.

XII. Open Forum

- a. Marie Plante, 56 Victory Highway, asked if the Town, specifically the Village of Chepachet, has an ordinance regarding keeping property clean of debris. Ms. Plante stated that there are two examples of this which she wished to bring to the attention of the Council. The first is the Junction, which sells plants and vegetables, and is overrun with debris on the side of the building, making the property an eyesore. The other property is at 28 Money Hill Road which has junk, such as broken furniture, on the front porch. Councilor Sette stated that this would be a matter for the Building/Zoning Official to address.
- b. Alan Smith, 1214 Putnam Pike, stated that there is a flaw in a very vital public program. Mr. Smith referred to the pamphlet for the Septic Loan Program, which is purported to be an easy program with fast approvals and a very low interest rate for septic system replacement. Mr. Smith stated that the pamphlet is a lie, adding that this loan is not easy to apply for, it takes up to two weeks for approval, and monies are disbursed only after the work is completed and inspected. Mr. Smith further stated that a Certificate of Conformance is counter-productive to the issuance of monies and to the intention of eliminating failed septic systems. Mr. Smith pointed out that local contractors are not willing to wait for payment.

Mr. Smith explained that he and his wife applied for this loan three weeks ago and showed the Town Treasurer all of the completed paperwork, which was approved. Mr. Smith stated the loan was subsequently approved, but with the condition that monies would not be dispersed until the work was completed and a Certificate of Conformance was issued by the DEM. Mr. Smith pointed out that in order to get this loan, one must get a loan from another institution to pay the contractor, obtain the Certificate of Conformance, and then use this loan to pay off the first loan.

When Mr. Smith asked Rhode Island Housing who placed the stipulations on these loans, he was told that it was the Gloucester Town Council. After speaking with the Treasurer and the Chair of the Wastewater Management District Board, Mr. Smith stated that he realized that his options were limited. Mr. Smith stated that he is fortunate enough to have resources available and this loan is not necessary. Mr. Smith stated that he feels that the Town Council and Rhode Island Housing have taken a program intended to help eliminate septic problems in a community dependent on private wells, and has turned it into a program that discourages applications and creates a dysfunctional quagmire.

Councilor Sette stated that he was not aware of some of these stipulations and agrees that this should be looked into. Councilor Sette asked Lou Cadwell, Chair of the Wastewater Management District Board, for comment. Mr. Cadwell stated that he has spoken to Mr. Smith regarding this matter. Mr. Cadwell stated that it is his understanding that the 12 stipulations are in place to protect the Town and it would be up to the Town to change the Resolution if the Council does not want to have this extra burden on the applicants. Councilor Reichert noted that the Town wanted to protect the taxpayers from phony contractors and asked if we could get a list of approved contractors who would abide by these terms. L. Cadwell stated that the Board has a policy not to get personal as far as contractors are concerned. Councilor Reichert stated that the stipulations are there to prevent an applicant from defaulting which would put the debt on the back of the Town. L. Cadwell suggested that if there is a default, RIHMFC could place a lien on the property, adding that he sees no reason why the Town could not do the same.

T. Mainville pointed out that if the Town pays off a loan which has defaulted, the rights transfer to the Town. T. Mainville stated that when somebody comes in and asks for a recommendation regarding contractors, he refers them to DEM who has a list of contractors. T. Mainville stated that perhaps we could obtain this list and contact the companies and ask if they will accept payment after work is completed.

T. Mainville stated that he sympathizes with Mr. Smith and feels that this program could be made more "user-friendly". John Bevilacqua stated that DEM has a list of certified installers which is on the website. J. Bevilacqua recommended that the Wastewater Management District Board reach an agreement with these contractors regarding payment. David Fecteau, Western RI Home Repair Program Housing

Specialist, stated that his office has a list of contractors who will do the work without receiving money up front.

Councilor Sette apologized to Mr. Smith that this program did not work for him, but thanked him for bring this to the Council's attention.

- c. Rose LaVoie stated that she wished to congratulate Tom Mainville on the recent upgrade in the Town's bond rating.

Mrs. LaVoie stated that when Gloucester Memorial Park was purchased there were only two rights-of-way, one through Sherman Lane and the other through the Kesteloot's property. Mrs. Lavoie stated that, after much negotiations, Adelaide Road was designated as another access to the park. Mrs. LaVoie stated that Sherman Lane is a legal right-of-way which does not belong to anybody.

Mrs. LaVoie commented on the condition of the Hawkins property which is owned by the Land Trust. Mrs. LaVoie feels that it is an absolute disgrace and the Land Trust should be called to task for allowing the property to deteriorate.

Mrs. Lavoie brought up the fence which surrounds the CVS construction site, stating that it obstructs sight and makes it even more difficult to pull out of Route 102. Councilor Sette agreed that the fence is a visual and physical hindrance. Councilor Reichert asked if the company could bring the fence in to improve the situation. It was decided to refer this matter to the Building Official.

### XIII. Executive Session

#### A. Litigation RIGL 42-46-5(a)2

MOTION was made by Councilor Carroll to ADJOURN to Executive Session, Litigation RIGL 42-46-5(a)2; seconded by Councilor Reichert.

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

### XIV. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 9:12 p.m.; seconded by Councilor Poirier.

VOTE:           AYES: Poirier, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the November 2, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **November 2, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; David Fecteau and Marie Plante, Senior Center Task Force members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Marie Plante.

IV. Open Forum for Agenda Items

None

V. Consent Items

A. Minutes: October 5, & October 19, 2006th Regular Meetings; October 19, 2006 Executive Session.

MOTION was made by Councilor Poirier to APPROVE the minutes of October 5 & October 19, 2006 Regular Meeting and October 19, 2006 Executive Session; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Resignations

1. Zoning Board of Review

One (1) unexpired five year term to expire 11/2010

MOTION was made by Councilor Poirier to ACCEPT the resignation of Richard Barrows from the Zoning Board of Review for the unexpired five year term to expire 11/2010; seconded by Councilor Walsh.

Discussion: Councilor Poirier stated that this is an unfortunate situation because he believes that this resignation was a result of the Ethics Commission's claim against Mr. Barrows. Councilor Poirier added that he read an article which stated that there were 238 violations, 13 of which were prosecuted. Councilor Sette stated that the Council has not received a response from the Ethics Commission regarding the letter which was sent by the Town Council.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Appointments

1. Zoning Board of Review  
One (1) unexpired five year term to expire 11/2010

MOTION was made by Councilor Poirier to APPOINT Christine Bigwood to the Zoning Board of Review for an unexpired five year term to expire 11/2010; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Zoning Board of Review  
One (1) Alternate #2 for a term to expire 1/2007

MOTION was made by Councilor Carroll to TABLE the appointment to the Zoning Board of Review, the position of Alternate #2 for a term to expire 1/2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. New Business

- A. Waiver of Town Administrative Fees
  1. Gloucester Land Trust

Councilor Sette stated that the Council has received a request from Bruce Payton, Land Trust Chair. Mr. Payton is requesting a waiver of fees on an application currently submitted to the Zoning Official for a Land Trust property and for building permit fees. Councilor Sette also

stated the question came up as to whether the Council wants to consider a waiver of all these fees now or in the future and if the Council chooses they can consider a motion that would exempt the Land Trust from administrative fees within the Town offices, whenever they arise, which would eliminate the need for individual requests.

Mr. Payton's letters:

October 15, 2006  
Glocester Town Council

The Glocester Land Trust is in the process of completing the acquisition of a portion of Norman and Mary Cooke's property on Evans Road in Glocester, AP 16 Lot 91. In order to proceed we must complete an Administrative Subdivision Application. This donation by the Cooke's will add almost 6 acres to the Seldom Seen Farm, AP 16 Lot 32, and square off the property bounds.

I have been in contact with The Town Planner and the Treasurer's Office about payment of fees. It was agreed that with the Town Council's approval the fees would be waived for both the Preliminary Plan Application and the Final Plan Application.

I would therefore like to petition the Town Council for a waiver of the above fees. Thank you for your consideration.

Sincerely,  
Bruce B. Payton, Chair  
Glocester Land Trust  
(end of memo)

and also:

October 19, 2006  
Glocester Town Council

The Glocester Land Trust is in the process of roofing and renovating a building recently purchased by the Trust. This requires a Building Permit and filing a permit fee to the Building & Zoning Department.

In the past the Town Council has been gracious enough to waive the Application fees for Subdivisions. I would therefore like to petition the Town Council for a waiver of the above Building Permit fees and future Building Permit fees for the Glocester Land Trust. This waiver would eliminate the transfer from one Town account to another. It would also eliminate the processing of such fees for the Land Trust, the Building &

Zoning Department and the Finance Office saving the administrative time in each Town Department.

Thank you for your consideration

Sincerely,

Bruce B. Payton, Chair

Glocester Land Trust

(end of memo)

MOTION was made by Councilor Poirier to GRANT a waiver to the Glocester Land Trust from Town administrative fees, to include Zoning & Planning application fees, & Land Evidence recording fee on current requests only; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

B. Appointments

1. Economic Development Comm.

Alternate #2 for a term to expire 5/2007

MOTION was made by Councilor Carroll to TABLE the appointment to the Economic Development Commission for Alternate #2 for a term to expire 5/2007; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

2. Senior Van Driver(s)- Part time

Councilor Sette read the following request from the Personnel Director:

October 27, 2006

To: Town Council

Re: Appointments: Transportation van driver -part-time

Due to the recent transitions/changes with our Transportation van drivers, it is necessary to replenish the pool of drivers who can fill in on an 'as needed, when available' basis.

The position of Transportation van driver - part-time is budgeted for 5 hours per week. The primary responsibilities are to transport elderly residents on shopping trips and to fill in for the regular van driver during his/her absences.

The position was advertised in the bargain buyer on August 15. Two applications were received and both applicants were interviewed by Virginia Peters, Director of Human Services and Tom Mainville, Director of Personnel.

Both Judith A. Branch and Neil A. Salisbury are being recommended to fill the position of Transportation van driver -part-time (5 hours per week). They will not work at the same time.

They have agreed to work as needed and as it coincides with their availability. Their combined hours will not exceed budget. Both have the required licenses and both have considerable experience in this field. The recommended wage rate is \$12.09 per hour.

Tom Mainville  
Director of Personnel

(end of memo)

MOTION was made by Councilor Reichert to APPOINT Judith A. Branch and Neil A. Salisbury to the position of Transportation van driver part-time to start on November 3, 2006 at a wage rate of \$12.09 per hour to work on an as needed and as available basis. The position (their combined hours) will not exceed hours budgeted; seconded by Councilor Carroll.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

C.     Utility Easement Request  
       Echo Lake Water District

Councilor Sette stated that the Attorney for the Echo Lake Water District has requested an easement from the Town to do the necessary work for the completion of the repairs, laying of new distribution lines, meters, and any other necessary facilities which may involve work for the water district's new system. Councilor Sette stated this easement would allow this work to be done on, under, and around Lake Drive & First Road.

After discussion, it was determined the District is requesting this easement in the event the Town does have any interest in these roads.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign an Utility Easement on behalf of the Town of Gloucester granting rights to the Echo Lake Water District for work to be performed in the Pascoag Lake Shores area; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

D.       Gloucester Heritage Society  
          Reimbursement of Funds (Detail Officer-Heritage Days)

Councilor Sette stated that this item has been discussed at the Council's previous meeting and a consensus appeared to be to reimburse the Heritage Society for the cost of a detail officer. Councilor Poirier asked how it is determined whether a detail officer is needed at this type of event. Councilor Sette replied that the Chief of Police makes that determination. Councilor Sette added that the Heritage Society does not have enough vendors to raise enough money to pay for the detail officer. Councilor Poirier noted that the Little League did not have to pay for a police detail at their opening day parade and ceremony. Councilor Sette stated perhaps the question could be asked of Chief Hainsworth.

MOTION was made by Councilor Poirier to Authorize the Finance Director to reimburse the Gloucester Heritage Society \$254.45, the cost they incurred for a detail officer during their annual Heritage Day event which was held on August 20, 2006; seconded by Councilor Carroll.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

E.       Western Rhode Island Home Repair - Request for contribution

Councilor Sette stated that the Council has received a request from Elinor Tetreault, Program Manager for Western Rhode Island Home Repair, informing the Council that the Program has been cut drastically over the past three years. Councilor Sette explained Mrs. Tetreault is requesting that each of the three towns serviced by the program contribute \$2,000.00 toward

the administration of the Home Repair Program and the CDBG Block Grant Application process.

Councilor Sette read the following:

9/20/2006

RE: Western RI Home Repair Program

Dear Council Members,

We are writing this letter to inform the council members that the Community Development Block Grant (CDBG) funding for the administration of the Western RI Home Repair Program has been cut drastically, over the past 3 years in 2004- \$5,700.00 was awarded , we applied for \$7,500.00 in 2005-5,000.00 was awarded we applied for \$7,500.00 and in 2006 \$2,100.00 was awarded and we applied for\$8,000.00 for the Town of Gloucester.

The Western RI Home Repair program has operated independently since it was founded 20 years ago. The three Towns have always provided office space to support the Home Repair Program.

I am requesting that each Town contribute \$2,000.00 towards the administration of the Home Repair Program and the CDBG Block Grant Application process. The \$2,000.00 would cover Workers compensation and liability insurance, which is \$1051.67 per To.\$300.00 for advertising of the 2 public hearings for the CDBG Block Grant Application which is mandatory in the filing of the CDBG Grant. The additional \$149.00 would be used for office supplies such as printer cartridges, paper, binders, etc.

It has become extremely difficult to administer the Home Repair Program and serve as the CDBG Representative on such a limited budget.

Many residents of the Towns of Foster, Gloucester and Scituate have benefited from the array of programs that the Western RI Home Repair Program has provided through the CDBG Grant.

We anticipate that you will support the Administration of The Western RI Home Repair Program serving as the CDBG Representative by providing the \$2,000.00 requested to continue operating the program.

If you should have any questions, please feel free to contact me.

Sincerely

Elinor C. Tetreault Program Manager

(end of memo)

Discussion: Thomas Mainville, Finance Director, stated that this could be posted as a line item in the Town Aid section for \$2,000.00 and then reduce the contingency fund by that amount. T. Mainville added that there is a balance of \$8,700.00 in the contingency fund. Councilor Walsh recommended sending correspondence to our State Representatives to try to get their support. Councilor Sette stated that it would be a good idea to send something to the State at the time that the CDBG grant application is advertised.

MOTION was made by Councilor Carroll to add an unbudgeted line item under Town Aid in the amount of \$2000.00 for the Western Rhode Island Home Repair Program; seconded by Councilor Reichert.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

#### VIII.. Department Head Report/Discussion

- A. Thomas Mainville, Finance Director, spoke on behalf of the Chief of Police, stating that one more cabinet(s) is needed in the dispatch center at the Police Station. The cost is \$3500.00, for which the Chief of Police has funding available. Councilor Walsh asked if the cabinet would be obtained from the same company that supplied the other materials for this project, at the same bid price (RFP 2007-1). T. Mainville replied in the affirmative.
  
- B. Councilor Sette read a letter from Alan Whitford, Public Works Director concerning issues at the Skate Park.

11-06-06

To:   Honorable Town Council  
Fm:   DPW  
Subject: New Skate Park Issues

Since the installation of the new skate park vandalism has increased at Gloucester Memorial Park. One month ago lights were replaced. This requires a company with a bucket truck due to the height of the lighting. Therefore lighting replacement is expensive.

This week I visited the park to review plans for increasing parking and installation of the children playground. Lighting adjacent to the skate park had been broken by rocks which were now scattered in the skate park and the glass from the lighting was also all over the area. In addition there was trash all over the ground in the area of the skate park.

I am concerned that when we lay out the components of the playground (which cannot be loaded and unloaded daily) will be damaged or stolen. In addition I am concerned that issues will become more prevalent in the spring and summer as more people become aware of the skate park. It may become an issue when the spring ball games are played, with the children on the playground and with the seniors at the new center.

My recommendation is that video surveillance cameras be installed that could be monitored by the police.

(End of memo)

After discussion, the consensus was to obtain suggestions and prices from several different companies regarding surveillance cameras. T. Mainville questioned if the Council wanted some price estimates and agreed to work with A. Whitford to obtain information. Council consensus was to the affirmative and agreed to review some cost estimates or ideas. Councilor Reichert expressed his concerns as to the fact this park was just opened and the problem is already to this magnitude. Councilor Reichert questioned if the police were patrolling the area. Councilor Sette stated the police were patrolling the area and surveying the situation. In addition, A. Whitford's letter will be forwarded to the Chief of Police.

C. Councilor Sette stated that Ray Goff, Town Planner, is not present, but had submitted a copy of minutes from a recent meeting regarding the Chepachet Enhancement Project and RI DOT Highway Project. Councilor Sette outlined the topics addressed at that meeting. Councilor Sette also stated that the issue of sidewalks was discussed and the state indicated they may be able to incorporate the addition of a sidewalk in the Pine Meadow area in the Enhancement Project as it would probably be less costly for the state to do this type of work. Councilor Sette stated the Planner was looking at using \$98,000.00 (which was previously allocated for a visitor center) to install sidewalks from Pine Meadow to the Senior Center and to add more period lighting in the area. Councilor Sette explained D.O.T.'s timetable is from mid to late 2007 to early 2008 for completion.

IX. Boards/Commissions  
None

X. Council Correspondence/Discussion

A. Councilor Sette stated that the Council has received two requests from the Town of South Kingstown asking for support for two State referenda - Higher Education and Affordable Housing. Since the next meeting will take place after the election, Councilor Sette stated that he wished to note that the Council received their letters.

B. Councilor Sette stated that a Casino Resolution was received from the Town of Exeter.

- C. Councilor Sette stated that a Resolution was received from the City of East Providence concerning Special Education Laws. Councilor Sette recommended that this be forwarded to the School Committee for review.
- D. Councilor Sette stated that the Town has received correspondence from the State Department of Transportation concerning the Disposition of Surplus State Land Condemnation Plat 486/Parcel 77 Location: 777 Putnam Pike, Glocester, Rhode Island. ( map included with the correspondence). The Town Council directed the Town Solicitor to look into this matter and advise at the next meeting.
- E. Councilor Sette reviewed correspondence from the U.S. Census Bureau regarding a Boundary and Annexation Survey. The Clerk stated this has been referred to the Tax Assessor.
- F. Councilor Sette reviewed correspondence received from Comprehensive Environmental Inc. regarding stormwater utilities and what they would provide as their scope of work. This correspondence referred to the Town Planner.
- G. Councilor Sette read the following letter from Claudine Rivet:

October 27, 2006

To the Town Council of Glocester, RI

We request a Resolution of Indemnification from the Town of Glocester for Kevin H. Rivet and Claudine M. Rivet to be added to the agenda to the Town Council meeting November 2, 2006.

(End of letter)

Councilor Sette stated that this will be addressed in Open Forum.

#### XI. Open Forum

1. Claudine Rivet, Sherman Lane, stated that she wishes to clarify how the Town obtained Sherman Lane to be used as a pedestrian access by the public. Councilor Sette replied that this is a deeded right-of-way. Mrs. Rivet stated that she feels that the Town is subject to all the duties and liabilities imposed by said right-of-way; therefore she is requesting that she not be held liable. Mrs. Rivet stated that she and her husband have acquired additional home insurance as well as liability insurance due to the possibility of someone being injured.

Councilor Walsh stated that we could get answers from the Town's insurer as to the liability issue for a deeded right-of-way. (It was established there are two different issues being raised, potential injury on Sherman Lane & potential injury relative to the Senior

Center. ) Mrs. Rivet stated that a Resolution of Indemnification was granted to Richard and Denise Laprise as recorded in book 216 page 0743 of the Land Evidence records. Mrs. Rivet also referred to her deed, recorded in book 252, Page 091. Mrs. Rivet stated that she wants the same thing granted to her. Councilor Sette stated that this would have to be researched.

Councilor Walsh suggested that we check our deed to determine where the right-of-way is and where it goes. John Bevilacqua, Town Solicitor, stated that there is no question that the Town was given a right-of-way through that particular area for the purpose of pedestrian access and emergency vehicles. Councilor Sette asked if anybody were to get injured on that right-of-way, who would be liable. J. Bevilacqua replied that anyone and everyone who has an interest in the right-of-way would be responsible for maintaining it.

Mrs. Rivet asked if they are exempt from liability, to which J. Bevilacqua replied no, they are not exempt. Mrs. Rivet expressed that she should not be responsible for all the teenagers and others coming through to access the Senior Center and the park. Mrs. Rivet stated that they and their neighbors, the Laprises, are requesting that the Town abate Sherman Lane to allow them to install a fence and retain it as private property.

J. Bevilacqua stated that the responsibility cannot be abated by the Town Council or anyone else. J. Bevilacqua further advised that the Rivets hire an attorney to determine their specific responsibilities and obligations. There was discussion concerning the location of the well in proximity to the right-of-way. It was determined that no action could be taken as this is not an agenda item and Councilor Sette stated he would like the opportunity to research the questions asked.

There was discussion regarding the lighting issues which were brought up at a previous meeting. Councilor Sette explained what was being done to alleviate the problem, adding that the Building Inspector and Lt. Fague of the Police Department will bring a light meter to the Rivets property to determine if anything else will need to be done to shield the light. Councilor Sette further stated that a line of trees will be planted to shield the property from the Senior Center parking lot. Mrs. Rivet stated that they appreciate the consideration given to them.

Ms. Rivet questioned the status of “unapproved minutes” and her request for Executive Session minutes. The Solicitor informed Ms. Rivet the minutes in question (Executive Session) would not be available to an individual unless the individual was the subject of the Executive Session.

## XII. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 8:16 p.m.; seconded Councilor Reichert.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 7, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester **November 16, 2006.**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also Present: Jean Fecteau, Town Clerk; Brian Lombardi, Building/Zoning Official; Alan Whitford, Director of Public Works; Jamie Hainsworth, Chief of Police; and Michael Merchant, Animal Control Officer.

The Clerk updated the Council on the Veteran's Day celebrations success. The Clerk also asked for a moment of silence for one of the veteran's whom participated as he had recently passed away.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aaron Dupuis, and was followed by a moment of silence for a Korean War Veteran who recently passed away.

IV. Open Forum for Agenda Items

None.

V. Resolution

MOTION was made by Councilor Reichert to TABLE the Resolution; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Renewal of Victualing Licenses

24-HOUR VICTUALING LICENSE RENEWAL

1. Anmol Inc., 16 Money Hill Road
2. Dave's Kitchen 44, 722 Putnam Pike

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal on November 1st, 8th, 15th, 2006.

Councilor Sette declared the Public Hearing open and asked if anyone wished to speak for or against the 24 hour Victualing License renewals.

Discussion: None

Councilor Sette Closed the Public Hearing.

MOTION was made by Councilor Poirier to GRANT the 24-hour Victualing License to: 1) Anmol Inc., d/b/a. E Z Mart #4, Location of business: 12 Money Hill Road; and 2) Dave's Kitchen 44, Location of business: 722 Putnam Pike pursuant to :1) payment of all town taxes & fees; 2) Building/Zoning approval; 3) Fire Inspection & approval; 4) Health Department approval; 5) Food Manager Certificate(where applicable); and 6)Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid December 1, 2006 to November 30, 2007; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

#### VICTUALING LICENSE RENEWALS

1. Agios Inc., 617 Putnam Pike
2. Aegean Pizza, Saad Souleiman, 1195 Putnam Pike
3. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike
4. Cady's Inn, Inc., 2168 Putnam Pike
5. Chepachet Deli& Catering, Christopher Dutremble & Gregory Doura, 842 Putnam Pike
6. Chepachet Donuts Inc., 1006 Putnam Pike
7. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
8. Chepachet Pharmacy, Inc., 15 Money Hill Road
19. Chester's Inc., 102 Putnam Pike
10. Coyote Smoke House & Barbecue, William Cassidy, 2406 Putnam Pike
11. Dimpi, Inc., 1200 Putnam Pike
12. DLM Variety, Inc., 365 Snake Hill Road
13. Dorr's Tavern LLC, 1157 Putnam Pike
14. Europa Food Inc., 2400 Putnam Pike
15. Glocester Little League, 1043 Putnam Pike (Concession Stand)
16. Glocester Memorial Park, Town of Glocester, 46 Adelaide Road (Concession Stand)
17. Harmony Creamery, Danielle J. Houle, 367 Snake Hill Road
18. Harmony Restaurant, Jeffrey Florio, 401 Putnam Pike
19. I B Lincoln Inc., 812 Putnam Pike
20. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike

21. Melody Hill Country Club, Inc., 55 Melody Hill Lane
22. Moosup River Farm at Knight Farm, Peter Fratantuono, Jr., 1 Snake Hill Road
23. Ocean State Rt. 44 BMX, 640 Putnam Pike
24. Prickly Pear, Inc., 16 Terry Lane
25. Purple Cat Restaurant, Inc., 4 Stafford Yard
26. Putnam Properties Inc., 417 Putnam Pike
27. Sea Cuisine, Inc., 2461 Putnam Pike
28. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road

Councilor Sette stated that this Public Hearing was also advertised in the Providence Journal on November 1st, 8th, & 16th 2006

Councilor Sette declared the Public Hearing Open and asked if anyone wished to be heard for or against the proposed victualing licenses.

Discussion: None

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Reichert to GRANT the issuance of Victualing Licenses to: (above establishments)

1. Agios Inc., 617 Putnam Pike
2. Aegean Pizza, Saad Souleiman, 1195 Putnam Pike
3. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike
4. Cady's Inn, Inc., 2168 Putnam Pike
5. Chepachet Deli & Catering, Gregory Doura & Christopher Dutremble, 842 Putnam Pike
6. Chepachet Donuts Inc., 1006 Putnam Pike
7. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
- 8.. Chepachet Pharmacy, Inc., 15 Money Hill Road
- 9.. Chester's Inc., 102 Putnam Pike
10. Coyote Smoke House & Barbecue, William Cassidy, 2406 Putnam Pike
11. Dimpi, Inc., 1200 Putnam Pike
12. DLM Variety, Inc., 365 Snake Hill Road
13. Dorr's Tavern LLC, 1157 Putnam Pike
14. Europa Food Inc., 2400 Putnam Pike
15. Glocester Little League, 1043 Putnam Pike (Concession Stand)
16. Glocester Memorial Park, Town of Glocester, 46 Adelaide Road (Concession Stand)
17. Harmony Creamery, Danielle J. Houle, 367 Snake Hill Road
18. Harmony Restaurant, Jeffrey Florio, 401 Putnam Pike
19. I B Lincoln Inc., 812 Putnam Pike
20. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike

21. Melody Hill Country Club, Inc., 55 Melody Hill Lane
22. Moosup River Farm at Knight Farm, Peter Fratantuono, Jr., 1 Snake Hill Road
23. Ocean State Rt. 44 BMX, 640 Putnam Pike
24. Prickly Pear, Inc., 16 Terry Lane
25. Purple Cat Restaurant, Inc., 4 Stafford Yard
26. Putnam Properties Inc., 417 Putnam Pike
27. Sea Cuisine, Inc., 2461 Putnam Pike
28. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road

pursuant to 1) payment of all Town taxes; 2) Building/Zoning approval; 3) Fire inspection and 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, 2006 to November 30, 2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
 NAYS: 0

MOTION PASSED

B. Liquor License Renewals

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 Sette stated that this Public Hearing was advertised in the Providence Journal on November 1st & 8th, 2006.

Councilor Sette declared the Public Hearing Open and asked if anyone wished to be heard for or against the Liquor License renewals.

Discussion: None

Councilor Sette Closed the Public Hearing.

MOTION was made by Councilor Carroll 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
  2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike;
- contingent upon 1) Building/Zoning; 2) Fire Chief approval; 3) Rhode Island Certificate of Good Standing; 4) Rhode Island Permit to Make Sales; 5) payment of all Town Taxes; this

license shall be for the interior of the premise only and the license will be valid from December 1, 2006 to November 30, 2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
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, Patricia Johnson and Barbara Royer, d/b/a Chester's, 102 Putnam Pike
3. Cady's Inn, Inc., Thomas J. King & Brenda L. King, d/b/a Cady's Tavern, 2168 Putnam Pike
4. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
5. Sea Cuisine, Inc., David & Susan Day, d/b/a Stateline Restaurant, 2461 Putnam Pike
6. I B Lincoln, Inc, David C. & Carol E. Lincoln, d/b/a White Horse Sports Pub, 812 Putnam Pike
7. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
8. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on November 1st & 8th , 2006.

Councilor Sette declared the Public Hearing Open and asked if anyone wished to be heard for or against the renewals.

Discussion: Jamie Hainsworth, Chief of Police, pointed out that several of these establishments are under consent agreements and have restrictions placed on their licenses. Chief Hainsworth further stated that there is a new State law which requires all establishments

to supply a list of employees with their certification in alcohol serving. The Clerk stated she has asked the Council to include that stipulation in the motion.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor to GRANT a Class BV - Retailer Liquor License to:

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, Patricia Johnson and Barbara Royer, d/b/a Chester's, 102 Putnam Pike
3. Cady's Inn, Inc., Thomas J. King & Brenda L. King, d/b/a Cady's Tavern, 2168 Putnam Pike
4. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
5. Sea Cuisine, Inc., David & Susan Day, d/b/a Stateline Restaurant, 2461 Putnam Pike
6. I B Lincoln, Inc, David C. & Carol E. Lincoln, d/b/a White Horse Sports Pub, 812 Putnam Pike
7. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
8. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane

contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors approval; 4) Rhode Island Certificate of Good Standing; 5) Health Department Approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) Diagram of the complete service area; 9)list of all employees with Alcohol Service certification (to be kept current); these licenses shall be for the interior of the premise only with the exception of #9 - I B Lincoln, Inc., David C. & Carol E. Lincoln, d/b/a White Horse Sports Pub, 812 Putnam Pike (with stipulations), these license are valid from December 1, 2006 to November 30, 2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

#### CLASS B -RETAILER LICENSES - Special considerations

Councilor Sette stated that this license was also advertised with the other Class B licenses:

1. Purple Cat Restaurant, Inc., Kenneth F., Sr. & Rose M. Lavoie, Kevin A. Lavoie and Keith A. Lavoie, d/b/a Purple Cat Restaurant, 4 Stafford Yard

Councilor Sette declared the Hearing Open.

Councilor Sette read the following request from Rose Lavoie of the Purple Cat Restaurant:

Sept. 27, 2006

Glocester Town Council  
Dear Council members,

We would respectfully request another year extension on our business applications as we are currently engaged in negotiations and feel with all licensing in place makes for an easier transaction.

Thank you for your consideration.  
Sincerely  
Kenneth & Rose Lavoie

(end of memo)

Discussion: Councilor Sette asked John Bevilacqua, Town Solicitor, if the Town can grant an extension on the existing license. J. Bevilacqua replied that, as the Licensing Board, the Council has the ability to do so, however, Council should be cautious as to the period of time granted. There was consensus to grant an extension of six (6) months, at which time the matter will be reviewed again. Jean Fecteau, Town Clerk, stated that the one-year extension starts at the time of the granting of the license, not the issuance, and asked the Council to be cautious.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Reichert to GRANT the extension of the existing grant of a CLASS B -RETAILER Liquor License (said license is not currently issued, and was granted on 11/17/2005) for a period of six (6) months to: Purple Cat Restaurant, Inc., Kenneth F., Sr. & Rose M. Lavoie, Kevin A. Lavoie and Keith A. Lavoie, d/b/a Purple Cat Restaurant, 4 Stafford Yard (this license shall be for the interior of the premise only); seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised with other class B-V licenses:

Councilor Sette declared the Public Hearing Open.

Discussion: Atty. Timothy Kane, representing Vincent Iannuzzi, President of Putnam Properties, Inc., addressed the Council. Mr. Kane stated that along with the request for a liquor license renewal, there is also a request to allow outdoor consumption of alcohol in a controlled environment. Mr. Kane stated that his client has appeared before the Council with this request and has supplied the Council with a revised site plan. Mr. Kane added that the Council should have received letters of no objection from neighboring property owners as well as recommendations and comments from the appropriate authorities.

Mr. Kane stated that his client is amenable to some of the restrictions which were placed on the White Horse Sports Pub as well as any other reasonable stipulations that the Council wishes to place on the license. Mr. Kane informed the Council that Mr. Iannuzzi has purchased an acre of abutting land in order to install a new septic system, investing over \$55,000.00 in that project. Mr. Iannuzzi's reason for this request is that with the indoor smoking ban, people must go outdoors to smoke and would like to take their drinks with them.

Councilor Sette read the stipulations placed on the White Horse Sports Pub:

#### OUTDOOR AREA RESTRICTIONS

- 1) The outdoor area shall be completely contained and have no less than two exits with the appropriate mechanism to allow individuals to go through in the event of an emergency.  
There will be no ability to gain entrance to the outdoor, contained area, other than through the established bar.
- 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 service, sale, or storage of any alcoholic beverages within the outdoor enclosure.
- 4) 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) In the event that volley ball tournaments take place there shall be a minimum of one detail police officer, to be paid to the Town by the licensee, in addition to the monitors as outlined in condition #5, and the licensee shall submit to the licensing authority and the Chief of Police a schedule of tournaments no less than one week prior to the event.
- 7) This granting of the outdoor consumption of alcohol is not transferrable in the event that this business is sold or transferred to another person or entity.

(End of stipulations)

Councilor Sette referred to stipulation (White Horse Pub) #1 regarding the fencing. Councilor Sette stated the fenced in the area for the bocci and/or horseshoes would require a six (6) foot fence all the way around. Mr. Kane stated Mr. Iannuzzi would like to address the Council regarding the fence. Mr. Iannuzzi asked if a portion of the fence could be four (4) feet tall as opposed to six (6) feet, so that when you look out the windows from the bar, there would be an open field view.

Councilor Sette pointed out that the reason for the requirement of a six-foot fence is due to the stipulation that no entrance will be gained to the outdoor area other than through the established bar, adding that a four (4) foot fence would be easy to scale. Mr. Iannuzzi replied that when outdoor activities are going on, the gates will be monitored to prevent access. Mr. Iannuzzi stated there would be people outside monitoring the activities. Councilor Sette questioned then if the request was a four (4) foot fence only in that area mentioned (the field area).

Mr. Iannuzzi stated that between the house and the bar he would place the six (6) foot fence due to increased activity and the four(4) foot in the field area. There was discussion regarding the fence height and John Bevilacqua, Town Solicitor, stated that the entrances must not be locked at any time that patrons are present, per state fire marshal's office, and further stated this was true whether there was one person or for ten people. J. Bevilacqua added that when activities such as horseshoes or bocce tournaments are taking place, a plan must be submitted to the Chief of Police and a detail officer must be present.

Councilor Sette asked if anyone else wished to be heard.

Jamie Hainsworth, Chief of Police, stated that, in general, he is opposed to outdoor licenses, noting that in the past there were problems with enforcement.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Poirier to GRANT a Class BV - Retailer Liquor License to: Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike, contingent upon: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building Official approval; 4) Fire Inspectors approval; 5) Rhode Island Certificate of Good

Standing; 6) Health Department Approval; 7) Food Manager Certificate; 8) Rhode Island Permit to Make Sales; 9) Diagram of the complete service area, 10) a list of all employees with Alcohol Service certification (to be kept current); with the following outdoor area conditions:

- 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 service, sale, or storage of any alcoholic beverages within the outdoor enclosure.
- 4) 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) In the event that bocce or horseshoe tournaments take place there shall be a minimum of one detail police officer, to be paid to the Town by the licensee, in addition to the monitors as outlined in condition #5, and the licensee shall submit to the licensing authority and the Chief of Police a schedule of tournaments no less than one week prior to the event.
- 7) This granting of the outdoor consumption of alcohol is not transferrable in the event that this business is sold or transferred to another person or entity.

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

CLASS BT-TAVERN

1. Dorr's Tavern, LLC., Eugene Waterman, d/b/a Dorr's Tavern, 1157 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on November 1st & 8th , 2006

Councilor Sette declared the Public Hearing open.

Discussion: None.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Reichert to GRANT a Class BT - Tavern License to: Dorr's Tavern, LLC, Eugene Waterman d/b/a Dorr's Tavern, 1157 Putnam Pike pursuant to: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building Official's approval; 4) Fire Inspector's approval; 5) Rhode Island Certificate of Good Standing; 6) Health Department Approval; 7) Food Manager Certificate; 8) Rhode Island Permit to Make Sales; 9) Diagram of the complete service area, & 10) a list of all employees with Alcohol Service certification (to be kept current); this license shall be for the interior of the premise only and is valid from December 1, 2006 to November 30, 2007; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked if the alcohol service certificate is for three months from when the employee is hired or is for one month, adding that he questioned if this is something which should be stipulated. J. Bevilacqua, Town Solicitor, replied that the phrase "to be kept current" is sufficient language to enforce that provision.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

- C.     Entertainment Licenses
  - 1.    Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
  - 2.    Sea Cuisine, Inc., d/b/a Stateline Restaurant, 2461 Putnam Pike
  - 3.    Cady's Inn, Inc., d/b/a Cady's Tavern, 2168 Putnam Pike
  - 4.    Chester's Inc., d/b/a Chester's, 102 Putnam Pike
  - 5.    I B Lincoln, Inc., d/b/a White Horse Sports Pub, 812 Putnam Pike
  - 6.    Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on November 8th, 2006.

Councilor Sette declared the Public Hearing Open.

Discussion: None

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Carroll to GRANT an Entertainment License to:

- Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
- Sea Cuisine, Inc., d/b/a Stateline Restaurant, 2461 Putnam Pike
- Cady's Inn, Inc., d/b/a Cady's Tavern, 2168 Putnam Pike
- Chester's Inc., d/b/a Chester's, 102 Putnam Pike
- I B Lincoln, Inc., d/b/a White Horse Sports Pub, 812 Putnam Pike
- Prickly Pear, LLC, d/b/a Pinewood Pub & Pizza, 16 Terry Lane;

contingent upon 1) Payment of all Town Taxes; 2) Building Official approval; 3) Fire Inspector approval; 4) Police Chief Approval; these licenses shall be for the interior of the premise only and are valid from December 1, 2006 to November 30, 2007 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 be kept permanently closed and that doors only be 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 promulgate.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

seconded by Councilor Walsh.

Discussion: Councilor Sette questioned the second stipulation which states that the windows be permanently closed. J. Bevilacqua stated that the windows must be closed during the entertainment, but that they should be able to be opened.

Councilor Carroll AMENDED his motion to read “all windows on the premises be kept closed, but not permanently”; seconded by Councilor Walsh.

VOTE ON AMENDMENT:                   AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VOTE ON MAIN MOTION:                   AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

D.     VICTUALING LICENSE (New)

- 1) DLUM Restaurant, LLC., d/b/a Tavern on Main, Location of Business:  
1157 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised on November 1st, 8th, & 15th, 2006.

Councilor Sette declared the Public Hearing Open.

Discussion: David Lumnah, applicant, explained that he wants to bring life back to the center of Chepachet. Mr. Lumnah stated that he has been a life-long resident of Glocester and has worked in the restaurant business in the past. Mr. Lumnah added that he does not plan to have late hours, but just wishes to open a “nice family restaurant”.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Poirier to GRANT a Victualing License to: DLUM Restaurant, LLC., d/b/a Tavern on Main, Location of Business: 1157 Putnam Pike pursuant to 1) payment of all Town taxes; 2) Building/Zoning approval; 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 from December 1, 2006 to November 30, 2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

#### E. LIQUOR LICENSE TRANSFER

1) FROM: Dorr’s Tavern, LLC, d/b/a Dorr’s Tavern,  
Location of Business: 1157 Putnam Pike

TO: DLUM Restaurant, LLC, d/b/a Tavern on Main  
Location of Business: 1157 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised on November 1st, 8th, & 15th, 2006.

Councilor Sette declared the Public Hearing Open.

Discussion: None.

Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Reichert to GRANT the Transfer of a Class BT - Tavern License from: Dorr's Tavern, LLC, Eugene Waterman d/b/a Dorr's Tavern, 1157 Putnam Pike to DLUM Restaurant, LLC, d/b/a Tavern on Main, Location of Business: 1157 Putnam Pike, pursuant to: 1) Issuance of a valid Victualing License; 2) Payment of all Town taxes; 3) Building Official; 4) Fire Inspector approval; 5) Rhode Island Certificate of Good Standing; 6) Health Department Approval; 7) Food Manager Certificate; 8) Rhode Island Permit to Make Sales; 9) Diagram of the entire service area, 10) a list of all employees with Alcohol Service certification (to be kept current); this license shall be for the interior of the premise only and is valid from December 1, 2006 to November 30, 2007; seconded by Councilor Carroll.

Discussion: Councilor Walsh stated that the neighbors behind this establishment previously had concerns about dumpsters being emptied in the middle of the night, causing a disturbance. Councilor Walsh asked Mr. Lumnah to keep this in mind.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Minutes: November 2, 2006 Regular Meeting; Amendment to minutes of August 5, 2006
- B. Finance Director's Report, October, 2006
- C. Tax Assessor's Additions & Abatements
- D. Pole Grant: 2 Joint Poles P.2 & 3S

Councilor Sette stated that the Clerk has asked the Council to amend the minutes of August 5th, 2006 to reflect the correct language in a resolution presented by the Finance Director. The Resolution was not passed at that meeting but the Clerk has requested the amendment so the record is clear.

MOTION was made by Councilor Poirier to TABLE the approval of the November 2, 2006 Regular Meeting, to APPROVE the amendment to the minutes of August 5, 2006; to ACCEPT the Finance Director's Report of October 2006; to APPROVE the abatements to the 2006 Tax Roll in the amount of \$1,222.45; additions to the 2006 Tax Roll in the amount of \$1,628.92; and to GRANT the request for two new joint poles (P.2 & 3S) and one anchor guy location on Rainbow Road; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Appointments

1. Zoning Board of Review

One (1) Alternate #2 for a term to expire 1/2007

MOTION was made by Councilor Reichert to APPOINT Sharon Lambert to the Zoning Board of Review for a One (1) year term to expire 1/2007 for Alternate #2 position; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

2. Economic Development Comm.

Alternate #2 for a term to expire 5/2007

MOTION was made by Councilor Reichert to TABLE the appointment to the Economic Development Commission for the Alternate #2 position for a term to expire 5/2007; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

IX. New Business

A. Rhode Island Community Development Block Grant

Contract # 06/13/20: Fiscal Year 2006

Councilor Sette stated that we have received a request from Elinor Tetreault of Western Rhode Island Home Repair for the signing of the annual contract for 2006. Councilor Sette called for a motion to authorize the Council President to sign the current contract:

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign Contract # 6/13/20 between the State of Rhode Island, Division of Planning, Office of Housing and Community Development and the Town of Glocester for fiscal year 2006 for the grant amount of \$211,100; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

B. Appointments

1. Historic District Commission

Three (3) Expired 3 year terms to expire 11/2009

One (1) Expired 1 year alternate term to expire 11/2007

Councilor Sette stated that we have four appointments to the Historic District Commission that expire this month.

MOTION was made by Councilor Poirier to REAPPOINT Molly Harrington, Robin Meek, & Clayton Lanphear to the positions of Historic District Commission for a three (3) year term to expire 11/2009; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to REAPPOINT Michael Donovan to the position of Alternate on the Historic District Commission for a one (1) year term to expire 11/2007; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

C. Land Trust: General waiver of administrative fees

Councilor Sette stated that Bruce Payton, Chair of the Gloucester Land Trust, has come before the Council each time the Land Trust incurs fees due to town applications to request a waiver. It had been discussed previously that the Council might want to consider a blanket waiver of Town fees when they arise.

MOTION was made by Councilor Poirier to Waive all Town fees which incur during the normal business performed by the Land Trust on behalf of the Town of Gloucester; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

D. R. I. D. O. T. Enhancement Funds Contract (FAP# STP-ENHR (070))

Councilor Sette stated that the Council has received a request from the Town Planner requesting an amendment to the Transportation Enhancement Program contract.

Discussion: Raymond Goff, Town Planner, explained that we have a \$98,000.00 grant with RIDOT, adding that this money was programmed to be used for the Senior Center. R. Goff stated that the funds would be better used to install sidewalks leading to the Senior Center. R. Goff stated that his request to the Town Council is to re-program this money to add it to the Chepachet Village Enhancement portion of the project. Councilor Sette stated that he attended a meeting with the Town Planner and Public Works Director, adding that it was the representatives of the Department of Transportation who suggested that the money be used this way.

MOTION was made by Councilor Reichert to AUTHORIZE the submittal of an amendment to Transportation Enhancement Program Contract FAP#STP-ENHR-(070) between the Town of Glocester and the Rhode Island Department of Transportation; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

E. Authorization: Citation

MOTION was made by Councilor Reichert to TABLE the authorization of this Citation( to be read at the next meeting); seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

F. Tanyard Lane: Drainage Repair

Councilor Reichert stated that he and the Public Works Director have determined that the drainage pipes that are in place (Tanyard Lane) are broken and need to be replaced. Councilor Reichert stated that this, along with the installation of a decent catch basin, would be a more permanent solution to the drainage problems on Tanyard Lane. Councilor Reichert stated that if this could be done before the cold weather it would avoid the problems which would be caused by the water freezing.

MOTION was made by Councilor Reichert to AUTHORIZE the Public Works Director to investigate and attempt to repair drainage problems on Tanyard Lane; seconded by Councilor Poirier.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that the Inauguration of Elected Officials will be held on January 2, 2007 at Ponaganset High School. (Location subject to change).

J. Fecteau stated that, as a passport facility, she is averaging four to five per day and she sometimes has to turn people away. J. Fecteau stated that she plans to send the Deputy Town Clerk for certification to allow for more passport processing.

J. Fecteau stated that she has received a request to have the elephant on the Town Hall lawn repaired. J. Fecteau asked if this should be referred to the Public Works Director. Councilor Sette pointed out that the structure was originally paid for by the Economic Development Commission. There was consensus to obtain an estimate for the repair and then determine which budget it will be charged to.

B. Councilor Reichert read into the record a letter from the law office of Thomas McAndrew. Mr. McAndrew, on behalf of the residents of Phillips Lane and Valley Road, expressed thanks to the Town Council and Public Works Director for their assistance and guidance in the reclamation and repaving project on the above-mentioned roads.

C. Ray Goff, Town Planner, stated that the Planning Board is holding a workshop on Monday to review Conservation Development.

XI. Boards/Commissions  
None

XII Council Correspondence/Discussion  
None

XIII. Open Forum

A. Claudine Rivet, of 13 Sherman Lane, expressed her concern because the school bus drops off students at the end of Sherman Lane. Ms. Rivet stated that the culvert on Sherman Lane is broken and causes an overflow of water when it rains.

Ms. Rivet asked whom she could contact. Councilor Sette replied that the culvert is the State Department of Transportation's responsibility.

There was discussion among the Council members and the Public Works Director regarding the situation. Councilor Sette suggested asking the School Department why this is used as a bus stop since the students do not live on Sherman Lane. Mrs. Rivet asked if it is her responsibility to keep the area plowed in the winter. Councilor Reichert replied that she would not be able to get her vehicle in if she did not have it plowed. Mrs. Rivet pointed out that there is public parking on the street and asked if she could park there and further commented on the expense of hiring somebody to plow. Councilor Sette stated, he believes, that the deed would indicate that it is a private road which the Town does not plow.

Mrs. Rivet asked the meaning of the word "empermater," which the Solicitor used in reference to property ownership. Discussion followed on the content of the previous minutes. Councilor Poirier stated that he believes that the context of what was said is that the Town cannot rewrite a deed. Councilor Reichert pointed out that no cars are allowed to drive through Sherman Lane, so the plowing is for Mrs. Rivet's own benefit to access her house. Mrs. Rivet replied that she agrees that plowing is to her benefit, but is also a legal necessity due to the liability of other people who go through Sherman Lane. Councilor Walsh stated that when the right of way was put in, there were only two ways in and out of Gloucester Memorial Park.

Councilor Walsh asked if there is a reason why need three, now that the Senior Center access is in place. J. Bevilacqua stated that the only way this right of way could be abandoned is if all the users who have a legal entitlement to the right of way abandon it. Mrs. Rivet asked if she has the right to obtain the verbal tapes of Town Council meetings. Councilor Sette replied that copies can be made as requested. J. Bevilacqua stated that he recollects the use of the word "empermater" which was questioned earlier by Mrs. Rivet.

J. Bevilacqua stated that is another way of saying "stamp of approval" and it was discussed that this language was used when Ms. Rivet was requesting that the town hold her harmless and release her from all liability, and it was stated that placing that empermater is not the town's role. Councilor Walsh pointed out that minutes are not verbatim. J. Bevilacqua concurred, adding that they are a summary what takes place at a meeting.

Mrs. Rivet asked if a Resolution of Indemnification is still a possibility. J. Bevilacqua replied that his advice to the Council would be that it is not possible nor probable. Councilor Walsh asked if Mr. Laprise has this indemnification. Ms. Rivet stated to the affirmative and further stated that she noted the Land Evidence Book and Page. Ms. Rivet also stated she has requested the Council have this

information. The Clerk questioned this “request”. Ms. Rivet stated she would pull the records at the Town Hall.

- B. Rose LaVoie stated that there are drainage issues at the Heritage Society. Councilor Reichert stated that when the repairs and catch basins are completed on Tanyard Lane, the problem should be alleviated.

Rose LaVoie distributed a commentary by Scott Wolfe, Executive Director of Grow Smart.

- C. David Richardson, 71 Steere Road, stated that he is concerned with future generations of our country, our state, and the Town of Gloucester. Mr. Richardson’s opinion was that there is a problem with illegal immigration which needs to be stopped. Mr. Richardson submitted copies of an ordinance which he would like the Council to consider. Mr. Richardson explained this ordinance would make it illegal to rent to illegal aliens and would make it illegal for employers to hire illegal aliens. Mr. Richardson stated that although we may not have a large problem in Gloucester at this time, we need to stop it before it becomes a problem.

Councilor Carroll asked Mr. Richardson if there is any problem whatsoever in Gloucester, to which Mr. Richardson replied that he has heard a rumor to that effect. Mr. Richardson feels that this matter should be addressed now as part of our duty to help our country and our state. Councilor Sette explained that the meeting is in Open Forum at this time and action cannot be taken. Councilor Sette further stated that there would have to be a Public Hearing to adopt an ordinance should Council move forward. J. Bevilacqua stated that Immigration Law is federally regulated. After discussion, Councilor Sette stated that more review needs to be done before this can go further. Mr. Richardson thanked the Council for their time and offered his assistance should it be needed.

XIV. Executive Session

- A. Litigation RIGL 42-46-5(a)2

MOTION was made by Councilor Walsh to ADJOURN to Executive Session, Litigation RIGL 42-46-5(a)2; seconded by Councilor Reichert.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette

NAYS: 0

MOTION PASSED

XV. Reconvene to Open Meeting

- A. Disclosure of votes taken

None taken

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:25 p.m.; seconded by Councilor Poirier.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 7, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **December 7, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier.

Member Absent: Steven Sette, President.

Also Present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; Brian Lombardi, Building/Zoning Official; Jamie Hainsworth, Chief of Police; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

None.

V. Resolution

Councilor Reichert stated that there is a resolution tabled from last month, which Councilor Sette has asked, if possible, be tabled to the next Council meeting.

MOTION was made by Councilor Poirier to TABLE Item. V. Resolution to the December 21, 2006 meeting; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Code of Ordinance, Proposed amendment: Chapter 350, Zoning Revisions proposed to the following sections:

1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
2. Article 1, §350-8.E.(3)(e)(2)
3. Article 1, §350-8.E.(3)(a)
4. Article III, §350-13
5. Article VII, §350-49

Councilor Reichert stated that this Public Hearing was advertised in the Providence Journal on Nov. 22, 29th and December 6th, 2006.

Councilor Reichert DECLARED the Public Hearing Open.

Councilor Reichert read the following from the Planning Board minutes regarding some of the proposed amendments:

August 21, 2006  
Motion

A motion was made by Susan Shuster for a positive recommendation to the Town Council for adopting Amendments to the Zoning Ordinance, Article 350, Attachment 1, "Table of Land Use Regulations" (also know as the Zoning Matrix). The Planning Board has over the course of months amended this ordinance to better reflect modern Land Uses and the Towns Comprehensive Community Plan specifically Section 3.2.1 "To preserve, enhance and protect Glocester's rural character and sense of place"; Section 3.2.3 "To take steps that enable Glocester to be a pleasurable place in which to live, work and raise a family"; Section 3.2.4 "To prevent undesirable suburbanisation and its related characteristics from occurring in the Town"; and Section 3.3.6 "To create a land-development regulatory framework that can protect and enhance the unique natural features and historical nature of Glocester while simultaneously providing opportunities for economic livelihood and remaining an affordable community." Motion was seconded by Janine Pitocco.

Vote: AYES: Ayes -5, NAYS: Nays -- 0 Motion carried on a unanimous aye vote.  
(End of minutes)

Councilor Reichert asked if anyone wished to speak regarding this amendment.

Discussion: Raymond Goff, Town Planner, stated that this was started back in 2001 and a number of changes have occurred with the Planning Board since that time. R. Goff explained that many of the uses are not permitted and uses that have never happened in town so these items were "culled" out. R. Goff stated the current industrial (an industrial park) was changed to reflect something that was "in keeping with Glocester" such as light manufacturing and offices uses.

R. Goff explained that was the reasoning behind the "BP" change in an industrial area. R. Goff explained that the Zoning Matrix was put into place in 1972 and has not been changed much since then, so there are several uses which need to be added based on modern times, such as bed and breakfast and family day care. R. Goff asked if there were any questions.

Councilor Walsh questioned item 15 on page 60, which addresses sewage plant, incinerator, and public disposal areas. Councilor Walsh is concerned that in the future, some type of

pumping station may be necessary. R. Goff replied that this item deals with incinerators as well as disposal areas, adding that he believes a pumping station would be allowed under Zoning. R. Goff will check that issue. Councilor Walsh also asked for clarification of item 4 on page 55, which addresses 4-H activities and incidental sale on a limited scale. R. Goff replied that this is the original language and has not been changed.

Councilor Walsh stated the language is very vague. R. Goff will research. Councilor Walsh stated that there were comments made by the Town Solicitor and the Building Official which are not part of the proposed amendment. Councilor Walsh stated the Building Official has asked for changes and Councilor Walsh requested that these comments be incorporated into the final draft. R. Goff stated these recommendations were not included because this draft was prepared earlier and he will review and include in a final draft.

Councilor Reichert asked if section 6 on page 64 regarding firearms dealers would affect Big Bear Sports. Councilor Reichert questioned why that section was totally eliminated. R. Goff replied that he is not sure, but he will find out. Councilor Reichert stated he does not feel it should be eliminated across the board. R. Goff stated an existing business would be allowed but a proposed expansion would require a variance.

Councilor Poirier asked if any adjustments were made to the proposed amendments resulting from the letter from the Building Official. Councilor Poirier also questioned if the Planning Board had revisited the Building Officials memo. R. Goff replied that the memo was kept separate and no change were made to the matrix. Councilor Poirier inquired about page 67, prohibited uses, which addresses horse and dog tracks. Councilor Poirier asked if this refers only to gaming, and could a person have a horse track on their property. Again, R. Goff stated that this is original language and the meaning is vague and subject to interpretation.

R. Goff stated he would talk to the Building Official and the Solicitor about the possible interpretations. Councilor Poirier also questioned the massage parlor use. Councilor Poirier questioned if we already have one a business in town that offers that service. R. Goff stated he was not aware of one. Councilor Poirier questioned if it was allowed. R. Goff answered to the affirmative and Councilor Poirier questioned why it was excluded. Councilor Poirier had questions regarding chemical waste generated by the process of tanning or curing raw hide.

R. Goff replied that we have proposed getting rid of this type of use. Councilor Poirier commented that in some of the references to telecommunications, broadcasting, etc., the industry changes so fast that people could conceivably have the ability to send something out from their home and he questioned how limited we should be.

Councilor Walsh asked about the section which deals with bed and breakfasts, special uses, and B-2 zone. Councilor Walsh inquired whether this has been cross-referenced with the Code of Ordinances to ensure that we are not stepping on our own toes. Councilor Walsh added that he is using this as an example and that there may be several cases where things are allowed in

one document but prohibited in another. R. Goff stated that he would look into this and see if anything needed to be done.

Councilor Reichert asked if anyone in the audience wished to speak regarding this proposed amendment.

Bill Remington, of Robin Vale Drive, inquired about swimming pools, and the requirement that they be enclosed by a fence five to six feet high. Mr. Remington suggested making the language read “minimum of five feet” to allow for fencing higher than six feet. Brian Lombardi, Building Official, stated that there is a maximum fence height of six feet.

Councilor Reichert DECLARED the Public Hearing Closed.

MOTION was made by Councilor Walsh to CONTINUE Council discussion and a vote on the proposed amendments to the Code of Ordinance, Chapter 350, Zoning Ordinance; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Council minutes of November 2, 2006 & November 16, 2006

MOTION was made by Councilor Carroll to APPROVE the Minutes of November 2 & November 16th, 2006; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A. Appointments

- 1. Economic Development Comm.

Alternate #2 for a term to expire 5/2007

MOTION was made by Councilor Walsh to TABLE the appointment to the Economic Development Commission for the Alternate #2 position for a term to expire 5/2007; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

IX. New Business

A. Appointments

1. Zoning Board of Review

One (1) Expired five year term expired 11/2006

MOTION was made by Councilor Poirier to REAPPOINT Myles Beltram to the Zoning Board of Review for a five (5) year term to expire 11/2011; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

B. Brownsfields Grant Application

Chepachet River Park Brownsfields Cleanup - 2007

Councilor Reichert stated that there is a request from the Planner as follows:

TO: Town Council, Steve Sette  
FROM: Ray Goff, Town Planner  
DATE: November 21, 2006  
SUBJECT: 2007 Brownsfields Grant

Enclosed please find a copy of the Brownsfields grant application for clean-up of the Chepachet River Park site. This is our second year to apply for this funding. I have received the grant based on feed back I received from USEPA and the workshop I attended in November.

Please review the application and authorize the Town Council President to sign on behalf of the Town.

(End of memo)

Councilor Walsh asked if this will take care of the whole thing. R. Goff, Town Planner, replied that he does not know, but that this is all we can request this year.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council Vice-President to sign the Brownsfields Grant Application, project title: Chepachet River Park Brownsfields Cleanup for the total dollar amount of \$200,000; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

- C. Citation
  - 1. Ratification: George J. L. Kain III

Councilor Reichert stated that Councilor Sette attended a retirement celebration for George Kain recently. Councilor Reichert stated that Mr. Kain has served on multiple town boards and has served the town as a volunteer on the Harmony Fire Department for many years. Councilor Reichert stated at the celebration a Citation, on behalf of the Council, was presented to Mr. Kain, and the Council now needs to ratify that citation.

Councilor Reichert read the citation as follows:

WHEREAS, the Town Council of the Town of Gloucester would like to recognize Deputy Fire Chief George J. L. Kain III for his (42) years of service with the Harmony Fire Department, having joined the department in 1964; and

WHEREAS, In 1981 after (17) years of service, George was promoted to the rank of Deputy Fire Chief, a position he still holds and where he has served the department and the people of the Town of Gloucester with honor and distinction, always available to help when called; and

WHEREAS, George has also volunteered for numerous Boards and Commissions for the Town of Gloucester, most recently as a member of the Waste Water Management Board. During his time he also held the title of Civil Defense Director for the Town of Gloucester. George has twice been nominated and recognized for awards by the Town for his volunteer service; and

NOW THEREFORE BE IT RESOLVED After (42) years George has decided to retire and to enjoy life with his family. The Town Council, the Town Clerk of Gloucester and its citizenry, wish much happiness and good health to George in his retirement years and much luck in his future endeavors.

Steven A. Sette, President  
Gloucester Town Council

November 16, 2006

(end of citation)  
seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

- D. Rhode Island Resource Recovery Corporation  
Authorization: Annual Agreement 7/1/2006 to 6/30/2007

Councilor Reichert stated that we have the annual agreement between the Rhode Island Resource Recovery Corp and the Town of Glocester, adding that we need a motion to authorize the Council Vice President to sign the agreement.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council Vice President to sign the agreement entitled: Glocester's Solid Waste and Recycling Services Agreement for Fiscal Year 2007 (July 1, 2006 to June 30, 2007) between the Rhode Island Resource Recovery Corporation and the Town of Glocester; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

- E. Senior Services Inc.- Annual renewal of Site contract (1/1/2007 - 12/31/2007)

Councilor Reichert stated that we have received a request from Senior Services Inc. to renew our annual site contract to continue to obtain food services for our seniors.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council Vice-President to sign the annual contract, January 1, 2007 to December 31, 2007, between Senior Services, Inc. & the Town of Glocester for the provision of congregate meals for Glocester's clients; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

- F. Senior Center- Board of Directors

## Adopt Charge of Board

MOTION was made by Councilor Poirier to TABLE the charge developed by the Senior Center Task Force Chair for the newly created Senior Center Board of Directors; seconded by Councilor Walsh.

Discussion: Councilor Walsh stated that this is tabled to allow the Town Solicitor to review the charge.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

- G. Employee Compensation & Benefits
  - 1. Chief of Police

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: November 25, 2006  
Re: Compensation and Benefits

I am requesting your consideration in increasing the below listed benefits to equal those enjoyed by the police officers.

1. Health coverage after retirement. After 25 years the officers receive individual health and dental coverage or a portion of family coverage.
2. Sick Leave retirement benefit: Presently upon retirement I am to be compensated at the rate of 40 % of time I had accumulated prior to being promoted to Chief of Police and 25 % for any time collected after my promotion. After a minimum of 15 years of service upon retirement police officers receive payment for 45% of unused sick leave.
3. Holiday payment benefit in retirement: Police officers receive additional base salary payments which are computed into the retirement benefits.

If you have any questions or concerns, please don't hesitate to contact me. Thank you for your time and consideration in this matter.

(End of memo)

Discussion: Councilor Poirier stated that the way the structure is right now, it is a disincentive to anybody wishing to become Chief of Police. Councilor Poirier added that the Chief loses out in comparison to the other officers and it doesn't seem fair and consistent. Councilor Carroll stated that perhaps in the future, some language could be added to the Chief of Police contract as the other contracts come through.

Councilor Walsh asked what this would mean for the Town financially. Thomas Mainville, Finance Director, replied that he has not reviewed the request completely. Councilor Carroll stated that the Council should approve this regardless of what cost it would incur, adding that it makes sense for the Chief of Police to have the same benefits as the rest of the Police Department. Councilor Poirier expressed his agreement.

Jamie Hainsworth, Chief of Police, stated that he took the Captain's position which is also non-union, and copied the benefits that the Captain received which the Chief did not. Regarding sick leave, Councilor Poirier asked if there is a maximum which can be carried. Chief Hainsworth replied that there is a minimum of 15 years of service and a minimum of 100 hours of sick time, but there is no maximum.

Councilor Walsh stated that he would like to get more information and revisit the matter at the next meeting.

MOTION was made by Councilor Carroll to TABLE the matter of Compensation and Benefits for the Chief of Police until the next meeting; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

## 2. Assistant Animal Control Officer

Councilor Reichert read the following memo from the Chief of Police:

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
  
Date: November 25, 2006  
Re: Request for Benefits Asst. Animal Control Officer

I am requesting your consideration in waiving the two (2) year requirement for partial medical coverage for Assistant Animal Control Officer James Burrill. James has been working in this position since October 15, 2005 and currently is working between twenty five (25) to thirty (30) hours per week. My understanding is if you agree to waive the two year requirement he will be eligible for fifty percent of the health coverage plan paid by the Town and the remainder to be paid by him.

James has proven himself to be me to a very valuable employee and I ask for your consideration.

If you have any questions or concerns, please don't hesitate to contact me. Thank you for your time and consideration in this matter.

(End of memo)

Discussion: Councilor Walsh expressed his concern that if this is granted, it may set a precedent for future employees. Councilor Walsh stated that if another employee asked for the same benefit and is denied, it would be viewed as discrimination. Councilor Carroll stated that the wording could be such that it would not set a precedent, adding that he has discussed this with the Finance Director.

Councilor Walsh stated that the current two-year requirement is to prevent an employee from resigning after six months and then using COBRA pay for the next year and a half. Councilor Walsh suggested that if this is granted, there could be some language indicating that the Town would cover the employee's benefits for a limited time if the employee resigns. Tom Mainville, Finance Director, stated that he is reluctant to act on this without the Town Solicitor's input, and since Mr. Burrill could not be allowed to obtain the insurance until January 1st, we have a couple of weeks to review the matter.

Jamie Hainsworth, Chief of Police, stated that Mr. Burrill is a very valuable employee with extensive training, and since the position does not have a high rate of pay, Chief Hainsworth would like there to be some incentive for Mr. Burrill to stay on as Assistant Animal Control Officer. Chief Hainsworth added that this would cost the Town approximately \$2,100.00 and he has that amount in his budget.

MOTION was made by Councilor Poirier to TABLE the request for benefits for the Assistant Animal Control Officer; seconded by Councilor Walsh.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert and Carroll  
                  NAYS: 0

MOTION PASSED

- H.     Community Septic Loan Program
  - 1.     Waive Debt-to-Income ratio

Councilor Reichert stated that the Council has received a memo from the Director of Finance regarding the Town of Gloucester Community Septic Loan Program and one of the current stipulations regarding the debt-to-income ratio requirement.

Thomas Mainville, Finance Director, explained that RIHMFC did not feel comfortable agreeing to the loan, so they (RIHMFC) referred it back to the Town. Councilor Walsh asked how many loans the Town has given out. T. Mainville replied that he is not sure, but that it is between six and ten loans. T. Mainville explained that if an individual defaults on the loan,

the Town is responsible, but that a lien would be placed on the property. Councilor Walsh stated that, since there would be no liability to the Town, he does not object to helping out some of the residents who apply for this program.

MOTION was made by Councilor Poirier to WAIVE the Debt-To-Income-Ratio for the Community Septic Loan Program for Paul J. And Barbara A. Dunn of 92 First Road per the Finance Director's memo dated November 21, 2006, as stated; seconded by Councilor Carroll.

VOTE:           AYES: Poirier, Walsh, Reichert and Carroll  
                  NAYS: 0

MOTION PASSED

I.       IFB 2007-04 Construction Materials

Councilor Reichert stated that we have a recommendation from the Board of Contracts & Purchases as follows:

December 7, 2006

To:    Town Council  
From:  Board of Contract & Purchase

Re:    Awarding of IFB 2007-04 ~ Construction materials  
       [Road sand and bank run gravel].

- 1) IFB 2007-04 was advertised in accordance with current rules and procedures.
- 2) Two companies bid on both items in the bid - all bids were compliant per the specs.
- 3) Regarding 'Road sand,' the board recommends the bids be awarded to the qualified lowest bidder:

Strategic Commercial Realty, dba Rawson Materials	860-963-6584, ext 17
205 Munyan Road	860-963-7063 fax
Putnam, CT 06260	

\$ 9.50 per ton - picked up  
12.85 per ton - delivered

- 4) Regarding 'Bank run gravel':

Bella Sand, LLC was low bidder on the 'delivered' material. Strategic Commercial Realty, dba Rawson Materials was low bidder by \$.67 per cubic yard on the 'picked up' material. Dept. of Public Works Director Alan Whitford told the Board of Contract & Purchase that his cost to go to Rawson Materials to pick up the material would far exceed the \$.67 per cubic yard variance and recommended that the bids for both the 'delivered' and 'picked up' material be awarded to Bella Sand, LLC. The Board of Contract & Purchase concurred and therefore recommends that the bid for 'bank run gravel' be awarded to:

Bella Sand, LLC	401-232-5550 voice
23 Business Park Drive	401-232-5848 fax
Smithfield, RI 02917	

\$ 10.80 per cubic yard - picked up  
14.30 per cubic yard - delivered

Respectfully submitted,

Jean Fecteau ~ Town Clerk  
Jane Steere ~ Tax Collector  
Thomas P. Mainville ~ Director of Finance

(End of memo)

Discussion: None.

MOTION was made by Councilor Poirier to AWARD IFB 2007-04 - Construction materials (Bank Run Gravel) to Bella Sand LLC, 23 Business Park Drive, Smithfield, RI 02917, at a cost of \$10.80 per cubic yard - picked up, and \$14.30 per cubic yard - delivered; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to AWARD IFB 2007-04 - Construction materials (Road Sand) to Strategic Commercial Realty, dba Rawson Materials, 205 Munyan Road, Putnam, CT 06260, at a cost of \$9.50 per ton- picked up, and \$12.85 per ton - delivered; seconded by Councilor Walsh.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll  
NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

1. a. Jean Fecteau, Town Clerk, stated that an appointment to the Budget Board should be on the next agenda due to the vacancy created by the election of Council-Elect Joyce.
  - b. Jean Fecteau, Town Clerk, stated that she has spoken with Fran Ballou, Meal-Site Director, and Alan Whitford, Public Works Director, regarding storm cancellations for the Meal Site. J. Fecteau stated that in the past, the Seniors were told that when there is no school, the Meal Site would also be cancelled. J. Fecteau asked if the Council wants this to be handled the same way at the new facility. There was consensus to continue as in the past.
  - c. J. Fecteau stated that Councilor Sette asked that the Council Liaison to the Recreation Department meet with the Recreation Director regarding complaints concerning the Skate Park.
  - d. Jean Fecteau stated that she has received notification from Local 638 for the Police Department concerning the collective bargaining agreement which will expire on June 30, 2007. J. Fecteau stated that she will respond within the ten-day requirement that the notice was received by the Town Council.
2. a. Anthony Parrillo, Recreation Director, spoke regarding a memo he sent to the Town Council asking for a feasibility study to be conducted for the possible acquisition of a YMCA in Glocester. A. Parrillo pointed out that the cost for the study would be absorbed by the YMCA and there would be no expense to the Town.
  - b. There was discussion concerning the recent problems at the skate park and possible solutions. Councilor Reichert recommended that there be an announcement at the high school that if the vandalism at the park continues, the park will be discontinued. A. Parrillo stated that he has spoken with some of the young people who use the park regarding the complaints of damage and noise. Councilor Reichert asked A. Parrillo if there was money in the Recreation Department budget to have a sign posted warning that continued vandalism will result in the closing of the park.

A. Parrillo replied that there already is a sign stating the rules and regulations, but he will look into Councilor Reichert's suggestions. T. Mainville, Finance Director, stated that he has inquired about video surveillance, but it would cost \$30,000 for real-time surveillance. There was discussion regarding other types of surveillance, but T. Mainville pointed out that with the new Senior Center at that location, it may be worth \$30,000 in the long run. The consensus was to continue to stress the point to the skaters verbally for the time being.

## XI. Boards/Commissions

None

XII. Council Correspondence/Discussion

None

XIII. Open Forum

None

XV. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 8:35 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Poirier, Walsh, Reichert and Carroll

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 21, 2006 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **December 21, 2006**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Patrick Carroll; Kevin Walsh & Charles Poirier

Also Present: Jean Fecteau, Town Clerk; Jamie Hainsworth, Chief of Police; and Thomas Mainville, Finance Director

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

None

V. Resolution

Councilor Sette read the following Resolution into the record:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to honor Kevin P. Walsh for the countless hours he unselfishly gives to Special Olympics Rhode Island each and every year; and

WHEREAS, Kevin's hard work, along with many other volunteers, contributes towards insuring the continued growth and development of the Special Olympics movement in Rhode Island; and

WHEREAS, annually, Kevin coaches our athletes for the Special Olympics Alpine Ski Program and is the Director of Competition for their State Winter Games; and

WHEREAS, the Special Olympics annual State Summer Games has been a successful event due, in part, to the dedicated group of volunteers that Kevin recruits to oversee the official equipment trailer; and because of the hard work of Kevin and his crew behind the scenes, the State Summer Games have become a very exciting and memorable experience for everyone; and

WHEREAS, Kevin Walsh and volunteers like him have made a significant contribution toward empowering persons with intellectual disabilities to realize their full potential and to become productive members of their community.

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk congratulate Kevin P. Walsh for his commitment toward the Rhode Island Special Olympics and, in particular, its athletes. Keeping these athletes active benefits their fitness, as well as allowing them the confidence, self-esteem and discipline that will afford these young people a full life and a promising future. The Citizens of the Town of Gloucester should be proud to have Kevin and volunteers like him who are such generous and caring people willing to share of themselves for the benefit of others.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Reichert.

Discussion: On behalf of the Town Council, Councilor Sette congratulated Councilor Walsh on his accomplishments.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

- VI. Consent Items
  - A. Council minutes of December 7, 2006
  - B. Finance Director's Report: November, 2006
  - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the Council minutes of December 7, 2006; to ACCEPT the Finance Director's report of November, 2006; to APPROVE the ADDITIONS to the 2006 Tax Roll in the amount of \$151.17; ABATEMENTS to the 2005 Tax Roll in the amount of \$574.52; and to the 2006 Tax Roll in the amount of \$578.57; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Economic Development Comm.  
Alternate #2 for a term to expire 5/2007

MOTION was made by Councilor Sette to APPOINT Alan Smith to the Economic Development Commission for the Alternate #2 position for a term to expire 5/2007; seconded by Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Code of Ordinance, Proposed amendment: Chapter 350, Zoning  
Revisions proposed to the following sections:

1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
2. Article 1., §350-8.E.(3)(e)(2)
3. Article 1, §350-8.E.(3)(a)
4. Article III, §350-13
5. Article VII, §350-49

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on Nov. 22, 29th and December 6th, 2006 and opened by Councilor Reichert on December 7, 2006.

Councilor Reichert explained that at that time, (12/7/06) Councilor Reichert, acting as Vice-President, had declared the public hearing closed and a motion was made and passed to continue Council discussion and the vote on the proposed amendments.

Discussion: Councilor Sette stated that Brian Lombardi, Building Official and Raymond Goff, Town Planner (not present) have asked that this be tabled until the meeting of January 18, 2007.

MOTION was made by Councilor Reichert to CONTINUE the Town Council discussion and vote on the proposed amendment's to the Gloucester Code of Ordinance, Chapter 350; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

C. Senior Center- Board of Directors  
Adopt Charge of Board

Councilor Sette stated that this item was tabled and referred to the Solicitor

Discussion: John Bevilacqua, Town Solicitor, stated that he has been working on the language of the charge, but added that it is not ready at this time. Councilor Walsh asked if other organizations will be allowed to use the Senior Center facility. J. Bevilacqua replied that the wording is vague in the proposed charge and must be fine-tuned. Councilor Reichert asked when the center is scheduled to open.

David Fecteau replied that the first meal will be served on January 2nd, provided that the Health Department gives its approval on the water quality, but in any case, the facility can be used that evening for the Inauguration Ceremony. J. Bevilacqua stated that he will work to finalize the wording of the charge.

MOTION was made by Councilor Poirier to TABLE the ADOPTION of the Senior Center-Board of Directors, seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

D. Employee Compensation & Benefits  
1. Chief of Police

Councilor Sette stated that this item was tabled at the last Council meeting for more information and further discussion.

Discussion: Tom Mainville, Finance Director, distributed a memo to the Council members indicating the cost differential which would result from these changes in benefits. Councilor Poirier stated that he is in favor of the health coverage because the way the benefits are structured now, it would be a disincentive for anybody to want the position of Chief of Police.

There was discussion regarding sick leave payout. Regarding the holiday benefit, Councilor Sette stated that further review will be necessary before a decision can be reached. J. Bevilacqua asked how we can justify increasing a salary over and above what was approved at the Financial Town Meeting. T. Mainville replied that the budgetary control is at the fund level, therefore, unless the residents vote on the salary specifically, the Council can adjust it during the year. Councilor Sette expressed his concern regarding increasing a budgeted salary without any public comment.

MOTION was made by Councilor Poirier to GRANT the compensation & benefits requested by the Chief of Police as follows: 1. Health coverage after retirement (equal to those enjoyed by fellow officers) 2. Sick Leave retirement benefit: 45% of unused sick leave (or equal); seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Assistant Animal Control Officer

Thomas Mainville, Finance Director, handed out a memo regarding the cost effect of this request. Councilor Sette commented that it is difficult to keep part-time employees if they do not receive part-time benefits. J. Bevilacqua stated that if the Council wishes to make this an option, that particular situation must be addressed in the policy adopted by the Council, adding that this must apply universally to all part-time employees. Councilor Poirier asked about the possibility of a position being budgeted for a certain amount of hours, but the work is not available for that number of hours.

Jamie Hainsworth, Police Chief, explained that previously there were four part-time employees in the Animal Control Department, each working approximately eight hours per week. Chief Hainsworth stated that three of the assistants have since resigned, leaving only one employee who is currently working approximately thirty hours per week. Chief Hainsworth added that this employee has proven his worth and works well with the Animal Control Officer.

J. Bevilacqua stated that the language in the handbook should be amended before this request is granted. Councilor Walsh pointed out that the 2-year requirement is so that employees have to “pay their dues” before receiving benefits. Councilor Poirier expressed his agreement that we need some kind of minimum, for length of employment as well as number of hours per week, but stated that he feels 2 years is excessive. Councilor Sette suggested that the Council table this matter until more research is conducted and the language is reviewed.

MOTION was made by Councilor Walsh to TABLE the waiver of the “minimum of two (2) year employment and a minimum of 24 hours per week requirement” for partial medical coverage, part time employees, as per “We Are Gloucester Handbook” which would allow the current Assistant Animal Control Officer 50% of health coverage paid equally by himself and the Town; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

VIII. New Business

A. Resignations

1. Conservation Commission  
One (1) three year term to expire 1/2007

Councilor Sette stated that we have received the resignation of Michael Dahlquist from the Conservation Commission. Michael's term was to be due for reappointment in January, 2007. (resignation is on file in the office of Town Clerk)

MOTION was made by Councilor Carroll to ACCEPT the resignation of Michael Dahlquist from the Conservation Commission; seconded by Councilor Reichert.

Discussion: Councilor Poirier commented that Mike Dahlquist has done a great job for the Town for a long time and he will be missed in this position.

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

B. Appointments

1. Budget Board  
One (1) three year unexpired term to expire 1/2008

Councilor Sette stated that the clerk has added this item for consideration now so as to alleviate a long gap in an appointment to take Council-elect Joyce's position on the budget board, once he is sworn in on January 2, 2007.

Discussion: None

MOTION was made by Councilor Walsh to TABLE the appointment to the Budget Board to fill the unexpired three year term to expire 1/2008; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

2. Tax Assessors Board of Assessment Review  
One (1) Expired six year term

Councilor Sette stated that the Tax Assessor has informed the clerk that Thomas Ross's term expires this month and that he would like to be considered for another term.

MOTION was made by Councilor Carroll to REAPPOINT Thomas Ross to the Tax Assessors Board of Assessment Review for a 6 year term to expire 12/2012; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

3. Tree Warden (2007)

Councilor Sette stated that currently our Tree Warden is Bruce Payton, who has indicated that he does not wish to be reappointed. Councilor Reichert asked Mr. Payton if this is a position that could be taken by a Public Works employee if a class was taken on the subject. Mr. Payton replied that a candidate must be a licensed arborist, adding that there is training available at the State level. MOTION was made by Councilor Walsh to TABLE the appointment to the position of Tree Warden for 2007; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
NAYS: 0

MOTION PASSED

4. Asst. Animal Control Part time positions

Councilor Sette read the following memo from the Chief of Police:

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: December 15, 2006

Re: Asst. Animal Control Part time-position

After review of the applications on file for the position of Asst. Animal Control Officer A.C.O. M. Merchant and I interviewed five of the applicants.

We recommend the appointment of Michael Beaulieu of 1 Rocky Road and Laura Methot of 180 Keach Pond Drive, Gloucester to be appointed.

This position is part time with varying schedule of five to ten hours per week at a rate of \$13.00 per hour.

Thank you for your time and consideration in this matter.  
(End of memo)

Discussion: None

MOTION was made by Councilor Reichert to APPOINT Michael Beaulieu of 1 Rocky Road and Laura Methot of 180 Keach Pond Drive, Gloucester. These positions are part time with a varying schedule of five to ten hours per week at a rate of \$13.00; seconded by Councilor Carroll.

Discussion: Councilor Poirier asked if this would cut into somebody else's hours. Chief Hainsworth, replied that it would not.

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

#### IX. Department Head Report/Discussion

- A. 1. Thomas Mainville, Finance Director, reported that the tipping fees did not increase this year (remains at \$32. per ton), however, the fee for exceeding the cap did increase. T. Mainville added that hopefully, this will not be a problem.
2. T. Mainville stated that there was previous discussion regarding repairs to Betty the Elephant in front of the Town Hall. T. Mainville stated that the repairs were authorized by the Director of Public Works at a cost of \$1250.00. T. Mainville asked the Town Council which account this should be applied to. Councilor Sette inquired if there is any money in the discretionary fund. T. Mainville replied in the affirmative, adding that if the invoice is paid out of the contingency fund, a Council vote will not be necessary. The consensus was to fund this cost out of the contingency fund.
3. T. Mainville reported that the audit has been completed and asked if the Council would like the auditors to attend a Town Council meeting for discussion. It was decided to have a meeting in the late afternoon with the Council President and Councilor Walsh attending, and the thought was to include members of the School Department.

School Committeeman Steere acknowledged the School Committee is scheduled to receive the audit at their next meeting.

X. Boards/Commissions  
None

XI. Council Correspondence/Discussion

A. Councilor Sette stated that there has been a complaint filed against the New England Dirt Riders concerning excessive noise and violation of the Zoning Ordinance. Councilor Sette stated that he feels that the Noise Ordinance should be placed back on the agenda in January. Councilor Poirier stated that he wished to go on record that he does not feel that this is the only way we have to stop this type of activity.

J. Bevilacqua, Town Solicitor, stated that the universal application of a noise ordinance must apply to every part of the Town in order to make it constitutional. J. Bevilacqua noted that there is State law which indicates that off-road vehicles are allowed with written permission of the property owner, except that if the noise level is unreasonable, the current Noise Ordinance is applied. Councilor Sette stated that the police complaint which was filed was due to loud muffler noise.

Councilor Reichert stated that he feels that an expanded noise ordinance will cause residents to complain about noises such as chain saws and truck engines. Councilor Sette responded that the complaint against New England Dirt Riders is for constant noise for hours at a time.

Councilor Poirier stated that he agrees with Councilor Reichert in that the proposed ordinance which is before the Council is so involved that we do not have the manpower to enforce it. Councilor Sette stated that there have been complaints lodged both with the Zoning Office and the Police Department, and the Council must decide how to act on this. J. Bevilacqua stated that State Law indicates unequivocally that if permission is given by the landowner to drive this type of vehicles on their property, it is allowed. However, J. Bevilacqua stated that if a fee is charged, that is different and Zoning comes into play.

Councilor Sette asked if there are any complaints received before the Council begins discussion on the expanded Noise Ordinance, how should the Police respond. J. Bevilacqua replied that the individuals operating the vehicles should be asked if they have written permission from the landowner. If they do not have permission, J. Bevilacqua stated that they should be ordered off the property and the owner should be notified. Bruce Payton gave a copy of a videotape of the activity to Chief Hainsworth. Councilor Sette stated that the Noise Ordinance will be addressed in January.

B. Councilor Sette stated that correspondence was received from the Woonasquatucket Watershed Council asking for contributions.

- C. Councilor Sette stated that correspondence was received from the Military Staff Emergency Management Agency which addresses pre-disaster mitigation program guidance. Councilor Sette stated that copies of this should be forwarded to Raymond Goff, Town Planner, and Charlie Miller, Hazardous Materials/Civil Defense Coordinator.
- D. Councilor Sette stated that a negotiating team must be appointed to work on the Police Contract which expires on June 30, 2007. Councilors Walsh and Reichert volunteered to serve on the negotiating team. The Clerk stated she has notified the union their notification was received and will forward the negotiation team information.
- E. Councilor Sette stated that monthly budget updates have been received from the Gloucester School Committee. There was discussion concerning the agreement which was made at the Town Financial Meeting between the Town and the School Department. Councilor Walsh asked if the agreement is in writing. J. Bevilacqua replied that the transcript of the meeting contains the details of the agreement.
- F. Councilor Sette stated that the Council has received a letter from Lorraine O'Connors which indicates that although she can no longer serve on the School Building Committee as a representative of the School Committee, she still wishes to continue to serve at least until the completion of the Middle School. Councilor Sette stated that he has reviewed the Regional School District Charter which indicates that three members of the Building Committee are selected by the Town Council.

Councilor Sette noted that Gloucester already has three people serving on the Committee, therefore, if Mrs. O'Connors is appointed, the Town would be in violation of the School Department Charter. The consensus was to reply to Mrs. O'Connors that there are no vacant positions at this time.

- G. Councilor Sette stated that there is correspondence from the State Ethics Commission regarding a Public Hearing pursuant to proposed changes to the Code of Ethics for Public Officials. Councilor Sette asked J. Bevilacqua, Town Solicitor, to review this to determine if it will affect the new Council member. J. Bevilacqua stated it may have an impact and he will review further.
- H. Discussion followed on correspondence from the Town of Coventry regarding School Committees and their fiscal responsibilities. (To be reviewed by Councilors)

## XII. Open Forum

1. Bruce Payton, 26 Lake Washington Drive, referred to the Zoning Ordinance 3-2-3 which states “to take steps to enable Gloucester to be a pleasurable place in which to live, work and raise a family”. Mr. Payton stated that the prolonged unnatural noise caused by the Dirt Riders social club has affected his life and his ability to work in his home and around his property. Mr. Payton added that the residents of Bowdish Lake call the Police and hold up their phones to allow the Police to hear the noise generated by the ATV’s and dirt bikes. Mr. Payton stated that the peace and comfort that he once felt at his home is gone.

Mr. Payton noted that there are many other residents who feel the same way, but have tried not to overwhelm the Police and Town Council with complaints. Mr. Payton stated that most people believed that the Noise Ordinance would take care of this problem, but this situation has been ongoing for three years. Mr. Payton asked the Town Council to act on this. Councilor Sette replied that, as was mentioned before, the Noise Ordinance will be placed on the agenda for January.

Mr. Payton added that there is only one recreational vehicle registered in the State of Rhode Island. Mr. Payton stated that the law indicates that any snowmobile or recreational vehicle in the State shall be registered. Mr. Payton noted that in the videotapes he has, there are no registrations displayed on any of the vehicles. Mr. Payton stated that this should be looked into also.

2. Rose Lavoie, of Wilmarth Road, stated that Economic Development had purchased Betty the Elephant several years ago. Mrs. Lavoie stated that the elephant has been quite an attraction in Town and added that it is worth the small cost over the last few years for repairs. Councilor Poirier stated that other options for body work could be considered for future repairs.

There was discussion regarding the revitalization project for Chepachet Village. Councilor Sette stated that the project is scheduled to be completed in 2007 or early 2008. Councilor Sette explained the details of the plan, adding that the State will be requesting a Public Hearing to show the public what will be done.

3. Councilor Sette stated that this will be Councilor Patrick Carroll’s last Town Council meeting, adding that it has been a pleasure having him on the Council for the last two years. Councilor Carroll thanked his fellow Councilors and the Town Clerk, stating that it was a pleasure serving on the Council. Councilor Sette wished Councilor Carroll good luck with his future endeavors.

### XIII. Executive Session

#### A. RIGL 42-46-5(a)2 Litigation

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

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

After Executive Session: No votes taken

XIV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:34 p.m.; seconded by Councilor Carroll.

Discussion: None

VOTE:           AYES: Poirier, Walsh, Reichert, Carroll, & Sette  
                  NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the January 18, 2007 Town Council Meeting.