

At a meeting of the Town Council holden in and
for the Town of Gloucester on **January 7, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Raymond Goff, Town Planner;
Gary Treml, Public Works Director; David Steere, Budget Board chair;
and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris.

IV. Executive Session

1. R.I.G.L. 42-46-5(a)1 Personnel
Discussion and/or Action

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session
pursuant to R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

After Executive Session

MOTION was made by Councilor W. Steere to reconvene open session (no votes were taken in
Executive Session); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- V. Open Forum
 - A. David Laplante stated that he wishes to speak regarding item B. Police Department, but will wait until it is addressed.
- VI. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes- December 17, 2009
 - B. Finance Director's Report - November 2009

MOTION was made by Councilor Carroll to TABLE the Approval of Town Council minutes of December 17, 2009 and to ACCEPT the Finance Directors report of November 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VII. New Business - Discussion and/or Action
 - A. Resignations
 - 1. Chief of Police

Councilor Walsh stated that the Council has received the resignation of Chief Jamie Hainsworth, adding that this resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Jamie Hainsworth from the position of Gloucester Chief of Police, effective February 6, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Personnel
 - 1. Police Department
 - A. Discussion and/or Action
 - 1. Interim Supervision

Discussion: Councilor Walsh stated that he has asked Captain Joe Matera if he would be willing to take care of the day-to-day operations of the Police Department in the event that the position of Chief of Police has not been filled by February 6th. Councilor Walsh pointed out this would allow the selection committee to take their time to consider candidates for the position.

Councilor Walsh suggested that Captain Matera receive a stipend of approximately \$200 per week in addition to his current salary. Councilor Carroll asked if Captain Matera is interested in applying for the position. Councilor Walsh replied that Captain Matera was undecided when they spoke, adding that if the Captain does apply, he should not serve as Interim Supervisor. Councilor Carroll stated that a backup plan is needed in that case. There was consensus to address this matter at the next Town Council meeting on January 21st.

2. Process for filling Chief position

Discussion:

David Laplante of Absalona Hill Road stated that there has been discussion regarding the procedure of appointing a new Police Chief. D. Laplante stated that in a small town such as Gloucester, hiring a Police Chief is a big deal. D. Laplante noted that there has been talk in the media regarding municipal regionalization and consolidation of services. D. Laplante stated that we have a rare opportunity to initiate a serious change without affecting or disrupting anyone's career.

D. Laplante suggested that the towns of Foster and Gloucester discuss consolidation concerning public safety, adding that the immediate benefit to both towns would be a savings in payroll of approximately \$50,000. D. Laplante stated that he would rather see us in a position of "picking our partners". D. Laplante commented that Gary Trembl, Director of Public Works, is qualified to serve as interim Police Chief in the event that Captain Matera applies for the position of Police Chief.

Councilor Walsh stated that there has been discussion with the towns of Smithfield, North Smithfield and Burrillville regarding the possibility of consolidation of certain services and sharing of equipment. D. Laplante commented that the public should get involved also, whether it is to agree or to disagree.

Gordon Rogers, from Foster, stated that this is a good time to think about Foster and Gloucester combining the Police Chief position. G. Rogers stated that we must take a proactive approach to this concept. G. Rogers stated that Foster's Town Charter states that they must have a Police Chief, but does not say that they cannot share one. G. Rogers stated that he has spoken with the Foster Town Council and requested that they have a member present at this meeting. G. Rogers stated that he has lived in Foster his whole life, but if something is not done to reduce taxes, he may be forced to move. G. Rogers pointed out that the city of Providence has over 400 police officers with one chief. G. Rogers stated that this is an important matter which should not be brushed aside.

Ron Cervasio, co-chair of the Regional School Committee, stated that there is a natural set up with regard to the Regional School Department, but reminded everyone that Foster voted against full regionalization. R. Cervasio stated that there would be tremendous cost savings if we could fully regionalize, adding that the combining of the Police Chief position could be the first step. Councilor Burlingame agreed that if this concept works out, it could result in other opportunities going forward.

John Lewis, Foster Town Council member, was present. Councilor Walsh asked Mr. Lewis how the Foster Town Council feels about this subject. J. Lewis replied that the Council has had no formal votes regarding this issue. It was discussed at the last Foster Town Council meeting, but was not an agenda item. J. Lewis stated that it will be on the next agenda for the purpose of putting together a group of local people to explore the issue. J. Lewis stated that we have regionalization on the school level, adding that there are both good points and bad points. J. Lewis noted that Foster has some concerns but they are willing to sit down and talk about it.

Councilor Walsh expressed his opinion that Gloucester must go forward with filling the position of Police Chief, but feels that the towns of Foster and Gloucester should get together to discuss regionalization.

Councilor G. Steere asked if Gloucester's Town Charter addresses the position of Police Chief. Councilor Burlingame replied that the Charter says that there shall be a Chief of Police but does not address where he or she must come from.

Councilor Walsh explained that there are two ways to conduct the process of filling the position. A subcommittee could be appointed to review all applications and bring two or three forward for the Council's consideration. Councilor Walsh stated that another way of handling the matter is for the Council to review all applications and arrive at a consensus of the top two or three candidates, after which a Police Officer and the Finance Director would be consulted to answer any technical and financial questions. Councilor Walsh stated that either way, the Town Council ultimately interviews the last two or three people, but asked if the Council members wanted somebody else to interview the candidates first.

Councilor Carroll replied that if the Council is going to make the final decision, they should review all of the applications and then narrow it down. Councilor Carroll pointed out that it would take some time to appoint a search committee, which would bog down the process. Councilor Burlingame expressed his agreement. Councilor G. Steere disagreed, stating that he is not qualified to choose a Police Chief. Councilor G. Steere recommended that there be a committee with two or three people with experience in that field to whittle down the applications before forwarding them to the Town Council. Councilor W. Steere stated that he agrees with Councilor G. Steere, adding that we need people who are familiar with police work and what it takes to run a Police Department to determine who would be qualified. Councilor W. Steere stated that he feels that a search committee should be appointed.

Councilor Burlingame stated that Chief Hainsworth could lend assistance, adding that there is a former police officer on the Personnel Board as well. Councilor Carroll stated that Gary Trembl, Director of Public Works, could also provide input. Councilor W. Steere noted that there are many qualified people in this room. Tim Kane, Assistant Town Solicitor, quoted the Town Charter, stating that whenever a search committee is deemed necessary, the chair of the Personnel Board or his/her designee shall be a voting member of such search committee.

Councilor Burlingame asked John Lewis when the next Foster Town Council meeting will take place. J. Lewis replied January 14th. Councilor Burlingame noted that the next Gloucester Town

Council meeting is scheduled for January 21st, adding that they may be able to get an opinion from Foster prior to the meeting.

Doris Villandry asked how long the Council has been aware of Chief Hainsworth's retirement. Councilor Walsh replied that it was mentioned at the last Town Council meeting, but the resignation was accepted tonight. D. Villandry expressed concern that the applicants for the position will request a higher salary. Councilor Walsh stated that when the position is advertised, the budgeted amount will be offered.

Councilor G. Steere asked what is the procedure for choosing a search committee. Councilor Walsh replied that the Council would appoint the committee at a Council meeting. Councilor Carroll suggested that the Council hold an Executive Session at 7:00 on January 21st to look at the applications in order to determine if a search committee is necessary. Councilor Walsh stated that it still comes down to the interview, noting that an applicant could have a great resume, but if you don't feel comfortable, you will not want to hire him.

MOTION was made by Councilor W. Steere to AUTHORIZE the Personnel Director to run an advertisement for the position of Police Chief to close on January 20, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Employment benefit package & Job Description

Discussion: Tom Mainville, Finance Director, spoke but was inaudible on the tape. Councilor Burlingame stated, in his opinion, that there is no reason to change the benefit package from what is presently in place. Councilor G. Steere noted that there is a big difference in Longevity when compared to the Town Hall employees' benefits. It was noted that this would be a good time to make the percentages consistent. There was discussion regarding salary. Councilor W. Steere stated that it should be commensurate with the applicant's experience level, not to exceed the existing rate.

Chris Kowal of Gold Mine Road spoke regarding combining with another town and asked if it would be possible to advertise for an interim Police Chief to allow more time to consider the other options. Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if consolidation would have to go before the voters. T. Kane replied that he sees nothing in the Charter to prohibit a Police Chief from serving two towns, adding that it is within the jurisdiction of the Town Councils of the two towns.

MOTION was made by Councilor Burlingame to approve the employment benefit package and job description with the change to longevity as described; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Appointment

1. Gloucester Tree Warden

One year term

Councilor Walsh stated that currently, Bruce Payton, serves as Tree Warden. The State is requesting the Town make its annual appointment in January.

MOTION was made by Councilor Carroll to APPOINT Bruce Payton to the position of Gloucester Tree Warden for the year 2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Authorization Discussion and/or Action

1. Letter of Intent

Seek ARRA Energy Funds

Councilor W. Steere read the following request from the Town Planner:

TO: Town Council, Kevin Walsh
FROM: Raymond Goff, Town Planner
RE: Letter of Intent to seek ARRA Energy Funds
DATE: December 17, 2009

Enclosed please find a letter of intent for your review and consideration. I have put this letter together for submission to the Rhode Island Office of Energy Resources as the first step in seeking ARRA (American Recovery and Reinvestment Act) for energy projects for the town. This letter is required by Rules and Regulations for the Energy Efficiency and Conservation Block Grant Program.

As of the proposed Rules and Regulations, the Town is eligible for a number of funding streams from this act. The first is identified as Activity 1: Energy Performance Contracting. This funding is in the amount of \$9,974.00 and is for the support of hiring energy management and verification consultants to assist with scoping energy performance

contracting projects, establishing baselines and to defray costs of preparing RFPs' and contracts for Energy Service Companies (ESCO's) The Second funding stream is identified as Activity 2: Base Grant Allocations. The town is eligible for \$97,291.44 of funding. This money is allocated to the town and can be used for energy projects. The third funding stream is identified as Activity 3: Competitive Grants. This funding is, as it states competitive. The money would be for energy projects, but we are encouraged to engage in regional projects. I would suggest we apply for this funding on projects that meet the multiple criteria and hit many of the requirements for funding. A suggestion might be to look into regional opportunities for wind, solar or hydro projects.

Per section 5.05 of the Rules and Regulations, the Town is required to submit a Letter of Intent to Apply by January 15, 2010 to the Office of Energy Resources. This letter of intent is a statement that the town intends to apply for funding from Activity 1 and 2. Currently there are no specific plans on how the funding will be used, I suggest the Council state the town intends to seek both funding streams.

Please place this request for authorization for the Town Council President to sign and submit the letter of intent to the Rhode Island Office of Energy Resources on the January 7, 2010 Town Council Agenda.

(End of memo)

Discussion: None

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to forward a letter of intent to the Rhode Island Office of Energy Resources by January 15, 2010 to begin the process of attempting to procure funds for the Town of Gloucester to apply to energy projects; seconded by Councilor W. Steere.

Discussion: Councilor W. Steere spoke regarding Activity 1: Energy Performance Contracting, asking Ray Goff who are the consultants mentioned. R. Goff replied that the State has a list of approved ESCO agents from which we would choose a consultant. Councilor W. Steere asked if it must be a company or if a qualified individual could be chosen. R. Goff replied that there are some financing requirements which come with the ESCO, noting that he does not believe that any individual could meet those requirements. Councilor G. Steere asked if matching funds are required. R. Goff replied in the negative, but stated that it would not hurt to have matching funds.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Resignation

1. Senior Center Board of Directors

Councilor Walsh stated that the Town Clerk has received a letter of resignation from Joseph Peters from the Senior Center Board of Directors. A copy has been forwarded to Council and is on file in the Clerk's office.

Councilor Walsh read the following into the record:

DATE: January 6, 2010
TO: Gloucester Town Council
FROM: Joseph Peters

Senior Center Board of Directors

I would like to submit my resignation from the Senior Center Board of Directors, to be effective February 10, 2010. I feel as though after 9 years of involvement it is time to bring in other people.

I have enjoyed working with the current council members as well as past members. I appreciate the help that Councilor Walsh has given the Board.

I have recently talked with Jacky DiPietro and she would be willing to take on the position if Council agrees. The Senior Center needs the positive attitude and the knowledge I feel Jacky can bring to the Center. Also important, is the fact that she is not currently involved at the center which can prove to be an asset. Jacky has the type of work ethic and enthusiasm to move forward. Board member Sette and Ms. DiPietro have worked well together in the past and both have a keen knowledge of finances and the handling of personnel.

Sincerely,
Joseph T. Peters
Senior Center board of Directors

(End of letter)

MOTION was made by Councilor Carroll to ACCEPT the resignation of Joseph Peters from the Senior Center Board of Directors effective February 10, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

B. Appointments Discussion and/or Action

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for one alternate term to expire 11/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Senior Center Board of Directors

Discussion: Councilor Walsh noted that Jaclynn DiPietro has been recommended for the position. Councilor Walsh stated that he feels that J. DiPietro is a good candidate and has no doubt that she will do an excellent job.

MOTION was made by Councilor Carroll to APPOINT Jaclynn DiPietro to the Senior Center Board of Directors effective February 10, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Budget Board
2 (two) three year terms to expire 1/2013

Councilor Walsh stated that there are two members of the Budget Board whose terms are due to expire this month. Councilor Walsh asked David Steere, Budget Board chair, if he has spoken to the members. D. Steere replied that they both wish to serve another term.

MOTION was made by Councilor Burlingame to REAPPOINT Catherine Harrington and Barbara Norris to the Budget Board for a three year term to expire 1/2013; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Conservation Commission
2 (two) three year terms to expire 1/2012

MOTION was made by Councilor W. Steere to REAPPOINT Michael Ahnrud and Cheryl Cadwell to the Conservation Commission for three year terms to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

5. Zoning Board of Review
2 (two) one year alternate terms to expire 1/2011

MOTION was made by Councilor Carroll to REAPPOINT Sharon Lambert and Scott Carlson to the Zoning Board for the one year alternate terms to expire 1/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commission

Report/Discussion

A. Department Heads

None.

B. Boards & Commission

1. George Charette, chair of the Economic Development Commission, stated that members of the Historical Society, the Building Department and the Planning Department have been invited to attend the next Economic Development Commission meeting on January 25th. G. Charette stated that there will be an informational discussion regarding the Historic Commission in Providence. G. Charette stated that it is the intent of the Economic Development Commission to establish connections with all other boards that serve the Town.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, asked if there would be any Open Meetings issues if members of the Town Council attended the meeting of the EDC. Jean Fecteau, Town Clerk, stated that she typically posts an agenda if there is the possibility of a quorum of Council members in attendance at any meeting.

2. Anne Ejnes, School Committee member, stated that a special meeting of the Gloucester School Committee will be held next Wednesday, January 13th at 5:00 p.m. at the Gloucester Town Hall.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter of thanks was received from the owners of the Family Dollar store which recently opened for business.
- B. Councilor Walsh stated that correspondence was received from the Town of Portsmouth concerning the Madeline Walker Bill, indicating their support.
- C. Councilor Walsh stated that correspondence was received from Lisa Adams with regard to a fence issue. The letter will be forwarded to the Building Official.
- D. Councilor Walsh stated that a letter was received from the Department of Health regarding Drinking Water State Revolving Fund - Project Priority List Applications for Fiscal year 2011.
- E. Councilor Walsh stated that a report was submitted by the Recreation Director concerning drainage problems at Gloucester Memorial Park. Councilor Burlingame pointed out that there are funds in the Capital Budget which were never used for the Senior Center Project. Gary Treml, Director of Public Works, stated that he has asked the Recreation Director to hold off on spending any funds on the fields if we can do the work in-house.

Councilor Walsh asked if DEM would have to get involved. G. Treml replied in the negative, explaining that it would only consist of diverting the water runoff to the pipe which runs under the street. David Steere, Budget Board chair, stated that the Recreation Director submitted a request for \$6,500 along with photos of the area. D. Steere stated that it looks more like a grading problem. Councilor Walsh stated that the matter will be left in the hands of the Public Works Director until the Council hears otherwise.

- F. Councilor W. Steere expressed thanks to the Director of Public Works and his staff for their long hours last weekend as a result of the snowstorm.

XI. Open Forum

- A. Tom Sanzi stated that he will no longer be able to serve on the Parade Committee. T. Sanzi explained that several violations of the rules and regulations have occurred over the last few years.
- B. Ron Cervasio, co-chair of the Regional School Committee, stated that we should ask ourselves why the cost-per-student is so much higher at the grade schools as compared to the Region. R. Cervasio stated that the Region is holding costs and will have a zero budget this year, adjusted for inflation.

XII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:44 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 21, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **January 21, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; and Edward C. Burlingame.

Member absent: Patrick J. Carroll

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Gary
Trembl, Public Works Director; David Steere, Budget Board chair; and Susan
Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Executive Session

1. R.I.G.L. 42-46-5(a)1 Personnel
Discussion and/or Action

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session pursuant to
R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

After Executive Session

MOTION was made by Councilor W. Steere to Reconvene open session (no votes were taken in
Executive Session); seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

V. Open Forum

- A. Richard Carrara, of Maplewood Drive, presented a petition signed by residents of Maplewood Drive requesting the installation of a speed bump on the road. R. Carrara explained that there are many children who live in the area, adding that speeding is a continuing problem. R. Carrara noted that his neighbor, Joe Palazzo, has a handicapped daughter who is regularly taken for walks by her nurse and the cars speed by.

Joe Palazzo expressed his concern regarding the situation and asked that something be done before a tragedy occurs. Councilor Walsh stated that cases such as this are normally referred to the Safety Commission, adding that this will be on the agenda for action at the next meeting.

- B. George Loxley, of Douglas Hook Road, reported that now that Family Dollar is located in the former CVS building, the dumpsters are again being emptied at 5:30 a.m. G. Loxley stated that this is in addition to the ongoing problem with the Post Office, which has deliveries between 4:00 a.m. and 7:00 a.m. G. Loxley stated that he has spoken with the Postmaster and was told that due to recent budget cuts, nothing can be done about the situation. G. Loxley expressed his opinion that the owner of the building should be responsible for the tenants. G. Loxley commented that the noise is beginning to affect his health as he is only able to sleep about five (5) hours per night.

Councilor Walsh stated that the Council will take it under advisement and direct the Building Official to speak to the lessees regarding the situation. Councilor Walsh added that if nothing is resolved by the next Town Council meeting on February 4th, the matter will be added to the agenda. G. Loxley stated that if commercial and residential properties are located together, there should be some type of barrier in place between them, such as arborvitae trees, to abate the noise.

- C. Doris Villandry asked about the agenda item which addresses a Van Policy. Councilor Burlingame explained that a question arose several months ago concerning the purchase of food vouchers from out of town vendors and if, at any time, did the Town Van transport residents out of town to do their grocery shopping. Councilor Burlingame noted that the issue has been resolved. D. Villandry stated that the Seniors are looking for transportation to and from the Senior Center and asked for the Council's help. Councilor Burlingame advised D. Villandry to request, in writing, that the matter be placed on the agenda for a future Town Council meeting.

VI. Resolution

A. Ponaganset Football

Councilor Walsh called Tom Marcello, Ponaganset Football Coach, to the front of the room while Councilor W. Steere read the following resolution for the Ponaganset Football team to celebrate their Super Bowl victory:

**TOWN OF GLOCESTER
RESOLUTION
2010-1**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate the 2009-2010 Ponaganset High School Football Team, better known as the “Chieftains”, for capturing the championship of the Citizens Bank Division III Super Bowl on December 5, 2009; and

WHEREAS, the “Chieftains” capped the year off with a 12-0 season and earned its second Super Bowl Title in the last three years with a dominating 29-0 victory over the No. 2 seed and defending Johnston High; and

WHEREAS, the Team was led by Tom Marcello, Head Coach and Athletic Director; David Armstrong, Brian Gendreau and Joe Humphrey Assistant Coaches; and volunteers Michael Calenda, Troy Lambert, Gary Martinelli and Anthony Sasso; and

WHEREAS, the Team consisted of 54 players: Samuel Fasano, Sean Proulx, Nicholas Keeling, Christopher Larrabee, Adam Babcock, Connor Mathieu, Jacob Kravitz, Joshua Morgan, Peter Mathieu, Brad Waterman, Ben Arsenaault, Corey Leonhardt, Seth Baker, Brian Charette, Nathan Bissell, Garrett Drainville, Dylan Gadbois, Lucas Jaffa, Joshua Costa, Michael Paquin, Steven Kitson, Christian Carbajal, Robert Lorraine, Alex Costa, Aaron Bowen, James Parrish, Nathan Gould, Nathan Candeas, Michael Kitson, Matthew Angalano, David Santos, Jacob Fraatz, Phillip Colasante, Anthony Lemieux, Dyllan Dean, John Greenhalgh, Zachary Mason, Joseph Fogarty, Ethan Walsh, Ryan Siner, Marco Costa, Thomas Porter, Cody Morin, Will Girard, William Ballou, Rick Dalomba, Matthew Desmaris, Sean Disney, Kyle Lussier, Michael Parrish, Scott Peterson, Daniel Petronelli, Cody Rainville and Cameron Sousa and it took each and every member of the team to make the 2009-2010 Ponaganset High School Football Team successful; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk are pleased to publically commend the “Chieftains” for the distinguished honor of becoming the 2009-2010 Citizens Bank Division III Super Bowl Champions and to further state that our community is proud and inspired by their hard work, team spirit, and dedication to their goals.

Kevin P. Walsh, President
Glocester Town Council

Jean M. Fecteau, CMC, Town Clerk

ADOPTED: January 21, 2010

seconded by Councilor Burlingame.

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

NAYS: 0

MOTION PASSED

Tom Marcello expressed thanks to the Town Council and stated that it was an honor to be a part of this team. Councilor Walsh asked the players in the audience to stand for a round of applause. T. Marcello noted that there were scheduling conflicts for some of the players who are also on the wrestling and basketball teams. Councilor Walsh invited the coaches, players and their family members to partake in refreshments across the hall.

B. Loan Agreement with the Rhode Island Clean Water Finance Agency
Community Septic System Loan Program (CSSLP)

Councilor Walsh stated that the Council has been asked to provide a resolution for the continuation of the Community Septic System Loan Program pursuant to the motion made by Council at the last meeting. Councilor Burlingame read the following:

**RESOLUTION
2010-2**

Originally adopted August 15, 2002
Amended May 19, 2005*
Amended February 21, 2008**
Amended January 14, 2010***

WHEREAS, the Town of Glocester has entered into a Loan Agreement with the Rhode Island Clean Water Finance Agency under the Community Septic System Loan Program (CSSLP) to provide town residents loans greater than one thousand dollars (\$1,000) at an interest rate of two percent (2%) a year; and

WHEREAS, this loan program is administered through Rhode Island Housing & Mortgage Finance Corporation (RIHMFC) and the Town of Glocester may apply septic homeowner loan criteria to the program; and

WHEREAS, said loan criteria has been reviewed and agreed upon by the Town Council of the Town of Glocester; and

NOW THEREFORE, BE IT RESOLVED, that the following criteria shall be applied to the loans administered by RIHMFC:

1. The maximum amount of the loan shall be changed from thirty thousand dollars (\$30,000*) to fifty thousand dollars (\$50,000**) and may include applicable one time fees for processing the loan.
2. The loan term shall be up to a maximum of ten (10) years.
3. There will be no prepayment penalty.
4. The debt to income ratio shall be no higher than forty-five percent (45%).
5. The borrower must be current with all obligations to the Town of Gloucester at the time of application.
6. A failed system is defined by current DEM Regulations and the Gloucester Wastewater Management Ordinance. For purposes of accessing loan funds, all cesspools will be considered failed systems.
7. The loan is for repair or replacement of substandard individual sewage disposal systems and cannot be used for home improvements, additions or remodeling or other uses that require increased sewage handling capacity to include but not limited to conversion from summer to year round use.
8. Under the existing CSSLP provisions, group or cluster septic system projects are not allowed nor are commercially owned property projects.
9. Priority of funding will generally be to failed systems first.
10. Property owners must solicit bids from a licensed and insured contractor and the work will conform to all applicable federal, state and local laws and ordinances.
11. Funds will be available after a certificate of conformance is issued by the DEM.
12. In addition to systems installed under the Agreement, applications for loans under this program may be approved for systems installed up to six (6) months prior to the date of the loan becoming available to qualifying residents.

This Resolution is effective upon passage.

The Town of Gloucester has entered into a Loan Agreement with the Rhode Island Clean Water Finance Agency under the Community Septic System Loan Program.

Taken under our hands and seal of the Town of Gloucester this 21st day of January, 2010.

Kevin P. Walsh, President
Gloucester Town Council

seconded by Councilor G . Steere.

Discussion: Councilor Walsh explained that this program was implemented several years ago to help property owners take care of their homes and businesses. Councilor Walsh stated that it is a worthwhile venture which has done good things for the people of Gloucester.

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

NAYS: 0

MOTION PASSED

VII. Public Hearing -Discussion and/or Action

A. Liquor License: Expansion of Service Area to include outdoor use

Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza

Location of Business: 16 Terry Lane, Units 9-13

Councilor Walsh stated that this Public Hearing was advertised in the Observer on January 7th & January 14th, 2010. Councilor Walsh stated this application is for increased space indoor for alcohol service as well as a request attached for outdoor service.

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

William Kapanakis, owner of Pinewood Pub & Pizza, explained that he plans a complete renovation including the construction of an outdoor deck as well as expansion into an adjacent room to increase the space of the establishment. W. Kapanakis stated that he is prepared to answer any questions.

Councilor Walsh read the following request into the record:

December 9th, 2009

The Honorable Town Council

Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza respectfully requests that the Town Council consider an expansion of Liquor License application for our restaurant located at 16 Terry Lane, Chepachet. The expansion plans include completely remodeling both the interior and exterior of the building. We will be expanding our current service area into an additional unit (#9), approximately 650 square feet. With this addition the Pinewood will occupy units 9, 10, 11, 12 and 13. There will also be the addition of an outside deck area, attached to the rear of the building.

A copy of the architectural plans are attached for your reference and review.

Regards,

William J. Kapanakis

President

Prickly Pear, Inc.

(End of memo)

William Kapanakis stated that Ed Warner, of Warner Construction, is also present to answer questions.

Councilor Walsh asked if anyone wished to speak for or against the application.

Discussion: Councilor Burlingame asked Mr. Kapanakis if he was the owner of the building. W. Kapanakis replied in the negative. Councilor Burlingame asked if the owner is aware of the intended expansion. W. Kapanakis replied that the owner is aware and has signed the application. Councilor Walsh asked what is the intent of the proposed outside deck. W. Kapanakis replied that it would be for dining and also for the consumption of alcohol.

Councilor W. Steere expressed concern regarding the height of the proposed deck, stating that if alcohol is served, there is the possibility of injury. W. Kapanakis stated that the plans must still be approved by the appropriate building officials and must comply with State building codes. Councilor W. Steere asked about the steps that are indicated on the building plans. The applicant explained that the steps lead to an open area below. Councilor W. Steere commented that this would create an open egress and access which would not be controlled. W. Kapanakis stated that it would be possible to install a gate, but was unsure if this would be approved by the Fire Department.

Councilor Walsh stated that, looking at the drawings, he is concerned that there is no handicap ramp on the deck. There was also discussion regarding the height of the rail. Ed Warner stated that the building code states that for a deck of this type, the rail must be 42 inches high. Councilor Burlingame stated that the rail should be higher than 42 inches. E. Warner stated that the applicant would be willing to install a 6-foot privacy fence which would prevent the patrons from falling off.

Councilor Walsh asked by how much this expansion would increase the interior space of the establishment. W. Kapanakis replied that the space will increase by approximately 20%, however, the capacity will remain at the current level of 120 persons.

Councilor Walsh stated that there are two (2) establishments with outdoor service, noting that there are certain rules and stipulations in place. Councilor Walsh recommended that the Town Council review the plans for the deck before making a determination on the outdoor service. Councilor Walsh noted that the Public Hearing would remain open to be continued at the next Town Council meeting. The applicant asked if the Council could take action on the matter of the expansion of service area at this time to allow him to move forward with that part of the application.

Regarding the outdoor deck, Councilor G. Steere asked if the outside area would be open during the regular hours of operation. W. Kapanakis replied that he has not given the matter much consideration, but most likely, the area would be open during dining hours. Councilor Walsh explained that, if approved, there would be the requirement that doors remain closed if there is music inside.

Councilor Walsh asked if anyone else wished to be heard regarding this application. Tim Kane, Assistant Town Solicitor, stated that the Council may close the Public Hearing as it pertains to the request for indoor expansion and continue the Public Hearing as it pertains to outdoor service. T. Kane recommended another alternative by which the Public Hearing would remain open and the Council would vote only on the expansion of the indoor service area.

MOTION was made by Councilor Burlingame to APPROVE the request for expansion of service area made by: Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza, Location of Business: 16 Terry Lane, from current units #10, 11, 12 & 13 to units #9, 10, 11, 12, & 13; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to CONTINUE the Public Hearing as it pertains to the outside expansion until the Town Council meeting of February 4, 2010; seconded by Councilor W. Steere.

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

NAYS: 0

MOTION PASSED

B. Code of Ordinance Amendment

Proposed amendment to Part 2. Boards, Commissions, & Committees

Community Resource Commission (amend charge)

Councilor Walsh stated that the 1st reading of this proposed code amendment was held on December 3, 2009. Councilor Walsh stated that this hearing was duly advertised in the Providence Journal on January 8, 2010.

Councilor Walsh DECLARED the Public Hearing Open and asked if anyone wished to speak for or against the proposed ordinance amendment.

Chapter 68

COMMUNITY RESOURCE COMMISSION

§68-1. Establishment; membership; terms; compensation; clerk; vacancies.

Pursuant to Gloucester Home Rule Charter §C. 13-10, there is hereby established a Community Resource Commission consisting of seven members, who shall be appointed by the Town Council for terms concurrent with the terms of the Town Council with the exception that members should hold their respective offices until their successors are qualified. The Council shall, within 45 days, fill any vacancy which may occur on the Community Resource Commission for the unexpired term.

Members shall serve without compensation. A recording clerk shall be appointed by the Town Council.

§68-2. Purpose.

The purpose of the Community Resource Commission is to create a public body whose primary responsibility is to **assist the Town with implementation and management of Green energy resources and to** advise the Town Council and other Town Boards and Commissions on how the Town can better utilize the natural, physical and human resources within the Town with the purpose of offsetting the burden of taxation on the residents and businesses of the Town.

§68-3. Powers and Duties.

The Commission is hereby authorized to advise and make recommendations to the Town Council and other Town Boards and Commissions from time to time in accordance with its stated purpose. **The Commission may with the approval of the Town Council seek grant money and financing in coordination with appropriate Town Departments for engineering, construction and/or installation of GREEN energy resources such as water, solar and wind power, as well as agricultural and commercial activities which will benefit the Town and its residents.** The Commission is authorized to adopt by-laws subject to the approval of the Town Council. **The Commission may assist with the installation, management, supervision and operation of such facilities in coordination with appropriate Town Departments subject to the approval of the Town Council. All financial activities of the Commission shall be under the jurisdiction of the Finance Department.** The Commission is authorized to adopt a specific charge in accordance with its stated purpose subject to the approval of the Town Council.

§68-4. Meetings; records.

All meetings of the Commission shall comply with the Rhode Island Open Meetings Law and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision. All records of its proceedings, resolutions and actions shall be open to public view. **The Commission shall come before the Town Council annually, to display and explain a full and explicit audit of its operations.**

§68-5. Officers.

The members of the Commission shall elect a Chairperson and Vice Chairperson from among their members. The term of office of the Chairperson and Vice-Chairperson, unless otherwise prescribed by the Town Council, shall be for the calendar year.

§68-6. Termination.

The Commission may be terminated at any time by vote of the Town Council.

Discussion: Councilor W. Steere explained that the Community Resource Commission was created in 2009 to address the possibilities of harnessing the natural and human resources of the Town for the profit and benefit of its residents. Councilor W. Steere stated that the proposed amendment would expand the Commission's scope of work with controls placed by the Town Council. Councilor W. Steere further explained that the amendment would allow the Commission to seek grants and to establish communications with vendors. Councilor W. Steere pointed out that any spending or agreements would first go before the Town Council for approval.

Councilor Walsh asked if anyone else wished to be heard. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor W. Steere to AMEND the Gloucester Code of Ordinance, Part 2. Boards, Commissions, & Committees, Chapter 68. Community Resource Commission, paragraphs 2, 3, & 4; (to amend Charge to clarify the scope of said committee), and to correct a typographical error in Paragraph 3; seconded by Councilor G. Steere.

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

NAYS: 0

MOTION PASSED

VIII. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- December 17, 2009 & January 7, 2010
- B. Finance Director's Report - December 2009
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of December 17, 2009 & January 7, 2010, to ACCEPT the Finance Directors Report for December 2009; to APPROVE the Abatement to the 2009 Tax Roll in the amount of \$2,297.84 and Addition to the 2009 Tax Roll in the amount of \$36.20; seconded by Councilor G. Steere.

Discussion: None

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

NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Personnel
 - 1. Police Department
 - Discussion and/or Action
 - a. Interim Supervision

Discussion: Councilor Walsh stated that twenty-seven applications have been received for the position of Chief of Police. Councilor Walsh stated that he has asked Captain Matera if he would be interested in serving as Interim Supervisor until such time as a replacement is appointed. Councilor Walsh noted that Captain Matera would receive a stipend of \$200 per week.

MOTION was made by Councilor Burlingame to APPOINT Captain Matera as Supervisor of day-to-day police operations with a stipend of \$200.00 per week, with the understanding that Chief Hainsworth would still be overseeing in the capacity of Chief in the event that something is needed; seconded by Councilor G. Steere.

Discussion: Councilor W. Steere asked if there are other options, such as the State Police appointing somebody to serve in this capacity, and if so, would there be a charge to the Town. Councilor Burlingame answered in the affirmative, adding that when the State Police filled in during Chief Toohar's absence, the Town had to pay.

Councilor Burlingame stated that Chief Hainsworth has agreed to check in to determine if there is any need on his part, at no cost to the Town. Councilor Burlingame noted that Captain Matera would not be the Acting Chief, but would only be handling the day-to-day operations. Councilor Burlingame pointed out that this would give the Council more time to review the numerous applications for the Police Chief position.

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

NAYS: 0

MOTION PASSED

b. Process for filling Chief position

Discussion: Councilor Walsh explained that the Council members will take the next two weeks to review the applications after which each Councilor will submit a list of 4 or 5 suitable candidates. Councilor Walsh stated that at the next meeting on February 4th, the Council will decide whether to appoint a committee to review the applications.

c. Employment benefit package & Job Description

Councilor Walsh stated that at the last meeting, a motion was made to use the current employment package with an adjustment to the longevity benefit. Councilor Walsh noted that the salary range is between \$68,000 to \$72,000, depending on the individual's expertise. There was discussion concerning the Employee Handbook, which has not been updated to reflect amendments made by the Council. There was consensus to address this matter at the next Town Council meeting.

X. New Business - Discussion and/or Action

- A. Authorization: Senior Services Inc.
Annual Renewal of Site Contract

Councilor Walsh stated that the Council has received the annual request for the contract renewal between Gloucester and Senior Services.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the contract between the Town of Gloucester and Senior Services, Inc. for the period January 1, 2010 through December 31, 2010 for the purpose of serving congregate meals to the Senior Center, 5 days per week; seconded by Councilor Burlingame.

Discussion: None.

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

MOTION PASSED

B. Appointments
Police Department Custodian

Councilor Walsh read the following request from the Public Works Department:

January 8, 2010
To: Town Council
From: Gary Treml, Public Works Director
Re: Appointment Part-Time Police Station Custodian

Eileen Duhaime, part time custodian at the Police Station, is retiring effective January 28, 2010. Chester Fague, who retired as custodian for the Town Hall and Sr. Center in March 2007, is very much interested in this part time position. Although I do not know Mr. Fague personally, I understand he was a much valued employee and did an outstanding job at keeping the Town Hall, former Meal Site and the new Senior Center clean.

I am requesting that Chester Fague be appointed to the position of Part Time Custodian at the Police Station. Chet will be working 16 hours per week at a rate of \$14.40 per hour starting February 1, 2010. This is the same number of hours and same hourly rate that is currently budgeted.

Gary (Treml)

(end of memo)

MOTION was made by Councilor G. Steere to APPOINT Chester Fague to the position of Part-time Police Station Custodian for 16 hours per week at the rate of \$14.40 per hour, effective February 1, 2010; seconded by Councilor Burlingame.

Discussion: Councilor Walsh stated that Mr. Fague did an outstanding job when he was employed at the Town Hall and would have no qualms about hiring him to work at the Police Station. Councilor W. Steere stated that in some cases, when new people are hired, they don't necessarily earn the rate that is in place at the time. Councilor W. Steere pointed out that if the rate is reduced to \$13.40 per hour, the savings would amount to approximately \$500 per year. It was noted that there is confidential information at the Police Station and C. Fague has proven that he can be trusted in that regard. There was consensus to keep the rate at \$14.40.

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

C. Inter-municipal Equipment and Personnel Sharing Agreement
Discussion and/or Action

Councilor Walsh stated that he has included a draft policy in Council's packet and if Council feels comfortable signing, it would be the first step in considering options for equipment and personnel sharing among 4 communities.

Councilor Walsh stated that he has had discussions with individuals from Smithfield, North Smithfield and Burrillville to find ways to save money in different areas. Councilor Burlingame asked if Foster or Scituate participated in the discussions, to which Councilor Walsh replied in the negative.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign a Memorandum of Understanding to be used as a first step towards planning the sharing of resources between communities; seconded by Councilor G. Steere.

Discussion: None.

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

Councilor Walsh stated that also included in the Council members' packets is the Inter-municipal Equipment and Personnel Sharing Agreement which would be the second step of the process. Councilor Walsh asked the other members to review the document and make comments and suggestions.

D. Town Council representatives to meet with Town of Foster
Research Police Chief regionalization
Discussion and/or Action

Discussion: Councilor Walsh stated that he attended the last Foster Town Council meeting at which discussion took place regarding the regionalization of the Police Chief position. Councilor Walsh commented that this is not a simple matter as there are many issues involved. Councilor Walsh stated that the Foster Town Council has appointed two (2) members to serve on a committee and has requested that the Gloucester Town Council appoint two (2) of their members to serve as well. Councilor W. Steere expressed interest, stating that it is worth looking into. Councilor Burlingame asked if the concept would be to regionalize as opposed to sharing a Police Chief. Councilor Walsh replied that it could just be a matter of semantics and stated that this committee will look into all viable options. Councilor G. Steere stated that he would also like to serve on the committee.

MOTION was made by Councilor Burlingame to appoint Councilors W. Steere and G. Steere to represent the Gloucester Town Council with regard to discussions pertaining to the regionalization of the Foster and Gloucester Police Chief; seconded by Councilor W. Steere.

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

NAYS: 0

MOTION PASSED

Councilor Walsh stated that the Foster Town Clerk will be notified of the names of the two Council members and a meeting will be scheduled.

E. Human Services-Discussion and/or Action

1. Food Pantry: Procurement of food and Vouchers
2. Van Policy

Councilor Burlingame stated that he has spoken to the Director of Human Services and this matter has been resolved. Councilor Burlingame stated that the food vouchers will now be purchased locally. Councilor Burlingame also stated that the Director has the opportunity to receive additional food donations if she can obtain more storage space. Councilor Burlingame pointed out that the School Department will soon be vacating their offices at the Town Hall and at that he will work with the Town Clerk to coordinate the use of the space.

XI. Boards/Commissions - Discussion and/or Action

A. Appointments Discussion and/or Action

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission until the next meeting; seconded by Councilor W. Steere.

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

NAYS: 0

MOTION PASSED

XII. Department Heads/Boards & Commissions

Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that her office staff has completed assisting the Building Official's office with the backlog of data entry.

J. Fecteau stated that she is working on a calendar of upcoming meetings of the Town Council, including budget meetings, CDBG public hearings and financial meetings.

J. Fecteau stated that there is the opportunity to put our Land Evidence records on the internet with the company that presently handles our Land Evidence recording and storage. J. Fecteau explained that the company would charge attorneys and title

examiners an annual fee for access and an additional fee for copies generated, half of which the Town Clerk's office would receive. Tim Kane, Assistant Town Solicitor, stated that many cities and towns are going in this direction. J. Fecteau noted that there would be no cost to the Town and it would generate revenue. J. Fecteau stated that she has not yet signed the contract and asked if the Council would like to ratify it at the next Town Council meeting. There was consensus to add this to the agenda.

2. Gary Treml, Director of Public Works, stated that since the sign was posted regarding the requirement of resident stickers, hundreds of them have been handed out. G. Treml stated that the next step will be to stress the importance of recycling. Councilor Walsh suggested that a sign be posted which states that if we do not increase our recycling percentage, a pay-as-you-throw program may have to be implemented. G. Treml stated that the message board now states that we are at 22% and must reach 35% by 2012. G. Treml stated that an ad has also been placed in the Foster Home Journal regarding recycling, in conjunction with Scituate and Foster.

There was discussion concerning road and bridge construction issues.

B. Boards & Commissions

1. George Charette, chair of the Economic Development Commission, reminded the Council members that the Commission will be meeting on January 25th. Councilor Walsh stated that individuals from the Department of Transportation plan to attend. G. Charette stated that this will be an informative meeting with discussion with Richard Greenwood, Deputy Chief of the Rhode Island Historical Commission. G. Charette noted that a roll call will be conducted of Town Council members present, as well as members from other Boards and Commissions.

XIII. Council Correspondence/Discussion

- A. Councilor Walsh stated that letters of recommendation were received from the Warwick Chief of Police and the Bristol Chief of Police with regard to applicants for the Police Chief position.
- B. Councilor Walsh stated that correspondence was received from the Department of Environmental Management with regard to the America the Beautiful Grant Program. It was noted that a copy was forwarded to the Town Planner.
- C. Councilor Walsh stated that correspondence was received from the Department of Health concerning cross-connection with water lines. Councilor Burlingame stated that this is another unfunded mandate concerning public water supply, adding that the only thing we have in Glocester is the Echo Lake Water District.
- D. Councilor Walsh stated that a request was received from Northern RI Conservation for a donation of \$1,000.

- E. Councilor Walsh stated that a resolution was received from the Bristol Town Council opposing the construction of an LNG terminal. The Bristol Town Council is asking for Gloucester's support.
- F. Councilor Walsh stated that a complaint was received regarding noise on Waterman Lake.
- G. Councilor Walsh stated that when Route 44 is restriped, it will be done in such a way that parking will only be allowed on one side of the road from the village to Chestnut Hill Road.

XIV. Open Forum

- A. Karen Iacobbo commended the Town Council for exploring the possibility of shared resources. K. Iacobbo quoted an article from the Hartford Current newspaper pertaining to regionalization. Ms. Iacobbo stated the article states that a study was conducted and it was determined that expanding the scale of government non-education services is unlikely to generate any significant cost savings and may, in fact, make public services more expensive. K. Iacobbo further stated that other publications have indicated that consolidation will result in less efficient services such as street repair.

K. Iacobbo stated that, in Rhode Island, there is an organization called the Ocean State Policy Research Institute which is researching the subject and has stated that, at least with education, regionalization will probably increase costs. K. Iacobbo commented that fully regionalized districts have higher per-pupil costs than similar sized town districts. As an example, K. Iacobbo cited the Chariho School District, which has a student body the same size as neighboring Westerly, but has a cost of 40% more per student. In closing, K. Iacobbo stated that we might be opening the door to something that we may not want.

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:15 p.m.; seconded by Councilor G. Steere.

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

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 4, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **February 4, 2010**

I. Call to Order

The meeting was called to order at 7:08 p.m.

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Gary Treml, Public Works Director; Jamie
Hainsworth, Chief of Police; Jane Steere, Tax Collector; and Susan
Harris, Deputy Town Clerk

III. Pledge of Allegiance

MOTION was made by Councilor W. Steere to move the Pledge of Allegiance until 7:30 PM:
seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IV. Executive Session

1. R.I.G.L. 42-46-5(a)1 Personnel
Discussion and/or Action

MOTION was made by Councilor Burlingame to WAIVE the Executive Session and go into
Open Session; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Timothy Kane, Assistant Town Solicitor, explained that according to the Open Meetings Act, it
requires that any discussion other than that regarding a job applicant's performance or character
must be conducted in open session.

There was discussion regarding the process by which the Police Chief position will be filled.
Councilor Walsh stated that twenty-eight applications were received and reviewed. Councilor
Walsh stated that either each Council member could choose five applicants to be interviewed, or
a committee could be appointed to narrow the field of applicants to be interviewed by the Town
Council. Councilor Walsh instructed the Council members to submit their lists to the Town
Clerk, who will compile the results.

Councilor Walsh added that if the lists are basically the same, there will be no need to appoint a selection committee. Councilor G. Steere stated that he has nine names on his list and Councilor W. Steere stated that he has a dozen names. Councilor W. Steere noted that he does not have a background in law enforcement, therefore he does not know what he is looking for in an applicant.

Councilor Burlingame commented that it is important to have a chief who will be able to respond quickly to a situation and has experience in administrative matters, budgets and labor relations. Councilor Burlingame further stated that a Police Chief is also involved in the community in various ways. Councilor Burlingame stated that there were several candidates from the local area who would meet our needs.

Councilor Walsh stated that applications were received from all over the country, as well as from the local area.

Councilor Carroll expressed his agreement that disposition, people skills and knowledge of budget matters are of importance in selecting a Police Chief. Councilor Carroll stated that a local resident would be able to respond more quickly than somebody who is not from the area or is not familiar with the Town. Councilor Carroll stated that he has a list of five or six candidates that he would like to interview.

Councilor G. Steere stated that he has a list of nine from which he could pick the top five to submit to the Town Clerk. Councilor G. Steere pointed out that an applicant's character cannot be determined unless he or she is interviewed. Councilor G. Steere suggested that several capable individuals assist the Town Council with the interview process. Councilor Walsh expressed his agreement, adding that a member of the Personnel Board, the Finance Director and perhaps a Police Officer should sit in on the interviews to answer technical questions.

Councilor Walsh recommended that each Council member submit a list of five names to the Town Clerk, who will determine which candidates will be interviewed. There was Council consensus to have people with expertise sit in on the interviews to provide an advisory opinion to the Council. Councilor Walsh stated that the individuals chosen to advise will depend on who the candidates are, adding that the final decision regarding the appointment of Police Chief will be made by the Town Council.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jamie Hainsworth, Chief of Police.

MOTION was made by Councilor Burlingame to move the Recycling Presentation to this point of the agenda; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

VI. Presentation: 7:30 p.m.
Recycling Presentation
Discussion and/or Action

Councilor Walsh stated that the Public Works Director has arranged a presentation by a company, WasteZero, that offers the Town a solution to high tipping fees and meeting our quota for recycling.

Gary Treml, Public Works Director, introduced Michael Laporte from WasteZero. G. Treml pointed out that there is a deadline by which the Town must reach the 35% level regarding recycling. G. Treml noted that Gloucester is now at 23.8%.

Michael Laporte explained that his company works with municipalities and delivers a program to reduce the solid waste which goes into the landfill in Johnston. M. Laporte pointed out that this program would increase our recycling rates at the same time. M. Laporte noted that there would be no capital expenditures for the program and after 30 days we would see a 38% to 45% reduction in solid waste. M. Laporte stated that of the 270 communities that have started the program, none of them has ever decided to reject the program.

M. Laporte stated that in addition to the reduction on tipping fees, there is also revenue generated from bag sales. M. Laporte stated that Middletown participates in the program full-fledged and as a result has exceeded the recycling requirement, adding that Gloucester would also meet the goal of 35%.

M. Laporte explained that the bags are manufactured in South Carolina and would be sold through local retailers with no markup. M. Laporte noted that bag quality and availability would be guaranteed. M. Laporte stated that the bags are made to any specification needed with the Town's seal imprinted on them. M. Laporte stated that WasteZero takes responsibility for accounting and inventory control. M. Laporte stated that there is a voucher program for low-income residents by which the bags could be obtained for free or at a discounted price.

M. Laporte explained the figures regarding tonnage per capita, stating that the guaranteed revenue would be just over \$244,000. M. Laporte further stated that if an Ordinance were enforced and everything went smoothly, we would probably see an estimated revenue of \$374,000. M. Laporte pointed out the program would also result in Gloucester meeting its recycling goals and not reaching the cap, which is reduced each year.

M. Laporte asked if there were any questions. Councilor Walsh asked who would enforce the Ordinance. M. Laporte replied that the Town would be the enforcing authority. M. Laporte stated that on average, a household of four would generate approximately one bag per week, which typically costs \$2.00 for the 35 gallon size. M. Laporte noted that 14 gallon size is also available typically for \$1.00.

Councilor Carroll stated that there are several private trash collectors in Town and asked how this would impact them. M. Laporte replied that these trash haulers go directly to the landfill in Johnston and it would be impossible to enforce. G. Treml, Public Works Director, noted that

when the figures were projected, the number of households that have private trash pickup were subtracted.

Councilor Burlingame asked if the \$244,306 is the revenue expected to be achieved from the sale of the bags. M. Laporte replied in the affirmative, adding that this is the guaranteed revenue provided to the Town. Councilor Burlingame stated that this amount calculates to a cost of roughly \$76.00 per household annually. Councilor Burlingame questioned the difference between the guaranteed revenue and the potential revenue of \$374,000. M. Laporte explained that if residents comply and the bags are sold the way they should be, we would see revenue of \$374,000. M. Laporte pointed out that the trucks will not be making as many trips to Johnston, which will result in savings in operational costs.

Councilor W. Steere commented that this comes down to another tax imposed on residents. Councilor W. Steere asked how this would be enforced, stating that we only have one person on duty at the Transfer Station. Councilor W. Steere noted that although \$2.00 for a bag sounds minute, it adds up over the course of a year. Councilor W. Steere expressed concern that residents may dispose of their trash on Land Trust properties or on the side of the road.

G. Treml pointed out that if we do not meet our requirement, taxes will ultimately increase for all residents, including those who are diligent with regard to recycling. G. Treml further stated that this program rewards those who do the right thing. Councilor W. Steere stated that this program should be a last-ditch effort if we cannot otherwise meet our goal. G. Treml stated that short of opening somebody's trash bag and making them remove the recyclables, there is no way to know what they are throwing into the receptacle.

Councilor Burlingame stated that, in his opinion, we will not reach 50% without this program, but suggested giving people the opportunity, through education and advertising, to get to where we have to go. Councilor Walsh stated that we have an end goal and have no choice in the matter. M. Laporte stated that this is the fairest way to handle the situation as opposed to a supplemental tax for all residents.

Councilor W. Steere asked Mr. Laporte how his company would benefit from Gloucester implementing this program. M. Laporte stated that WasteZero would make 14 cents on the dollar through the sale of bags. It was noted that the city of Pawtucket agreed on a cost \$1.50 for a large bag and 63 cents for a small bag.

Councilor G. Steere asked how the revenue can be guaranteed. M. Laporte replied that if the tonnage numbers are true, a certain number of bags will be generated and this is how the guaranteed amount is calculated. M. Laporte stated that if, six months into the program, it is determined that less waste is being generated, this would have to be worked out. M. Laporte stated that it will be in a contract that this revenue will be guaranteed to the Town.

A resident, who did not identify himself, stated that this program will make many people angry.

Russell Gross asked if WasteZero is the only option or are there other companies that do the same thing. Councilor Walsh replied that he does not know.

Walter Steere, Jr. wondered if this program will cause people to put things in the recycling bins that do not belong there. W. Steere, Jr. commented that people may also dispose of their household trash in the barrels at the recreation areas.

George Charette asked if the bags are biodegradable. M. Laporte replied in the affirmative. G. Charette suggested clear bags to allow the contents to be seen.

Councilor W. Steere voiced his concern that some neighboring towns are making every effort to educate people but it is not making much of a difference.

In closing, M. Laporte stated that there are numerous companies that manufacture bags, but WasteZero is the only company in the country that implements the program from start to finish. M. Laporte thanked the Council for their time.

V. Open Forum on Agenda Items Only

- A. George Loxley, 20 Douglas Hook Road, stated that he was present at the last meeting to report a noise problem at the businesses adjacent to his house. G. Loxley stated that the problem is still present every Tuesday morning when the dumpsters are emptied. G. Loxley suggested that the Police park in front of his house to observe this activity. G. Loxley noted that he has lived in town since 1974 and has never experienced anything like this until the last five years. Councilor Carroll asked what time of day this problem occurs. G. Loxley replied that it happens every Tuesday at 5:30 a.m. and occasionally on Thursday mornings as well.

Lawrence Desormier, Building/Zoning Official, stated that he spoke to the manager of Family Dollar, who has agreed to have the trash picked up between 7:00 and 8:00 a.m. L. Desormier stated that he has not yet talked to anybody at the Post Office regarding this matter. G. Loxley commented that he spoke to the Postmaster about a year ago and was told that due to budget issues, it would not be worth going to his supervisor to report the problem. Councilor Walsh stated that he and the Building/Zoning Official will go to the Post Office tomorrow to speak to the Postmaster.

George Loxley questioned the fact that dumpsters are situated in the Historic District. G. Loxley stated that he would be in favor of placing sound abatement between commercial and residential properties. G. Loxley stated that he has spoken to the residents behind Tavern on Main and noted that their situation is even worse.

VII. Public Hearing -Discussion and/or Action

- A. Liquor License: Expansion of Service Area to include outdoor use
Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza
Location of Business: 16 Terry Lane, Units 9-13

Councilor Walsh stated that this Public Hearing was opened on January 21, 2010. Councilor Walsh noted that the expansion of service area indoors was approved and the outdoor use was continued to this date.

Discussion: Councilor W. Steere read the following opinion on this use from the Chief of Police:

I have an opinion, in general I have always been opposed to outside services. Mostly based on past problems many years ago. It totally changes the dynamics of an establishments ability to keep control over all kinds of the normal problems that occur in liquor serving in general. But my biggest objection is with the amount of police officers we have, every time you expand any service it requires more monitoring and enforcement and we just don't have the work force to handle anymore expansion.

We already have so many liquor license establishments and to monitor them all is already a challenge, and we are not meeting that challenge as it is now. Not to mention we now have less police officers than we had five years ago (3 less). To increase the work load and not increase the workers (enforcers) is not good at the least.

I have been saying for years now, reduce the number of liquor licenses as they become vacant and have a workable number that enforcement can handle, both police and the board of licenses. But the more expansion that is done and restrictions are put on those expansions, who is to monitor those restrictions. Usually it is the police or the board of licenses and we don't have the resources to do that. In the last legislative session a law was passed about the servers being trained within sixty days etc, we haven't had the time to check these people.

I know I'm getting off track but, another way to look at is, it is better to have six well run establishments all surviving then to share the "pot" with ten establishments all struggling to survive and having to cut corners to stay alive.

Chief Hainsworth
(End of memo)

Councilor Walsh read the following opinion from the Fire Department:

February 4, 2010
Jean M. Fecteau
Town Clerk, Town of Gloucester
Re: Prickly Pear DBA Pinewood Pub/Renovations

Dear Madam Clerk:

Per our conversation regarding the Prickly Pear located on Terry Lane, the owner Mr. William Kapanikis has submitted plans for renovations that are proposed to his facility for the Chepachet Fire Department to review. As of this date, there are deficiencies noted on the plans. Regulations set forth by Rhode Island Fire Law require the Local Authority Having Jurisdiction to notify the owner of the establishment by letter of noted deficiencies and giving him/her a certain amount of days to make proper correction.

This will be completed by this agency within the next week. If you have any questions, please feel free to contact me in my office Monday thru Friday 9am to 1 pm.

Robert G. Dauphinais
Chief

(end of memo)

Discussion: William Kapanikis, president of Prickly Pear, Inc., stated that he has been working with Dennis Foster of the Chepachet Fire Department regarding the fire safety deficiencies noted in the Fire Chief's memo. W. Kapanikis noted that none of the deficiencies pertain to the proposed outdoor deck area, which is the issue before the Council tonight.

Councilor Walsh stated that there were some concerns expressed at the last meeting and asked Mr. Kapanikis to address them. W. Kapanikis stated that the concerns were that the 42" railing on the deck would not be sufficient and that there was no gate on the deck. W. Kapanikis stated that he is willing to extend the 42" railing to 6 feet by installing a trellis and will also install a gate for egress only. W. Kapanikis noted that the back of the building is not an access point for the pub.

Councilor Walsh asked L. Desormier, Building/Zoning Official, if a ramp would be necessary. L. Desormier replied that there must be ADA accessibility, both at the entrance of the establishment and to the deck.

W. Kapanikis stated that there will be stipulations placed by the Building Official before a Certificate of Occupancy can be issued, but added that Council approval is needed before the next step can be taken. Councilor W. Steere stated that if the Council grants approval, he would like to see a stipulation which prevents alcohol from being ordered and served outdoors. W. Kapanikis stated that the intent is to have several tables on the deck for dining purposes, adding that his business will primarily be a restaurant with a lounge, not a lounge with a restaurant.

W. Kapanikis commented that it would not be feasible or convenient for someone who is dining not to have a server bring out a cup of wine. Councilor W. Steere noted that this is one of the stipulations placed on the other establishments with outdoor alcohol licenses. W. Kapanikis pointed out that he is not in a similar situation as the other two establishments, adding that neither of them is basically a restaurant, but are primarily bars that serve food.

Regarding the recommendations from the Police Chief, W. Kapanikis stated that he understands that there have been problems in the past with some of the bars in the area, but noted that there has been no trouble at the Pinewood. W. Kapanikis added that the proposed expansion will not increase the capacity of the establishment.

There was discussion regarding whether or not the deck would require emergency egress. W. Kapanikis stated that the stairs indicated on the plans may be marked "not an exit". Councilor W. Steere expressed concern that if there is a fire, people on the deck will have no way to escape. W. Kapanikis agreed and stated that when the deck is constructed, it will be done according to the code of the State of Rhode Island. Councilor Walsh stated that the Town

Council could make it a stipulation to have an exit from the deck. Councilor Burlingame stated that he will not approve the application if there is no exit from the deck.

Councilor Walsh stated that the Council must rule on whether alcohol can be served outdoors or only consumed outdoors, adding that either way, no glass of any kind can be used. Councilor Walsh noted that the other two establishments with this type of license are more sports related and do not have any outside dining area whatsoever. Councilor Walsh pointed out that if this application is approved, it will open things up for other establishments.

Councilor Walsh asked if anyone wished to speak for or against the expansion of service area to include outdoor use.

George Charette stated that he is neither for nor against this application. G. Charette stated that any door which is on the exterior wall of a building is classified as an exit. G. Charette pointed out that any access to a building must be handicapped accessible. G. Charette strongly suggested that the Council delay making a motion until these matters are looked into by the Building Official.

Walter Steere, Jr. stated that there is quite a drop-off from the proposed deck and feels that there should be a handicapped exit.

Jean Fecteau, Town Clerk, stated that even if the application is granted, she would not issue the license until the Building/Zoning Official and Fire Chief have signed off. J. Fecteau stated that this should be stated in the motion.

Walter Steere, Jr. stated that the Council should also take into consideration the comments made by the Police Chief regarding his concerns.

Councilor Walsh asked if anyone else wished to be heard. Hearing none, Councilor Walsh declared the Public Hearing CLOSED.

William Kapanikis asked for clarification regarding the Public Hearing. Councilor Walsh explained that the Public Hearing is now closed and it is just a matter of “crossing the t’s and dotting the i’s” at this point.

Jean Fecteau, Town Clerk, stated that the motion could be made at the next meeting.

MOTION was made by Councilor W. Steere to take under advisement the information received during the Public Hearing and from the applicant with regard to the application for outdoor usage; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

B. 2010 Community Development Block Grant
1st Public Hearing

Councilor Walsh stated that this Public Hearing was advertised in the Valley Breeze/Observer on January 28, 2010 and is the first of two public required public hearings.

Councilor Walsh DECLARED the Public Hearing OPEN.

Councilor Walsh stated that the Council has received a letter from the Program Manager regarding status of the program for 2009:

Councilor W. Steere read the following into the record:

Glocester Town Council Members
RE: Community Development Block Grant 2009 Program Performance
Dear Council Members

The Town of Glocester received \$214,850.00 in Community Development Block Grant funding for FY 09. The Town applied for the maximum amount of \$250,000.00.

Housing Program — \$191,047.00
Food Bank — \$3,000.00
Echo Lake Water District — \$20,000.00
Community Housing Land Trust — \$1,500.00

TOTAL GRANT AWARD \$214.850.00

To date the Western RI Home Repair Housing Rehabilitation Program has completed 23 projects. The projects included onsite wastewater treatment designs and systems, new roofs, new heating systems, new windows, new siding, electrical repairs, plumbing repairs, chimney repairs, oil tank removal, install new oil tank, insulation, hot water tank, skirting mobile home, storm doors, cement pad, corrections of miscellaneous code violations.

The Mobile Home Replacement program replaced 2 substandard mobile homes this year. One unit was 1971 unit located at Davis Park. The other unit located at The Village at Chopmist Hill was purchased by a mother and 2 children who were being displaced resulting from a divorce. We are waiting on the confirmation to apply the replaced mobile homes toward the town's 10% affordable housing goal. To date the program has replaced 5 substandard units. A family has been income qualified for the sixth unit. That unit will be replaced once the DEM system suitability study has been approved by the State of RI.

The Western RI Home Repair Program will be applying for \$225,000.00 to conduct the Home Rehabilitation Program and the Mobile Home Replacement Program.

The Town of Gloucester's Community Development Block Grant has assisted over 700 of Gloucester's low/mod income residents this year alone. The grant has provided employment opportunities for local residents and local tradesmen.

The proposed activities will be presented to the local Planning Board on 3/1/2010 and prioritized by The Town Council on 3/18/2010. The second Public hearing for the Community Development Block Grant is scheduled for April 1, 2010. The Grant will be complete and ready for the Town Council President's signature. The application will be delivered to The State of Rhode Island on April 12, 2010.

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

Councilor Walsh stated that the Council has received the following requests from the Home Repair office:

Western RI Home Repair Program	\$225,000
Echo Lake Water District	31,000
Gloucester Food Pantry	4,000
Western RI Home Repair for Davis Park	2,500
Community Housing Land Trust of RI, Inc.	3,000

Discussion: Elinor Tetreault, Western RI Home Repair Program Manager, stated that last year the program received \$214,000 out of the \$250,000 requested, and hopes to get a little more this year if the mobile home replacements will count toward the Town's requirement of 10% for affordable housing (this is currently being worked on). E. Tetreault stated that if this goes through, it will entitle the program to apply for additional grant money over and above the \$250,000.

Councilor W. Steere asked for an explanation regarding the \$3,000 request for the Community Housing Land Trust of Rhode Island. Jean Tracey, Executive Director of the Community Housing Land Trust, stated that they have, on Gloucester's behalf, petitioned to Rhode Island Housing to allow mobile home units to count toward the 10% requirement for affordable housing. J. Tracey stated that a verbal approval has been received and she is awaiting the official written approval.

Councilor Walsh asked if anyone wished to be heard regarding the Community Development Block Grant application. Hearing none, Councilor Walsh DECLARED the Public Hearing Closed.

MOTION was made by Councilor G. Steere to schedule the second public hearing, as required, for April 1, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

VIII. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- January 21, 2010

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes from January 21, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

IX. New Business - Discussion and/or Action

A. Ratification

Contract between ACS & Town of Gloucester
re: On - line Land Evidence Records

Councilor Walsh stated that the Town Clerk has contracted with ACS (this is a company that we currently use to index all land evidence records as well as housing our records off site) to set up a process that would offer our records on line for a set fee. There is no cost to the town and we will receive half of all revenue from membership and copy fees. The Clerk has asked previously for the Council's blessing and now would like to acknowledge that with the ratification of the contract. Our legal counsel has reviewed.

MOTION was made by Councilor W. Steere to RATIFY the Contract between the Town of Gloucester and ACS dated February 3, 2010 to provide Land Evidence indexing and imaging records on the internet, at no cost to the Town of Gloucester; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

B. Building/Zoning Office
Budget Part Time Inspector

Discussion: Lawrence Desormier, Building/Zoning Official, requested a budget increase of \$5,000 for the position of Alternate Building Inspector. L. Desormier stated that since April of 2008, he has spent approximately 252 hours attending meetings pertaining to the high school renovation project, at the request of the previous Town Council. L. Desormier further stated that his department averages 250 building permits per year which require a total of approximately 500 inspections.

L. Desormier stated that he cannot physically do it alone. L. Desormier stated that a total of 91 inspections were performed by the Alternate Inspector due to vacation and sick time for his department and the Planning Department. L. Desormier stated that this calculates to \$3,200, adding that this is why he exceeded his budget. L. Desormier further stated that he is required to maintain minimum certification, which entails attending meetings and seminars. In his absence, L. Desormier stated that the Alternate performs inspections.

There was discussion regarding the number of inspections performed at the schools and the amount of time spent at meetings regarding this project. Councilor Walsh stated that the previous Town Council specifically directed L. Desormier to spend however much time was necessary to oversee the project so the Building Committee could not claim that the Town of Gloucester was holding up the construction of the building.

Councilor Burlingame stated that, as a department director, L. Desormier has a responsibility to know where he is with respect to the hours that he is spending before he spends them. Councilor Burlingame asked why L. Desormier did not come to the Council before over-expending his budget. L. Desormier apologized, stating that his hands have been full.

Councilor W. Steere stated that he is having trouble justifying another person when the two big projects for which the Alternate was hired, FM Global and the school project, are completed. Councilor W. Steere stated that, going forward, there is not much building taking place in Gloucester. L. Desormier agreed that construction is down, but zoning issues are increasing, such as foreclosures that people are just walking away from, leaving messes behind.

L. Desormier stated that the Building Department has an average of 67 walk-ins and 88 phone calls per week. Councilor Burlingame noted that there were no new home applications or demolition applications for the month of January and only one zoning application, and asked how this is creating overload. L. Desormier replied that there is more involved, such as code enforcement. Councilor Burlingame suggested that an additional category entitled "Zoning Infractions" be added to the monthly report.

Councilor Walsh asked L. Desormier what he is looking for. L. Desormier replied that he originally requested \$5,000, but he could make it work with \$3,000. Councilor Burlingame stated he is not comfortable giving anyone more money due to the current state of financial affairs and that L. Desormier needs to find it within his own budget. Councilor Walsh suggested that L. Desormier check the line items in his budget to see where he has not overspent.

Councilor Burlingame pointed out that first there was the two-year problem with the ADA not getting done, which was a \$40,000 problem for which the Town will get written up by the auditors and now there is this problem. Councilor Burlingame stated that we cannot continue this way. Councilor Walsh asked L. Desormier to try to solve the problem and to report back to the Council. L. Desormier thanked the Council for their time.

C. Residents petition: Discussion and/or Action
Maplewood Drive

Councilor Walsh stated that Council received a petition last meeting in open forum regarding the possibility the installation of a speed bump on Maplewood Drive in front of pole #2 for safety reasons.

MOTION was made by Councilor W. Steere to refer the residents of Maplewood Drive petition to the Safety Commission for an opinion on the installation of a speed bump; seconded by Councilor Burlingame.

Discussion: Councilor Walsh stated that another matter was recently referred to the Safety Commission and asked Jamie Hainsworth, Chief of Police, if a decision was made regarding the request for a stop sign at Pine Orchard and Chestnut Hill Roads.

J. Hainsworth replied that the matter was tabled until a traffic count could be submitted, which was done. J. Hainsworth stated that the Commission will address it again, but he is doubtful that this will be approved. Councilor W. Steere recommended that the Safety Commission come up with a solution because something will have to be done. J. Hainsworth noted that there is already a stop sign there; the problem is enforcement.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

D. Noise complaints: Discussion and/or Action
1. Douglas Hook Road

This matter was addressed in Open Forum for Agenda Items.

2. Noise from Vehicles on ponds

Councilor Walsh stated that correspondence was received from a resident who lives on Waterman Lake regarding excessive noise from vehicles on the lake. Tim Kane, Assistant Town Solicitor, stated that Waterman Lake is private property over which we have no control. It was stated that the complaint should be forwarded to the Waterman Lake Association and the complainant should be notified.

E. Personnel Discussion and/or Action
1. Family Sick Leave Request

Councilor Walsh read the following request from a Public Works employee:

February 1, 2010
Dear Town Council:

Due to my recent injuries, I would like to ask your permission to extend my sick time or I would like to apply for the Family Medical Leave Act (FMLA).

I would like to thank you for your help and understanding at this time.
(End of letter)

Gary Trembl, Director of Public Works stated that the employee does not meet the requirements indicated in the Employee Handbook regarding extended sick leave.

MOTION was made by Councilor Burlingame to AUTHORIZE the individual to be approved for the Family Medical Leave Act (FMLA); seconded by Councilor Carroll.

Discussion: Tom Mainville, Finance Director, explained that the employee will receive no wages, but will retain his benefits and seniority while he is out, for a period of up to 13 weeks.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

2. Personnel Handbook Updates

Councilor Burlingame stated that the Personnel Handbook has not been printed with the revisions which have taken place over the last four or five years. Councilor Burlingame stated that attached to the handbook were the Council minutes which reflect the changes, but the amendments had not been incorporated into the document.

Councilor Burlingame stated that Jean Fecteau, Town Clerk, has provided assistance in updating the handbook to reflect the decisions of the Council. Councilor Burlingame stated that he hopes to have discussion at the next Council meeting or two regarding revisions which will bring things more in line with where they have to be concerning new employees. Councilor Burlingame stated that the updated handbook is now being reviewed by the Finance Director after which copies will be distributed to the Council members.

F. Authorization Discussion and/or Action

1. Correspondence to D.O.T. re: parallel parking Putnam Pike

Councilor Walsh stated that the Economic Development Commission has worked with the Council, Town Planner, and D.O.T. to determine if additional parking could be placed in Town. The latest request from D.O.T. is for correspondence from the Council supporting the concept of the parallel parking plan on Route 44. D.O.T. will then submit this correspondence to the State Traffic Commission for review.

Discussion: Jamie Hainsworth, Chief of Police, stated that he has reviewed the plans with George Charette, chair of the Economic Development Commission, and suggested that parking not be allowed near the intersection of Chopmist Hill and Chestnut Hill Roads.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to forward correspondence to the Rhode Island Department of Transportation expressing approval of the concept of parallel parking on Route 44 per specifications put forth by Chief Hainsworth; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

X. Boards/Commissions - Discussion and/or Action

A.. Appointments Discussion and/or Action

1. Historic District Commission (Tabled from 11/19/09)

1 (one) one year alternate term to expire 11/2010

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year Alternate term to expire 11/2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Land Trust

1 (one) five year term to expire 2/2015

Councilor Walsh stated that this position is the expired term of Debra Najecki.

MOTION was made by Councilor Carroll to REAPPOINT Debra Najecki to the Gloucester Land Trust for a five year term to expire 2/2015; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commission

Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that a H1N1 flu clinic will be held on February 20th at the Senior Center.

J. Fecteau stated that the Public Works Department has completed the insulation project at the Town Hall. J. Fecteau noted that Gary Treml and his crew did an outstanding job without any disruption, adding that they saved the Town quite a bit of money.

2. Councilor Walsh addressed Jamie Hainsworth, Chief of Police, regarding his retirement. Councilor Walsh, speaking for himself and on behalf of the Council, stated that it has been great working with Chief Hainsworth. There was a round of applause for Chief Hainsworth. Councilor Walsh stated that there will be a Resolution for Chief Hainsworth at the next Town Council meeting.
3. Lawrence Desormier, Building/Zoning Official, spoke regarding outdoor wood boilers, stating that the State is considering placing restrictions or banning the boilers altogether. L. Desormier stated that he has been working on an Ordinance at the request of the Town Council and asked if he should continue to do so. Councilor Burlingame replied in the affirmative, adding that he would be willing to get together with L. Desormier and R. Goff, Town Planner, to work on the Ordinance.
4. Tom Mainville, Finance Director, stated that the Governor's recent proposal will result in Gloucester losing \$600,000 this year and another \$594,000 next year. T. Mainville reported that in three fiscal years, we have gone from receiving \$1,750,000 down to a projected \$154,000, which is a substantial drop. T. Mainville noted that some communities will suffer even more than Gloucester. Councilor W. Steere stated that the fact that we are in somewhat better shape than other towns is a credit to the Finance Department.

Tom Mainville spoke regarding the presentation by WasteZero, stating that he feels that a "pay as you throw" program could be effective for Gloucester. T. Mainville explained that the cost of running the Transfer Station would be offset by the revenue from the bags, resulting in no increase in taxes. T. Mainville added that the

cost would be borne by the trash producers. T. Mainville stated that he has spoken with other communities that have such a program, and was told that recycling does increase.

B. Boards & Commissions

1. Walter Steere, Jr., School Committee member, spoke regarding an advertisement which was placed by the Gloucester Teachers' Association in the Observer. W. Steere, Jr. stated that there are some half-truths in the ad and some things that the teachers are supporting now, they were completely against a year or so ago. W. Steere, Jr. noted that there have been no phone calls received as a result of the advertisement.
2. George Charette, chair of the Economic Development Commission, expressed thanks to Ray Goff, Town Planner, for his help in communicating with the D.O.T. with regard to parallel parking in the village.
3. Peter Skeffington, Community Resource Commission member, reported that the Commission is working on the Smith and Sayles Reservoir Dam hydro-electric project. P. Skeffington stated that the grant process will require a feasibility study which will cost more than the value of the project. P. Skeffington gave a brief overview of the Commission's work so far on the project, as well as other endeavors. P. Skeffington stated that the Commission is building a human resource list and has acquired the volunteer assistance of a number of people, including attorneys, heavy equipment operators, and residents who already serve on Town boards and commissions.

P. Skeffington noted that there will be an upcoming article in the Observer regarding the Commission and its work, including a request for volunteers. P. Skeffington commented that Ray Goff, Town Planner, has been a big help regarding grants and other technical information. P. Skeffington stated that the Community Resource Commission approved a motion to request that the Council approve a one-year budget of \$1,500, to be renewed annually at the pleasure of the Council.

P. Skeffington explained that these funds would be used to pay for advertising in the Bargain Buyer for such things as requests for human resource volunteers. The Commission is also requesting that a bulletin board sign-like structure be installed on the Town Hall lawn to advertise the Commission's need for volunteers. Councilor W. Steere asked if the Commission has contacted any Federal Representatives. P. Skeffington replied that he has that in mind, but has not done so yet. Councilor W. Steere offered to lend assistance in that regard.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter was received from the Trust regarding an upcoming seminar. The correspondence will be forwarded to the Finance Director.

- B. Councilor Walsh spoke regarding the Zoning Board, stating that there are two members who have not been attending the meetings. Councilor W. Steere, liaison to the Zoning Board, stated that he will ask the chair if he wishes to declare the seats vacant.
- C. Councilor Walsh stated that correspondence was received from a resident of Cooper Road regarding a driveway turnaround. There was consensus to forward the correspondence to the Zoning Official.
- D. Councilor Walsh stated that the city of Woonsocket has sent a Health Care Resolution and is asking for our support. Councilor Walsh asked the Council members to review the resolution for discussion at the next meeting.
- E. There was discussion regarding correspondence from the Tax Collector regarding Senior Tax Exemptions. The Tax Collector is suggesting a freeze on any increase in the amount of exemption given and a review of the exemption procedure. Councilor Burlingame stated that we must proceed cautiously and he will meet with the Tax Collector and Finance Director to discuss the issue.
- F. A budget request was received from Western RI Home Repair for \$2,000 from each of the towns the program serves. The request will be forwarded to the Budget Board.

XIII. Open Forum

- A. Walter Steere, Jr., School Committee member, asked if any further information has been obtained regarding the possibility of sharing a Police Chief with the town of Foster. Councilor W. Steere replied that he and Councilor G. Steere will be scheduling a meeting with members of the Foster Town Council for discussion. W. Steere, Jr. commented that there has been much talk about regionalization and he feels that this would be a perfect way to ease into it.

Councilor G. Steere pointed out that this would not be regionalization of Police Departments, but the sharing of a Police Chief. Councilor Walsh noted that there is already a Memorandum of Understanding among the towns of Burrillville, Smithfield, North Smithfield and Glocester with regard to sharing services. W. Steere, Jr. stated that drastic measures will have to be taken to deal with the loss of State aid.

- B. Rose LaVoie spoke regarding recycling and commented that education should begin with the kids. R. LaVoie also stated that there should be changes in the way things are done at the landfill in Johnston.

R. LaVoie mentioned that the Glocester Heritage Society will be having their annual gala on April 28th and she will have tickets available at the next Town Council meeting. R. LaVoie noted that Henry and Glennis Beltram will be honored at this year's event.

Rose LaVoie questioned the whereabouts of Betty the Elephant and asked if it will be coming back. Gary Treml, Public Works Director, replied that the statue is being stored in the garage at the Highway Department.

Rose LaVoie spoke regarding the road work scheduled for the village, stating that she hopes that D.O.T. will realize that this is a historic district.

- C. Erik Kramer stated that he and his wife recently purchased property at 28 and 47 Gieck Way, which are the only two lots on Gieck Way. E. Kramer requested that the road be renamed "Kramer Way". E. Kramer explained that the property was formerly owned by Vincent and Darlene Gieck while they lived at 180 Old Snake Hill Road. The land was subdivided and the Kramers purchased the two lots on Gieck Way. The Giecks subsequently sold their property on Old Snake Hill Road, also a part of this subdivision, and moved away.

E. Kramer stated that he will soon be building a house on one of these lots and it would mean a great deal to him and his wife if the Town would grant them the right to rename the road. E. Kramer stated that he is willing to pay any costs that may come about to have this accomplished. Councilor Walsh informed Mr. Kramer that no action can be taken on this item as it was not on the agenda, but instructed Mr. Kramer to submit his request in writing and the Council will advise him how to proceed.

XIV. Executive Session

1. R.I.G.L. 42-46-5(a)2 Potential Litigation
Discussion and/or Action

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 10:48 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 18, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **February 18, 2010**

I. Call to Order

The meeting was called to order at 7:31 p.m.

II. Roll Call: Councilor Carroll; Councilor G. Steere; Councilor Burlingame; Councilor W. Steere; Councilor Walsh

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Lawrence Desormier, Building/Zoning Official; Gary Treml, Director of Public Works; Raymond Goff, Town Planner; and Viviane Valentine, Tax Assessor.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum on Agenda Items Only

None.

V. Resolution

A. Retired Chief Jamie Hainsworth

Councilor Burlingame read the following Resolution into the record:

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester offer this Resolution to:

Chief Jamie A. Hainsworth

on his retirement from the Gloucester Police Department where he has faithfully served as Chief of Police; and

WHEREAS, Jamie Hainsworth began his career as a Dispatcher in 1979 for the Scituate Police Department and in 1980 began with the Gloucester Police Department. Jamie moved on through the ranks serving as Police Officer, Sergeant, Lieutenant, Captain and in 1999 attained the position of Chief of Police where he stayed until his retirement on February 6, 2010; and

WHEREAS, after receiving several college degrees, the Chief continued on with training, some of which include: FBI National Academy at Quantico, Virginia; the University of RI Crime Lab; New England Institute of Command Training at Babson College; Advanced Command Training; US National Fire Academy; and the Department of Homeland Security, Emergency Management Incident Command System, Threat & Risk Assessment; and

WHEREAS; Chief Hainsworth has held an active role in professional organizations such as the Executive Board-New England Association of Chiefs of Police serving as Treasurer; Executive Board of the Rhode Island Police Chiefs Association serving as President and Treasurer. The Chief has been the Co-Director of the Torch Run Executive Committee since 2000 and has served as a member of the Board of Directors for Special Olympics Rhode Island for the past 6 years; and

WHEREAS, while serving his community, Chief Hainsworth developed and implemented the “Officer Friendly” school program; established the Regional Juvenile Hearing Board for the communities of Gloucester and Foster; developed, coordinated and oversaw “Public Safety Days” with local Police & Fire companies; and established a School Resource Officer. During Chief Hainsworth’s service the Town of Gloucester established, implemented, and maintained a computerized dispatch system while continuing to maintain awareness of and implement new technology and improvements in law enforcement services; and

WHEREAS, Chief Hainsworth gave of himself cheerfully whenever asked, both in his public and private life, and has contributed immeasurably to the quality of life for many of his fellow citizens; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk extend to Chief Jamie A. Hainsworth their deepest gratitude for his countless contributions and exemplary service to our community and wish him much happiness in all his future endeavors.

Kevin P. Walsh, President
Jean M. Fecteau CMC, Town Clerk
Gloucester Town Council

seconded by Councilor G. Steere.

Discussion: Councilor Walsh noted that when Chief Hainsworth began his involvement with the Special Olympics Torch Run, the event was making \$9,000 per year, adding that last year, \$150,000 was raised with Chief Hainsworth serving as chairman. There was a round of applause for Chief Hainsworth.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Licensing Board - Decision

Public Hearing Closed on 2/04/2010

Discussion and/or Action

- A. Liquor License: Expansion of Service Area to include outdoor use
Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza
Location of Business: 16 Terry Lane, Units 9-13

Councilor Walsh stated that this Public Hearing for expansion of service area was opened on January 21, 2010.

Councilor Walsh noted that the expansion of service area indoors was approved at the meeting of January 21, 2010 and the outdoor use was continued to February 4, 2010. At that time the Public Hearing was closed after discussion and opinions on the proposed outdoor use from the Chief of Police and Fire Department.

MOTION was made by Councilor G. Steere to Grant the Liquor License Expansion of Service Area to include outdoor use to Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza, Location of Business: 16 Terry Lane, Units 9-13, with the following stipulations;

All previous stipulations pursuant to current Liquor License remain in force with the following outdoor area conditions:

- 1) The outdoor area, as proposed, shall be approved by the Fire Chief & the Building/Zoning Official before issuance of an extended license.
- 2) The outdoor area shall be completely contained and have no less than two (2) exits with the appropriate mechanism to allow individuals to go through in the event of an emergency.
- 3) The combined indoor and outdoor capacity, at any one time, shall be no more than the legal capacity as sited for the interior of building, per fire code.
- 4) There shall be no sale or storage of any alcoholic beverages within the outdoor enclosure. Service & consumption shall be permitted in outdoor area. No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage within the outdoor area.
- 5) The licensee shall provide sufficient monitoring of the outside area and must submit to the licensing authority and the Chief of Police his plan indicating the supervision that will be provided for the entrance into the establishment to maintain the capacity and also supervise the outside area.
- 6) The granting of the outdoor service of alcohol is not transferable in the event that this business is sold or transferred to any other person and/or entity.
- 7) The granting of this service does not allow outdoor music or entertainment, nor change any conditions of the previously granted Entertainment License.

seconded by Councilor Carroll.

Discussion: Councilor W. Steere stated that he wished to clarify stipulation #2, asking if the term “mechanism” covers handicapped access. Tim Kane, Assistant Town Solicitor, replied that at the last meeting, it was the opinion of the Building/Zoning Official that any ingress or egress must be handicapped accessible. T. Kane stated that the stipulation could be more specific if the Council wishes. Larry Desormier, Building/Zoning Official, stated that he will consult with an ADA specialist regarding the matter. It was stated that the Council would require a ramp even if the building code does not. T. Kane stated that the Motion must be amended to reflect this requirement.

Councilor Carroll withdrew his second.

Councilor G. Steere amended his motion to add the following to stipulation #2: The emergency exit off the deck will include a handicap ramp.

MOTION was made by Councilor G. Steere to Grant the Liquor License Expansion of Service Area to include outdoor use to Prickly Pear, Inc. d/b/a Pinewood Pub & Pizza, Location of Business: 16 Terry Lane, Units 9-13, with the following stipulations;

All previous stipulations pursuant to current Liquor License remain in force with the following outdoor area conditions:

- 1) The outdoor area, as proposed, shall be approved by the Fire Chief & the Building/Zoning Official before issuance of an extended license.
- 2) The outdoor area shall be completely contained and have no less than two (2) exits with the appropriate mechanism to allow individuals to go through in the event of an emergency. The emergency exit off the deck will include a handicap ramp.
- 3) 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.
- 4) There shall be no sale or storage of any alcoholic beverages within the outdoor enclosure. Service & consumption shall be permitted in outdoor area. No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage within the outdoor area.
- 5) The licensee shall provide sufficient monitoring of the outside area and must submit to the licensing authority and the Chief of Police his plan indicating the supervision that will be provided for the entrance into the establishment to maintain the capacity and also supervise the outside area.
- 6) The granting of the outdoor service of alcohol is not transferable in the event that this business is sold or transferred to any other person and/or entity.
- 7) The granting of this service does not allow outdoor music or entertainment, nor change any conditions of the previously granted Entertainment License.

Seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Personnel

Chief of Police

Selection process/ interviews- Discussion and/or Action

Councilor Walsh stated all five (5) Council members reviewed the applications and six (6) candidates were chosen to be interviewed. There was discussion concerning the interview process. Councilor Walsh suggested that the Finance Director be involved to answer financial questions, as well as a member of the Personnel Board and somebody from the Police community. Councilor Walsh noted that these individuals will serve in an advisory capacity, adding that the Council will make the final decision.

Councilor G. Steere expressed his agreement that the Finance Director, a member of the Personnel Board and Gary Trembl should attend the interviews but feels that there should not be an active member of the Police Department. Councilor G. Steere noted that former Police Captain David Laplante has offered his assistance. Councilor Burlingame agreed, adding that he feels strongly that Gary Trembl should be included, given his experience in the field. Councilor Carroll also expressed his agreement regarding G. Trembl but cautioned that there should not be too many people giving advice as this may make the interviews lengthy.

Councilor W. Steere stated that he is concerned that the process has been haphazard with respect to how the field of 27 was narrowed down to 6, adding that the criteria used to choose 6 candidates varied among the Council members. Councilor W. Steere further stated that he has heard from several sources that somebody has already been chosen for the position. Councilor W. Steere stated that this undermines the Council's credibility and he is bothered by this.

Councilor W. Steere stated that the Council must clearly define the process; otherwise, regardless of who is chosen, there will be doubt cast on how the decision was made. Councilor W. Steere stated that perception is reality and he is concerned about the Town's reputation.

Councilor Walsh replied that each Council member picked five (5) candidates, adding that all picked the same ones. Councilor W. Steere stated that he chose nine (9) individuals, noting that he does not have the qualifications needed to choose a Police Chief. Councilor Walsh suggested that if Councilor W. Steere does not feel comfortable, he should recuse himself. Councilor W. Steere also expressed concern that people on the committee may know some of the applicants.

Councilor Carroll noted that every applicant was a high-ranking police officer from different communities but he chose individuals from the local area who could be here at a moment's notice if necessary. Councilor Burlingame concurred, stating that his criteria is that whoever is selected must be able to respond within fifteen minutes of a call. Councilor Burlingame also stated that it is important that the new chief have budget experience as the past two police chiefs have had. Councilor Burlingame stated that he is comfortable that the Council members have done their job to keep themselves insulated to the type of concerns that Councilor W. Steere has expressed.

Councilor W. Steere stated that there has not been any consistency to this point, adding that no matter who is chosen, people can go back and say this happened and that happened. Councilor Burlingame cautioned that in order to develop consistency, there must be a meeting to discuss the matter, which would have to be done in an open meeting. Councilor Burlingame further stated that the Council members may have different views which will, in the end, give a better selection choice. Councilor Carroll noted that the Town Council is a representative government where the members have different backgrounds and perspectives.

Councilor Walsh explained that he took the six (6) applicants who had at least four (4) recommendations from Council members. Councilor Walsh stated that the applicants are numbered 4, 8, 9, 13, 21 and 22, adding that they will be notified and asked if they wish to be interviewed in open session or executive session. Councilor Walsh asked if, in the event that a candidate chooses executive session, any special arrangements must be made regarding the people who are not Council members.

Tim Kane, Assistant Town Solicitor, replied that as advisors to the Town Council, they can be included in the session. Councilor G. Steere asked at what point will the names be disclosed to the public. T. Kane replied that this is the Council's decision but the applicants should be notified if their names will be made public. Councilor G. Steere pointed out that four (4) of the applications had numerous recommendations attached.

Councilor W. Steere asked if there should be a secondary list in case any of the candidates choose not to be interviewed for whatever reason or do not agree with the salary offered for the position. Councilor Burlingame replied that the Council should work through the process first and wait until they get to that point. Councilor Walsh concurred, stating that we are bound to find somebody among the six applicants.

There was discussion regarding the salary for the Police Chief position. Councilor W. Steere stated that he is uncomfortable with the range of \$68,000 to \$72,000, due to the expected financial situation next year. Councilor W. Steere commented that he would like to go no higher than \$65,000 to start, noting that benefits would cost an additional \$25,000. Councilor Burlingame recommended leaving the salary where it is because it would keep balance between the Captain and the Chief. Councilor G. Steere pointed out that the person hired may already have health benefits, saving the Town \$18,000 for a family plan. There was consensus to keep the salary range as \$68,000 to \$72,000 and to schedule interviews for Monday, March 1st.

MOTION was made by Councilor Burlingame to direct the Personnel Director to schedule interviews with candidates numbered 4, 8, 9, 13, 21, and 22 and to ask of the candidates whether they object to having their names disclosed publicly, and if no objection, to list names publically on the Interview Agenda; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to appoint a representative of the Personnel Board, Gary Treml, David Laplante and Thomas Mainville to assist the Town Council with regard to the interview process; seconded by Councilor Carroll.

Councilor W. Steere reiterated that the aforementioned individuals will not be voting but will provide advisory opinions only. It was decided to allow 30 minutes for each interview after which the Town Council will meet with the advisory group for discussion.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VIII. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- June 22, 2009 & February 4, 2010
- B. Finance Director's Report - January, 2010
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of June 22, 2009 & February 4, 2010, to TABLE the Finance Directors Report for January, 2010; to APPROVE the Abatement to the 2005 Tax Roll in the amount of \$1,702.21, the 2008 Tax Roll in the amount of \$51.13, the 2009 Tax Roll in the amount of \$6,110.38; no Additions; seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

IX. New Business - Discussion and/or Action

- A. Pascoag Reservoir/Echo Lake Dam Management District
Authorization to share one time Legal costs with Burrillville

Councilor Walsh explained that the Echo Lake Dam Management District will be having a meeting to adopt their proposed rules and regulations. Councilor Walsh stated they have requested the use of the Town's Solicitor for that meeting to ensure a smooth transition and that Burrillville has agreed to pay the Solicitor half of the cost for the time they will be at the meeting.

Discussion: Tim Kane, Assistant Town Solicitor, explained that he has been asked by the Town of Burrillville to review their by-laws and to attend their first meeting to help them get started.

MOTION was made by Councilor Carroll to AUTHORIZE the Finance Director to reimburse the Town Solicitor for half of legal fees accrued at the first meeting of the Echo Lake Dam Management District; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Personnel Handbook
Amendments for new hires

Councilor Burlingame stated that there are items in the current policy which he does not believe should be in there going forward. Councilor Burlingame suggested that the health insurance buy-back be reduced to \$1,500 for new hires, which is in line with the non-certified school department employees. Councilor Burlingame further stated that he feels that longevity should be eliminated for new employees. Councilor Burlingame stated that another problem is post-employment health care benefits, which is a burden to the taxpayers. Councilor Burlingame pointed out that these changes would not affect the current employees, only new hires.

Councilor Burlingame noted that when contracts are negotiated in the future, the contracts should be brought in line with the non-union policy. Councilor Walsh stated that he wishes to review the current handbook which recently had several amendments incorporated into it before he takes any action regarding these proposed changes. Councilor Burlingame stated that he will put into writing his recommendations with the specific sections of the handbook noted for discussion and possible action at the next meeting. It was decided that a member of the Personnel Board should also be involved.

Councilor W. Steere stated that there are some good thoughts in Councilor Burlingame's suggestions, but stated that he has some questions. Regarding the reduced health insurance buy back, Councilor W. Steere stated that there is a fine line between whether it is worth the employee receiving the buy back versus taking the insurance which would ultimately be more costly to the Town. Councilor Walsh pointed out that if an employee opts to receive the insurance, they must pay a co-share, which may discourage the employee from doing so. Councilor W. Steere asked if these proposals have to be negotiated with the Union even though they are for new hires only. Councilor Burlingame replied in the affirmative, adding that this is for non-union people but it will be a baseline for future negotiations.

C. Request for Support

Resolution: Requiring Minimum Beneficiary Contribution to Cost Sharing as it Relates to Public Employee Healthcare Benefits

Councilor Walsh stated that the Council previously received a request for support of a resolution prepared by Woonsocket regarding health care benefits.

Discussion: Councilor Walsh stated that this resolution was seeking to have all public employees have a 25% co-share with regard to healthcare. Councilor G. Steere noted that this would mean that an employee who makes \$20,000 would pay the same amount as somebody who earns \$70,000. Councilor W. Steere commented that the State will mandate something sooner or later, but until then, we should adhere to our stratified co-shares. Councilor Walsh stated that we could draft our own resolution concerning the Town's stratified plan, adding that it is the most reasonable and appropriate way of doing business. After discussion, there was consensus not to support this resolution.

D. Report on Elderly Tax Exemption Review

Councilor Burlingame spoke regarding the suggestion which was made to freeze elderly tax exemptions at the current rate. Councilor Burlingame stated that he has reviewed the background on the matter, noting that the big change took place in 2005 when it became necessary to get State approval every time a municipality wanted to change the exemption.

Councilor Burlingame stated at that time a program was developed with several parameters which allowed flexibility and eliminated the need to go to the General Assembly and also reflect what was going on in our community. Councilor Burlingame expressed his opinion that tax freezes do not work, adding that Scituate and Smithfield have tax freezes which are not effective. For example, Councilor Burlingame stated that if somebody turned 65 twenty years ago when their home was worth \$300,000, and their home is now valued at \$800,000, they are still paying the same amount of tax that they were paying prior to the tax freeze. Councilor Burlingame pointed out that this is subsidized by the non-elderly taxpayers, which is not fair. Councilor Burlingame explained how the elderly tax exemption is calculated, adding that he feels that it has allowed elderly residents to hold onto their homes, which in turn reduces the number of children in the school system.

Councilor Burlingame gave an example that in 2004 and 2005, the elementary school enrollment was 760 students. Today, it is down to 596 which is a difference of 20%. With a cost per student of \$10,400, Councilor Burlingame stated that this calculates to \$1,700,000 less spent on education. Councilor Burlingame noted that the cost of the elderly tax exemption program is \$1,340,000, for a difference of \$410,000. Councilor Burlingame further stated that the fewer number of students results in eight fewer teachers, adding that this represents a \$800,000 cost that we are avoiding.

Councilor Burlingame stated that we have what is called "excess exemption" which occurs when a tax exemption exceeds the amount of the tax on a property. Councilor Burlingame stated that he will speak to the Tax Assessor to determine if there is the opportunity to return that amount of value back into the tax roll.

In summary, Councilor Burlingame stated that we have a fine program as it stands and he will recommend that the Council make no changes.

Councilor Walsh stated that he was surprised that 35% of the properties in Gloucester receive a tax break of one kind or another. Councilor Walsh pointed out that there has been a 20% decrease in school enrollment, but it has not been reflected in the school budget.

X. Boards/Commissions - Discussion and/or Action

A.. Appointments

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Carroll to TABLE the appointment to the Historic District Commission for a one year Alternate term to expire 11/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Resource Commission - Discussion and/or Action

1. Request for Funding

No action was taken.

2. Informational Sign

Councilor W. Steere stated that there is nobody present to address this request and recommended that the matter be tabled.

MOTION was made by Councilor Carroll to TABLE the funding request of the Community Resource Commission for an information sign until the next Town Council meeting; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commission

Report/Discussion

A. Department Heads

None.

B. Boards & Commissions

1. Walter Steere, School Committee member, spoke regarding a letter which was published in the Observer, stating that the Chair of the School Committee had asked

the Town Council to support a 4.5% increase in the budget. W. Steere stated that the School Committee took no action on this request and advised Chris Hebert, School Committee chair, that if he wished to submit the letter as a private citizen, he could do so. Councilor Walsh commented that the car tax money that the Governor is giving us is by no means a windfall and we are expecting a 1.2 million dollar shortfall next year.

Councilor Burlingame asked if there was a provision that the School Committee must have an informal discussion with the Town Council prior to presenting their proposal to the Budget Committee. Councilor Walsh stated that per the Charter, a budget must be submitted to the Town Council by January 1st. Tim Kane, Assistant Town Solicitor, stated that State law requires a pre-budget meeting with the Town Council 90 days before the budget is submitted. Councilor Burlingame asked Walter Steere to remind Chris Hebert that there is a requirement that should be followed. Councilor Walsh suggested that the Council send a letter to Mr. Hebert with a copy of the law mentioned by Tim Kane.

Councilor Burlingame inquired about the status of the certification by Con-Ed regarding the biomass system at the school. W. Steere replied that by next month the “odds and ends” should be cleaned up, after which a new schedule of savings will be drafted. W. Steere estimated that the certification will take place in May.

2. George Charette, Economic Development Commission chair, thanked the Council members for their attendance at the last Economic Development Commission meeting. G. Charette noted that a workshop will be held with the Town Council on March 23rd.

XII. Council Correspondence/Discussion

1. Councilor Walsh stated that correspondence was received from the US Census Bureau regarding boundary validation.
2. Councilor Walsh stated that correspondence was received from the Department of Transportation concerning proposed parallel parking on Route 44 in the village.
3. Regarding the noise complaint on Waterman Lake, Councilor Walsh stated that a response was sent to the complainant.
4. Councilor Walsh stated that a letter was received from Mayor Lombardi of North Providence with regard to the proposed dispatching headquarters at CCRI in Lincoln.
5. Councilor Walsh stated that the Northern RI Conservation District will be conducting a workshop on March 9th at 7:00 p.m. regarding well water. Councilor Walsh suggested forwarding the flyer to the Echo Lake Water District for their information.

6. Councilor Walsh stated that the Council received a Gubernatorial Proclamation with regard to dating violence, adding that February has been declared Dating Violence Awareness Month.
7. Councilor Walsh stated that a resolution was received from the Providence City Council concerning the "Blue Alert" program. There was consensus to forward the correspondence to Captain Mattera for his review.
8. Councilor Walsh stated that the Samaritans are seeking a donation of \$500. The request will be forwarded to the Budget Board.
9. Councilor Walsh noted that the Budget Board has scheduled a workshop with the Town Council and Department Heads for Monday, February 22, 2010.
10. Councilor Burlingame stated that the chair of the Historic District Commission wishes to make some changes to the Sign Ordinance. This will be on the next Town Council agenda for discussion.

XIII. Open Forum

- A. Rose LaVoie, Wilmarth Road, shared several newspaper articles with the Council, one of which pertained to the new park on the Chepachet River. R. LaVoie stated that she is glad that this project is going forward.

R. LaVoie spoke regarding the interviews for the position of Police Chief, stating that the applicants' identities should be disclosed to the taxpayers, who pay the Chief's salary. R. LaVoie suggested that the Council rethink this, adding that everybody is entitled to know what is going on. Councilor Walsh replied that the Council must follow State law and it is up to the individual whether or not their name is published.

XIV. Executive Session

1. R.I.G.L. 42-46-5(a)2 Potential Litigation
 - a. Baker f/k/a DeOca
Discussion and/or Action

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Potential Litigation, claim regarding Baker f/k/a DeOca; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

After Executive Session

No votes were taken in Executive Session.

MOTION was made by Councilor Carroll to DENY the notice of claim of Baker, f/k/a DeOca, in the aforementioned lawsuit and refer the claim to the Interlocal Trust; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:22 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the march 4, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **March 4, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Gary Treml, Public Works Director; and
Susan Harris, Deputy Town Clerk

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aidan Steere.

IV. Open Forum on Agenda Items Only

None.

V. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- February 18, 2010

B. Finance Director's Report - January, 2010

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of February 18, 2010 and to TABLE the Finance Director's Report for January, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Personnel

Chief of Police

Interview process/ interviews- Discussion and/or Action

Discussion: Councilor W. Steere stated that interviews are scheduled for next week and he would like to clarify what will be the role of the non-Council members who will be in attendance. Councilor W. Steere asked if these individuals will be allowed to vote or pose questions to the applicants, or will they only be there to answer technical questions for the Council. Councilor Walsh replied that the only voting members will be the five (5) Town Council members.

Councilor Walsh stated that there will be a list of specific questions that the Council will ask each candidate, adding that the applicant's answers may lead to some follow-up questions. Councilor Walsh stated that each Council member will rate the answers and determine a score for each candidate. There was consensus to meet at 6:00 p.m. and divide the list of questions among Council members to allow each member to ask several questions.

VII. New Business - Discussion and/or Action

A. Personnel Handbook

1. Comparison to Gloucester Code of Ordinance, Chapter 101-5
Re: Dismissals

Councilor Burlingame stated that while reviewing the handbook to update it to reflect the changes earlier this year to non union employees, a conflict was discovered between the Gloucester Code of Ordinances and the handbook itself with regard to dismissals. Councilor Burlingame explained that back in 1990, an Ordinance was established to create a Personnel Board. When the Handbook was written, there was no connection between the Handbook and the Ordinance, particularly in the area of dismissals, probation and suspensions. Councilor Burlingame further stated that if an employee is let go, the employee can appeal to the State Labor Board.

Councilor Burlingame recommended that the Handbook be amended to include a process for progressive discipline which would go from a verbal discussion to a written warning to probation/suspension and finally termination, with an appeal to the Council in all cases. Councilor Burlingame further recommended that Chapter 101-5 be stricken from the Code of Ordinance, stating that there is no reason to have it in two (2) places and he does not believe that the Personnel Board should be another layer of the review process. Councilor Burlingame requested that this be on the next Town Council agenda, following review by the Town Solicitor.

2. New hire benefits

Councilor Burlingame stated that he has some suggestions for amendments to three (3) areas of the employee handbook with regard to new hires. Concerning longevity payments, Councilor Burlingame stated that it is not unlike teachers getting automatic step increases just for being there. Councilor Burlingame recommended eliminating the longevity program for new employees. Councilor Burlingame spoke regarding the health insurance buyback, stating that the non-certified school employees receive \$1,500. Councilor Burlingame suggested that the buyback for Town employees be reduced to that amount or eliminated, noting that if an employee decides to take the insurance, there is a co-share of approximately \$1,800 for a family plan.

Councilor Walsh pointed out that the Town would still be paying the remaining \$16,500 if the employee takes the insurance, therefore it is a good incentive to give the employee \$1,500. Councilor Burlingame spoke regarding unused sick time, stating that an employee receives 25% of the amount upon leaving. Councilor Burlingame stated that sick time is there for when people need it and he has no issue with employees accumulating it, but does not believe that the Town should pay for unused sick time. Councilor Burlingame proposed that this be eliminated for new

employees. Councilor Burlingame stated that these post-employment benefits are significant when you add them up with those of the School Department and Police Department. Tom Mainville, Finance Director, stated that it amounts to approximately 2.1 million dollars.

MOTION was made by Councilor Burlingame to suspend the longevity program for new employees hired after this date, effective immediately; seconded by Councilor G. Steere.

Discussion: Councilor Carroll stated that longtime employees have a higher level of skill than new employees, adding that longevity is an incentive to stay. Councilor Carroll suggested reducing the amount instead of eliminating the benefit entirely. Councilor Burlingame stated that a merit system would recognize those employees who perform at a higher level and would give them a higher degree of pay. Councilor Walsh commented that longevity is basically an annual bonus for working here.

Councilor G. Steere agreed, stating that it is not a bonus for performance but for attendance. Councilor Burlingame stated that the longevity benefit is no different than the step increases that the teachers have. Councilor Walsh pointed out that the step increases raise the teachers' salaries whereas the longevity is a one-shot deal which does not become part of the employee's salary. Councilor Burlingame stated that the longevity payment is a percentage of the employee's salary, therefore as the salary goes up, so does the longevity.

Councilor W. Steere noted that in the private sector, employees are rewarded for good work with merit increases. Councilor Carroll stated that he would find it easier to eliminate longevity if we were merit-based. It was noted that this amendment would be for new hires and would not affect current employees. Councilor W. Steere asked if there is a process by which employees' performance is reviewed annually. Councilor Walsh replied in the negative and stated that in this town people are not recognized and rewarded for their contributions. Councilor Burlingame noted that there are union contracts where there is no provision for merit evaluations.

Councilor Walsh commented that there is no provision for merit increases for administrators either. Councilor Burlingame stated that his recommendation is to suspend longevity totally, emphasizing that post-employment benefits and structural deficits are what is driving us into the hole. Councilor Burlingame reiterated that this would not affect existing employees adding that if a potential new employee does not like what we have to offer, they can go work somewhere else. Councilor W. Steere expressed that he is not comfortable voting on the matter until he has thought about it longer.

Councilor W. Steere asked if this would have to be negotiated with the unions, since new hires will most likely be part of a union. Councilor Burlingame stated that this affects the non-union employees but gives us a basis to deal with the unions going forward. Councilor W. Steere asked if the Council should speak with the unions first to determine if they would be willing to go along with this. Councilor Burlingame replied that the unions will not go along with it.

Councilor W. Steere stated that this would create a built-in inconsistency. Councilor Burlingame commented that there are upcoming negotiations with the Police and if this is in place, it can be used as leverage as a Town policy to be incorporated into the new contract.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: Walsh

MOTION PASSED

MOTION was made by Councilor Burlingame to reduce the buyback on health insurance for a family plan, prorated accordingly for the single plan, to \$1,500, from the current amount of \$3,500, for new employees, effective immediately; seconded by Councilor G. Steere.

Discussion: Councilor Carroll expressed concern that reducing the amount may cause people to take the health insurance, which would cost the town \$16,500. Councilor Carroll added that the town is saving money by offering the buyback. Councilor Burlingame questioned why anybody would want two health plans, their spouse's and their own, if it would cost the extra 10%.

Councilor Walsh replied that if one plan runs out of benefit, the other will help. Councilor Walsh wondered if it would be worth the \$1,500 the employee would have to spend. Councilor Carroll pointed out that perhaps the spouse's employer offers a buyback plan which would be better than Gloucester's, causing our employee to take the health insurance. Councilor Burlingame stated that the \$1,500 amount would be consistent with the contract that the school non-certified employees have. Councilor Walsh asked if only new hires would receive \$1,500 and there is no intent to change the existing employees from \$3,500. Councilor Burlingame responded in the affirmative.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

Councilor Burlingame stated that in our current policy, there appears to be a conflict regarding sick time payout. Councilor Burlingame stated that in 1999, the policy stated that sick days were cumulative to 120 working days and if an employee with 5 or more years of employment with the town retires, having accrued a minimum of 100 days, he or she would be paid 25% of the dollar value of the accrued sick leave.

Councilor Burlingame stated that in 2005, this was amended so that an employee with at least 5 years of service retires, resigns, or is discharged due to a reduction in workforce, such employee would be paid 25% of the total amount of his or her unused accumulated sick time, provided such employee has accumulated at least 30 days unused sick time. Councilor Burlingame pointed out that the threshold was dropped from 100 days to 30 days.

Councilor Burlingame stated that when the policy was originally put in in 1999, there was no provision for Temporary Disability Insurance for the employees. Councilor Burlingame stated that we now have TDI for our employees as well as the provision for accumulating up to 120 days of sick time. Councilor Walsh noted that the unions have a maximum amount of sick days that may be accrued. Councilor Burlingame stated that this is a potential problem which needs to be cleaned up. There was consensus to delay action on this matter until the next Town Council meeting.

MOTION was made by Councilor Burlingame to TABLE until the next meeting any action regarding sick time payout; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Misc. Amendments (as may be necessary)
No action was taken.

B. Historic District Commission
Sign Ordinance Review - Discussion

There was Council consensus to address this item at the next Town Council meeting.

C. Authorization: Chepachet Village Enhancements- Period Lighting Letter
Councilor W. Steere read the following request from Ray Goff:

DATE: February 25,2010

SUBJECT: Chepachet Village Enhancements- Period Lighting Letter

The Rhode Island Department of Transportation (RIDOT) has requested that the Town send them a letter asking for specific period lighting be installed in the village. As you may recall, we have asked RIDOT to install the period lighting made locally (North Scituate) by O'Brien Company LLC. This is the same lighting as has been installed at the corner of Putnam Pike and Chopmist Hill Road by CVS. The Town Historic District has reviewed the lighting and prefers this installation. In addition, members of the Gloucester Heritage Society and the general public preferred this lighting choice.

I have attached a draft letter to be sent to RIDOT to make this request. Please authorize the Town Council president to sign this letter and forward it to RIDOT.

(End of memo)

Discussion: Councilor Walsh asked if there was a bid process for choosing the lighting. Ray Goff, Town Planner, was not present to answer. Councilor Walsh pointed out that there is no price stated in the request. There was Council consensus to hold off on this matter until Councilor Walsh and Tom Mainville, Finance Director, speak to the Town Planner regarding the bid process.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign correspondence to Rhode Island D.O.T. requesting period lighting from O'Brien Company, LLC of North Scituate, RI be specified as part of the Chepachet Village Improvements, subject to review by the Finance Director and the Town Council President; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Appointments

1. Historic District Commission (Tabled from 11/19/09)

1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year Alternate term to expire 11/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Board of Canvassers

1 (one) expired six year term

Councilor Walsh stated that this position is for the expired term of an existing member, Deborah Shadoian. She has indicated she would like to be reappointed.

MOTION was made by Councilor G. Steere to REAPPOINT Deborah Shadoian to the Gloucester Board of Canvassers for a six year term to expire 3/2016; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Community Resource Commission - Discussion and/or Action
 - 1. Request for Funding
 - 2. Informational Sign

Councilor Walsh stated that a request was received from this Commission at the last Council meeting, however, there were no members present to discuss.

Councilor Walsh read the following request:

Request for an annual budget of \$1,500.00 for advertising and other sundry items, to be handled and monitored by the Director of Finance.

Request for permission to erect a Plexiglas covered bulletin board sign like structure on the lawn of Town Hall, to be carried out under the direction of Town Officials, at the pleasure of the Council.

Thank you,
Pete Skeffington
(end of memo)

Discussion: Councilor W. Steere stated that he has not seen what the proposed sign would look like and suggested that the Council wait until somebody from the Community Resource Commission submits more information. Councilor Walsh expressed agreement. Councilor Carroll stated that he would like to get a specific price and a picture of the proposed sign before taking action.

IX. Department Heads/Boards & Commission
Report/Discussion

A. Department Heads

1. Councilor Walsh stated that he and the Finance Director attended a meeting with several other communities regarding sharing of equipment and services. A representative of United Rental, which has a contract with the State, was present at the meeting and will send their pricing to each municipality in the event that rental equipment is needed.
2. Gary Treml, Public Works Director, stated that the Department of Transportation will advertise for bids next week regarding the Chestnut Hill Bridge. G. Treml noted that the Town is out to bid for the repaving of Pine Orchard Road and should be awarded at the next Council meeting. G. Treml stated that there will be some temporary road closures due to drainage work, adding that he will advertise in the Bargain Buyer to notify the residents.

G. Treml commended Beth, his assistant, for processing the LEAP paperwork for the Town. G. Treml noted that some municipalities had to hire consultants to get the paperwork done and we are one of very few towns that have already gone out to bid.

B. Boards & Commissions

1. George Charette, chair of the Economic Development Commission, stated that he hopes the Council members can all attend the meeting on March 23rd. G. Charette stated that the EDC is planning to work with the Gloucester Business Association and the Conservation Commission to improve the signs which read "Welcome to Gloucester." G. Charette stated that in honor of Earth Day, the Department of Environmental Management is offering a one-time grant of \$2,000 to the Conservation Commission.

G. Charette distributed diagrams to the Council members which indicated how the signs look now and what is proposed. G. Charette asked the Council members to consider his proposal and to advise the EDC, the GBA and the Conservation Commission of their decision. Councilor Walsh asked who would pay for the modifications to the posts. G. Charette replied that he estimates the cost to be, at most, \$200, adding that he will do some of the work and donations will be sought.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if the Town should pay for the post work and landscaping, since the signs are Gloucester Business Association signs. T. Kane replied that it is no different than the Town supporting civic organizations. Councilor Walsh directed G. Charette to work with Roy Najecki of the Conservation Commission to secure the grant money. G. Charette stated that he will consult the Building/Zoning Official to determine if any permits will be necessary.

2. Anne Ejnes, Gloucester School Committee member, stated that the Board of Regents was to vote today on whether or not to submit the funding formula which was written about in the paper last week. A. Ejnes stated that the School Committees are looking at it and asked that the Council do so. A. Ejnes stated that a large part of the funding formula deals with the Town's ability to raise taxes, adding that she feels that this is unrealistic and does not treat rural communities fairly.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter was received from Dan Lawton of Evans Road regarding recycling. D. Lawton questioned why the Town does not recycle plastics which are numbered 3 through 8. Gary Treml explained that Resource Recovery does not have the mechanism to sell recycled plastics beyond those numbered 1 and 2, adding that higher numbers are sorted out at the facility and thrown away. G. Treml stated that he will send a response to Dan Lawton.
- B. Councilor Walsh stated that a request was received from the Blackstone Valley Tourism Council asking for a Council Proclamation to recognize the Tourism Council's 25th Anniversary. Councilor Walsh stated that this will be placed on the agenda for the next meeting.
- C. Councilor Walsh stated that a Resolution was received from the Town of Bristol asking for support of House Bill 7014 concerning bridge safety.

- D. Councilor Walsh stated that the Gloucester Heritage Society's Dorr Rebellion Gala will be held on April 28th.
- E. Councilor Walsh stated that RI League of Cities and Towns is offering three (3) on-line workshops.
- F. Councilor Walsh stated that the Council has received a notice from the City of Newport regarding their St. Patrick's Day Parade scheduled for Saturday, March 13th.
- G. Councilor Carroll noted that in this morning's Providence Journal, there is an excellent article regarding the Ponaganset Girls' Basketball Team which is worth reading.

XI. Open Forum

- A. Richard Carrara asked for the status of the request for a speed bump on Maplewood Drive. Councilor Walsh replied that it has been referred to the Safety Commission and he will contact them to determine if any decision has been made. R. Carrara noted that the situation has not gotten any better since the request was made.
- B. Rose LaVoie, Wilmarth Road, spoke regarding the Gloucester Business Association signs, stating that she was surprised that the Association is asking the Town for assistance. R. LaVoie noted that in the past, the GBA always repainted the signs when necessary and took care of the landscaping around them. R. LaVoie suggested having a program whereby different organizations could "adopt" the signs and help maintain them.

Regarding the interviews for Police Chief, Rose LaVoie asked if the applicants' names will be published in the newspaper. Councilor Walsh replied that the names appear on the posted agenda for the interview meeting.

- C. Aaron Steere spoke regarding the issue of recycling in Town. A. Steere commented that a big problem has to do with the laziness on the part of many of the residents. A. Steere noted that when he goes to the Transfer Station, the hopper is loaded with items which are recyclable. A. Steere suggested that the Council institute some type of warning system or enforcement if this continues. Councilor Walsh replied that there have been signs posted warning residents that if they do not recycle more, they will have to start paying for bags for their trash. A. Steere asked if there is a way to fine the offenders by citing a municipal court violation.

G. Treml, Director of Public Works, stated that short of opening people's trash bags, there would be no way to enforce recycling, adding that people must take it upon themselves to do it. A. Steere expressed concern that if the pay-as-you-throw program is implemented, people will begin disposing of their trash at some of the Town's open space areas. Councilor Carroll commented that it is unfortunate that those who recycle will get penalized due to those who do not. Councilor Walsh stated that even when we recycle, there are always ways to do better. Councilor Walsh stated that we will start with education and if that is not effective, further steps will be taken.

D. Charlie Wilson recommended that clear trash bags be mandatory to allow the contents to be seen in order to increase recycling.

XII. Request for Executive Session (Councilor Walsh)

A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining

1. I.B.P.O. Local #638

Discussion and/or Action

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session

No votes were taken in Executive Session.

MOTION was made by Councilor Burlingame to retain Jeff Kasle to do the Police negotiations for the contract coming up and to contact the IBPO in writing; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Adjourn

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 18, 2010 Town Council Meeting.

At a Gloucester Town Council meeting holden in and for
the Town of Gloucester on **March 8, 2010**

I. Call to Order

The meeting was Called to Order at 6:00 p.m.

II. Roll Call: Councilor Carroll; Councilor G. Steere; Councilor Burlingame; Councilor W. Steere; & Councilor Walsh

Also present: Jean Fecteau, Town Clerk; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Russell Gross, Personnel Bd. Chairman; & David LaPlante

III. Pledge of Allegiance

Discussion followed on the interview procedure to be used and possible questions were reviewed by all and a list of questions for each applicant was formulated.

At 7:00 P.M.:

MOTION was made by Councilor W. Steere to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS 0

MOTION PASSED

IV. Convene to Executive Session

A. R.I.G.L. 42-46-5(a) 1 Personnel

To conduct interviews for potential candidates for the position of
Chief of Police

1. 7:00 p.m.
O'Donnell
2. 8:00 p.m.
DelPrete
3. 9:00 p.m.
DeCesare

MOTION was made by Councilor W. Steere to ADJOURN Executive Session pursuant to R.I.G.L. 42-46-5(a)1 Personnel and RECONVENE Open Session; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

V. Reconvene Open Session

Disclosure: No Votes were taken in Executive Session.

VI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:35 p.m.; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Meeting Adjourned

Jean M. Fecteau, Town Clerk

Approved at the XXX xx, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **March 18, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Ray Goff, Town Planner; Gary
Trembl, Public Works Director; Viviane Valentine, Tax Assessor; and
Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Thomas Mainville, Finance Director.

IV. Request for Executive Session by Council President Kevin Walsh pursuant to R.I.G.L.
§42-46-5(a) 1 Personnel

For discussion and/or action

To collectively review and evaluate candidates for the position of Chief of Police

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session
pursuant to R.I.G.L. §42-46-5(a) 1 Personnel; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

V. Reconvene Open Session to announce any votes taken in Executive Session or to vote
on any Executive Session matter(s) as may be required by law.

MOTION was made by Councilor W. Steere to RECONVENE OPEN Session, to SEAL the
minutes of Closed Executive Session, and to state No Votes were taken in Executive Session;
seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VI. Appointment
 - Discussion and/or Action
 - A. Chief of Police

MOTION was made by Councilor Carroll to APPOINT Thomas Oates to the position of Chief of Police subject to salary and the passing of a physical examination:

There was no second; Motion fails.

MOTION was made by Councilor G. Steere to APPOINT Joseph DelPrete to the position of Police Chief for the Town of Gloucester, subject to passing a physical exam, negotiation of salary, and conditions of employment within the parameters set forth by this Town Council; seconded by Councilor W. Steere.

Discussion: None.

The Town Clerk polled the Council:

Councilor Carroll	AYE
Councilor G. Steere	AYE
Councilor Burlingame	AYE
Councilor W. Steere	AYE
Councilor Walsh	AYE

MOTION PASSED

- VII. Open Forum on Agenda Items Only
 - None.

VIII. Resolutions:

- A. Blackstone Valley Tourism Council
 - 25th Anniversary

Councilor W. Steere read the following Resolution in honor of the Blackstone Valley Tourism Council's Anniversary:

The State of Rhode Island and Providence Plantations
Town of Gloucester
RESOLUTION 2010-4
Honoring the Blackstone Valley Tourism Council's 25th Anniversary

WHEREAS, On April 8, 2010, the Blackstone Valley Tourism Council will celebrate the 25th Anniversary of its founding as a non-profit, educational organization designated by Rhode Island General Law as the regional tourism development agency for the Blackstone Valley. The Council represents the cities of Pawtucket, Central Falls, and Woonsocket, and the towns of Cumberland, Lincoln, No. Smithfield, Smithfield, Gloucester, and Burrillville; and

WHEREAS, since 1985, the Blackstone Valley Tourism Council has been at the forefront of sustainable destination development, community building, educational programs and scholarly research; and

WHEREAS, the Council was the first destination in the world to receive the United Nations World Tourism Organization's Ulysses Prize that merits distinction for innovative contributions to tourism policy; sustainable planning, environment protection and new technologies. Since then the Council has also received the UNWTO S-best Certification and the prestigious Tourism for Tomorrow Destination Award by the World Travel and Tourism Council; and

WHEREAS, the Blackstone Valley is a story of colonization, religious freedom, industrialization, immigration, pollution, poverty, urban decay, and of rebirth and sustainable redevelopment. This story is not stagnant; it is a living and evolving entity that is made up of the natural, manmade, and cultural environment of all the unique member communities; and could not thrive without the partnerships that have been forged with these communities; and

WHEREAS, since its beginning, the Tourism Council has worked to develop, promote and expand the economic and community development base for the member cities and towns in the Blackstone River Valley to create a viable visitor and cultural destination, while continually working to improve the region's quality of life, environment, recreational uses, and preserving our heritage. In these times of shrinking municipal budgets the Councils efforts remain steadfast and are a source of positive assistance maintaining our individuality and character; and

NOW THEREFORE BE IT RESOLVED, the Town Council and the Town Clerk of the Town of Glocester extend our sincerest congratulations and appreciation to the Blackstone Valley Tourism Council and our wishes for continued success as the Tourism Council marks its 25th anniversary.

Kevin P. Walsh, President Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Blue Alert Program

Councilor Carroll read the following Resolution for the COPS Blue Alert Program:

RESOLUTION
2010-6 Operation Blue Alert

- WHEREAS, Every two and a half days throughout the country, a law enforcement officer is killed in the line of duty; and
- WHEREAS, Time is of the essence in apprehending the perpetrators of these tragic murders, because for every mile fled, the chance of capture decreases accordingly; and
- WHEREAS, To complement the work of detectives and officers, the police depend on "eyes and ears" on the street to help them track and apprehend violent criminals; and
- WHEREAS, By issuing information to the public in a timely manner, Amber Alerts have been effective in the successful locating of kidnaped and lost children; and
- WHEREAS, C.O.P.S. (Concerns of Police Survivors) is a national organization representing families and loved ones of fallen police officers; and
- WHEREAS, C.O.P.S., has established a new program called "Blue Alert" which would issue information on suspected assailants who have fled the scene of a crime involving an officer who has been killed or injured; and
- WHEREAS, Blue Alert has been implemented by the states of Florida, Oklahoma, and Texas.

NOW, THEREFORE, BE IT RESOLVED, That the Town Council of the Town of Glocester does hereby urge the Rhode Island General Assembly to approve legislation establishing a "Blue Alert" program in the State of Rhode Island.

BE IT FURTHER RESOLVED, That upon adoption, a copy of this resolution be forwarded to every municipality in Rhode Island, along with a request that each City or Town Council consider passing a similar resolution.

Kevin P. Walsh, Town Council President
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

C. Open Space Bond

Councilor Burlingame read the following Resolution as the next step in the processing of a previously approved Open Space Bond:

RESOLUTION 2010-05

AUTHORIZING THE TOWN OF GLOCESTER TO FINANCE THE ACQUISITION OF OPEN SPACE FOR PRESERVATION, CONSERVATION AND GROUNDWATER PROTECTION AND TO ISSUE NOT MORE THAN \$500,000 BONDS AND NOTES THEREFOR.

RESOLVED, That:

SECTION 1. Pursuant to Chapter 327 of the 2008 Public Laws of the State of Rhode Island (the "Act") and the approving vote of the voters of November 4, 2008, an amount of \$500,000 is hereby appropriated for the acquisition of open space for preservation, conservation and groundwater protection to be acquired and held by the Gloucester Land Trust (the "Project").

SECTION 2. Pursuant to Chapter 45-12 of the General Laws of the State of Rhode Island, as amended, Chapter 327 of the Public Laws of 2008, and Section 1 of this Resolution, the Town Council hereby specifically authorizes the Director of Finance and the President of the Town Council, acting on behalf of the Town, to issue bonds in an amount not to exceed \$500,000 in the aggregate to finance said appropriation (the "Bonds").

SECTION 3. The bonds shall be signed by the Director of Finance and the President of the Town Council. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the officers authorized to sign the bonds or notes. The Director of Finance and the President of the Town Council, on behalf of the Town, are hereby authorized to execute such instruments, documents or other papers as either of them deem necessary or desirable to carry out the intent of this Resolution and said Act and are also authorized to take all actions and execute all documents or agreements necessary to comply with federal tax and securities laws, which documents or agreements may have a term coexistent with the maturity of the bonds authorized hereby, including Rule 15c2-12 of the Securities and Exchange Commission and to execute and deliver a continuing disclosure agreement or certificate in connection with the Bonds or Notes.

SECTION 4. The said officers from time to time may issue and refund in an amount not exceeding \$500,000 interest bearing or discounted notes (the "Notes") under Section 3 of said Chapter in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purposes specified in Section 1 hereof.

SECTION 5. Pending the issuance of Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3, the Director of Finance may expend funds from the general treasury of the Town for the contracts and purposes specified in Section 1. Any advances made under this section shall be repaid without interest from the proceeds of Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds. The Town hereby declares that it reasonably expects to reimburse the expenditures authorized in Section 1 with proceeds of debt to be issued by the Town. This Resolution is a declaration of official intent under Treasury Regulation 1.150-2.

SECTION 6. The Director of Finance and the President of the Town Council are hereby authorized to issue the Bonds and Notes and deliver them to the purchasers thereof and said officers are hereby authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on Bonds and Notes will be excludable from gross income for federal income tax purposes, to deem the Bonds and Notes, and to the extent not deemed to be, to designate the Bonds and Notes as "qualified tax-exempt obligations" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended (the "Code"), and to refrain from all actions which would cause interest on the Bonds and Notes to become subject to federal income taxes. Alternatively, said officers are authorized to take all actions necessary or desirable to qualify the Bonds and Notes for federal payment to the Town under Section 54 AA(g) of the Code.

SECTION 7. This Resolution shall take effect upon its passage.

Kevin P. Walsh, Town Council President

Seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Public Hearing

A. Earth Removal Renewals

1. Applicant: Adler Brothers Construction, .Inc.

Location of Business: 604 Putnam Pike, further described as AP 14, Lots 18,19 and 20

Councilor Walsh stated that this Public Hearing was advertised March 4, 2010 in the Valley Breeze/Observer. Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the renewal of the Earth Removal License.

Discussion: None.

Councilor Walsh again asked if anyone wished to be heard. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to GRANT the Earth Removal License Renewal to: Applicant: Adler Brothers Construction, Inc.; Location of Business: 604 Putnam Pike, further described as AP 14, Lots 18, 19, & 20; contingent upon: 1) Building/Zoning approval; 2)all Town fees being paid; 3)current bonding secured; said license to be valid April 1, 2010 to March 31, 2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Applicant: George O. Steere, Sr. et als

Location of Business: Route 102, further described as AP 13, Lot 2

Councilor G. Steere recused himself from this item.

Councilor Walsh stated that the renewal of this Earth Removal License was advertised on March 4, 2010 in the Valley Breeze/Observer.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposed renewal of this Earth Removal License.

Discussion: None.

Councilor Walsh again asked if anyone wished to be heard. Hearing none, Councilor Walsh DECLARED the Public Hearing closed.

MOTION was made by Councilor Carroll 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: 1)Building/Zoning approval; 2)all Town fees being paid; 3)current bonding secured; said license to be valid April 1, 2010 to March 31, 2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

RECUSED: G. Steere

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, 116

Councilor Walsh stated that the renewal of this Earth Removal License was advertised on March 4, 2010 in the Valley Breeze/Observer. Councilor Walsh noted that when the application was received by the Clerk she found an error on the original application. There were six lots listed, only 4 are eligible for renewal, therefore that is what the license will be issued for. If the applicant wants to use more land he will have to apply for an expansion.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposed renewal of this earth removal license.

Discussion: Patrick Brennan, 65 Cross Road, spoke against the Earth Removal License renewal. P. Brennan presented photos which indicate a severe problem with regard to water runoff onto his property as well as onto Route 98 and Cross Road. P. Brennan further stated that silt is dumping into the river across the street from his house and is affecting his well.

Councilor W. Steere asked if there was a silt fence in place. P. Brennan responded in the affirmative, but noted that the fence does not touch the ground.

Councilor Carroll asked Mr. Brennan how the recent rains affected the situation. P. Brennan replied that it was very bad, like a rapid coming by his house. Councilor W. Steere asked if the photos were taken after the recent storm. P. Brennan replied that the photos were taken after several different storms, adding that it has been an ongoing problem. P. Brennan stated that he has filed a complaint with the Department of Environmental Management, but has not received a response.

Councilor G. Steere stated that Larry Desormier, Building/Zoning Official, has been at the site during rainstorms last year, but he is not present tonight to speak regarding the problem.

Henry DiGregorio, of Bella Sand, stated that he was unaware of the situation explained by Mr. Brennan. H. DiGregorio noted that there has been a problem with the adjacent golf

course with regard to runoff, adding that they have done whatever is possible to minimize the amount of water which goes onto the road. H. DiGregorio noted that his company owns most of Cross Road and they repair it when necessary.

Councilor Walsh asked Gary Treml, Public Works Director, for his input. G. Treml stated that his department was called once to repair a washout at the bottom of the road. G. Treml noted that he has not received any further calls.

Councilor W. Steere stated that the best situation would be for the two parties to get together and work something out. H. DiGregorio, of Bella Sand, stated that their plan was sent in two years ago and was approved, but he would have no problem meeting with the property owner and the Building/Zoning Official to resolve the issue.

Patrick Brennan stated that his problem is not with the water going into the gravel pit from the golf course, but with the water coming out of the gravel pit and into his yard. Councilor Walsh inquired how long P. Brennan has lived there. P. Brennan replied that he has resided there for six years, but the problem has gotten worse over the last three years.

H. DiGregorio explained that the problem begins with the golf course which is in Burrillville, making it impossible for the Building/Zoning Official to have them stop having the water dump on his property. H. DiGregorio stated that he will do whatever is necessary to rectify the situation.

Tim Kane, Assistant Town Solicitor, suggested that the Public Hearing be continued to give the parties an opportunity to get together to work out the problem. T. Kane stated that the current license can be extended until the next Town Council meeting.

Councilor W. Steere stated that he drives by the property often and noticed a large pile of construction debris and expressed concern regarding contaminants filtering into the aquifer. H. DiGregorio stated that the debris is just concrete which will be processed for a current project, adding that the material poses no threat of contamination.

Councilor Walsh recommended that one Council member get together with the Public Works Director, the Building/Zoning Official and the property owners prior to the next Town Council meeting scheduled for April 1st.

MOTION was made by Councilor Burlingame to CONTINUE the Public Hearing for 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, Lots 105, 106, 106A and 116 until the Town Council meeting of April 1, 2010; seconded by Councilor W. Steere

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- X. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes- March 4, 2010
 - B. Finance Director's Report - January & February, 2010
 - C. Tax Assessors Additions & Abatements
 - D. 1999 Tax Roll Receivable Abatement

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of March 4, 2010; ACCEPT the Finance Director's Report of January & February, 2010; no abatements or additions to the 2009 Tax Roll; to APPROVE the 1999 Tax Roll Receivable Abatement in the amount of \$17,594.03; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- XI. New Business - Discussion and/or Action
 - A. Personnel Handbook (continued from 3/04/2010)
 - 1. New hire benefits

Councilor Burlingame recommended that the language in the Personnel Handbook be clarified with regard to sick time payout. Councilor Burlingame explained that one paragraph mentions a payout amount of 25% and a cap on the number of days, but another section does not reference that, leaving it wide open. Councilor Burlingame recommended that this be tabled until the next meeting to allow for the wording in the handbook to be cleaned up.

Councilor Burlingame stated that there is another issue with the Code of Ordinance whereby the Code does not agree with the Personnel Handbook with regard to the Personnel Board. Councilor Burlingame stated that he will discuss this with the Solicitor for Council consideration at the next meeting.

- 2. Misc. Amendments (as may be necessary)

There was Council consensus to table this discussion until the next meeting of April 1, 2010.

- B. Award Bid: Discussion and/or Action
 - 1. IFB 2010-05 Hot Mix Asphalt
 - 2. IFB 2010-06 Full Depth Pavement Reclamation

Gary Treml, Public Works Director, asked to table this matter until the State approves the paperwork which he has submitted.

C. Historic District Commission (continued from 3/04/2010)
Sign Ordinance Review - Discussion

Councilor Burlingame stated that the Council has received a recommendation from the chair of the Historic District Commission regarding the composition of signs in the Historic District. Councilor Burlingame stated that the Ordinance would be more flexible and would bring us up to date with the type of materials that are available. Jean Fecteau, Town Clerk, stated that a First Reading could be scheduled for the next Town Council meeting.

D. Community Development Block Grant 2010: Discussion and/or Action
1. Prioritize activities

Councilor Walsh stated Elinor Tetreault, Program Director, has submitted her recommendations for prioritization as follows:

Town Council Members
RE: 2010 CDBG Proposed Activities

The Western RI Home Repair Program has made the following recommendations for the FY 2010 Community Development Block Grant.

The proposed activities are as follows:

	Proposed	Recommended
Housing Program		
Housing Rehabilitation	\$225,000.00	\$221,000.00
Mobile Home Replacement		
Food Bank	\$4,000.00	\$4,000.00
Echo Lake Water District	\$31,000.00	\$21,000.00
Davis Park Playground (WRHR)	\$2,500.00	\$2,500.00
Community Housing Land Trust	\$3,000.00	\$1,500.00
Total Proposed Activities	\$265,500.00	\$250,000.00

The Town Council needs to prioritize these activities as part of the CDBG requirement.

The total amount allowable for the grant application is \$250,000.00. The total proposed activities received to date is \$265,500.00.

Lower priority activities were cut in order to stay within the \$250,000.00 maximum amount.

The Davis Park activity was not cut because the Western RI Home Repair Program will contribute \$2,500.00 toward that activity. We will use Program Income received through Mobile Home Replacement loan program to fund 50% of that activity along with community volunteerism.

The playground will compliment our Mobile Home Replacement Program in Davis Park.

Each activity must have a complete application delivered to my office by 2/19/2010 by 3:00 PM to be included in the Block Grant application.

Any activity that does not have a complete application will be eliminated at that time.

I will start the application process, once the activities are prioritized.

The activities will be reviewed by the Planning Board on 3/1/2010. The Planning Board will issue an advisory opinion to the Council on whether the proposed activities are consistent with Gloucester's Comprehensive Community Plan.

The 2nd Public hearing is scheduled for, 4/1/2010 at that time the application will be complete and available for public review.

If you have any questions, please do not hesitate to call me.

Sincerely,
Elinor C. Tetreault, Program Manager

(end of memo)

Councilor Walsh stated that the Council has received a recommendation from the Planning Board as follows:

MOTION was made by George Charette for a positive recommendation to the Gloucester Town Council for the Community Development Block Grant application, dated 3/23/09, submitted by Elinor C. Tetreault, Program Manager for the Western Rhode Island Home Repair Program. The application includes: Housing Programs for the Western Rhode Island Home Repair Programs (Housing Rehabilitation and Mobile Home Replacement Program), Public Service Programs (Gloucester Food Pantry), Public Facilities Improvements (Echo Lake Water District and Davis Park Playground-Diamond Hill Road, swing set, picnic tables and landscaping) and Planning Activities (Community Housing Land Trust). The application, as submitted, is consistent with the Comprehensive Community Plan.

Motion was seconded by Janine Pitocco.

VOTE: Ayes - 6 (Calderara, Charette, Pitocco, Furney, Reichert and Polcarelli)
Nays- 0, Abstention-1 (Gross) Motion carried on a 6-0 (1-abstention) aye vote.

(End of motion)

Discussion:

MOTION was made by Councilor Carroll to prioritize the proposed activities for funding as a requirement of the Community Development Block Grant program 2010 as follows:

Housing Rehabilitation	\$221,000.00
Food Bank	\$4,000.00
Echo Lake Water District	\$21,000.00
Davis Park Playground (WRHR)	\$2,500.00
Community Housing Land Trust	\$1,500.00
Total Proposed Activities	\$250,000.00

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

E. State Trooper Chepachet Barracks: Discussion and/or Action
Discussion of potential uses (GEDC)

Councilor W. Steere explained that there was a proposal for use of the Chepachet Barracks for housing which the Council deemed a “viable option” for the property. Mike DeGrange, Economic Development Commission member, stated that according to the rules regarding State property, any State property must be offered to all State agencies prior to any private party acquisition.

M. DeGrange noted that the recommendation which was given to the Council is currently awaiting funding from Housing and Urban Development. M. DeGrange asked if the Town Council would recommend that the State look into alternative uses for the property other than housing. Councilor Carroll asked what is the status of the housing proposal which was presented to the Council. M. DeGrange replied that it is awaiting grant funding. Councilor Walsh recommended that the Council wait until May and if the funding is not granted, a letter will be sent to the State asking that other options be considered.

F. Public Works: Discussion and/or Action
1. Resource Recovery contract amendment
(Transfer of tonnage)

Councilor Walsh stated that the Public Works Director has a request per Beth: “We have Leaf and Yard waste tonnage in our contract with RI Resource Recovery that we do not use. RI Resource Recovery has a transfer program where a Town that needs more tonnage can request tonnage from other towns that don’t use theirs. The Town of Coventry has asked if Glocester would be willing to transfer our Leaf and Yard waste tonnage to them.”

Discussion: Gary Trembl, Public Works Director, explained that Glocester does not use its yard waste tonnage because local people pick up the waste to use for compost. G. Trembl stated that the town of Coventry has already exceeded its cap and has had to start paying per ton. Jean Fecteau, Town Clerk, stated that there is an amendment form to be signed which is for the current contract only.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the RI Resource Recovery Transfer of Tonnage form, an amendment to the 2010 contract between RI Resource Recovery and the Town of Glocester pertaining to Leaf and Yard Waste Tonnage; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Grant Authorization: Discussion and/or Action

1. Energy Efficiency Conservation Block Grant Agreement

Councilor Walsh stated that the Council has received the Grant Authorization forms for the EECBG. Councilor Walsh stated that the letter of agreement must be signed by the Council President.

Ray Goff, Town Planner, explained that the Federal Government is giving grant money to all communities in Rhode Island for use in energy efficiency projects. R. Goff stated that he is requesting that the Town Council President sign the agreement so that we may move forward and begin using some of this money.

MOTION was made by Councilor Burlingame to AUTHORIZE the Council President to sign the Grant Letter of Agreement for the Energy Efficiency Conservation Block Grant for grant #GR-8674 EECBG ACTIVITY #1 - ENERGY & GR-8709 EECBG ACTIVITY #2 between the Town of Glocester and the Rhode Island Office of Energy Resources; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

H. Gloucester School Committee

1. Authorization: Correspondence in response to Chair's memo
re: 2010-2011 Budget

Councilor Walsh stated that the Council has received a letter signed by Chris Hebert, Gloucester School Committee chair regarding the 2010-2011 budget cycle.

Discussion: Walter Steere, Jr., School Committee member, stated that Mr. Hebert brought this up before the committee but did not get a motion or a second. Mr. Hebert was told that if he wished to send a letter to the Town Council, he could do so as a taxpayer but not as School Committee chair. Councilor Walsh pointed out that the letter was signed by Christopher Hebert as the chair of the Gloucester School Committee. Councilor Walsh stated that he has drafted a response and asked for a motion.

MOTION was made by Councilor G. Steere to Authorize the Town Council President to forward correspondence to the Gloucester School Committee in response to their memo regarding the 2010-2011 budget, received March 16, 2010 (not dated); seconded by Councilor Carroll.

Discussion: Councilor Walsh stated that his response describes where the money came from and where the money went.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XII. Boards/Commissions - Discussion and/or Action

A.. Appointments

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

Councilor Walsh stated that the Council has received the talent bank application of Charles Wilson for the Historic District Commission.

MOTION was made by Councilor W. Steere to APPOINT Charles Wilson to the Historic District Commission for a 1 year alternate term to expire 11/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Community Resource Commission - Discussion and/or Action
(Tabled 3/4/2010 for more information)
1. Informational Sign Request

Karen Iacobbo, member of the Community Resource Commission, proposed that a sign be placed outside upon which messages could be posted. K. Iacobbo stated that a drawing of the proposed sign will be submitted for the Council's consideration. K. Iacobbo stated that it is hoped that volunteers will come forward to donate the materials and build the sign.

Councilor Walsh asked who would be in charge of the sign and what type of information would be allowed to be posted. K. Iacobbo replied that the information would be pertaining to resources that residents could share. Councilor Carroll suggested that approval be obtained from the Community Resource Commission before anything can be posted on the sign. K. Iacobbo expressed agreement.

Karen Iacobbo proposed the idea of Gloucester having an annual festival similar to the events held in Wickford and Scituate. Councilor Walsh stated that since this matter is not on the agenda, it could be brought up during Open Forum.

- C. Economic Development Commission - Discussion and/or Action
1. Request for correspondence
Re: Gloucester signage on State Highways

Councilor Walsh read the following request from the Economic Development Commission:

March 9, 2010
Town Council:

We the Economic Development committee would like a letter of request to be sent to Phil Magano for the process of installing Gloucester designation signage as all other towns have representations on any state highway.

I have contacted Phil Magano @ 222-2694 ext 1-4243 and discussed the situation with him.

Placement of these signs would occur at:

- 1) Route 6 -102 north cross over from Foster to Scituate.
- 2) Route 295 to route 44 west @ 44 east at the clover leaf ramp area. In both directions from Johnston to Scituate.
- 3) Route 146 interchange both directions from North Smithfield area clover leaf.
- 4) Route 95 north clover leaf on, on and off ramp where Foster signs are presently displayed.
- 5) Route 44 Putnam, CT entering Gloucester town line.
- 6) At route 295 cloverleaf showing Centerdale and Smithfield in both directions.

These areas are points directing people to Gloucester. They are needed for destination

and locations. We are a town not a village. We are recognized by the state for taxation therefore we should be represented on our state highways, as other towns are.

Thank you,
George Charette, Chair E.D.C.
(End of memo)

Discussion: George Charette, chair of the Economic Development Commission, stated that he has traveled the highways for many years, and if somebody does not know where Gloucester is, they would have trouble finding it due to lack of signage. G. Charette stated that if a letter of support is given by the Council, he can proceed to meet with individuals from the State to discuss the matter.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to forward correspondence to Rhode Island D.O.T. regarding signage for the six locations as stated; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

2. Kent Property
 - a. Authorization to request assistance of Town Solicitor's Office
Waiver of Deed Restriction and/or Property Transfer

Councilor Walsh stated that the Town Solicitor has asked that this item be tabled.

MOTION was made by Councilor Burlingame to TABLE Item #C 2. Kent Property; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

3. Authorization & Support: Discussion and/or Action
 - a. Approval of : "referral for assistance" form prepared by Board
 - b. Council mandate as to the Town Hall distribution of form

Councilor W. Steere read the following request regarding first point of contact for new business inquiries:

March 9, 2010
Town Council:

The Economic Development Committee would like to have the Town Council act on the approval for the E.D.C. to be the first contacted for anyone wishing to do anything in town, per any old business or any new business.

A vote for positive approval or rejection is being asked for so that we can move forward.

Also a document for anyone seeking info or help shall be drawn up to be placed at various departments in the town hall with the contact names and addresses. A form is also being presented for your approval.

Thank you,
George R. Charette, Chair E.D.C.

(End of memo)

(Sample Form)

WELCOME TO GLOCESTER

This document is solely for information per your needs.

Address

Telephone

General information of what we can help you with:

Our meeting dates are the second Monday and fourth Tuesday of each month, the Town Hall, @ 7 P.M.

Contacts

George R. Charette Chair 1-401-568-9832

Chris Labutti Vice Chair 1-401-568-0804

Mike Degrange Secretary 1-401 -754-5145

Thank you,
George Charette
Chair of the E.D.C.

(End of memo)

Discussion: None.

MOTION was made by Councilor W. Steere to APPROVE the “first point of contact” forms, formulated by the Gloucester Economic Development Commission, to be distributed by Town Hall employees and representatives of Boards and Commissions when any inquiries are made regarding new business ideas; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Board Membership: Discussion and/or Action

Councilor Walsh read the following correspondence from the Economic Development Commission re: membership of the board:

March 9, 2010

Town Council:

Replacement of member of E.D.C.

We the board request that Gregory Gabel be replaced and that Russell Gross be installed as a permanent member .

This was our 9th meeting and Mr. Gabel attended 1 and ½ meetings. He has my phone number as was given a notification letter for the lack of attendance. No courtesy call from him was received at any time for the lack of attendance. Therefore I would like him to be replaced and Russell Gross to be put in his place as the permanent member.

Thank you,

George Charette, Chair E.D.C.

(End of memo)

George Charette noted that members are asked to contact the chair in the event that they cannot attend a meeting. G. Charette stated that the Economic Development Commission has had to cancel meetings due to lack of quorum. Councilor W. Steere asked if G. Charette has spoken to Greg Gabel regarding his lack of attendance. G. Charette replied that he has not spoken to him, but correspondence was sent. Councilor W. Steere suggested that G. Charette speak to Mr. Gabel before any action is taken. Councilor Burlingame concurred, stating that he does not like to declare vacancy before speaking to the member. Councilor G. Steere stated that he will contact Mr. Gabel.

a. Declare vacancy

Discussion: No action.

b. Move alternate member to regular seat

Discussion: No action.

XIII. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Gary Treml, Public Works Director, stated that the pre-bid for the Chestnut Hill Bridge took place today. G. Treml reported that he has a pothole crew out on a daily basis, adding that the situation is horrendous. G. Treml noted that work has begun on Pine Orchard Road and the project should be complete by May 30th. G. Treml stated that he has met with the Department of Transportation regarding the final closure of the Transfer Station.

B. Boards and Commissions

1. Walter Steere, Jr., School Committee member, stated that the School Committee approved the 2010-2011 budget this week on a four to one vote. Councilor Burlingame asked if it was flat-funded. W. Steere replied that there is a 4½% increase. W. Steere noted that there is a tentative agreement with the teachers which was to be voted on tonight.
2. Pete Skeffington of the Community Resource Commission stated that the Commission is scheduled to meet with the Sand Dam Association next Monday at 6:30 p.m. to discuss an agreement to allow the Resource Commission to be granted water rights at the Smith and Sayles Reservoir dam. P. Skeffington noted that the Commission met with an engineer from URI who advised that there is a possibility that a feasibility study may be performed by one of his students at no charge to the Town.
3. George Charette, chair of the Economic Development Commission, thanked the Council for approving some of the Commission's recommendations. G. Charette asked that he receive copies of any letters sent by the Town Council on behalf of the Economic Development Commission. G. Charette stated that the Council has approved that the Economic Development Commission be the first contact for potential new businesses and asked if this includes the simple form to be placed in several locations at the Town Hall. Councilor Walsh replied in the affirmative and stated that the forms will be available in the Building Official's office and the Town Clerk's office. Mike DeGrange of the Economic Development Commission suggested that information regarding the EDC be placed on the Town's website along with a contact e-mail address.

G. Charette stated that in addition to the State Highway destination signs requested, the Economic Development Commission is also requesting a letter of support from the Town Council regarding changing the appearance of the "Welcome to Gloucester" signs. G. Charette noted that both letters will be submitted to the State, but they pertain to two different types of signage. G. Charette stated that as soon as he has copies of the letters, he will go to Providence to make his presentation.
4. Anne Ejnes, School Committee member, stated that she wished to make the Council aware that the School Committee is considering the reassignment of

students in order to even out some of the classes. A. Ejnes stated that a proposal will be presented at the School Committee meeting of April 27th.

XIV. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received from the Ethics Commission concerning the relationship between union members and their organizations.
- B. Councilor Walsh stated that a Resolution was received from the city of Newport regarding the return of the America's Cup challenge to Rhode Island. There was Council consensus to support this Resolution.
- C. Councilor Walsh stated that correspondence was received from Angelo Riccitelli. It was noted that Mr. Riccitelli was present and was advised to speak under Open Forum.
- D. Councilor Walsh stated that the Public Hearing regarding the Budget is scheduled for March 24th in the Town Council Chambers.

XV. Open Forum

- A. Rose LaVoie spoke regarding the Blackstone Valley Tourism Council, stating that the cities and towns within the Blackstone Valley Corridor should send letters of support to our Senators and Representatives in Washington. Jean Fecteau, Town Clerk, stated that she will send copies of the Resolution which was passed tonight to the Senators and Representatives.

Rose LaVoie noted that the RI Historic Preservation Heritage Commission is conducting a conference in Little Compton and Tiverton this year. R. LaVoie suggested that the Town send a representative, perhaps the Town Planner or Building Inspector.

- B. Karen Iacobbo, member of the Community Resource Commission, spoke regarding the idea of having a festival in Town which would encompass several things such as arts and crafts, food vendors, farmers' market, etc. It was stated that many of the Town's boards, commissions, and other groups could work together to make the event successful. Rose LaVoie stated that this is a wonderful idea and suggested that the festival could be tied in with Heritage Day, which has died down over the last few years. R. LaVoie stated that she will bring up the subject at the next Heritage Society meeting. Mike DeGrange of the Economic Development Commission mentioned several locations which would be appropriate for this type of event.
- C. Angelo Riccitelli of Barrington, RI stated that he owns property in Glocester and wished to address the Council with regard to property taxes. Councilor Walsh advised Mr. Riccitelli that since this is not on the agenda and we are in Open Forum, the Council cannot make any decisions. A. Riccitelli replied that he

understands, but wishes to explain his situation. A. Riccitelli stated that he owns lot 55 on Assessor's Plat 1 and hopes to acquire lots 63 and 62, which are tax sale properties.

A. Riccitelli stated that he is willing to pay the back taxes on the properties, but asked if there is a way to waive the interest and penalties that have accrued over the years. A. Riccitelli noted that he does not wish to build on the property but only use it as a buffer for the lot he already owns. A. Riccitelli stated that advertising fees will be \$3,000 to \$4,000 for each lot, adding that he has already spent \$3,800 doing research on the property. A. Riccitelli commented that the Town would benefit from the acquisition because he would pay the \$18,000 in back taxes and would continue paying taxes from that point forward.

Councilor Walsh stated that to the best of his knowledge, the Town has never waived fees associated with tax sale properties. Councilor Walsh reiterated that the Council cannot make any decisions on items discussed in Open Forum. A. Riccitelli asked if this could be placed on the agenda for a future meeting. Councilor Walsh stated that the Council would need something in writing indicating that the three (3) lots would be merged together. Viviane Valentine, Tax Assessor, stated that lots under 30,000 square feet which are contiguous and owned by the same person are automatically merged.

Tim Kane, Assistant Town Solicitor, stated that the practice is generally not to waive interest, adding that if the previous owner came to redeem the property, they would have to pay the interest. There was Council consensus to put the matter on the agenda for the next meeting on April 1st.

- D. Walter Steere, Jr. stated that the Fourth of July falls on a Sunday this year and asked when the parade and road race will take place. Jean Fecteau, Town Clerk, stated that she will check with the parade committee and the Recreation Director.

XVI. Adjourn

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 1, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **March 24, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; William Bernstein, Town Solicitor; Thomas
Mainville, Finance Director; Jamie Hainsworth, former Chief of Police;
Raymond Goff, Town Planner; Ronald Bachman, Budget Board chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Pat Dubois, Superintendent Gloucester Schools.

IV. Public Hearing

A. Budget 2010/2011

Operating & Capital Improvement Budgets

Councilor Walsh stated that this Public Hearing was advertised per the Home Rule Charter.
Councilor Walsh declared the Public Hearing OPEN. Councilor Walsh turned the meeting over
to Ronald Bachman, Chair of the Budget Board.

Mr. Bachman turned the hearing over to the School Department at this time.

Thomas Mainville reviewed the highlights of the proposed school budget. T. Mainville stated
this budget includes increased salaries of .41% or \$21,000; Benefits down by 12.22% or
\$297,000 ;and Institutional support up by 4.40% or \$101,572 which brings Operating expenses
down by 1.72% or 173,655. T. Mainville stated the big problem is loss of revenue of 460,397
made up by a combination of numbers. T. Mainville stated the request for increase in
appropriation is 4.5% or \$286,742 (which is at the cap of 4.5%).

T. Mainville stated there was a \$290,00 decrease in state aid which includes a cut in pension,
however, that pension cut and loss is offset by a reduction of the schools pension expense, which
is why the number on revenue side and expense side are equal, a wash. T. Mainville the budget
also reflects a shift of stabilization money, \$21,000. T. Mainville further stated included in the
losses is \$61,000 from the Region for rental which will be gone next year and \$31,000 for the
pre school coordinator reimbursement. T. Mainville stated the losses will be partially off set by
an increase in the transfer from the fund balance of \$70,000 and an increase in tuition revenue.

T. Mainville stated on the Personnel and benefit side there are no changes in the budget, same
staffing and levels, coupled with anticipated changes in the contract left a neutral budget in that
respect. T. Mainville stated the Institutional support is made up of an increase in special
education for tuition of \$70,000 and the anticipation of heating fuel going up by \$40,000. T.

Mainville further stated there is a \$42,000 offset for federal stabilization, as the state has decreased the aid to schools from the state but gave us federal stabilization money. T. Mainville state this amount was set to be used for one time expenses so as not to create a problem after two years when this payment stops.

Supt. Pat Dubois stated the budget maintains the status quo in regards to staffing and class sizes. P. Dubois stated they are looking at reorganization and redistricting options if we are unable to receive funds so no teachers will have to be eliminated. P. Dubois added that class sizes may have to go up slightly.

School Committeeman Hebert informed the Council the Gloucester Teacher Contract has been settled and ratified. C. Hebert stated there is a 3 year contract they has a neutral effect on the town. C. Hebert stated the new contract has increases at 1 ½%, 2%, & 2% with medical co-shares at 10%, 20%, & 20%. C. Hebert stated there is a cap on the medical co-share which assumes an 8% increase every year. Councilor Burlingame questioned if the 10% , 20%, & 20% was for single and family plans.

C. Hebert answered in the affirmative. Councilor Burlingame questioned what the cap was. T. Mainville stated the cap was approx. 8%, if the cos Councilor Burlingame questioned there were the same full time staff included and questioned the enrollment numbers. C. Hebert stated there is a decrease of approx.. 20-22 students. C. Hebert also stated redistricting among the elementary schools is being discussed.

Councilor Burlingame questioned if any changes occurred to the non-certified staff. C. Hebert stated they were not proposing unilateral action against employees under contract. Councilor Burlingame questioned how many lay offs notices for non-certified staff was sent out. C. Hebert stated there was 10 or 11, and the notices are a more realistic proposition this year. C. Hebert stated the contract has a neutral effect over the next four years. Councilor W. Steere questioned if neutral effect means the contract negotiated is at the same salary as they are getting right now.

C. Hebert stated no, raises have been included and offset by co-shares. The subject of post retirement benefits followed.. C. Hebert stated they were able to negotiate the current employees post retirement benefit would not change during the contract period (if they were to retire within that three years), and after that there would be a 6 year cap on health insurance for existing employees, with none for new hires. C. Hebert also stated that current retirees were not changed.

W. Steere, School Committeeman, stated the current budget is a 4.5% increase over last year and agrees with Budget Board that the local schools can absorb level funding. W. Steere stated the Committee is looking at regionalization which may allow for some teacher layoffs.

Councilor Walsh stated he would like to be able to give 4.5% to the Schools but feels we cannot and pointed out that the Town is losing \$1,218,863 on excise tax and that money must be made up in this budget. C. Hebert acknowledged he understands the Town may loose the auto excise tax but stated the school is also losing money. C. Hebert also stated, he feels, if the Schools are flat funded it will start to effect education. The question of whether the Town will lose the excise

tax was discussed. C. Hebert questioned if the revenue stream comes through what would be done with the funding.

Councilor Burlingame stated he believes the proposed new funding formula is a correction for things that happened over the years. Councilor Burlingame also urged the School Committee to take a close look at enrollment numbers. C. Hebert stated that when head counts go up in 10 years (or so) the formula may keep up.

Robert Lyons, Gloucester resident, question the fuel costs on page 5. T. Mainville explained the number shown is the combined number for both schools and \$39,750 is the anticipated increase. W. Steere, School Committeeman, questioned if the negotiating team took the newly proposed funding formula into consideration.

R. Bachman, Budget Board Chair, took over for the municipal portion of the budget. Mr. Bachman stated there is a proposed \$567,082 or 2.78% increase.

Mr. Bachman read the following report:

The proposed budgeted amounts were calculated by considering past and current expenses and anticipating future needs. The budget recommended by the Budget Board will increase the tax levy by \$567,082 or 2.78% from the 2009- 10 budget. [Note: The maximum increase (a.k.a.: the Cap) in the tax levy for 2010-11 would be, if approved,\$917,140, or 4.50% from the certified tax levy for FY 2009-10.

The budget recommended at the Budget Board meeting of March 17,2010 was for a total expenditure of \$26,719,757.

Anticipated revenues total \$5,741,649. The net effect is an anticipated tax levy prior to adjustments of \$20,978,108. Adjustments are: Allowance for uncollected taxes(\$110,000) and a transfer from surplus of \$150,000 to the operating budget. The net effect is an anticipated tax levy of \$20,938,108.

Highlights, Assumptions and Comments

Personnel:

1. In FY 2009-1 0, wages were frozen at the 2008-09 level for all employees except the Police who were under contract. The 2010-11 budget includes 2% wage increases for Dispatchers, Clerks, and non-union personnel.
2. The co-share for medical and dental insurance has been increased for all employees. The amount of co-share for FY 2010-11 is stratified based on employee base salary and longevity and ranges from 10% to 20% of the insurance premium cost. In FY 2009-10, the increased co-shares (implemented in Dec 2009) paid by the clerical staff, public works employees, dispatchers and Town supervisory staff were not offset by an increase in wages.
3. The amount of buy-back for medical and dental insurance has been reduced to \$3,500.

Expenditures:

1. The Municipal operating expenses reflect a decrease of \$234,472 or 3.9% from FY 2009-10. The expenses for Financial Administration are projected to decrease by \$34,254. This is primarily due to a decrease in the funding of the Revaluation Reserve Account in the amount of \$30,000. The decrease of \$106,130 in the Department of Public Safety is due to not filling the vacant police officer position and anticipated increases in co-shares for health insurance and reducing buy-back payments to \$3,500. The decrease of \$77,079 in the Department of Public Works is due primarily to not filling the vacant mechanic position.
2. The Town of Gloucester share of the Foster-Glocester Regional School District operating budget is \$8,258,782, or 68.7%. This represents an increase of \$95,101 or 1.2% from FY 2009-10. Gloucester's share of the debt service for the Regional School District is \$1,194,539. This is an increase of \$29,844, or 2.6%. The total increase to Gloucester is \$124,945, or 1.34%.
3. The Gloucester Schools are being leveled funded. The projected operating costs for 2010-11 are \$9,621,705 offset by projected revenues of \$3,249,670 for a net budgeted amount of \$6,372,035. Capital projects for Gloucester Schools are now included in the municipal capital plan. \$50,000 from the Schools' Capital Improvement Fund is being used to help fund the anticipated school capital projects (\$99,000).
4. The Town's debt service for the Gloucester Schools is expected to decrease by \$21,800 and Non-School debt service is expected to increase by \$41,387, due mainly to the Land Trust bond issue approved by the voters. The debt service for the Land Trust bond issue is projected to be \$70,000 for FY 2010-11.
5. The Capital Reserve Fund, set at 2% of the operating budget by the Home Rule Charter, is \$481,918, a reduction of \$6,852 from FY 2009-10.

Revenues :

1. Based on collections to date, the Municipal Department Revenues for FY 2010-11 are projected at \$414,000, an increase of \$15,000 or 33% from the FY 2009-10 budget.
2. The amount budgeted for Excise Tax-Vehicle Tax Phase-out in FY 2009-10 was \$1,218,863. In FY 2010-11, the budgeted amount is \$0. This projection is based on the best information available at this time as a State Budget has not been finalized. This loss in State Aid will be somewhat offset by applying the additional amount [\$448,900] received from FM Global to operations. In FY 2009-10, the additional funds received from FM Global were assigned to the Town's Capital Fund.
3. Based on the interest rates currently available, the reduced cash reserves-and the amount of interest earned to date, the projected amount of interest on investments has been reduced by \$14,500.

Capital Budget:

1. The Budget Board has made recommendations based on various requests submitted. The expenditures total \$847,000. This will utilize the entire 2% Set aside (\$481,918) for FY 2010-11, \$125,387 from unappropriated capital funds, and the remaining \$239,695 from the FM Global Phase II amount received in FY 2009-10. A total of \$49,000 in capital funding will be used for capital projects for the Gloucester Schools.

Respectfully Submitted,
Ronald J. Bachman
Budget Board Chair

(end of report)

Discussion: Councilor Walsh asked if there were any questions at this point.

Chris Hebert, School Committeeman, questioned the use of the F.M. Global set aside for infrastructure (\$448,900). Councilor Burlingame explained the new formula was a two year plan and Council could bridge the gap for the two years but Councilor Burlingame stated the idea may not pass the voters at the Financial Town meeting.

C. Hebert questioned that this is all based on assumptions that the towns won't get the excise tax funding.

Jamie Hainsworth, outgoing Chief of Police, asked the Council to reconsider filling a vacant position at the police department. J. Hainsworth stated that 14 police officers is a more manageable number. J. Hainsworth stated that contractual items create budget shortfalls, such as the \$10,000 overage in the overtime account. J. Hainsworth guessed there would be a possible savings between \$15,000 and \$20,000 and again appealed to the Council's common sense. Councilor Walsh questioned if there was any grant funding that could help with the salary funding. J. Hainsworth stated that there is a controversy with some of the stimulus funding, as you have to agree not to decrease your workforce for an additional three years.

J. Hainsworth stated the other funding sources we have previously enjoyed have dried up. Councilor Walsh acknowledged the Town is shorthanded at the Police Department and that the Town has utilized grant money for equipment and other police related costs keeping our operating costs down. Councilor W. Steere acknowledged we have been alright to this point (with the police numbers) but questioned what the Town will do if someone gets hurt. J. Hainsworth stated that mentally everyone has anticipated that position would be filled by July 2011 and that we are now into what he considers to be "bad" overtime. J. Hainsworth again urged the Council to fill a vacant position.

Councilor Walsh introduced the incoming Chief of Police, Joseph DelPrete.

W. Steere, School Committeeman, questioned the proposed tax rate and further discussed the fact that debt is included in the proposed increase.

Councilor Walsh stated this takes into account the loss of 1 million dollars.

W. Steere, School Committeeman, questioned why municipal employee raises were included. Councilor Burlingame stated he felt the 2% was important due to new rules and guidelines recently implemented. Councilor Burlingame stated just last year buyback was reduced, co-shares were increased, and wages and longevity were frozen. Councilor Burlingame also pointed out that with these structural changes there was a 5.3% decrease even factoring a 2.1% salary increase.

W. Steere, School Committeeman, questioned the fact that the town has two public libraries and libraries at both schools and suggested combine efforts to save funds. Discussion followed on the logistics of combining school libraries with public libraries. Councilor Walsh stated that the libraries are looking at ways to combine and stated their services, especially to the unemployed, are important.

W. Steere, School Committeeman, brought up the issue of road bond debt. Mr. Steere stated, per the budget, we are paying \$273,000 this year and felt that should be viewed as a capital project. W. Steere questioned if the money from F.M. Global money left over or the capital project money to pay off the road bond.

Councilor Walsh explained the town is trying to purchase what it needs to do this road work ourselves. Councilor Walsh stated the hope is not to ever have to go out to bond for road repairs.

Russell Gross, Putnam Pike, questioned the budget item for the Comprehensive Plan in the Planning Departments budget each year. T. Mainville stated this is "seed" money to fund the updates that must be done every 5 years to avoid one large payment..

Mr. Gross also questioned the Planning & Zoning Boards were the only boards to pay for the services of a recording clerk. Mr. Gross stated the Council does not pay a clerk. The issue of whether the Planning Board Clerk should be paid for two meetings (one regular & one workshop) per month. Councilor Walsh stated most of the clerks were eliminated, except when legal requirements are involved. Councilor W. Steere discussed the fact that the Planning Board has two meetings per month, one being a workshop. Councilor W. Steere stated that not using the Clerk for workshops would save some money

Mr. Gross stated he feels there is too much of a spread between the salaries of department heads. Mr. Gross stated there are people handling large amounts of funds that are being paid on the low end of the scale. Mr. Gross asked for consideration in making this system fair.

Councilor Burlingame spoke regarding some of the points made by the residents. Councilor Burlingame stated insurance and liabilities needs to be looked at. Councilor Burlingame stated we have had surprises in the past and requested an increase of \$25,000. Councilor Burlingame also requested an increase of \$21,000 to accrued compensation fund and Vacation, illness coverage (page 10, Police Dept) should be moved up by \$20,000.

Councilor Burlingame discussed the interest on delinquent taxes, due to the potential of unemployed taxpayers, and requested that be increased by \$24,970. Councilor Burlingame then discussed the proposed 1.2 million potential loss due to excise tax on motor vehicles. Councilor

Burlingame stated that is specific to motor vehicles. Councilor Burlingame suggested the Council initially come in with no tax increase and take half of the 1.2 million on the assumption we will get at least half of this. Councilor Burlingame also stated if we leave the tax increase there the responsibility falls on the real estate property owners when in fact it is a result of motor vehicle taxes not being collected. Councilor Burlingame stated if we do not get that funding we can decide whether to levy a special tax.

Councilor Walsh agreed with this concept even though it is a gamble and he agrees with no tax increase at this time. Councilor Walsh also stated if funding is not received there may be a supplemental tax on motor vehicles. Councilor W. Steere stated he agrees with the concept of trying to combine library resources, but was clear to state he admires the work done in our libraries.

Councilor W. Steere agreed with Mr. Gross on potential savings by looking into the Planning Board cutting one meeting per month.

Councilor Carroll spoke regarding hiring a police officer and asked we take into account what Chief Hainsworth has stated. Councilor Carroll also stated he feels that local schools “take it on the chin” because of the region. Councilor Carroll also asked where the funds would go if we were to receive the funding from the state. Councilor Burlingame stated people could get a credit or a rebate but that it should not flow into the General Fund.

Chris Hebert, School Committeeman, asked that the school be considered if the money is received by Gloucester and further stated he found it offensive that the school wasn't figured in that plan.

Viviane Valentine, Tax Assessor, stated she would like to see the Town hold off on certifying the tax roll until the last minute. V. Valentine stated they could have all the information ready to go and process everything as late as possible. V. Valentine stated she would like to avoid a supplemental tax if waiting a little longer would solve the problem.

Charles Wilson, resident, asked the Council to consider the replacement of one police officer. Mr. Wilson also agreed he would rather see an increase in the auto tax other than raise real estate taxes.

Joan Hackett, Harmony Librarian & resident, spoke regarding the services provided by our local libraries. Ms. Hackett states she feels it is a misunderstanding if people think the libraries do not work together. Ms. Hackett also spoke regarding the crucial services provided to people in town who are unemployed and/or without computer access. Ms. Hackett discussed all the libraries resources.

Councilor W. Steere apologized to Mrs. Hackett if it appeared he did not find value in the libraries and stated he feels we must think outside the box in all areas.

Carol Kut, Library Trustee and resident, spoke about the inherent problems with trying to bring the public into the schools to utilize the school libraries. Ms. Kut spoke of the importance and the scope of resources provided at our public libraries.

Capital Budget

R. Bachman read through the proposed Capital Budget by each line. R. Bachman stated the Capital expenditures totals \$847,000; this will utilize the entire 2% set-aside of \$481,918 for FY 2010-11, \$125,387 from unappropriated capital funds, and the remaining \$239,695 from the FM Global Phase II amount received in FY 2009-10. R. Bachman stated a total of \$49,000 in capital funding will be used for capital projects for the Gloucester Schools.

W. Steere, School Committeeman, question the \$239,695 from the FM Global fund. R. Bachman stated that was monies not expended from last years overall amount received from FM Global. T. Mainville explained the \$125,387 is from the capital account, and further stated there was still money in that fund. T. Mainville stated if there is funding left over after a project is completed those funds go back into the capital account.

W. Steere asked if the funds requested are the for the entire amount request or have they been whittled down. R. Bachman stated the requests have been pared down by the Budget Board. W. Steere, School Committeeman, recommended only the 2% set aside be used and also that, if possible, use some of the money to pay the road bond payment for this year.

T. Mainville stated the only piece that could be used may be the FM money. T. Mainville warned that if those funds are used in that way the town may have to go for another road bond in the future due to the high cost of road repair. T. Mainville also stated these funds were allocated to be a crutch to help us with road repair. Councilor Burlingame stated that would have the same effect as transferring from surplus.

Robert Lyons, resident, pleased that equipment was requested in the capital budget for paving and feels this is a positive.

Gary Treml, Public Works, gave the Council some changes for his requests with solid numbers: reduce Paving machine/roller/ trailer to \$100,000 from \$113,000; remove recycle/trash roll-off containers for this year -\$20,000; and eliminate the Plow truck **for one year** -\$130,000.

Chief Hainsworth stated that in the police budget he had requested two additional police cars (and explained the reasoning for needing that car) and asked if one cruiser could be put back in budget. Chief Hainsworth gave the Council statistics for auto wear and tear and milage.

Councilor G. Steere stated the Public Works Director has offered to push a plow truck for one more year to save money and recommended the Police Department do the same.

Councilor Walsh stated he agrees with Chief Hainsworth but feels we should put it off for one year due to our financial problems with the State. Chief Hainsworth asked if the financial status

improves could the vehicle be reinstated. Councilor Walsh stated that would be considered at that time.

Councilor Burlingame questioned the allocations for renovations to the Town Hall. D. Fecteau stated we were able to save money with other projects so far due to Public Works help and the amount allocated is a just in case amount that won't be spent unless needed. Councilor W. Steere asked if this is bare necessity work right now. D. Fecteau stated we are still researching geo-thermal but in the mean time with all the work done on the main portion of the building the heat has been captured D. Fecteau stated the other wing needs window replacement to further retain the heat thereby saving on fuel costs.

Councilor Carroll stated he would like to see the funds included to fill one of the police positions. Councilor W. Steere stated he would like to know the figure. T. Mainville stated the number could be approx. \$70,000. T. Mainville stated he could put the number in with an adjustment to the excise tax. Councilor Burlingame stated he was in favor of that. Councilor Burlingame also stated if the increase in staffing is included the increase to overtime could be reduced by the additional \$20,000.

MOTION was made by Councilor Burlingame to CLOSE the Public Hearing; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS 0

MOTION PASSED

Council will place the budget on their agenda for adoption, April 1, 2010

V. Adjourn

MOTION was made by Councilor to ADJOURN at 9:30 p.m.; seconded by Councilor

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 1, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **April 1, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; and Edward C. Burlingame.

Member absent: Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official, Gary Treml, Public Works Director; Viviane
Valentine, Tax Assessor; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Open Forum on Agenda Items Only

1. Rose LaVoie spoke regarding the Personnel Handbook, stating that she read that one in six people in the United States is employed by a town, city, state or federal government. R. Lavoie noted that these people should be grateful that they have a job and benefits, given the economic situation in this country. R. Lavoie stated that we can be fair but cannot "give away the store."

V. Resolutions:

- A. Support of Worcester-Providence Commuter Rail Service

Councilor Walsh stated that the Town Planner has asked the Council to support this resolution, which was read by Councilor W. Steere:

RESOLUTION #2010-8

PETITIONING THE RHODE DEPARTMENT OF TRANSPORTATION AND THE
DEPARTMENT OF ADMINISTRATION DIVISION OF PLANNING TO AMEND THE
TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Town of Gloucester supports a commuter rail feasibility study that was performed by the City of Woonsocket with other partners and stakeholders throughout the state; and

WHEREAS, the findings of this study which was concluded last year, indicated that it was feasible to reactivate commuter rail service running from Worcester, Massachusetts to Providence, and Woonsocket to T.F. Green Airport, Rhode Island; and

WHEREAS, Blackstone Valley Communities, State Agencies, the Northern Rhode Island Chamber of Commerce, Providence Foundation, Pawtucket Foundation, and the Blackstone Valley Heritage Corridor Commission recently conducted a forum to identify actions that needed to be taken in order to advance the implementation of commuter rail in the Blackstone Valley; and

WHEREAS, it was identified by various State Officials present that the appropriate action would be for all interested and affected communities to petition the Rhode Island Department of Transportation and Statewide Planning for the inclusion of an amendment to the current Transportation Improvement Program for funding a final detailed study leading towards the implementation of the reactivation of commuter rail.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GLOCESTER, RHODE ISLAND, AS FOLLOWS:

SECTION 1. The Town Council of the Town of Glocester gives its full support of the amendment to the State's Transportation Improvement Program that would provide funding for a final detailed study leading towards the implementation of commuter rail in the Blackstone Valley and is joined by other Blackstone Valley communities and other interested parties in petitioning for this amendment.

SECTION 2. The Town Planner is hereby authorized to prepare a communication to RIDOT and Statewide Planning indicating the Town Council's full support of this action.

SECTION 3. This Resolution shall take effect immediately upon its passage by the Town Council.

Kevin P. Walsh
Town Council President

seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Support: America's Cup Race Newport

Councilor Walsh stated that the Council has received requests from communities across the State for support of the America's Cup. Councilor Burlingame read the following Resolution into the record:

**RESOLUTION #2010-8
America's Cup Race**

WHEREAS, on February 14, 2010, the BMW ORACLE Racing Team defeated Alinghi off the coast of Valencia, Spain, to capture the 33rd America's Cup competition; and

WHEREAS, for much of the 20th century, Newport, RI, served as host for the America's Cup races; and

WHEREAS, as the "Sailing Capital of the World," with a culture and history rich with maritime pursuits, the presence of the America's Cup competition in the City of Newport would offer a significant boost to the local economy.

NOW, THEREFORE, BE IT RESOLVED: that the Newport City Council wholeheartedly congratulates the ORACLE syndicate on its victory and encourages this group to return the 34th America's Cup challenge to its true home, Newport, Rhode Island.

AND BE IT FURTHER RESOLVED: that copies of this Resolution be forwarded to Mr. Larry Ellison of BMW Oracle Racing, and to all the cities and towns in Rhode Island asking that they join in encouraging the return of the America's Cup Races to the City of Newport.

Kevin P. Walsh, President Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VI. Public Hearing (**Hearing continued from March 18, 2010**)

A. Earth Removal Renewals

1. Applicant: Bella Sand, LLC

Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lot 105, 106, 106A, 116

Councilor Walsh stated that this Public Hearing was advertised and opened on March 18, 2010. After discussion it was recommended that one Council member meet with the Public Works Director, the Building/Zoning Official and the property owners to review possible problems at that site.

Discussion: Larry Desormier, Building/Zoning Official, presented photos of the area which demonstrate the problem of water runoff onto the neighboring property. L. Desormier stated that he has been in contact with Mr. DiGregorio of Bella Sand who is attempting to correct the situation. L. Desormier added that an engineer was hired to come up with a solution, which has been found to be adequate. Councilor Burlingame questioned why the application included two (2) extra lots. L. Desormier explained that the engineer inadvertently listed all the lots owned by the applicant, adding that the application has since been amended.

Councilor Walsh asked Gary Treml, Public Works Director, if there are any plans to work on Cross Road. G. Treml replied that there are many washouts from the recent flooding and if there is a problem he will fix it.

Councilor Walsh asked if anyone else wished to be heard.

1. Patrick Brennan, abutting property owner, suggested giving the plan a trial period to determine if it actually works. Councilor Walsh asked for an opinion from the Town Solicitor. Tim Kane stated that under 166-7 of the Earth Removal Ordinance, the license can be revoked after a Public Hearing for any violation of the provisions or conditions of said license. T. Kane added that there is a plan stamped by an engineer as well as testimony on the record, therefore T. Kane advised the Town Council to approve the license with the condition that the plan be adhered to.
2. Enrico DiGregorio, applicant, assured the Council that his plan will work, but noted that there is runoff from the road that he cannot do anything about. T. Kane recommended that the Council approve the license with the stipulation that the applicant control runoff from the site in accordance with the plans submitted, and if there is a problem the applicant will receive notice to come back before the Council.

Councilor Walsh asked if anyone else wished to be heard. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor Burlingame 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, 116, contingent upon: 1)Building/Zoning approval; 2)all Town fees being paid; 3)current bonding secured; said license to be valid April 1, 2010 to March 31, 2012, and subject to the condition that the applicant controls runoff from his own property in accordance with the stamped engineering plans submitted to the Town on April 1, 2010; seconded by Councilor W. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Community Development Block Grant 2010 - 2nd Public Hearing

Councilor Walsh explained that this is the second Public Hearing as required by the guidelines of CDBG. The first Public Hearing was held on February 4th 2010. Councilor Walsh stated that the funding requests received a positive motion from the Planning Board and requests were prioritized at the March 18th, 2010 Council meeting as follows:

Housing Rehabilitation (includes Mobile Home Replacement Program)	\$221,000.00
Food Bank	\$4,000.00
Echo Lake Water District	\$21,000.00
Davis Park Playground (WRHR)	\$2,500.00
Community Housing Land Trust	\$1,500.00
Total Proposed Activities	\$250,000.00

Councilor Walsh declared the Public Hearing Open and asked if anyone wished to speak regarding the Community Development Block Grant. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor G. Steere to APPROVE the 2010 Community Development Block Grant Application for submittal to the State of Rhode Island, Department of Administration, with aid requests as prioritized by the Town Council, with a unanimous aye vote, on March 18, 2010; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VII. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- March 18, 2010 & March 24, 2010

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of March 18, 2010 and the minutes of March 24, 2010; seconded by Councilor G. Steere.

Discussion: None

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

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Personnel Handbook (continued from 3/04/2010)

1. Sick Time Payout- Clarify language

Councilor Burlingame has proposed language that clarifies the section in the handbook regarding sick time payout. Councilor Burlingame explained that this amendment will clean up a conflict which existed in the personnel handbook where in one case it did not specify the minimum number of days for eligibility for sick time payout and in another case it did. Councilor Burlingame read the following:

Sick leave

B. Sick leave Pay-out and advances Delete 1 (b) and reword 1) as follows: This change eliminated the redundancy as well as the conflict with the 30 days sick leave and the 120 days sick leave.

- 1) Amend to clarify: When an employee with at least five (5) years of continuous employment retires, resigns or is discharged due to a reduction-in-workforce, such employees shall be paid for twenty-five (25%) percent of the total amount of his or her unused accumulated sick leave (sick days are cumulative to a maximum of 120 working days) provided such employee has accumulated at least (30) days unused sick leave time. Upon the death of any employee who meets the criteria above, the payment shall be made to the employee's designated beneficiary or to the decedent's estate in the event no beneficiary has been designated.

(End of amendment)

MOTION was made by Councilor Burlingame to APPROVE the amendment to the Personnel Handbook regarding Sick Time Payout as proposed; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Other Amendments

Councilor Burlingame stated that when our Code of Ordinance was established in 1990, the Personnel Board was established to create personnel handbook rules. At the time, Councilor Burlingame noted that the Personnel Board was part of the process in the event of any disciplinary action. Since then, Councilor Burlingame stated that the Employee Handbook has evolved and has its own set of rules, which were not really clear.

Councilor Burlingame stated that this proposal will provide a mechanism for resolution when problems occur. Councilor Burlingame recommended that the Council table the amendments which deal with problem resolution and discipline procedures until the next meeting, at which time there will be a second reading of the amendment to the Code.

Councilor Walsh stated that the procedure is set up so that if an employee has a problem with a department head, they can get resolution. Tim Kane, Assistant Town Solicitor, noted that there would be a verbal warning first, followed by a written warning, and finally a 3-day suspension, which could be appealed to the Town Council. T. Kane stated that this would take away the role of the Personnel Board, which was never followed anyway.

Councilor Walsh asked what would happen if there was a problem (for example) with the Public Works Director, who works directly for the Town Council. Councilor Burlingame stated that this position is appointed by the Town Council, adding that the Charter is very specific in stating that the Department Directors serve at the pleasure of the Town Council. T. Kane suggested that there be a statement that this does not apply to department heads who serve at the pleasure of the Council.

MOTION was made by Councilor Burlingame to TABLE the amendment to the Personnel Handbook regarding Discharge and Discipline until the next Town Council meeting; seconded by Councilor W. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Award Bid: (contd. from March 18, 2010) Discussion and/or Action

1. IFB 2010-05 Hot Mix Asphalt
2. IFB 2010-06 Full Depth Pavement Reclamation

Gary Treml, Director of Public Works, explained that the first bidder on the Full Depth Reclamation project has withdrawn the bid and G. Treml is waiting for the State to authorize going with the second bidder. G. Treml asked if there is a mechanism by which the bid could be awarded without waiting until the next Council meeting. T. Kane stated that the bid award could be made contingent upon State approval.

MOTION was made by Councilor Walsh to direct the Public Works Director to proceed with IFB 2010-05 and IFB 2010-06 upon State approval for all front-end documents and insurances, and not to start any work before the next Town Council meeting of April 15, 2010, at which time a formal awarding of the bid will take place; seconded by Councilor Burlingame.

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

MOTION PASSED

IX. New Business - Discussion and/or Action

A. Budget Fiscal Year 2010/2011

1. Discussion

Councilor Burlingame stated that it is assumed that the Town will receive at least a portion of the excise tax for motor vehicles and expressed hope that this would allow for a zero tax increase, making the budget revenue neutral. Councilor Burlingame stated that he, along with Councilor Walsh and Tom Mainville, spoke with Peter Schaeffer of the Department of Community Affairs to make sure that if this budget is submitted with the assumption that the Town will receive a portion of the excise tax, it would be certified by the State and we could go forward to the Financial Town Meeting.

Mr. Schaeffer advised that this would be allowed as long as there is a disclosure statement to the taxpayers. Councilor Burlingame noted that the budget reflects no tax increase, however it requires that we move the \$400,000 of FM Global money which had been previously set aside by a prior Town Council.

There was discussion regarding the Police Department. Councilor Burlingame stated that there was Council consensus to fund another Police Officer contingent upon realizing cost savings from health care buy backs, co-shares and a possible freeze on salaries, as was done by the other Town employees. Councilor Burlingame reiterated that the budget is revenue neutral, calls for no tax increase, it level-funds the schools, and we still have reductions in cost at the Municipal level in the amount of \$114,000 from last year, adding that there was a significant reduction last year as well. Councilor Burlingame noted that there will be no layoffs, but we may not replace some employees who are retiring.

Councilor Walsh asked if anyone else wished to speak regarding the proposed Operating Budget. Walter Steere, Jr., School Committee member, asked if the concessions that the Council is asking for are included in this year's budget. Councilor Burlingame responded in the affirmative. Russell Gross stated that he thought we were under a hiring freeze. Councilor G. Steere stated that if the Police are not willing to make the concessions that every other employee has, another officer will not be hired.

Rose LaVoie asked if the Police Department was able to function without the extra officer last year. Councilor Walsh replied that the Department did not function fully, adding that during Spring and Summer, there is an increase of overtime due to vacations. Councilor Walsh noted

that there are thirteen officers, including the Chief, which is three fewer than we had four years ago.

2. Adoption

Councilor Walsh stated that a budget must be adopted to forward to Town Financial Meeting (to be held on May 8, 2010).

MOTION was made by Councilor Burlingame to ADOPT the Proposed Operating Budget, including debt service, in the amount of \$26,843,278.00 for Fiscal Year 2010-11 for presentation at the Town Financial Meeting on May 8, 2010 and that we appropriate and move to Operating the FM Global money Phase 2 in the amount of \$435,825.00 for Fiscal Year 2010-2011; seconded by Councilor G. Steere.

Discussion: Councilor Walsh explained that we have taken some of the money from the fund for capital projects such as road work, specifically due to the unknown situation regarding vehicle excise tax. Jean Fecteau asked if we receive excise money from the State, will the infrastructure money be put back. Councilor Burlingame replied that we could, but if we receive the full amount of \$1,200,000.00, the difference could be refunded to the taxpayers as an offset against their real property taxes.

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

NAYS: 0

MOTION PASSED

After discussion regarding the Capital Budget, the following Motion was made:

MOTION was made by Councilor Burlingame to ADOPT the Proposed Capital Improvement Budget in the amount of \$714,000.00 for Fiscal Year 2010/11 for presentation at the Town Financial Meeting on May 8, 2010; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Use of Town Hall - Discussion and/or Action

1. Space for revaluation team

Councilor Walsh stated that the Council has received a request for assistance from the Tax Assessor with regard to office space to be used for revaluation. Councilor Walsh stated that he has a meeting scheduled with Steve Sette of the School Committee and Dr. Michael Barnes, School Superintendent, at which time this subject will be addressed.

C. Gloucester Code of Ordinance - 1st Reading of proposed amendment
1. Chapter 101 - Personnel Board

Councilor Walsh explained that the proposed amendment is to eliminate section 101-5. Dismissals; demotions; suspensions.

MOTION was made by Councilor Burlingame to WAIVE the First Reading of the proposed Code of Ordinance amendment to Chapter 101 - Personnel Board; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to Set a Public Hearing for May 6th for the proposed amendment to the Gloucester Code of Ordinance, Section 101; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Chapter 350-33 Signs in Historic District

Councilor Walsh stated that an amendment to the Code of Ordinance regarding signs in the Historic District was proposed by the Chair of the Historic District Commission.

MOTION was made by Councilor Burlingame to refer the proposed Code of Ordinance amendment to Chapter 350-33 Signs in Historic District to the Planning Board; seconded by Councilor W. Steere.

Discussion: Councilor Walsh stated that the amendment was proposed by the chair of the Historic District Commission, but the Council should make sure that the Commission has adopted it. Councilor Walsh stated that something should be submitted in writing to the Council stating that the Commission has approved the proposed amendment.

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

NAYS: 0

MOTION PASSED

D. Interest Waiver Request - Discussion and/or Action

Councilor Walsh stated that the Council has received a request to waive interest on a Tax sale property:

Discussion: Angelo Riccitelli, accompanied by his attorney, was present to explain his request.

A. Riccitelli stated that he wishes to purchase two parcels next to his property which have been defunct for some time. A. Riccitelli noted that there are tax penalties from the previous owner which he would like the Town to waive. Jay Marinelli, attorney for Mr. Riccitelli, stated that his client owns property on Pine Drive, designated as Lot 55 on Assessor's Plat 1. J. Marinelli stated that Lots 63 and 62 are contiguous to Mr. Riccitelli's lot.

J. Marinelli noted that his client has already paid for back fire taxes as well as redemption fees to the Ajootians, who bought the property at tax sale back in the early 1990's. J. Marinelli requested that the Town Council consider waiving the interest and penalties, approximately \$2,600. J. Marinelli noted that Mr. Riccitelli would still pay the taxes due in excess of \$7,000. J. Marinelli pointed out that the Town has not been receiving any revenue whatsoever from these two parcels.

Councilor Walsh stated that the Town Council has not done this for anybody in the past. Councilor Walsh expressed concern that waiving the interest and penalties would not be fair to property owners who have in the past paid these fees to acquire property. Councilor Walsh noted that there is a developer in Town who has paid each time that he has purchased tax sale property.

Councilor W. Steere asked if the lots in question are less than 30,000 square feet. A. Riccitelli replied in the affirmative, adding that if he purchased the lots, they would have to be combined with the lot he already owns. A. Riccitelli stated that if he is able to acquire these lots, he will use the property to move his existing well.

Viviane Valentine, Tax Assessor, stated that if the lots are smaller than 30,000 square feet, they would be automatically merged with the lot Mr. Riccitelli presently owns. V. Valentine pointed out that the tax on those two lots would get absorbed by the lot he already owns, resulting in no additional taxes paid to the Town. Each Council member expressed his opinion that the interest and penalties should not be waived.

Jay Marinelli stated that the tax sale on lot 62 was done improperly 17 years ago. J. Marinelli explained that the owner at the time had conveyed the property prior to the tax sale. Tim Kane, Assistant Town Solicitor, asked Mr. Marinelli to forward documentation for review.

E. Personnel

1. Gloucester Senior Center

Employee coverage - Discussion and/or Action

Councilor Walsh read the following memo into the record:

March 23, 2010

TO: Kevin Walsh- Town Council President

FROM: Steven Sette-Chairman Senior Center BOD

Dear President Walsh and Council Members,

I am writing this memo to you to consider an emergency request from the Senior Center Board of Directors to raise the hourly pay of Ms. Jackie Aelig and employee of the center from \$8.50/hr to \$12.00/hr. This request is being made due to a change in Jackie's responsibilities at the Center due to an illness to Ms. Fran Ballou, who will be out of work from 3/29/10 to approximately 6/15/10; the Council has taken this action in the past with a previous employee at the center for a similar circumstance. I will be at the next regular meeting to answer any questions that you have regarding this situation. Thank You for your consideration in this matter.

Regards,

Steven Sette

Chairman Senior Center BOD

(End of memo)

Councilor Walsh stated that since the Council has received this memo, Fran has contacted the Town Clerk about a change of date for her surgery.

MOTION was made by Councilor G. Steere to AUTHORIZE the temporary salary increase to \$12 per hour for Jackie Aelig, Senior Center employee. This increase to become effective during Fran Ballou's absence; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Building/Zoning Department

Plumbing Inspector - Temporary appt. - Discussion and/or Action

Lawrence Desormier, Building/Zoning Official, requested the appointment of Alan W. Grace as Alternate Mechanical Inspector for a period of 30 to 40 days while Al Danti is out on medical leave. L. Desormier noted that Mr. Grace is certified with the State and holds all current credits to be eligible as an inspector in this Town. L. Desormier further stated that Mr. Grace is the

mechanical and plumbing inspector for the Town of Foster. It was noted that Mr. Grace will receive \$35.00 per inspection, which is the current rate for mechanical inspections.

MOTION was made by Councilor W. Steere to APPOINT Alan W. Grace as temporary Mechanical Inspector at the current rate; seconded by Councilor Burlingame.

Discussion: None

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

NAYS: 0

MOTION PASSED

3. Police Department - Discussion and/or Action

a. Authorization for Education expense - Administrative Aide

Councilor Walsh stated that this is regarding a course in computer forensics. Councilor Walsh stated that Joseph DelPrete, Police Chief, is attempting to enroll Matt Floor in a course offered by the State Police at a lesser cost.

b. Appoint Council liaison to I.B.P.O. negotiations for
Successor contract

Discussion: Councilor Walsh stated that although we will have legal counsel to negotiate the contract, a Council member must be present at the meetings.

MOTION was made by Councilor Burlingame to APPOINT Councilor G. Steere as Council Liaison to I.B.P.O negotiations; seconded by Councilor W. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

- X. Boards/Commissions
 - A. Economic Development Commission - Discussion and/or Action
 - 1. Declare Vacancy

MOTION was made by Councilor G. Steere to DECLARE the position on the Economic Development Commission held by Greg Gabel VACANT; seconded by Councilor Burlingame.

Discussion: Councilor Walsh noted that this action is due to Mr. Gabel's lack of attendance at meetings of the Economic Development Commission.

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

NAYS: 0

MOTION PASSED

- 2. Appointment
 - a. Move Alternate member

MOTION was made by Councilor W. Steere to MOVE Alternate member, Russell Gross, to a regular position on the Economic Development Commission to fill a three year term to expire 5/17/2012; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

- b. Appoint Alternate member

MOTION was made by Councilor W. Steere to APPOINT Greg Gabel to the Economic Development Commission to fill the one year Alternate term to expire 5/17/2010; seconded by Councilor G. Steere.

Discussion: Councilor W. Steere noted that he has spoken with Mr. Gabel regarding this appointment. G. Gabel has stated that due to numerous commitments, he has been unable to attend meetings, but would like to remain involved in the Commission as an Alternate.

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

NAYS: 0

MOTION PASSED

- B. Conservation Commission - Discussion and/or Action
 - 1. One Alternate, One year term
Current Term to expire 4/6/2010

Councilor Walsh stated that this position is for the expired one year term of Jacob Bailey.

MOTION was made by Councilor Burlingame to TABLE the appointment of Alternate on the Conservation Commission for a one year term to expire 4/6/2011; seconded by Councilor W. Steere.

Discussion: Jean Fecteau, Town Clerk, stated that she has contacted Roy Najecki, chair of the Conservation Commission, regarding this appointment, but has not received a reply.

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

NAYS: 0

MOTION PASSED

XI. Department Heads/Boards and Commissions: Report/Discussion

A. Department Heads

- 1. Gary Treml, Director of Public Works, reported that three roads were closed temporarily due to the flooding, adding that Long Entry Road between Eddy Road and Evans Road is still shut. G. Treml noted that this does not affect any residents as that section is located after the last house on Evans. It is expected that this will be fixed by next week after the water recedes.

B. Boards & Commissions

None.

XII. Council Correspondence/Discussion

- A. Tom Mainville, Finance Director, stated that although the Police Chief will be sworn in on April 8th, his official start date will be April 11, 2010. It was also noted that salary, vacation and personal days will be prorated for the remainder of the Fiscal Year.

Councilor Walsh read the following into the record:

(Final agreement submitted Friday, April 2, 2010)

April 1, 2010

To: Gloucester Town Council

From: Tom Mainville

Re: Agreement pertaining to the appointment Joseph S. DelPrete to the position of Chief of Police.

- 1. Annual Salary for FY 2009-10 will be \$70,000 prorated for the period April 11, 2010 through June 30, 2010. Salary includes holidays. Holiday schedule is the same as the police contract.

2. Salary for the year July 1, 2010 through June 30, 2011 will be \$71,400.
3. Chief DelPrete is not eligible for overtime pay.
4. Annual leave (vacation) will be 20 days per fiscal year (pro-rated in FY 2009-10). Eligible to accrue up to a maximum of 30 days (240 hours).
5. Personal time allowance is 2 days (16 hours) per fiscal year (pro-rated in FY 2009-10).
6. Maximum life insurance paid by the Town will be \$50,000.
7. Longevity = \$0
8. Sick leave = 15 days (120 hours) per fiscal year (of which 7 days [56 hours] maximum for attendance on family) [pro-rated for FY 2009-10]. Eligible to accrue up to a maximum 120 days (960 hours).

Sick leave payout = 25% of accrued time (up to maximum) provided employee is employed five or more years and has accrued a minimum of 30 days (240 hours).

9. Health Insurance: Medical and dental insurance are available. Currently medical insurance is offered through Blue Cross/Blue Shield. Plan choices are Healthmate Coast-to-Coast or Blue Chip [both are police plans]. Dental insurance is with Delta Dental of RI. If medical and/or dental insurance are selected, a co-share will be required based on the stratification in the Gloucester Personnel Handbook. Stratification is currently 19% of premium for salary range \$70K to \$75K.

Buy-back may be selected if medical and/or dental insurance are provided from another source and are not needed. Buy-back is \$1,500 for both medical and dental (pro-rated in FY 2009-10). Buy-back is pro-rated if only one is selected. Must show proof of coverage if elected.

10. Uniform/Cleaning Allowance - same as Police Contract (pro-rated for FY 2009-10). Town will provide initial uniforms.
11. Cell Phone
12. Use of a Police vehicle 24 hours per day 7 days per week.

Tom Mainville
(end of memo)

Councilor Walsh stated that this agreement will be ratified at the next Town Council meeting.

- B. Councilor Walsh stated that correspondence was received from the Rhode Island Department of Elderly Affairs concerning listening sessions which will focus on elderly rights, justice, prevention, etc.
- C. Councilor Walsh stated that Tim Kane, Assistant Town Solicitor, is scheduled to meet with people from Smithfield and North Smithfield with regard to inter-municipal consolidation of equipment and services.
- D. Councilor Walsh stated that the Little League Parade will take place on April 11th at noon.
- E. Councilor Walsh stated that a Resolution was received from Portsmouth regarding House Bill 7014 concerning bridge safety.

XIII. Open Forum

- A. Rose LaVoie complimented the Town Council, stating that when problems arise, they go to the problem areas to become aware of the situation. R. LaVoie thanked the Council for doing a good job.

R. LaVoie stated that she had requested that the Council adopt a Resolution in honor of Brown and Hopkins Country Store's 200 years of service, but she has not seen one. R. LaVoie mentioned that there are several other awards on the wall at the store, but nothing from the Town of Gloucester. Councilor Walsh stated this was an oversight and it will be taken care of.

Rose LaVoie spoke regarding the Chepachet River Park, expressing her opinion that it would be beneficial to tourism and economic development in the village.

Rose LaVoie reminded the Council about the upcoming Heritage Society annual gala, at which time Henry and Glennis Beltram will be honored.

- B. Charlie Wilson asked when the Independence Day Parade will take place. Jean Fecteau, Town Clerk, replied that the Parade will be held on Monday, July 5th. C. Wilson asked if the Road Race will also be on Monday. It was stated that the website has Sunday, July 4th for the race, but the Recreation Director will be consulted.
- C. Councilor Walsh announced that there will be a swearing-in ceremony for the new Police Chief on Thursday April 8th at 7:00 p.m. at the Senior Center.

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:45 p.m.; seconded by Councilor G. Steere.

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

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 15, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **April 15, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Ray Goff, Town Planner; Gary Treml, Public
Works Director; Joseph DelPrete, Chief of Police; Jane Steere, Tax
Collector; and Viviane Valentine, Tax Assessor.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Steven Sette.

IV. Open Forum on Agenda Items Only

None.

V. Resolution:

A. Thomas Wilson Dorr Award

Councilor Walsh stated that on April 28th the Heritage Society will hold their annual gala. At that time the Society will be presenting an award to Henry and Glennis Beltram. Council has a resolution to mark the occasion which was read by Councilor W. Steere.

**RESOLUTION
2010-9**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Henry and Glennis Beltram "Citizens Extraordinaire" for being chosen by the Gloucester Heritage Society to receive the Thomas Wilson Dorr Award on April 28, 2010 at the Dorr Rebellion Gala Dinner and Silent Auction to benefit the Dorr Rebellion Museum; and

WHEREAS, this award will be presented to Henry and Glennis Beltram for their on-going contributions and service to our Town; especially through their work on the Gloucester Heritage Society, which they have been members of since its incorporation in 1967, a 43 year commitment; and

WHEREAS, Glennis and Henry have served the Town by working with the Society in so many ways, from serving on committees that organize important fundraisers and events, such as the Peddlers Faire, Dorr Rebellion Days, Candlelight

Shopping Days, serving as the Hospitality committee, even serving on the Board of Directors. Glennis and Henry are always willing to contribute, from serving on committees; to always bringing the coffee and washing the curtains from the windows of the Heritage Society; and

WHEREAS, as parents, Henry and Glennis raised their four (4) children to be involved in Town organizations and youth activities. Henry and Glennis have served their community through Boy Scouts, Girl Scouts, involvement in Church activities and by always having an active role in supporting and assisting in their children's academics and sports activities, and

NOW THEREFORE BE IT RESOLVED that the Town Council, Town Clerk and citizens of Gloucester are proud to have Henry and Glennis Beltram as a part of our Community and congratulate them on receiving the 2010 Thomas Wilson Dorr Award proclaiming them as "Citizens Extraordinaire".

Kevin P. Walsh, President Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Dated this 15th Day of April, 2010

seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Brown & Hopkins 200th Anniversary

Councilor Walsh stated that in October of 2009 the owner of the Brown & Hopkins Country Store celebrated the 200th birthday of the store. Councilor G. Steere read the following resolution in honor of that anniversary:

RESOLUTION 2010-12

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to acknowledge Brown & Hopkins Country Store on their 200th Anniversary in 2009; a landmark that is considered to be the oldest country store in continuous operation in the United States; and

WHEREAS, in honor of that distinction, the Brown & Hopkins Country Store and its current owner, Liz McIntyre, were awarded the Footprints in History Award by the Blackstone River Valley 2009

WHEREAS, the building was erected in 1799 by Timothy Wilmarth and in 1809 was purchased by Ira Evans who started the business as a general store; in 1921 Brown & Hopkins was purchased by James L. Brown and William W. Hopkins and was operated by them until 1964. There were several changes in ownership in the late 1900's and in July, 2004, Liz McIntyre purchased Brown & Hopkins Country Store and has been honored to carry on the tradition; and

WHEREAS, Brown & Hopkins maintains much of its authenticity from the original flooring sloping towards a room that had been a former cold storage area where rusted meat hooks still poke through a plaster ceiling lined with heavy old beams. It started life as a hattery run by Benjamin Cozzins. At the front of the store is a ledger from 1900 bearing the names and prices of inventory; and

WHEREAS, Brown and Hopkins continues to attract people from all over the country to its doors and has been a proud landmark of all Gloucester residents; and

NOW THEREFORE BE IT RESOLVED that the Town Council, Town Clerk and citizens of Gloucester congratulate Liz McIntyre on the 200th anniversary and state that we are proud to have Brown & Hopkins Country Store in our Town and hope it continues to thrive for many years to come.

Kevin P. Walsh, President Gloucester Town Council
Jean M. Fecteau, Town Clerk

seconded by Councilor W. Steere.

Discussion: Councilor Burlingame commented that his first job as a youngster was at Brown & Hopkins.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Proclamation:

A. Earth Day - April 22, 2010

Councilor Burlingame read the following Proclamation in observance of Earth Day:

**PROCLAMATION
2010-10**

WHEREAS, the Town of Gloucester recognizes that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation. As a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered

Species Act, and superfund legislation putting a lasting framework for the future into place; and

WHEREAS, Rhode Islanders in general, and Gloucester residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected environmental action from their leaders; and

WHEREAS, in observation of Earth Day, April 22nd, the Conservation Commission is planning to have a clean-up of litter on April 24th or 25th at the Williams Mills Conservation Area on East Killingly Road and the Gloucester Land Trust is planning to clean up Elbow Rock Road in preparation for the installation of gates; and

WHEREAS, in 2010 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 the activities of the 40th year of Earth Day in Gloucester 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 the Town Council and Town Clerk encourages Gloucester residents to participate in neighborhood cleanups, our Conservation Commission and Land Trust's efforts and celebrations of Earth Day.

Kevin P. Walsh, President Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Dated this 15th day of April, 2010

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Arbor Day - April 30, 2010

Councilor Carroll read the following Proclamation for Arbor Day:

**PROCLAMATION
2010-11**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, clean the air, produce oxygen and provide habitat for wildlife. Trees are also a renewable resource of wood for our homes, and fuel for our fires. Trees in our Town enhance our property, beautify our community and are a source of joy and spiritual renewal, and

WHEREAS, in observation of Arbor Day, April 30th, the Conservation Commission will hold the annual Tree Give-Away on May 1st and the Gloucester Land Trust will be planting a tree on Steere Hill and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 30th 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 and promote this celebration of nature to future generations.

Kevin P. Walsh, President Gloucester Town Council

Jean M. Fecteau, CMC, Town Clerk

Dated this 15th Day of April, 2010

seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- April 1st, 2010

B. Finance Director's Report- March 2010

C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of April 1, 2010; to ACCEPT the Finance Director's report for March 2010; there are no additions or abatements for April 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A. Award Bid: (contd. from March 18, 2010) Discussion and/or Action
1. IFB 2010-05 Hot Mix Asphalt
 2. IFB 2010-06 Full Depth Pavement Reclamation

Councilor Walsh read the following memo from the Public Works Director:

April 12, 2010

To: Honorable Town Council
From Gary S. Treml
Director of Public Works

On March 8th, 2010 the Board of Contracts & Purchases opened the bids for re-claiming and hot mix asphalt paving for Pine Orchard Road. This bid is being funded by RI Leap.

After the bids were opened, T. Miozzi was low bid for the re-claiming, and Cardi Corp. was low bid for the hot mix asphalt. A review of the re-claiming bid revealed that T. Miozzi had made a gross error in his calculation. T. Miozzi subsequently sent a letter to the Town requesting his bid be removed. The Town then moved to the second bidder for re-claiming Murray Paving & Reclamation from Holliston Ma.

All of this information was forwarded to RI DOT for review. After weeks of review, RI DOT advised the Town to award the re-claiming to Murray at \$1.05 per square yard, and Cardi Corp. for the hot mix asphalt at \$9.98 per square yard for 1 ½" base and 1 ½" top compacted in place.

Respectfully submitted, Gary Treml, DPW
(end of memo)

Discussion: Jean Fecteau, Town Clerk, stated that although Gary Treml's letter mentions a portion of the bid, there were other items which should be included in the motion.

MOTION was made by Councilor G. Steere to AWARD IFB 2010-05 Hot Mix Asphalt to Cardi Corp at the bid price of \$9.98 per square yard for 1-½" base and 1-½" top compacted in place; per lineal ft. for berm \$.99; Per sq. yd. for tack coat for \$.25; Per lineal ft. for asphalt cuts; each reset manhole frames and grates at \$149.99; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to AWARD IFB 2010-06 Full Depth Pavement Reclamation to Murray Paving & Reclamation for the bid price of \$1.05 per square yard; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Councilor G. Steere questioned the wording of the motions, noting that there is no price listed for asphalt cuts or liquid calcium chloride.

Councilor Carroll WITHDREW his motion regarding the awarding of IFB 2010-06; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

(FINAL) MOTION was made by Councilor Carroll to AWARD IFB 2010-06 Full Depth Pavement Reclamation to Murray Paving & Reclamation for the bid price of \$1.05 per square yard and \$.93 per square yard for liquid calcium chloride; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor W. Steere to WITHDRAW the motion regarding the awarding of IFB 2010-05; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

(FINAL) MOTION was made by Councilor G. Steere to AWARD IFB 2010-05 Hot Mix Asphalt to Cardi Corp. at the bid price of \$9.98 per square yard for 1 ½" base and 1 ½" top compacted in place; per lineal ft. for berm \$.99; Per sq. yd. for tack coat for \$.25; Per lineal ft. for asphalt cuts \$1.49; each reset manhole frames and grates at \$149.99; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Personnel Handbook (continued from 4/01/2010)
 - 1. Other Amendments

MOTION was made by Councilor Burlingame to TABLE the amendments to the Personnel Handbook until the Town Council meeting of May 6th; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. New Business - Discussion and/or Action

- A. Oil Pricing Discussion and/or Action

Councilor G. Steere recalled that last year at this time, we locked into an oil price and asked if we should consider doing so this year.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to lock in the fuel oil price with our provider for the next year at what is deemed the lowest price; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Foster/Glocester Regional School District - Discussion and/or Action
 - 1. Debt Service Account

Councilor Walsh suggested that two members of the Town Council meet with the Finance Director to discuss a “plan” that all can agree on. Councilors W. Steere and G. Steere stated that they would be willing. Steven Sette, School Committee member, recommended that the Business Manager be asked for an explanation regarding the calculation of the new bonded debt.

Councilor Burlingame stated that he met with the Business Manager several weeks ago after the Regional Financial Meeting, adding that she has a spreadsheet which shows how this plays out over the next fifteen to twenty years. Councilor Burlingame stated that the Business Manager gave him a copy which he will distribute to the other Council members.

- C. Award Bid - Discussion and/or Action
1. IFB 2010-07 ~ Town Hall fire alarm system

Councilor Walsh read the following recommendation from the Board of Contracts and Purchases:

April 14, 2010
To: Town Council
From: Board of Contract & Purchase
Re: Awarding of IFB 2010-7 ~ Town Hall fire alarm system

- I. IFB 2010-7 was advertised in accordance with current rules and procedures.
- II. Seven (7) companies bid.
- III. The Board recommends the bid be awarded to the lowest bidder. The lowest bidder was investigated and deemed qualified.

Collard Enterprises, Inc.
19 Highland Avenue
Coventry, RI 02816

Bid price: \$23,700.00 for labor and materials for new fire alarm system at Gloucester Town Hall per plans and specifications of IFB 2010-07.

Respectfully submitted,
Ray Goff - Town Planner
Susan Harris - Deputy Town Clerk
Thomas P. Mainville - Director of Finance
(end of memo)

Discussion: None.

MOTION was made by Councilor Carroll to AWARD IFB 2010-07 ~ Town Hall fire alarm system to Collard Enterprises, Inc. at the bid price of \$23,700 for labor and materials for new fire alarm system at Gloucester Town Hall per plans and specifications of said IFB; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

D. House Resolution re: Ninth & Tenth Amendments to the U.S. Constitution
Discussion and/or Action

Councilor Walsh explained that this Resolution pertains to the states' right to govern themselves, specifically with regard to health care. Councilor Walsh stated the Resolution is from the House of Representatives and is asking for support from the cities and towns. Councilor Burlingame expressed his opinion that this is important because it goes to the core of the state's rights versus those of the central government.

MOTION was made by Councilor Burlingame to send a letter of support to the Rhode Island House of Representatives with regard to the 9th and 10th Amendments to the U. S. Constitution; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

E. Resolution and/or Correspondence Authorization to Legislators
Discussion and/or Action

1. Taxation: Ability to bill out partial tax

Councilor Burlingame explained that when the budget was adopted, there was an assumption that the Town would receive approximately half of the \$1.2 million of the motor vehicle excise tax. Councilor Burlingame stated that if the legislature decides not to give us that money, they would allow the towns the option to bill out the excise tax, which is \$6,000 per vehicle. Since we only need \$600,000, Councilor Burlingame stated that we will ask for approval to bill out only that portion.

MOTION was made by Councilor Burlingame to authorize the Council President to send a letter to our legislators requesting legislation that, if passed, would allow a partial bill for motor vehicle excise tax if required; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

F. Waiver/Reduction Building Permit Fees - Discussion and/or Action
Resulting from Flood Damage

Lawrence Desormier, Building/Zoning Official, stated that at this time, he has only one building permit application resulting from flood damage but stated that he anticipates more in the near future. L. Desormier asked for direction from the Council with regard to fees for these permits.

Tim Kane, Assistant Town Solicitor, stated that Johnston, Cranston and Warwick are waiving the fees. L. Desormier concurred, adding that permits are required and work must be performed by registered contractors for safety reasons. Councilor Walsh suggested placing an ad in the newspaper which states that fees will be waived for flood damage only for a 90-day period.

MOTION was made by Councilor G. Steere to waive the fees for building permits issued for flood damage repairs for the next 90 days, said fees to be subsidized by the Town Council Contingency Fund; seconded by Councilor W. Steere.

Discussion: L. Desormier requested that the Motion be amended to include electrical, mechanical and plumbing fees as well.

Councilor G. Steere withdrew his Motion and Councilor W. Steere withdrew his second.

MOTION was made by Councilor G. Steere to waive the fees for building, electrical, mechanical and plumbing permits issued for flood damage repairs for the next 90 days, said fees to be subsidized by the Town Council Contingency Fund; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Ratification - Discussion and/or Action
1. Chief of Police Benefits

Councilor Walsh stated that the Town Council appointed Joseph DelPrete as the Chief of the Gloucester Police Department contingent upon negotiation of a benefit package. At the Council meeting of April 1, 2010 the benefits were read and there was a consensus of agreement with the Council. The Town Council will now ratify the appointment with benefits.

April 1, 2010

To: Gloucester Town Council

From: Tom Mainville

Re: Agreement pertaining to the appointment Joseph S. DelPrete to the position of Chief of Police.

1. Annual Salary for FY 2009-10 will be \$70,000 prorated for the period April 11, 2010 through June 30, 2010. Salary includes holidays. Holiday schedule is the same as the police contract.
2. Salary for the year July 1, 2010 through June 30, 2011 will be \$71,400.
3. Chief DelPrete is not eligible for overtime pay.
4. Annual leave (vacation) will be 20 days per fiscal year (pro-rated in FY 2009-10). Eligible to accrue up to a maximum of 30 days (240 hours).
5. Personal time allowance is 2 days (16 hours) per fiscal year (pro-rated in FY 2009-10).
6. Maximum life insurance paid by the Town will be \$50,000.
7. Longevity = \$0
8. Sick leave = 15 days (120 hours) per fiscal year (of which 7 days [56 hours] maximum for attendance on family) [pro-rated for FY 2009-10]. Eligible to accrue up to a maximum 120 days (960 hours).
Sick leave payout = 25% of accrued time (up to maximum) provided employee is employed five or more years and has accrued a minimum of 30 days (240 hours).
9. Health Insurance: Medical and dental insurance are available. Currently medical insurance is offered through Blue Cross/Blue Shield. Plan choices are Healthmate Coast-to-Coast or Blue Chip [both are police plans]. Dental insurance is with Delta Dental of RI. If medical and/or dental insurance are selected, a co-share will be required based on the stratification in the Gloucester Personnel Handbook. Stratification is currently 19% of premium for salary range \$70K to \$75K.
Buy-back may be selected if medical and/or dental insurance are provided from another source and are not needed. Buy-back is \$1,500 for both medical and dental (pro-rated in FY 2009-10). Buy-back is pro-rated if only one is selected. Must show proof of coverage if elected.
10. Uniform/Cleaning Allowance - same as Police Contract (pro-rated for FY 2009-10). Town will provide initial uniforms.
11. Cell Phone
12. Use of a Police vehicle 24 hours per day 7 days per week.

Tom Mainville

(end)

MOTION was made by Councilor Carroll to RATIFY the appointment and Benefit package as stated at the April 1, 2010 Town Council meeting for Joseph DelPrete as Chief of Police effective April 11, 2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- X. Boards/Commissions
 - A. Resignation - Discussion and/or Action
 - 1. Zoning Board of Review

Councilor Walsh stated that the Clerk has received a resignation from Ronald Jackson, effective immediately. The resignation is on file in the Clerk's Office.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Ronald Jackson from the Zoning Board of Review effective immediately (April 15, 2010); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- 2. Senior Center Board of Directors

Councilor Walsh stated that the Clerk has received the resignation of Steven Sette from the Senior Center Board of Directors effective immediately (April 15, 2010). This resignation is on file in the Clerk's Office.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Steven Sette from the Senior Center Board of Directors effective immediately (April 15, 2010); seconded by Councilor G. Steere.

Discussion: Councilor Walsh stated that he served with Steve Sette on the Town Council for eight years and commented that Mr. Sette has been an asset to the Town.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- 3. Economic Development Commission

Councilor Walsh stated that the Clerk has received the resignation of Steven Sette from the Economic Development Commission effective immediately (April 15, 2010). This resignation is on file in the Clerk's Office.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Steven Sette from the Gloucester Economic Development Commission effective immediately (April 15, 2010); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action

1. Zoning Board of Review

- a. One unexpired Term to expire 11/2012

Councilor Walsh stated that the 1st Alternate would move up to this position. Sharon Lambert has expressed an interest. Councilor Walsh stated that the 2nd Alternate spot should be filled at the next meeting.

MOTION was made by Councilor W. Steere to APPOINT Sharon Lambert to a regular Zoning Board member for a term to expire 11/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Senior Center Board of Directors

- a. One unexpired Term to expire 1/1/2014

Councilor Walsh noted that the Senior Center Board of Directors is working on a recommendation and has asked the Council to table at this time.

MOTION was made by Councilor W. Steere to TABLE the appointment to the Senior Center Board of Directors; seconded by Councilor G. Steere.

Discussion: Councilor Walsh pointed out that it is important that the appointee to this position not be a member of the Senior Center because they may have their own personal agenda. Steven Sette agreed, adding that it is good to get somebody from the community who has an unbiased view of the Senior Center. S. Sette also suggested that a Council member serve on the Board of Directors because issues may come up which could be handled more quickly with a Council member present.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Economic Development Commission

- a. One unexpired Term to expire 05/17/2012

MOTION was made by Councilor Carroll to TABLE THE APPOINTMENT to the Economic Development Commission; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Conservation Commission - Discussion and/or Action
(Con't) from 4/1/2010
 - a. One Alternate, One year term to expire 4/6/2011

Councilor Walsh stated that this position is for the expired one year term of Jacob Bailey.

MOTION was made by Councilor Burlingame to REAPPOINT Jacob Bailey to the position of Alternate on the Conservation Commission for a one year term to expire 4/6/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

1. Tom Mainville, Finance Director, spoke regarding the proposed legislation which would allow towns to postpone the budget process for up to 90 days. T. Mainville stated that if this is done, we would have to rely on our fund balance for that period of time. T. Mainville stated that this would be feasible for one or two months, but cautioned that the third month would be difficult. T. Mainville pointed out that since we do not have a final revenue number from the state, this would preclude us from having to have a second meeting.

Councilor Burlingame stated that, in the past, the meeting would be called, then a vote would be taken to adjourn to a future date. Councilor Walsh expressed his opinion that the meeting should be convened on May 8th as scheduled, adding that if we have not received information from the state, we could either adjourn or put the budget in as is and adjust it later if necessary. Councilor Burlingame stated that if we do not receive the excise tax from the state, we would have a clear reason for a second meeting to levy that amount of tax. Councilor Burlingame noted that in the notice to the taxpayers, it will be clearly stated what our assumptions are with regard to motor vehicle excise tax.

2. Jean Fecteau, Town Clerk, stated that since Steven Sette will be resigning from the School Committee, she will call a meeting of the Board of Canvassers to certify the candidate with the next highest number of votes in the 2008 election.
3. Gary Treml, Public Works Director, reported that the landfill closure is in the final stages with paperwork being done by Fuss & O'Neill.

G. Treml reported that Long Entry Road is open again and will be paved at a later date. G. Treml stated that he will be attending a FEMA meeting tomorrow to determine what funds are available for storm-related repairs. G. Treml stated that the stone culvert at Pine Orchard and Chestnut Hill was compromised during the rain storm, adding that he is planning to install a box culvert prior to the closure of the bridge. Councilor

Burlingame asked if there was a possibility that the bridge would be closed when the 4th of July Parade takes place. G. Treml replied that this is unlikely.

4. Viviane Valentine, Tax Assessor, thanked the Town Council for their assistance in procuring space for the revaluation team, who will be issued keys and security codes.

B. Boards & Commissions

1. Walter Steere, Jr., School Committee member, stated that he recently attended a meeting of the Building Committee. W. Steere, Jr. stated that the Building Committee will be finished in June, adding that the School Committee will be left with several issues regarding contractors. W. Steere, Jr. noted that there have been problems with the air exchanges on the roof since November. Councilor Walsh asked why the Building Committee does not stay intact until the school buildings are accepted by the Town. W. Steere, Jr. replied that after the school is substantially complete, which was in June, the Committee has one year from that point.

Councilor Walsh read the following from the Charter: “The term of the Building Committee shall be until such time as authorized building and/or buildings have been constructed and accepted by the architect engaged by the Building Committee and for one year thereafter.” Tim Kane, Assistant Town Solicitor, stated that if the Committee disbands, they must assign whatever rights and obligations they have as a legal entity to the School Committee.

There was discussion regarding a recent article which stated that Foster/Glocester was one of the non-performing schools with respect to graduation requirements.

2. George Charette, Planning Board chair and Economic Development Commission member, stated that the Economic Development Commission has elected the following officers: Jay Fogue, Chair; Chris Labutti, Vice-Chair; and Mike DeGrange, Recording Secretary. G. Charette commented that Steve Sette was a great asset to the Commission and will be missed. G. Charette stated that at the last Town Council meeting, Greg Gabel was changed to an Alternate member and Russell Gross became a regular voting member. G. Charette stated that G. Gabel did not attend the last meeting, adding that of the twelve meetings held, G. Gabel has attended one and a half. G. Charette requested that the Town Council consider removing Mr. Gabel from the Commission.
3. Russell Gross, Glocester Economic Development member, stated that they applied for a grant to repair the “Entering Glocester” signs, but only \$500 was awarded, so it was applied to trees. R. Gross stated that he knows that the budget has already been submitted, but asked if the Council could find \$1,500 for the signs. There was Council consensus that this would not be possible because the Glocester Business Association is the owner of the signs.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received from Rhode Island Housing concerning affordable housing.
- B. Councilor Walsh stated that correspondence was received from the Blackstone Valley Tourism Council with regard to the 2010 Rhode Island Arbor Day Celebration.
- C. Councilor Walsh stated that correspondence was received from the Clean Water Finance Agency.
- D. Councilor Walsh stated that the Department of Labor has directed the Town to submit a Multiple Worksite report. Tom Mainville, Finance Director, stated that his office will submit the report
- E. Councilor Walsh stated that an invitation to the National Police Parade in Newport on Sunday, May 2nd was received.
- F. Councilor Walsh stated that four (4) complaints were received regarding the condition of Lake Drive.
- G. Councilor Walsh commented that the Lake Washington Association will be holding an information meeting on April 22nd to discuss the possibility of establishing a Dam Management District.
- H. Councilor Walsh stated that two (2) Resolutions have been received from Smithfield, one with regard to binding arbitration and the other concerning contract continuation for teachers.
- I. Councilor Walsh stated that a Resolution was received from East Providence regarding personal liability for public officials.
- J. Councilor Walsh stated that a letter was received from Robert Bernier thanking the Police and Fire Departments for their assistance during the recent flooding.
- K. Councilor Walsh stated that a request was received from DEM regarding a priority list of water pollution abatement projects. Ray Goff, Town Planner, stated that he will respond to the request.
- L. Councilor Walsh stated that a request for additional funding was received from WellOne Primary Medical and Dental Care.
- M. Councilor Walsh stated that a notice was received concerning Wreaths Across America stating that the annual parade is scheduled to travel through Glocester on Sunday, December 7, 2010 at approximately 11:00 a.m.
- N. Councilor Walsh stated that correspondence was received from Peter Skeffington of the Wastewater Management District Board recommending to the Council the disbanding of the

Board. Councilor Burlingame agreed that something should be done, stating that the WWMB should serve as an advisory group to people who need help in solving their wastewater problems. Councilor Burlingame added that the Board should not have any enforcement responsibilities nor should they establish regulations which supercede DEM requirements. Councilor Walsh noted that it is up to the Council to direct the Board regarding what is expected from them.

- O. There was Council discussion regarding a letter to the editor in the Observer submitted by a member of the School Committee. Councilor Walsh noted that the Town has lost \$1.75 million in three (3) years, and have not taken a nickel from the schools.
- P. Councilor Burlingame commented that he received several calls of concern regarding a fund-raiser which is planned for June at Fogarty Elementary School. Councilor Burlingame stated that the Harmony Fire Chief has indicated that he wants to have paid firefighters on duty at events which will be held inside the school building. Councilor Burlingame stated that the Fire Chief has told the PTO that if they hold this event as planned, he will shut them down.

Steven Sette, School Committee member, stated that there is a policy in effect that requires fire detail at school functions over a certain number of people. S. Sette suggested that the Council obtain a copy of the policy from Pat Dubois, Gloucester School Superintendent. Councilor Walsh pointed out that the Council must be cautious because it has no authority over the Fire Departments. Councilor Burlingame replied that the Council has a responsibility to look into the matter.

- Q. Councilor W. Steere stated that he has been contacted by several residents of Reynolds Plat Road with regard to storm-related flooding. Councilor W. Steere explained that when the retention pond at Tourtellot Hill Road and Route 44 fills up, the overflow goes over Route 102 into the neighborhood.
- R. Councilor Carroll recommended that the Council discuss the possibility of establishing a Municipal Court. This will be placed on a future agenda.

XIII. Open Forum

- A. George Charette stated that five years ago, he stood at the podium and stated that in five years, the town of Gloucester would be facing its biggest bills with regard to construction of the new schools. G. Charette stated that the Building Committee now wants to disband, but they should be held financially responsible because they are putting the taxpayers in jeopardy.

G. Charette asked where was the Clerk of the Works who should have been reporting to the Town Council regarding matters that were done wrong. Councilor Walsh stated that the Town Council took the Building Committee to court and was told it was none of their business. Councilor Burlingame added that the case is now before the Supreme Court and the Town has done everything possible on behalf of the taxpayers.

- B. George Monk of 79 Lake Drive spoke regarding the condition of Lake Drive. Councilor Walsh asked Mr. Monk if the residents have an association. Mr. Monk replied that he has never been approached by anybody regarding an association. Councilor Walsh stated that Lake Drive is a private road. Mr. Monk stated that he has lived there for 25 years and this is the first time he has heard that Lake Drive is a private road. Councilor Walsh explained that in the past, residents of private roads have worked with the Town in such a way that the Town provides the labor and the residents pay for the materials. Mr. Monk noted that school buses travel the road and bounce around, potentially causing injuries to the students and damage to the vehicles.

Mr. Monk stated that the Town has patched potholes on Lake Drive in the past. Councilor Walsh stated that in the current budget, we are obtaining a paving machine which will take care of problem areas such as Lake Drive. Mr. Monk commented that he pays over \$6,000 in taxes annually and should have a road he can drive on. Councilor Walsh stated that the road will be looked at and fixed as best we can, but added that an association is the best solution. Councilor Walsh gave an example of Phillips Lane, which is a private road and was repaired by the Town and the residents working together. Councilor Walsh noted that this is not on the agenda; therefore no further action can be taken.

- C. George Charette stated that when the Road Committee was together, they devised a document for real estate brokers to advise prospective buyers that property is on a private road.

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:16 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 6, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 6, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
Edward C. Burlingame; and Patrick J. Carroll.

Member absent: George O. Steere, Jr.

Also present: Jean Fecteau, Town Clerk; William Bernstein, Town Solicitor; Thomas
Mainville, Ray Goff, Town Planner; Gary Treml, Public Works
Director; Joseph DelPrete, Chief of Police; and Susan Harris, Deputy
Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jessie Gross.

A moment of silence was observed in memory of Kathryn Steere, mother of Councilor G. Steere.

IV. Open Forum on Agenda Items Only

1. Bob Lyons stated that the roads within the Waterman Lake Shores plat are in pretty bad shape, especially the main road. B. Lyons stated that the Association is having a meeting next Wednesday if any of the Council members would like to attend and address the issue of roads. B. Lyons noted that this neighborhood generates approximately a half-million dollars in tax revenue and hopefully they can get some relief regarding the roads.

V. Public Hearing

A. Gloucester Code of Ordinance - Discussion and/or Action

1. Proposed Amendment
Personnel Board - Chapter 101.5

Councilor Walsh stated that this hearing was advertised and a first reading was held on April 1, 2010 for this proposed amendment to the Code of Ordinance.

Councilor Walsh declared the Public Hearing Open and asked if anyone wished to speak regarding the proposed amendment.

Russell Gross expressed his opinion that the Council would be making a big mistake by taking away any buffer between the employees and the Town Council. Councilor Burlingame replied that it is not a buffer, but the Ordinance states that the Personnel Board has the final authority on termination and the Handbook states that it is the Council with that authority.

Councilor Burlingame stated that he feels that the Council should have the final decision with regard to terminations. R. Gross expressed his agreement, but noted that the Personnel Board or someone else should be in between for the non-union employees to discourage the employees from joining a union. Councilor Burlingame explained that this amendment would provide two procedures; a 3-step procedure on discharge and discipline which specifically deals with the Code of Ordinance, and secondly, a procedure which pertains to the adjustment of problems to eliminate the need to go to the procedure which involves discharge and discipline. Councilor Burlingame added that the intent is to provide employees with an opportunity to resolve problems in a fair and methodical way.

Councilor Burlingame stated that it does not make sense to have the Personnel Board as the authority for termination when it is the Council that does the hiring. R. Gross stated that he feels that, between the Personnel Director and the Town Council, an employee should meet with the Personnel Board to air grievances. Councilor Burlingame stated that he has discussed this with the Personnel Director and the Town Solicitor and they felt that the amendment is the better way to go.

Councilor Burlingame reiterated that the Handbook conflicts with the Code of Ordinance. Councilor Burlingame commented that the Personnel Director is a trained specialist while the members of the Personnel Board may not have the skills necessary to deal with personnel problems. Councilor Walsh stated that the Personnel Board could provide findings of fact for the Council to take into consideration. Councilor Burlingame replied that the Personnel Director is sufficient and we do not need another level of intervention.

Councilor Carroll stated that the section of the Ordinance which is to be deleted is redundant in that if an employee chooses to appeal a decision, another hearing would be held. Councilor Carroll stated that the Town Council will act on a matter however it chooses and having an extra procedure is a waste of the employee's time.

Councilor Walsh asked if anyone else wished to be heard regarding the proposed amendment to the Gloucester Code of Ordinance.

Hearing none, Councilor Walsh declared the Public Hearing Closed.

MOTION was made by Councilor Burlingame to AMEND the Gloucester Code of Ordinances, Chapter 101. Personnel to delete Section 101-5. Dismissals; demotions; suspensions; seconded by Councilor Carroll.

Discussion:

Councilor Walsh stated that he agrees with Russell Gross that having another step would not hurt and would allow the Council to have an opinion from somebody else before making a decision which would not be politically motivated.

Councilor Burlingame replied that the Council's decision to dismiss an employee would not be politically motivated and he objects to introducing another level of involvement. Councilor Burlingame explained that when the Personnel Board was created in 1990, the Town did not

have a Personnel Director nor a Town Manager, adding that a mechanism was necessary to deal with personnel matters. Councilor Burlingame noted that when the Town created the position of Director of Human Resources, the Code of Ordinance should have been adjusted accordingly.

VOTE: AYES: W. Steere, Burlingame and Carroll
NAYS: Walsh

MOTION PASSED

VI. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- April 15th, 2010

B. Minutes of March 18, 2010: Section XIII. B. Boards & Commissions, 3.
As amended to include further information

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of April 15, 2010 and the minutes of March 18, 2010, as amended, to include discussion under Boards & Commissions, Economic Development, signs; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VII. Presentation: Gloucester Libraries

Councilor W. Steere stated that as a result of the recent budget hearings, representatives from the libraries wish to make a presentation.

Joan Hackett from the Harmony Library distributed information packets to the Council members. J. Hackett stated that the statistics listed do not take into consideration the intangibles provided by the libraries, such as programming, references assistance, computer use, building use by civic groups, etc. J. Hackett stated that between the two libraries in Town, last year's circulation was over 97,000 items. J. Hackett spoke regarding State aid to libraries, stating that there are many standards which must be complied with.

J. Hackett explained that if these standards are not adhered to, the 4,438 residents of Gloucester who are library cardholders would not be able to borrow materials from any other library. J. Hackett stated that State aid is based upon the two (2) previous years with regard to what the Town had allocated for the libraries. In closing, J. Hackett pointed out that the libraries are an important service to the people of Gloucester. J. Hackett asked if there were any questions.

Councilor Burlingame asked how many of the cardholders use the service outside of the Town and would be impacted by inability to borrow from other libraries. J. Hackett replied that the impact would be that all of the Gloucester resident cardholders would be limited to only what is offered at the Harmony and Gloucester Manton libraries.

The Council members thanked J. Hackett for her presentation.

VIII. Unfinished Business

- B. Personnel Handbook (continued from 4/01/2010) Discussion and/or Action
 - 1. Other Amendments

Councilor Walsh stated that Councilor Burlingame has forwarded two proposed amendments: The addition of a procedure for the Adjustment of Problems and the addition of a procedure for Discharge and discipline.

Council read the following correspondence from Atty. Kane regarding the proposed amendments:

TO: GLOCESTER TOWN COUNCIL MEMBERS
FROM: TIMOTHY F. KANE, ASSISTANT TOWN SOLICITOR
DATE: MAY 5, 2010

With respect to the proposed amendments to the Town Ordinance and the Personnel Handbook, I have the following comments.

The Personnel Handbook states that the Town Council is the terminating authority. Chapter 101-5 of the Gloucester Code states that the Personnel Director is the terminating authority, hence there is an obvious conflict between the Handbook and the Code. I have worked with Ted on this and the solution I am recommending is as follows:

1. Amend Chapter 101 of the Code by deleting Section 101-5 in its entirety.
2. Adopt the proposed changes to the Personnel Handbook which sets forth a three-step process for progressive discipline.

(End of memo)

Discussion: Councilor Burlingame stated that the three steps which would be taken are very clear and would also stand up in court in the event of a labor challenge. Councilor Burlingame also explained the procedure for Adjustment of Problems, stating that if an employee has a problem with his or her supervisor which is irreconcilable, the employee has the option to take it to the Director of Human Resources and the Town Council. Councilor Burlingame further stated that the employee would not be penalized for any time taken during this process.

Proposed amendments:

Subj: Proposed Revisions to Employee Handbook;
Addition of a procedure for Adjustment of Problems

Purpose

The Town Council feels very strongly that the formal organization and levels of supervision should represent a convenient employee ladder to assist in the resolution of misunderstandings. For this purpose we provide the following procedure in order to bring about prompt action in the event problems arise.

Procedure

Step #1- Talking things over immediately usually eliminates misunderstanding. Therefore the employee should promptly discuss any misunderstanding with their immediate supervisor, explaining the nature of the problem and suggested solution, if there is one. During or following this discussion, either party should feel free to call in the next higher level of supervision. The supervisor may give the employee their reply immediately, or postpone the answer to study the situation and/or obtain more information. In any case, an answer must (unless there are extenuating circumstances) be given to the employee within two working days immediately following step #1 discussion and no later than the fifth following working day if a higher level of supervision is brought in.

Alternate Step #1- In the event that the problem is the result of friction and a resulting inability to communicate between the employee and supervisor and further discussion of the matter is thought to be neither productive nor desirable, the employee may go to step #2 directly.

Step #2- If no satisfactory solution is reached in the first step, then the employee or Supervisor may seek advice and assistance from the Director of Human Resources. This shall consist of gathering the facts in writing and consulting with the employee, the supervisor or the next level of supervision.

Step #3- If Step #2 does not provide a satisfactory answer, the employee may appeal to the Town Council. In filing such an appeal the Town Council will consult with the Director of Human Resources who will prepare all of the necessary materials to date in writing and forward them to the Town Council. A date shall be established for a meeting and notice to attend shall be sent to all parties involved.

The Town Council will review the facts and render a decision to all parties involved with in thirty (30) days (unless there are extenuating circumstances) of the meeting with the parties. The Council's decision, when rendered shall be made known to all parties in writing and shall be final.

When a decision is reached and made known to all parties, the Director of Human Resources shall assist to see that the necessary action is taken with respect to all the details.

Any employee who loses time from their regular day's work as a result of the processing and discussion of a problem shall suffer no loss of earnings. All employees shall be given full consideration and there will be no discrimination against any employee for their part in the presentation of an issue.

(End)

Subj: Proposed Revisions to Employee Handbook;
Addition of a procedure for Discharge and discipline

Action: Replace the Discharge and Discipline section under the major heading Conduct of the 2/18/2010 draft of the Employee hand book.

Discharge and Discipline

Definitions

Probation:

It is an established period of time during which an employee is evaluated for performance which may include violations of policy or procedure.

Verbal warning:

Given by the Supervisor to an employee in a discussion format to clarify any problem.

Written Warning:

It is normally the second warning and will be filed in the individual's personnel folder.

Suspension:

Normally for three (3) consecutive work days without pay and is the third and final warning.

Termination:

It is the end of employment.

Procedure:

If an employee is not meeting the Town standards of conduct or performance, the employee's supervisor may take one (or any) of the following actions depending on the severity of the issue.

Verbal warning:

Meet with the employee to discuss the situation. Inform the employee of the nature of the problem, action necessary to correct it and set a time to review performance against expectation. Prepare a memo for the supervisor's own records indicating the meeting has taken place.

When there is a second occurrence – probation resulting.

Written warning:

Issue a written warning to the employee explaining that a third incident will result in more severe disciplinary action that could result in suspension and or termination. Advise the employee that they are now on probation. The supervisor will prepare a written record of the first and second incidents summarizing the action taken and this record shall be placed in the employee's personnel folder. Also state how long the employee is on probation (could be up to 90 days). Employee should be requested to sign the warning. If they refuse to sign, they should be told that all aspects of the written warning are in force and that the refusal will be so noted by the supervisor.

If there is a third occurrence.

Suspension:

The suspension is for up to three (3) consecutive work days. The decision must be approved by the Director of Human Resources. Issue a second written warning to the employee explaining that this is the final step in the progressive discipline procedure and that any reoccurrence will result in termination. The written notice shall be placed in the employee's personnel folder.

If there is a fourth occurrence.

Termination:

The decision to discharge is invoked after the three (3) previous steps are completed or when a major infraction makes continued employment not in the best interests of the Town. Cases involving serious misconduct including but not limited to theft of Town property, fighting, harassment, insubordination, violation of the law, etc, could result in termination without progressive discipline. In all cases the Town Council is the terminating authority.

Director of Human Resources:

The Director of Human Resources will take an active role in the progressive discipline procedure once a written warning has been submitted. If a supervisor recommends suspension, the Director of Human Resources will schedule an interview with the employee to further establish the facts. The employee, prior to the interview, will be informed of the reason for the interview. The suspension requires final approval of the Director of Human Resources.

Employee Appeal:

Unless otherwise provided in a collective bargaining agreement when said employee believes a suspension action has been taken without good cause, the employee may appeal the action taken to the Town Council within 10 days of the decision. Within 30 days from the filing of such appeal, the Council shall give the person making the appeal an opportunity for a hearing before the Town Council. It shall be public at the option of the employee making the appeal. After such hearing, the decision of the Town Council shall be final and binding.

(End)

MOTION was made by Councilor Burlingame to ADOPT the proposed changes to the "We are Gloucester" Personnel Handbook as follows: the addition of a procedure for the Adjustment of Problems and the replacement of the procedure for Discharge and discipline, effective immediately; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- IX. New Business - Discussion and/or Action
 - A. Budget FY 2010/2011 - Discussion and/or Action
 - 1. Gloucester School Budget
 - 2. Gloucester Budget

Discussion: Councilor W. Steere spoke regarding the School Budget, stating that this Town Council is not against education or the schools, but they are looking to survive the current economic times. Councilor W. Steere noted that the Gloucester School Budget has been level-funded, however in the last several budgets, the School Department has no longer had to pay capital expenditures since the Town has taken that over. Therefore, Councilor W. Steere stated that the Schools have realized more income. Councilor W. Steere further stated that enrollment numbers are down as well.

Councilor W. Steere stated that some accusations have been made which are not true. Councilor W. Steere stated that the Municipal Budget has been cut significantly the last two years. Councilor W. Steere expressed concern that, at the Financial Town Meeting on Saturday, somebody who is misinformed may ask to add money to the budget. Councilor W. Steere explained that if it is voted to add to the budget, it will not necessarily be applied to a specific line item, but will be added to the bottom line.

Councilor Walsh concurred, stating that the Council would then decide where to put the money. Councilor Walsh added that the schools have been level-funded while the municipal side has been less than level-funded over the last two years. Councilor Walsh further stated that in the last two years, the Town has lost 1.25 million dollars from the State.

Councilor Walsh pointed out that 60% of that amount should come from the schools, but the Town has absorbed the deficit with the help of every individual in the Town of Gloucester. Councilor Burlingame expressed his view that if somebody wishes to increase the budget at the Financial Town Meeting, it will be put towards surplus.

Councilor W. Steere stated that a comment was made that since the Town received its third quarter excise tax from the State, we have extra money. Councilor W. Steere stated that this is untrue because we had already budgeted that money before the State announced that we would not receive it.

Walter Steere, Jr., School Committee member, pointed out that if more money is added to the budget, the taxpayers will have to pay the levy, regardless of how the money is used. W. Steere, Jr. stated that he has been told that the School Department has a substantial surplus this year. W. Steere, Jr. commented that a level-funded budget will not affect education.

Councilor Burlingame asked if the School Department has had any layoffs. W. Steere, Jr. replied that some people will receive notices, adding that with redistricting, they won't need as many people. Councilor Burlingame asked why the School Department has a surplus. W. Steere, Jr. replied that it was discussed in Executive Session, therefore, he cannot speak about the matter. Councilor Burlingame stated that either there was more revenue or less spending. W. Steere, Jr.

replied that it was the latter. W. Steere, Jr. stated that if the Council wants more information, they should ask the Business Manager.

B. Gloucester School Committee - Discussion and/or Action

1. Resignation

Term 1/2009 to 12/31/2012

Councilor Walsh stated that per the Home Rule Charter School Committeeman Sette has submitted his resignation from the School Committee to the office of the Town Clerk.

Councilor W. Steere read the following into the record:

April 11, 2010

TO: Kevin Walsh-Council President

Dear Kevin,

This letter is to inform you that regrettably I must tender my resignation from both the Senior Center Board of Directors and the Economic Development Commission, effective immediately. I have recently been appointed the Town Administrator for the Town of Richmond, RI and there will be too many conflicts with meeting nights between my responsibilities in my new position and the dates and times these boards meet. I will also be tendering my resignation from the Gloucester School Committee as I have informed both Superintendents Du Bois and Barnes of my decision. I am doing this now to allow you to schedule the appointment for my replacement at your May meeting.

In closing I would like to thank those of you on the Council and within other departments of Town Government that I have had the honor and pleasure of working with over the past 10+ years. I know that if not for what I have learned from each and every one of you I would not be moving on to the position that I am headed to. I hope to still be able to be an asset to all of you in my new capacity and will forward appropriate information that may help all of you when I can. The Town of Gloucester is a great place to live and I am proud to have hopefully contributed to the town we all enjoy

Respectfully,
Steve Sette

Discussion: None.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Steven Sette from the Gloucester School Committee effective April 11, 2010; seconded by W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Appointment
To fill an elected term vacated by resignation
Term 1/2009 to 12/31/2012

Councilor Walsh stated that the Town Clerk called a meeting of the Board of Canvassers earlier this week to certify the remaining candidates that ran for the office of School Committee in November 2008. The list is as follows:

May 3, 2010

We, the Gloucester Board of Canvassers, hereby certify, per the 2008 General Election results, the roster of candidates for Gloucester School Committee as follows:

Candidate	# of votes received
Steven A. Sette	2445
Anne E. Ejnes	2149
Mary E. Keeling	1780
Ronald J. Bachman	1245
Russell K. Gross	1063
Michael L. DeGrange	886
Mark A. Baker	872
Kimberly J. Michalik	856
Vincent W. Gieck	402

Further, all candidates are qualified electors in the Town of Gloucester.

Barbara A. Kelly, Chair,
Deborah Charron, Board of Canvassers
Jean Fecteau, Clerk Board of Canvassers

(end)

Discussion: Councilor Walsh stated that Ron Bachman has expressed that he would like to take the position as the next person on the list. Councilor Walsh recommended that the effective date of R. Bachman's appointment be after the Town Financial Meeting since he cannot remain on the Budget Board once he is appointed to the School Committee.

MOTION was made by Councilor W. Steere to APPOINT Ronald Bachman to the position of School Committeeman to fill the unexpired elected term of Steven A. Sette, effective May 10, 2010. Said term shall expire 12/31/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

May 6, 2010

10 of 19

C. Gloucester Animal Control Officer - Discussion and/or Action

1. Request to carry over vacation time

Councilor Burlingame stated that the Council has received a request from Michael Merchant regarding his employee benefits. In April of 2009 Council authorized Mike to retain all accrued and vacation time, carrying it over to the 2009-2010 fiscal year to assist him with his wife's medical conditions. Mike states that he still has not been able to use that time due to several reasons. Mike also states in his memo that he is currently working with Chief DelPrete and the Personnel Director to seek out additional help to allow him to use his time. Mike is again looking to carry over his accrued and vacation time.

Councilor Burlingame stated that this has been done before, so this would not set a precedent. Joseph DelPrete, Chief of Police, recommended that Michael Merchant be allowed to carry over his vacation time into the next fiscal year. Chief DelPrete noted that there will be an ad in the paper for a per-diem employee to fill in at the Animal Control Office when M. Merchant takes leave.

MOTION was made by Councilor Burlingame to AUTHORIZE Gloucester employee, Michael Merchant, to retain all accrued personal days and vacation leave into fiscal year 2010-2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Grant Application - Discussion and/or Action

1. Rhode Island Office of Energy Resources

Energy Efficiency and Conservation Block Grant Strategic Planning Application

Councilor Walsh stated that the Council has received a request from the Planner to authorize the signing of a grant application for a geothermal heat system for the Town Hall.

Discussion: Ray Goff, Town Planner, explained that this is a grant opportunity which we could take advantage of to obtain partial funding. Councilor Burlingame asked how much the Town would have to pay. R. Goff replied that the system would cost approximately \$300,000, adding that we already have \$100,000. R. Goff stated that the grant may be up to \$50,000 and he is looking for other opportunities for funding.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Planner to forward the State of Rhode Island Office of Energy Resources, Energy Efficiency and Conservation Block Grant Strategic Planning Application dated 3/24/2010, to include the Council President signature; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Roads - Discussion

In anticipation of receiving new paving equipment, Gary Treml, Public Works Director, asked for guidance from the Council regarding private roads. G. Treml stated that there are 148 private roads for a total of 30.4 miles. G. Treml stated that the Public Works Department maintains 17.5 miles of these roads. G. Treml asked if waivers will be signed or if residents will contribute to the cost of road repair.

Councilor Burlingame spoke about Phillips Lane, asking if there is a record of what was done regarding the residents' participation. G. Treml replied that from what he understands, the residents paid for the asphalt and the Town assisted in putting the asphalt down. G. Treml noted that the association on Indian Trail has hired a private contractor to do some grading on the dirt roads.

There was discussion concerning the Keach Pond area. Jean Fecteau, Town Clerk, stated that she has received numerous calls from residents. It was noted that there are several areas in Town where the roads are in poor condition. Councilor Walsh recommended that the situation be handled in the same manner that Phillips Lane was. Councilor W. Steere agreed that the Phillips Lane example is a good model to go by, however we must be concerned with road beds and property lines.

Councilor W. Steere stated that this is one of the reasons that the private road issue has not been resolved. G. Treml noted that some of the roads are beyond repair; there is nothing left to patch. G. Treml commented that it is a futile effort and a waste of money.

Bob Lyons stated that he has researched Town records regarding this subject over the past three years and has discovered that when the various DPW departments were combined in 1900, the department was charged with "maintaining all of the roads within Glocester's borders." B. Lyons stated this issue needs to be addressed and clarified. B. Lyons further stated that according to State Law, if a Town maintains a road for a period in excess of twenty years, the road becomes a Town road. B. Lyons noted that this year's budget includes money for road materials, but people on private roads will not see that benefit. B. Lyons expressed his opinion that, as taxpayers, we are all in this together and residents of private roads have the same rights as those on Town roads. B. Lyons further stated that the previous Council had discussed allocating money from Factory Mutual to be used for infrastructure.

Councilor Walsh replied that the Town has liabilities and cannot go on somebody's private property, including roads, and do work without permission. Councilor Walsh noted that he does not live on a Town road, but his taxes are used to pave Town roads. Councilor Walsh added that he also does not have children in the school system, but 70% of his tax dollars go to the schools. There was discussion regarding the definition of "private road". B. Lyons stated that a private road is still a road "within Gloucester's borders" and should be maintained.

William Bernstein, Town Solicitor, stated that there is the issue of liability on the part of the Town in assuming duties that they have not taken on in the past. W. Bernstein stated that we must come up with a comprehensive policy with regard to which roads will be treated and how they will be treated legally. Councilor Carroll stated that in his opinion, it is more of a money issue than a liability issue. Councilor Carroll expressed hope that there will be money in the budget each year for road repair because it is a problem that is not going away. Councilor Walsh disagreed, stating that we have the money, but we absolutely cannot just go and pave private roads.

Councilor Burlingame stated that the residents on these private roads must share in the cost, adding that each resident must sign off. Councilor Burlingame explained that years ago, there was a similar issue on Indian Trail, and all property owners were willing to sign off except for one. As a result, the Town did not do the work, on the advice of legal counsel. Bob Lyons stated that there was one resident on Phillips Lane who refused to pay and the other residents absorbed the cost.

William Bernstein made the statement that it is not a question of money; we could have all the money in the world, but if there is a liability to the Town, it is his advice not to go forward until we can have 100% participation and/or 100% sign-off. Councilor Burlingame suggested that we look into what is done in Burrillville and Smithfield. Councilor W. Steere asked what is the approximate cost for a mile of paving. G. Treml replied that the cost for reclaiming, grading and three inches of asphalt would cost about \$250,000. Councilor Burlingame stated that he will work with the Solicitor's Office to put something together.

X. Boards/Commissions

A. Resignation - Discussion and/or Action

1. Gloucester Land Trust

One 5 year unexpired term to expire 2/2012

Councilor Walsh stated that the Council has received the resignation of Daniel Pearson from the Gloucester Land Trust. Councilor Walsh stated Mr. Pearson, who currently serves on the Conservation Commission, would like to be the designee of the Conservation Commission to the Land Trust.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Daniel Pearson from the Gloucester Land Trust for the five year term to expire 2/2012; seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- B. Appointment - Discussion and/or Action
 - 1. Zoning Board of Review: 2nd Alternate Position
(Tabled from 4/15/2010)
 - a. One unexpired Term to expire 1/2011

Councilor Walsh stated that the Zoning Board now has a vacancy for the Alternate #2 one year term. Council has received a talent bank application from Daniel Morin. The Clerk was told this is the recommendation of Gregory Meinertz, Chair of the Zoning Board.

MOTION was made by Councilor Burlingame to APPOINT Daniel Morin to the Zoning Board of Review: 2nd alternate position for a term to expire 1/2011; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- 2. Senior Center Board of Directors
(Tabled from 4/15/2010)
 - a. One unexpired Term to expire 1/1/2014

Councilor Walsh stated that the Council received and accepted Steve Sette's resignation on 4/15/2010.

It was noted that the Clerk has received a talent bank application which will be forwarded to the Board of Directors, who will meet before the next Council meeting. The Board will then submit a recommendation to the Council.

MOTION was made by Councilor W. Steere to TABLE the appointment to the Senior Center Board of Directors to May 20, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

3. Economic Development Commission
(Tabled from 4/15/2010)
 - a. One unexpired Term to expire 05/17/2012

Councilor Walsh stated that this is another position previously held by Steven Sette.

Discussion: Mike DeGrange, Economic Development Commission member, asked if Ray Theriault had submitted an application. Jean Fecteau, Town Clerk, replied in the affirmative. M. DeGrange stated that Mr. Theriault attended the last meeting of the EDC and there was agreement that he is well qualified to serve on the Commission.

MOTION was made by Councilor Carroll to APPOINT Raymond Theriault to the Economic Development Commission to fill the unexpired term of Steve Sette; said term to expire 5/17/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, , Burlingame and Carroll
NAYS: 0
MOTION PASSED

4. Gloucester Land Trust
 - a. One 5 year unexpired term to expire 2/2012

Councilor Walsh stated that this is the position formerly held by Daniel Pearson.

Discussion: Bruce Payton, Gloucester Land Trust, recommended the appointment of Mark Karmozyn, who performed contract work for the Land Trust and is experienced in carpentry and landscaping. B. Payton noted that Mr. Karmozyn has submitted an application to the Town Clerk's Office.

MOTION was made by Councilor W. Steere to APPOINT Mark Karmozyn to the Land Trust for a 5 year term to expire 2/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- b. At Large Members:
 - 1. Planning Board

Councilor Walsh stated that the current designee to the Land Trust from the Planning Board is Russell Gross. That term has expired.

MOTION was made by Councilor W. Steere to REAPPOINT Russell Gross to the position of At Large Member to the Land Trust as Planning Board designee; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- 2. Conservation Commission

Councilor Walsh noted that this is the position that Daniel Pearson has requested.

MOTION was made by Councilor W. Steere to APPOINT Daniel Pearson to the position of At Large Member to the Land Trust as the Conservation Commission designee; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

- 1. Jean Fecteau, Town Clerk, stated that the Senior Center is acknowledging Armed Forces Day on May 15th with a "Support the Troops" ham and bean supper.

Jean Fecteau stated that a First Reading was held regarding an amendment to the Sign Ordinance after which the request was referred to the Planning Board. Since that time, J. Fecteau stated that another amendment has been proposed by the Historic District Commission. There was Council consensus to refer this proposed amendment to the Planning Board for an opinion before the Council takes any action.

- 2. Gary Treml, Director of Public Works, stated that he attended a meeting with FEMA with regard to flood damage. G. Treml reported that FEMA will pay 75% of the cost of repairs. G. Treml stated that he has begun the tree-clearing at the culvert at Pine Orchard and Chestnut Hill Roads. G. Treml stated that paving of Pine Orchard Road will begin on Monday and should be completed within three weeks.

B. Boards & Commissions

1. Bruce Payton, Land Trust chair, reported that the Land Trust is renovating the schoolhouse on the Kwandrans property.

B. Payton stated that the Land Trust cleaned up Elbow Rock Road on Earth Day, as they have done every year. B. Payton stated that the Land Trust would like to close it because people dump all types of things there and it is becoming a nuisance. The Land Trust now owns both sides of the road extensively. B. Payton stated that the Land Trust is proposing closing the section from Joe Sweet Road to Sprague Hill Road with rocks and a gate to allow emergency access if necessary.

B. Payton stated that the Land Trust has received reimbursement for a piece of property in the amount of \$77,500.

B. Payton, speaking as Tree Warden, stated that he would like to establish a Tree Fund in Town to allow trees to be planted on Town properties.

2. Roy Najecki, chair of the Conservation Commission, stated that the annual tree giveaway was held last week at the Town Hall. R. Najecki reported that seedlings were given to 200 people. R. Najecki noted that a grant was received from the Department of Environmental Management which covered the cost.

XII. Council Correspondence/Discussion

1. Councilor Walsh stated that a notice was received from the Parade Committee indicating that the Parade will be held on July 5th this year. Councilor W. Steere noted that the Road Race will also take place on the 5th.
2. Councilor Walsh stated that correspondence was received from Patriot Disposal regarding a \$550 grant for Earth Day projects.
3. Councilor Walsh stated that Resolutions were received from North Smithfield and Middletown regarding contract continuations. Councilor Walsh stated that we also received a Resolution from Cranston concerning LNG tankers.
4. Councilor Burlingame spoke regarding the traffic light on in the village, stating that when the light is set on blinking, the traffic seems to flow more smoothly. Councilor Burlingame stated that he has spoken to Rep. Scott Pollard who will in turn contact somebody at the Department of Transportation. Councilor Burlingame expressed concern that when the Chestnut Hill Bridge is closed for construction, there will be traffic backups.

Joseph DelPrete, Chief of Police, agreed that the light causes a problem, but stated that he does not know if he has the authority to keep the traffic light on blinking at all times. Councilor Walsh stated that the light by itself is doing what it was intended to do, but the timing may be off. Chief DelPrete stated that the intersection should be

reconfigured by the Department of Transportation when the road work in the village is done.

5. Councilor Burlingame stated that a letter was received from the Department of Transportation regarding the Chepachet Bridge sidewalk project, which is now due to begin in the fall.

XIII. Open Forum

1. Rose LaVoie, Wilmarth Road, thanked the Council members for attending the Heritage Society Gala, adding that \$5,700 was raised.

R. LaVoie spoke about the proposal to block Elbow Rock Road and asked which part would be affected. R. LaVoie commented that her family owns property on Elbow Rock Road and she is concerned about not having access. There was discussion regarding the Road Abandonment process and Councilor Walsh stated that the Council will keep R. LaVoie informed.

2. Keith LaVoie, of Chestnut Hill Road, stated that it has been six weeks since the flooding incident and he still has water flowing into his basement at an alarming rate. K. LaVoie stated that mold has begun to grow which is making him ill and his well has been contaminated. K. LaVoie expressed his opinion that CVS has added to the water table in a major way.

Alan Whitford, former Director of Public Works, stated that the retention pond installed by the State is probably a contributing factor to the situation. A. Whitford stated that K. LaVoie is seeking support in dealing with FEMA and suggested contacting the Department of Transportation to report the problem. Councilor Carroll commented that the immediate concern is to deal with the damage done to K. LaVoie's property. Councilor Carroll stated that, as the liaison to the Building/Zoning Office, he will speak to the Building Official regarding the issue.

3. Anne Ejnes, School Committee member, spoke regarding the school budget. A. Ejnes stated that during her April break, she spent two days at the State House attending some of the House Finance Committee hearings. A. Ejnes stated that last week, the School Committee passed a revised budget in line with the level funding from the Council.

A. Ejnes stated that she realizes that the Town is losing money from the State, but added that the School Department is also losing money from the State. A. Ejnes stated that she received an e-mail from the School Committee Association regarding three different proposals in the legislature in terms of the funding formula. A. Ejnes explained that the language directly applies to a community's ability to raise money.

4. Walter Steere, Jr. expressed concern regarding the current economic situation in the State, the country and around the world, stating that he feels it will get worse before it gets better. Regarding this year's Town budget, W. Steere, Jr. commended the Town Council on their efforts.

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:35 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 20, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 20, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; and Patrick J. Carroll.

Member absent: Edward C. Burlingame

Also present: Susan Harris, Deputy Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works Director;
Joseph DelPrete, Chief of Police

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris.

IV. Open Forum on Agenda Items Only

None

V. Public Hearing

A. Earth Removal

Applicant: Stephen E. Hopkins, Trustee

Location of Business: Keach Dam Road, further described as AP 12 Lot 134

Councilor Walsh stated that this Public Hearing was advertised on May 6, 2010 in the Valley Breeze.

Councilor Walsh DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the Earth Removal license.

Discussion:

Stephen Hopkins, Applicant, addressed the Council. Mr. Hopkins stated they were “going slow” and will probably stop all together in a few years. Councilor Walsh reiterated there was nothing big going on, just working the site as needed. Mr. Hopkins agreed.

Councilor W. Steere read the following recommendation from the Building/Zoning Official:

May 6, 2010

To: Town Council
Kevin Walsh, President

From : Larry Desormier, Building/Zoning Official

RE: Earth Removal License Inspections

Stephen E. Hopkins Trustee. (AP 12 Lot 134) - I met with Mr. Hopkins on-site this morning. It was quite obvious that very little material had been removed since my last visit two (2) years ago. The property was gated, clean and in compliance of the regulations needed to conduct Earth Removal in the Town of Gloucester. He has a completed application on file, and with very little change in the past and predicted for the future, I felt that he need not present an updated plan. At this time, I recommend that the Council grant this Earth Removal license.

(End of memo)

Councilor Walsh asked if anyone else wished to be heard.
(None)

Councilor Walsh declared the Public Hearing Closed.

MOTION was made by Councilor W. Steere to GRANT the Renewal of an Earth Removal License to: Applicant: Stephen E. Hopkins, Trustee; Location of Business: Keach Dam Road, further described as AP 12 Lot 134 contingent upon: 1) Building/Zoning approval; 2)all Town fees being paid; 3)current bonding secured; said license to be valid valid June 1, 2010 until May 31, 2012; seconded by Councilor G. Steere

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll
NAYS: 0
MOTION PASSED

- VI. Consent Items -Discussion and/or Action
- A. Approval of Town Council Minutes- May 6, 2010
 - B. Finance Director's Report - April 2010
 - C. Tax Assessor's Additions & Abatements
 - D. Pole Grant - Old Quarry Road

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of May 6, 2010; to ACCEPT the Finance Director's report for April 2010; to APPROVE the Abatement to the 2001 Tax Roll in the amount of \$29.09; the 2009 Tax Roll in the amount of \$6,110.38; No Additions to the 2009 Tax Roll; and to APPROVE the Pole Grant Old Quarry Road for a new joint pole #1-2; seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll
NAYS: 0
MOTION PASSED

VII. New Business - Discussion and/or Action

A. Appointments for Recreation (Summer 2010) Positions

1. Tennis Instructor (1)
2. Arts & Crafts Instructor (1)
3. Water Safety Instructors (2 and sub)
4. Water Safety Aides (6 and sub)
5. Lifeguards (8)
6. Tennis Aides (5)
7. Parks & Grounds - Maintenance (2)
8. Parking Lot Attendants (6 and subs)

Councilor Walsh stated the Council has received recommendations for these positions from the Recreation Director, Anthony Parrillo.

Councilor Walsh recused himself and turned the meeting over to Vice President, Councilor Walter Steere. Councilor Walsh stated his reason for recusal was due to his relationship with applicants.

Councilor Carroll asked a general question about whether these people are returning applicants. T. Mainville stated there were 55 applicants, applying for 62 positions. T. Mainville stated the Arts & Craft Instructor; 4 Tennis Aides; Tennis Instructor; 5 of the 8 Lifeguards; 1 Water Safety Instructor, 4 of 6 Water Safety Aides; 2 Parks and Grounds; and 2 of the Parking Lot Attendants were all hired last year.

Councilor G. Steere questioned if all the recommendations live in town. T. Mainville stated he believes they do. T. Mainville stated that he personally checked the Parking Lot Attendants for lottery and 9 of the 12 were from Gloucester, therefore the 3 from out of town were not placed in the lottery.

Councilor Carroll questioned how many hours the life guards work and questioned if overtime is necessary. T. Mainville stated that would only happen on rare occasions. Councilor Carroll stated in the future he would like to see the entire list of who applied. Councilor W. Steere stated he hoped that all appointments were Town residents and asked T. Mainville to check.

MOTION was made by Councilor Carroll to TABLE this item on the Agenda to allow the Human Resource Director time to check the residency of recommended applicants; seconded by Councilor W. Steere.

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

NAYS: 0

RECUSAL: Walsh

MOTION PASSED

IX. Boards/Commissions

A. Resignation:

1. Budget Board

One unexpired 3 year term to expire 1/2011

Councilor Walsh stated that the Town Clerk has received the resignation of Ronald Bachman, effective May 12, 2010.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Ronald Bachman from the Budget Board; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action

1. Senior Center Board of Directors

(Tabled from 5/06/2010)

a. One unexpired five year term to expire 1/1/2014

Councilor Walsh read the following recommendation from the Board of Directors:

Dear Gloucester Town Council Members,

The Board of Directors of the Gloucester Senior Center met today and voted to recommend Mr. Richard Cedor to fill the vacancy on the Senior Center Board of Directors, please consider his name for appointment.

Thank you,

Patricia A. Lawrence

Board of Director Vice Chairman

(end of memo)

MOTION was made by Councilor Carroll to APPOINT Richard Cedor to the Senior Center Board of Directors for the unexpired five year term to expire 1/1/2014; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Budget Board
One unexpired 3 year term to expire 1/2011

MOTION was made by Councilor G. Steere to TABLE the appointment to the Budget Board to fill the unexpired 3 year term to expire 1/2011; seconded by Councilor W. Steere.

Discussion: Council consensus to wait for input from Budget Board.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll
NAYS: 0

MOTION PASSED

3. Local Board of Appeals for Building Code
One five year expired term

Councilor Walsh stated that this is for the expired term of William Buote-Greig, Chair of the Board.

MOTION was made by Councilor G. Steere to REAPPOINT William Buote-Greig to the Local Board of Appeals for Building Code for a five year term to expire 6/2015; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll
NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commission: Report/Discussion A. Department Heads

Police Chief: Councilor Walsh questioned the Chief of Police as to whether a meeting with the town's fire departments regarding access of roads, Pine Orchard and Chestnut Hill, has been scheduled. Councilor Walsh asked the Council be informed when a meeting is scheduled.

Public Works Director: Gary Treml, updated the Council on the progress of Pine Orchard Road. G. Treml stated the Pine Orchard culvert is scheduled for delivery on or around June 14 and the road will be shut down, approx two weeks, prior to delivery to start a by pass pipe and to make other necessary preparations.

G. Treml stated that, in conjunction with Local 57's apprenticeship program, work was done on Leja Field, at Gloucester Memorial Park. G. Treml stated the repairs necessary were approximated at around \$6500 and with the Local 57's help it was done for approx. \$1000.

Councilor Carroll questioned if the bridge repair on Chestnut Hill Road would interfere with the 4th of July road race. G. Treml stated he did not believe it would.

B. Boards & Commission

School Committeeman, Walter Steere, addressed the Council regarding the cellular tower at the middle school. W. Steere stated the region currently spends \$1,000 per month for a dedicated land line to the Fire Department. W. Steere stated when the Town granted the tower to Anthony Builders the agreement was that if the Town wanted to add anything to the tower they would only have to pay for the equipment.

School committeeman Steere further stated the region could give up the dedicated line if they could get a place on the tower and, also, the Business Manager for the region has already asked Anthony Builders to prepare a contract. W. Steere stated he now believes the Town has to enter into a contract as they were the original party to the tower agreement.

Councilor Walsh stated any information regarding a possible contract should go to the Solicitor for review and asked W. Steere to request a written request from the Regional School Committee. W. Steere stated the cost possibly could be shared but noted the Town would be responsible for the equipment once installed.

Councilor W. Steere questioned if the Town would then receive the income for tower space rental currently being paid to the Region. W. Steere stated, he believes, the Region currently only has one renter for \$800 per month.

MOTION was made by Councilor Carroll to return back to Item VII. New Business, A.

Appointments for Recreation (Summer 2010) Positions; seconded by Councilor G. Steere

Discussion: None

VOTE: AYES: W. Steere, G. Steere, and Carroll

NAYS: 0

RECUSAL: Walsh

MOTION PASSED

Councilor Carroll explained to the Recreation Director that Council had inquired about residency of the applicants for summer employment. Anthony Parrillo, Recreation Director, stated some of the recommendations he made are not residents but they have previously worked for the Town.

A. Parrillo also explained that it can be difficult to meet the qualifications necessary for some of the positions within the Town. A. Parrillo stated one requirement for Life Guard is possessing the designation of W.S.I. and all but one life guard was employed in past years. A. Parrillo also stated the applicants that are not residents are from Foster. Discussion followed on safety versus residency. Councilor Carroll stated he would like to consider residents before all others in the future.

MOTION was made by Councilor Carroll to APPOINT the following:

Tennis Instructor: Richard Lawrence at an hourly wage of \$19.00

Arts & Crafts Instructor: Sara Martin at an hourly wage of \$10.00

Water Safety Instructors: Justyna Barlow and Julie Barrows at an hourly wage of \$14.00

Water Safety Aides (6 and sub):

Richard Lancia, Julie Landry, Alexander Powers, Danielle Rouleau, Dave Shuckerow and Kayla Theroux at an hourly wage of \$8.25

Lifeguards (8):

Eric Beltram, Ben Boisclair, Dan Sherman, Cassandra Graham, Ethan Walsh and Matt Macedo at an hourly rate of \$11.00

Jesslyn Boisclair and Justyna Barlow, subs, at an hourly rate of \$10.25

Tennis Aides (4):

Meryl Lawrence, Alexandra Lawrence, Kaitlin Lennon and Ashley Winsor at the hourly rate of \$8.25

Parks & Grounds - Maintenance (2):

Chris Tate and Jacob Michaels at an hourly wage of \$8.75

seconded by Councilor G. Steere.

Discussion: A. Parrillo stated that there should be only one Lifeguard that is a sub, and that Jesslyn Boisclair is a regular at the hourly rate of \$11.00.

Second withdrawn.

MOTION AMENDED to correct the position of

Lifeguards (8):

Eric Beltram, Ben Boisclair, Dan Sherman, Cassandra Graham, Ethan Walsh

Matt Macedo, and Jesslyn Boisclair at an hourly rate of \$11.00

Justyna Barlow, sub, at an hourly rate of \$10.25

Seconded by Councilor G. Steere

Discussion: None

VOTE: AYES: W. Steere, G. Steere, and Carroll

NAYS: 0

RECUSAL: Walsh

MOTION PASSED

T. Mainville stated there were 12 names in the lottery for three positions as Parking Lot Attendant.

(Seven names were drawn, 3 to be appointed & 4 as substitutes)

Lottery: Christina Smith, Sara Sorenson, Katelyn Rivers, Shawn Proulx, Greg Williams, Jonathan O'Connell, Nathan Farnum

MOTION was made by Parking Lot Attendants (6 & subs)

1. David Jacques
 2. Aaron Dupuis
 3. Bennett Thompson
 4. Christina Smith
 5. Sara Sorenson
 6. Katelyn Rivers
 7. Shawn Proulx, Sub.
 8. Greg Williams, Sub.
 9. Jonathan O'Connell, Sub.
 10. Nathan Farnum, Sub.
- at an hourly wage of \$ 7.40

seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, and Carroll

NAYS: 0

RECUSAL: Walsh

MOTION PASSED

XII. Council Correspondence/Discussion

1. Councilor Walsh noted that a signed copy of the Energy Efficiency Block Grant application from Rhode Island Office of Energy Resources has been received. (Signed by Council President on 3/18/2010)
2. Councilor Walsh stated he and Councilor Burlingame had attended the First Responders Breakfast held at the Greenville Skilled Nursing and Rehabilitation Center on May 12, 2010.
3. Councilor Walsh acknowledge correspondence received from National Grid in regards to their contract with United Steelworkers (AFL-CIO-CLC) Local 1243 1-01 expiring. Councilor Walsh stated this correspondence was to assure the community that services provided by National Grid will stay the same throughout their renegotiation.
4. Councilor Walsh stated that he has received a copy of correspondence that our legislator, Rep. Scott Pollard, had sent to D.O.T. requesting the support of the State

Traffic Commission for an investigation of the traffic pattern and congestion at Route 102 and Route 44 in Gloucester.

5. Councilor Walsh acknowledged a resolution received from the Town of Burrillville regarding the reimbursements for motor vehicle phase out and requested the Clerk put this item on the agenda for June 3, 2010 (for a similar resolution).
6. Councilor Walsh stated Council has received an advisory opinion from the Rhode Island Ethics Commission for information only.
7. Councilor Walsh stated an update on the Madeline Walker Act has been received from Rhode Island Housing.
8. Councilor Walsh stated notice of a two day conference has been received from RI Stormwater Solutions, which shall be forwarded to the Public Works Director.
9. Councilor Walsh stated a bus route has been received for the area affected by Hopkins Earth Removal. Mr. Hopkins noted he also had received the schedule.
10. Councilor Carroll stated he received a telephone call regarding the softball field at Winsor Park. Discussion followed on availability of the field. Councilor Walsh asked everyone to take a look at the field and Councilor Walsh also asked A. Parrillo to check the schedule of the other teams.

XIII. Open Forum

1. Rose Lavoie, Wilmarth Road, & Keith Lavoie, Chestnut Hill Road, questioned why the issue discussed at the last council meeting, regarding water damage at Mr. Lavoie's home, was not an agenda item. Councilor Walsh questioned the residents as to what they feel the town can do to assist them. R. Lavoie stated they were looking for some sort of financial relief for K. Lavoie. Councilor Walsh stated he met with D.O.T. earlier this week and reviewed plans, which he suggested the Lavoie's review. Discussion followed on determining what brought about the water problem.
2. Robert Lyons questioned the tax exempt status of Camp Aldersgate property and whether the town can realize any tax benefit from this property. T. Kane will review.
3. Walter Steere, Jr. stated that he feels Mr. Lavoie is caught in the middle of the water situation in his neighborhood and reminded all that a lot of water previously ran into the village.

XIV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 8:42 p.m.;
seconded by Councilor Carroll

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS:

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 3, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 3, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works
Director; Joseph DelPrete, Chief of Police; and Peter Skeffington,
Wastewater Management District Board member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum on Agenda Items Only

A. Rose Lavoie thanked the Council for placing item E on the agenda.

V. Motion to Amend Agenda

Councilor Burlingame stated that it was brought to the Council's attention today that an event was planned for a licensed business in town for Saturday June 5, 2010. Per our Solicitor, Council may by a majority vote add this item as it was an "unexpected occurrence."

MOTION was made to amend the agenda to consider a Special Event License for June 5, 2010 for Knight's Farm, LLC, 1 Snake Hill Road, AP 19, lot 161; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

V. Special Event License

Knight's Farm, LLC, 1 Snake Hill Road, AP 19, lot 161

Chris Fortini, representing Joseph Iacofano, owner of Knight's Farm, explained that an afternoon cruise event is planned for Saturday, June 5th, adding that it is hoped that this event will bring people to the area. C. Fortini noted that the hours will be from noon to 3:00 p.m. and that a radio personality will play music and interact with the crowd. C. Fortini stated that there are few residences in the area and he has spoken with the abutting property owners.

Councilor Walsh noted that a similar event was held at Clasico's, but outside music was not allowed. It was stated that there are fewer homes in the area of Knight's Farm. Tim Kane,

Assistant Town Solicitor, stated that the license could be limited to the hours of noon to 3:00 p.m. and informed the applicant that this type of event cannot be conducted on a regular basis because it would become a zoning issue. C. Fortini replied that if the first event is successful, there are plans to have one on the first Saturday of each month until apple season begins. T. Kane commented that three (3) events over the course of the summer would not require Zoning approval.

Councilor Burlingame suggested that the Council allow the Special Event on a trial basis. Councilor W. Steere recommended that, in the future, the applicant check with the Town Clerk and the Zoning Official prior to planning any such event.

Councilor Walsh asked if anyone wished to speak regarding this application.

Bob Lyons stated that he has been to Knight's Farm and the owners of the establishment seem to be very responsible. Therefore, B. Lyons spoke in support of the Special Event license.

MOTION was made by Councilor to APPROVE the application for a Special Event for Knight's Farm, LLC, 1 Snake Hill Road, AP 19, lot 161; said event to be held at above address on Saturday, June 5, 2010 from 12:00 p.m. to 3:00 p.m.; said event will be limited to uses as described on application. The Police Chief may stop the event at any time, particularly if noise complaints are at issue; seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Resolution

A. Supporting Repeal of §44-34.1 -

Discussion and/or Action

Motor Vehicle and Trailer Excise Tax Elimination Act of 1998

Councilor Walsh stated that the Council has been asked by the Burrillville Town Council to support a resolution they adopted with a similar resolution.

Councilor W. Steere read the following:

RESOLUTION

2010-13

Supporting Repeal of §44-34.1,

Motor Vehicle and Trailer Excise Tax Elimination Act of 1998

WHEREAS, the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 was designed to phase-out motor vehicle excise taxes; and

WHEREAS, the provisions of the Act include certain components intended to ensure direct benefit to taxpayers, including State Exemptions, a Hold Harmless clause and the Frozen Tax Rate; and

WHEREAS, the State of Rhode Island appears poised to eliminate the motor vehicle excise tax reimbursement program originally intended to compensate cities and towns for related revenue losses; and

WHEREAS, the Town of Glocester stands to lose substantial funding in FY 2011; and

WHEREAS, failure to collect sufficient revenues will impact the Town's ability to maintain critical public safety services and educational functions; and

WHEREAS, if the reimbursements cease but other provisions of the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 are not repealed, then several cities and towns will be unable to recoup those revenues; and

WHEREAS, repealing the Act in its entirety is the most straightforward method to avoid unnecessary complications and restore the cities and towns to their pre-1998 position.

NOW THEREFORE BE IT RESOLVED that, if motor vehicle excise tax reimbursements are to be substantially reduced or eliminated, then we, the Town Council of the Town of Glocester, do hereby advocate that §44-34.1, Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 be repealed in its entirety to allow the several cities and towns to reestablish an appropriate mechanism for collecting necessary revenues.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Glocester, do hereby request Rhode Island city and town councils to contact the Governor and their legislative delegations, seeking support of such legislation.

Kevin P. Walsh, President
Glocester Town Council

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items -Discussion and/or Action
A. Approval of Town Council Minutes-May 20, 2010

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of May 20, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. New Business
A. Resignation - Discussion and/or Action
1. Asst. Animal Control Officer

Councilor Walsh stated that the Council has received the resignation of Jim Burrill as the part time Assistant Animal Control Officer effective immediately (resignation dated May 6, 2010). This resignation is on file in the clerk's office.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Jim Burrill, part time assistant Animal Control Officer, effective May 6, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action
1. Asst. Animal Control Officer

MOTION was made by Councilor Burlingame to TABLE the Appointment of an Assistant Animal Control Officer until necessary; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Municipal Court - Discussion and/or Action

Councilor Carroll stated that several months ago, there was discussion regarding the feasibility of a Municipal Court to address zoning issues and/or traffic violations. Councilor Carroll noted that Burrillville has a court which is up and running and there is the possibility that Gloucester could join in with them or any other town who would like to combine forces.

Councilor Walsh asked Chief Joseph DelPrete if he had an opinion on the matter. Chief DelPrete replied that he has not had an opportunity to look into it. Tim Kane, Assistant Town Solicitor, stated that Enabling Legislation will be needed whether Gloucester forms its own Municipal Court or if we tie in with another municipality. There was Council consensus to discuss the matter further at the Town Council meeting of July 15.

D. Bid Award - Discussion and/or Action

1. IFB2010-08 Chip Seal Bid

Councilor Walsh stated that the Board of Contracts and Purchases has forwarded the following recommendation to the Council:

June 2, 2010

To: Town Council

From: Board of Contracts & Purchases

Re: Awarding of IFB 2010-08 ~ Chip seal

- I. IFB 2010-08 was advertised in accordance with current rules and procedures.
- II. Three (3) companies bid.
- III. The Board recommends the bid be awarded to the lowest bidder. The lowest bidder was investigated and deemed qualified.

Comer Contracting, Inc.
1112 Farmington Avenue
Farmington, CT 06032

Bid price: \$1.609 per square yard delivered

Respectfully submitted,
Jean Fecteau - Town Clerk
Thomas P. Mainville - Director of Finance
(end of recommendation)

Discussion: None.

MOTION was made by Councilor G. Steere to AWARD IFB 2010-08 Chip Seal to Comer Contracting, Farmington, Conn., for the bid price of \$1.609 per square yard delivered; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Request for Support - Discussion and/or Action

1. Reynolds Plat & surrounding area
Ground water situation

Councilor Walsh stated that there are currently four households in this area that still have water coming into their home or through their property as a result of the recent flooding. Councilor Walsh stated that the Council has prepared correspondence to send to our legislators asking them to assist these homeowners in working to determine the cause and a solution.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to forward correspondence to the Town of Gloucester's Legislators and the Department of Transportation regarding home and property water problems in the Reynolds Plat area; seconded by Councilor G. Steere.

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

June 3, 2010
Senator Paul Fogarty
Representative Scott Pollard

Dear Senator Fogarty and Representative Pollard:

We would like to request assistance for a situation that has arisen since the statewide flooding that occurred earlier this year.

Several residents that reside in the Reynolds Plat and surrounding streets have voiced concerns and frustration about the situation they face. Many have stated for the first time since they have owned the property that they have had flooding that resulted in loss of property and other related water problems. What seems to be most troubling is that they still have water coming into their homes or onto their property.

In light of this, we respectfully request that the two entities that have done construction work in the surrounding areas review their plans to determine if the flow of groundwater in the area has been changed. If so, is there a remedy they could provide these homeowners with relief.

The entities in question are the Rhode Island Department of Transportation and CVS Corporation. The Town of Gloucester is not responsible for this situation and assumes none of the liability. We are working as advocates to help our residents have their questions answered and hopefully, their problem solved. For this we turn to you in the hope that you can assist by requesting the participation and/or remediation of the problem to those named above.

Sincerely,
Kevin P. Walsh, President
Gloucester Town Council
cc: RI Department of Transportation
CVS Corporation

(end of letter)

Councilor Walsh asked if anyone wished to speak regarding the proposed correspondence.

1. Marie Costa, of 1 Hopkins Road, stated that when she left her house this evening, she had ½" of water in her basement and will have an additional ½" by the time she returns home. M. Costa stated that she has a son who has asthma and she is allergic to mold. M. Costa stated that a representative from DEM has stated that this is groundwater. Councilor Walsh stated that he tends to agree that it is groundwater, but the question is why is there so much more groundwater now than there was before. Councilor Walsh stated that he has been to the Department of Transportation to review plans and discuss how the situation can be fixed. Councilor Walsh commented that the letter is another step to try to straighten things out.
2. Keith Lavoie, of Chestnut Hill Road, stated that he does not want to spend a lot of money to install a drainage system to find out that it does not work. K. Lavoie stated that he was optimistic last week when he saw several dry spots, but then there was a rain shower which caused two inches of water in his basement. K. Lavoie commented that it has been ten weeks since the flooding and the situation has continued.

Councilor Walsh stated that if the Council authorizes the correspondence, it will be sent out tomorrow.

K. Lavoie thanked the Council for their assistance.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. 2010/2011 Budget - Discussion and/or Action

Discussion: Councilor Burlingame stated that it is unknown at this time what the State will be doing with regard to cities and towns, but in our budget, we estimated that the motor vehicle excise tax would not be removed in its entirety. Councilor Burlingame stated that if the excise tax is reduced from \$6,000 to \$3,000, we will be required to include that when the tax rolls are certified.

Councilor Burlingame stated that there is no action to be taken at this time, but because we assumed that we would be getting a \$600,000 reimbursement when the most we will receive is \$90,000, the revenue portion of the budget will have to be redone. Councilor Burlingame pointed out that we did receive the benefit of the fourth quarter excise tax, so we are in no danger from a cash flow point of view. It was stated that property owners should see no impact because it is strictly motor vehicle excise tax.

G. Town Council Meetings - Summer Schedule - Discussion and/or Action

Discussion: Councilor Walsh noted that last year, the first meeting in the month of July was eliminated due to the Fourth of July holiday. Councilor Walsh stated this year, the first meeting would fall on July 1st and it is up to the Town Council to decide whether or not to meet on that date. It was recommended that an advertisement be placed in the Bargain Buyer as soon as possible to allow residents sufficient notice.

MOTION was made by Councilor Burlingame to eliminate the meeting of July 1, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Boards/Commissions

A. Resignation: - Discussion and/or Action

1. Senior Center Board of Directors

Councilor Walsh stated that the Town Clerk has received a resignation from a member of the Senior Center Board of Directors. The Clerk has asked the Council to table this resignation until the next Council meeting because the Board has not met to receive this resignation yet.

MOTION was made by Councilor Carroll to TABLE the Acceptance of the resignation to the Senior Center Board of Directors to the Town Council Meeting of June 17, 2010;seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action

1. Senior Center Board of Directors

Councilor Walsh noted that this item should also be tabled.

MOTION was made by Councilor W. Steere to TABLE the appointment to the Senior Center Board of Directors; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Budget Board

One unexpired 3 year term to expire 1/2011

Councilor Walsh noted that there are no talent bank applications for this position at this time.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Budget Board for one unexpired three year term; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Wastewater Management Board status- Discussion and/or Action

Discussion: Councilor G. Steere stated that the Wastewater Management Board has been working on an Ordinance for the past five (5) years. Councilor G. Steere stated that he has attended several of their meetings and feels that the Board is going in the wrong direction. Councilor G. Steere stated that at last night's meeting, the Board adopted Rules and Regulations which will be coming forward to the Town Council for approval.

Councilor G. Steere commented that the Rules and Regulations are a blanket document which does not take water tables or soils into consideration, causing a hardship for many property owners. Councilor W. Steere inquired whether these regulations are in excess of the Department of Environmental Management's regulations. Councilor G. Steere replied in the affirmative. Councilor Burlingame stated that the Board has been told not to do that, adding that they are an advisory group and not a regulatory group. Councilor G. Steere concurred, noting that the Board should be there to assist residents in obtaining low interest loans to install wells and septic systems.

Pete Skeffington, member of the Wastewater Management Board, stated that when the Rules and Regulations were adopted, a 3-month moratorium was placed during which no changes can be made to the document. P. Skeffington expressed hope that the Rules and Regulations will be brought before the Town Council soon for approval. Councilor Walsh requested a copy of the Rules and Regulations from P. Skeffington. Tim Kane, Assistant Town Solicitor, noted that the Rules are not effective without Council approval. Councilor Walsh suggested sending copies to other boards and commissions for their opinion.

X. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Gary Treml, Director of Public Works, reported that the paving of Pine Orchard Road is complete. G. Treml stated that a culvert at Pine Orchard and Chestnut Hill Roads was started today. G. Treml stated that he spoke to the State in reference to the bridge at the Transfer Station, adding that the bridge will not be put out of service until after July 8th.

There was discussion regarding the disposal of needles by insulin-dependent individuals. Councilor Walsh stated that they are instructed by the Department of Health to wrap the needles in rags and throw them in the regular trash. Councilor Walsh suggested that the needles be disposed of in a separate receptacle to protect the workers at the Transfer Station. There was consensus to consult Sara Kite of Rhode Island Resource Recovery regarding the disposal of the needles and syringes.

Councilor Walsh stated that there have been reports of vehicles without stickers at the Transfer Station. Councilor Walsh stated that in the past, the Council has authorized a few hours of overtime to have a Police Officer at the Transfer Station on the weekend to check for stickers.

Councilor Carroll asked Gary Treml about the situation regarding Lake Drive. G. Treml replied that patching was done on a portion of the road, but the remainder is beyond patching. There was discussion regarding ownership of the road. T. Kane, Assistant Town Solicitor, stated that technically, the abutting property owners own up the middle of the street, even if it is not stated in their deed. G. Treml noted that the residents of Indian Trail hired an outside contractor, but the Town helped out by sweeping the road and supplying some of the materials.

2. Joseph DelPrete, Chief of Police, presented the Council maps showing the traffic flow that would result in detouring from Chestnut Hill when the work on the bridge begins. The Chief stated that, due to the anticipated closure of the Chestnut Hill bridge, there will be four to five minutes added to each call for police or fire. Chief DelPrete stated that mutual aid from Foster will be used to respond to any structural fires in the area of Indian Trail.

Regarding the traffic light at Routes 44 and 102, there is a meeting scheduled with the State Traffic Commission next week. Chief DelPrete noted that an analysis was conducted and he will have more information after the meeting.

Councilor Carroll asked about an advertisement for the hiring of a Police Officer. Chief DelPrete explained that applications are being accepted to establish an eligibility list.

- B. Boards & Commissions
None.

XI. Council Correspondence/Discussion

- A. Councilor Walsh stated that there was very little correspondence, but mentioned a letter from Bill Remington of the Boy Scouts Troop 10 requesting Council recognition of five young men who will receive Eagle Scout status on June 13th. Jean Fecteau, Town Clerk, stated that she will prepare a resolution and Councilor Burlingame stated that he will attend the ceremony to present the resolution to the Eagle Scouts.
- B. Jean Fecteau, Town Clerk, stated that there has been a request from the Recreation Commission asking the Council to declare a vacancy due to the non-attendance of Ted Burns. There was Council consensus to place this on the agenda for the June 17th meeting.
- C. It was noted that the Special Olympic Torch Run will take place tomorrow.

XII. Open Forum

- A. Rose LaVoie commented that she served on the Wastewater Board for ten years, adding that she resigned after working on the Rules and Regulations for about two years.

R. Lavoie noted that when the traffic light is set on blinking, it is a pleasure to drive through Town.

Regarding the letter that the Council plans to send to the State and CVS, R. Lavoie requested that residents of Reynolds Plat receive copies. Mrs. Lavoie was informed that copies of the letter will be available in the Clerk's office.

R. Lavoie spoke with regard to four historic houses in the village and how they can be saved.

- B. Karen Iacobbo, of Waterman Lake, spoke regarding the Wastewater Board. K. Iacobbo stated that although there are well-meaning people serving on the Board, she objects to Boards which are not elected making rules and imposing restrictions. K. Iacobbo stated that there are already regulations placed by DEM and suggested abolishing the Wastewater Board and any other Board that tries to put more restrictions on our property rights.
- C. Walter Steere, Jr., School Committee member, stated that the bids for work at the Administrative Offices at the high school were higher than anticipated. Therefore, it will go out to bid again. As a consequence, W. Steere stated that this may delay the completion of the work. Councilor Walsh asked if there was room at the middle school that the School Department could use for their offices. W. Steere replied that he feels that the School Department would not want to move twice in a short period of time. Councilor Walsh stated that if there is anything that the Town can do to help, to let the Council know.

W. Steere reported that a sidewalk at the new middle school may have to be torn up due to poor site preparation. W. Steere stated that the Business Manager will meet with the people responsible for installing the sidewalk. Councilor Burlingame asked when the ConEd certification is expected. W. Steere expressed hope that the Esco will be certified by the end of the summer.

Councilor Walsh asked W. Steere if a letter has been received from the architect indicating that he has accepted the building. Councilor Walsh explained that according to the Regional Charter, once the building is accepted by the architect, the Building Committee can be terminated. W. Steere replied that he will find out at the next School Committee meeting. There was Council consensus to send a letter to the School Committee regarding this matter. Councilor Walsh asked the Town Clerk to place this on the agenda for the June 17th meeting.

- C. Cathleen Griffeth stated that she was informed that a precedent was set in Burrillville regarding common law roads. C. Griffeth stated that this pertains to however long a particular road had been serviced by the Town. Tim Kane, Assistant Town Solicitor, stated that the town of Burrillville uses money from Ocean State Power to survey the roads and bring them up to a town standard.

Regarding wastewater issues, C. Griffeth stated that she lives on Waterman Lake and has tested the water in various areas of the lake with very good results. C. Griffeth questioned the purpose of the Wastewater District Board. C. Griffeth commented that homeowners should have options, adding that a \$30,000 to \$50,000 expense is not a viable option. C. Griffeth expressed concern that mandates will be dictated to property owners. Councilor Walsh stated that the Council members will work to make sure that everyone's rights are protected. Councilor Walsh explained that the Council will review the Rules and Regulations and will ask for public opinion when it is appropriate.

D. Ed Brennan of Lake Drive, spoke regarding the condition of the road. E. Brennan stated that he was told Lake Drive is a private road, but added that if somebody owns it, they would be taxed on it. E. Brennan noted that when he built his house twenty years ago, he had to submit a driveway cut indicating where he was going to put his driveway. E. Brennan stated that Lake Drive has never been that bad and was always patched when necessary.

E. Brennan stated that this year it is so bad that people cannot even walk on the road without risking injury. E. Brennan questioned why, when the Echo Lake Water District was being established, he had to get permission from residents of Centre Road to install the water main, but got approval for Lake Drive from the Town. Councilor Carroll commented that as money comes in from FM Global in the future, it could be earmarked for road repair.

XIII. Seek to Convene to Executive Session

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

MOTION was made by Councilor W. Steere to CONVENE into Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Collective Bargaining;
seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

MOTION was made by Councilor W. Steere to RECONVENE OPEN SESSION;
seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:38 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 17, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 17, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President; George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Gary Treml, Public Works Director; Joseph DelPrete, Chief of Police; Lawrence Desormier, Building/Zoning Official; Viviane Valentine, Tax Assessor; Walter Steere, Jr. and Anne Ejnes, School Committee members; David Steere, Budget Board member; and Russell Gross, Board member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Open Forum on Agenda Items Only

A. Bob Lyons spoke regarding item III. A. Road Policies/Repair Procedures. B. Lyons stated that in 1994 when the Official Town Road List was altered, it was not done according to State law, therefore the thirteen roads which were removed should still be on the Road List. B. Lyons asked the Council to address the repair of these roads as well as other roads in Town.

V. Resolutions

A. Golden Cane Award

Councilor Walsh stated that the Clerk has asked the Council to adopt a resolution in recognition of the awarding of the Golden Cane Award. The Award is being given to Blanche Maheu who was present, accompanied by her niece Lucille Arel. Jean Fecteau, Town Clerk, stated that Blanche recently turned 100 years old, making her Gloucester's oldest known citizen. J. Fecteau read the following into the record:

RESOLUTION
Boston Post Golden Cane
2010

WHEREAS, in 1909 the Boston Post gave an ebony cane with a golden knob to 431 New England towns to be given, as an honor, to the most senior male resident of each community. In 1930 a feminist movement changed the rules and the honor was, from that point forward, bestowed to women as well as men; and

WHEREAS, the Town of Glocester, as of 2002, is one of eight communities from the original 21 in Rhode Island that were recipients of the Golden Canes to still possess this piece of history; and

WHEREAS, the Town Clerk and the Town Council, after seeking out eligible recipients and searching the voting rolls, is honoring Blanche L. Maheu with the Boston Post Golden Cane on the occasion of her 100th Birthday which she celebrated on June 14, 2010; and

WHEREAS, Blanche is a long time Glocester resident starting with summers spent on Bowdish Lake. Blanche married Herve Maheu in 1937. Blanche and Herve spent their time together co-piloting small planes and riding motorcycles. In 1942 Herve was called to serve his country, where he became a First Lieutenant pilot. Herve, a United States hero, gave his life for his country during that war.

WHEREAS, Blanche is an avid reader these days. She loves her word puzzles, and she is always on the go. Her stories from the years of her life are captivating and when she speaks to you of her life experiences you will not want her to stop; and

NOW THEREFORE BE IT RESOLVED that the Town Council and the Town Clerk of the Town of Glocester congratulate Blanche Maheu on being awarded the Boston Post Gold Cane, and wish her a heartfelt HAPPY BIRTHDAY.

Kevin P. Walsh, Town Council President
Jean M. Fecteau, CMC, Town Clerk

MOTION was made by Councilor Burlingame to ACCEPT the Resolution read by Jean Fecteau; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

It was noted that Blanche will do the Town the honor of being the Grand Marshall of the Ancients & Horribles Parade which will be held on July 5, 2010 at 4:00 p.m.

B. Eagle Scouts - Ratification

Councilor Walsh stated that the Town Council, by consensus, acknowledged a group of young men that recently had the distinction of achieving the position of Eagle Scout. A resolution was prepared and delivered at the ceremony by Councilor Burlingame. Councilor Carroll read into the record the resolution to be ratified.

**RESOLUTION
2010-14**

WHEREAS, on June 13, 2010 David Shadoian, Daniel Tocco, Sean Remington, Zachary Daigle and Robert Hartung, scouts from Troop 10 in Gloucester, will receive the highest ranking honor of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester would like to congratulate David Shadoian, Daniel Tocco, Sean Remington, Zachary Daigle and Robert Hartung for achieving the highest ranking honor of Eagle Scout in the Boy Scouts of America, and along with its citizens, are proud to have these young men as citizens of their community.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor G. Steere.

Discussion: Councilor Burlingame stated that he was impressed by the work performed by the young men to attain the award of Eagle Scout and noted that the ceremony was very well-attended.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VI. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes- June 3, 2010
 - B. Finance Director Report: May 2010
 - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of June 3, 2010, to ACCEPT the Finance Director's report of May 2010; No Additions to the 2009 Tax Roll; to APPROVE the Tax Assessor's Abatements to the 2008 Tax Roll in the amount of \$42.58 and the 2009 Tax Roll in the amount of \$44.95; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VII. Unfinished Business
 - A. Appointment - Discussion and/or Action
 - 1. Asstistant Animal Control Officer

Councilor Walsh stated that the Council has received a recommendation from the Chief for the appointment of an Assistant Animal Control Officer:

MOTION was made by Councilor Carroll to APPOINT Penny L. Silva to the position of Assistant Animal Control Officer on an "as needed" schedule at an hourly rate of \$13.39 with an effective hire date of June 18, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VIII. New Business
 - A. Road Policies/Repair Procedures - Discussion and/or Action

Discussion: Councilor Burlingame explained that the Council is trying to come to grips with how to repair some of the private roads in Town. Councilor Burlingame stated that he has conferred with the Town Solicitor and it has been determined that there must be an agreement with the adjacent property owners because they own to the middle of the road.

Councilor Burlingame added that there is also a question regarding what road standard would be necessary. Councilor Burlingame stated that the Council and Public Works Director are still gathering information and will meet with the Town Solicitor to come up with a plan which is agreeable and financially affordable for everyone. Councilor Burlingame cautioned the Council

against setting a precedent which would put different groups at a disadvantage. Councilor Carroll noted that some of the roads in question lead to other roads, which are also affected. Councilor G. Steere commented that some of the roads are at the point that there is nothing left to patch. There was consensus to review a draft of concepts and ideas at the next Town Council meeting of July 15th.

B. Personnel

1. Police Department - Discussion and/or Action
 - a. Carry over of vacation time: Administrative Aide

Councilor W. Steere read the following request from Chief DelPrete:

To: Honorable Gloucester Town Council
From: Joseph S. DelPrete, Chief of Police
Re: Vacation Time
Date: April 21, 2010

I am respectfully requesting that Police Administrative Aide Matthew Floor be allowed to carry over six (6) vacation days [48 hours] from fiscal year ending June 30, 2010 to fiscal year July 1, 2010 – June 30, 2011.

He has been instrumental in my transition into the position of Police Chief with respect to matters of budget, computer and other administrative responsibilities.

As of June 30th, 2010 he will have accumulated 288 hours of accrued vacation time. The maximum allowable accumulated time is 240 hours.

He anticipates using the carry-over vacation time this summer.

Respectfully,
Joseph DelPrete
(end of memo)

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE Matthew Floor, Police Administrative Aide, to carry over 48 hours of accrued vacation time from the current fiscal year to fiscal year 2010/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

C. Western Rhode Island Home Repair - Discussion and/or Action
Federal Fiscal Year 2010 - Programmatic Agreement

Councilor Burlingame stated that the Program Manager for Western Home has requested the Council President sign a Programmatic Agreement. Councilor Burlingame stated the need for this agreement arises when it is determined that the program may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. Councilor Burlingame also stated that when that is the case, pursuant to Federal Guidelines, HUD may delegate compliance responsibility to the Town and that this contract has been reviewed by the Solicitor.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Western Rhode Island Home Repair Programmatic Agreement for federal fiscal year 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Authorization of Correspondence - Discussion and/or Action

1. Foster/Glocester Regional School Comm

Re: Acceptance of Middle school

Councilor Walsh stated that at the last Council meeting the acceptance of the new school was discussed as well as the School Building Committee's intention of disbanding their committee before the acceptance of the project as stipulated in the Foster/Glocester Regional Charter. There was a consensus that it may be necessary for the Town Council to inquire as to the status of the entire project.

Discussion: Tim Kane, Assistant Town Solicitor, stated that he sent correspondence to the attorney for the regional school district stating that the Building Committee is not to disband until the project is accepted by the architect and that a comprehensive assignment of their rights be given to the School Committee at that time.

Walter Steere, Jr., School Committee member, stated that it is the attorney's opinion that no special action is needed and that the School Committee will take over upon the disbanding of the Building Committee. Anne Ejnes, School Committee member, noted that a Resolution was passed at the last Building Committee meeting to assign everything over to the School Committee. A. Ejnes added that a year ago, the architect submitted a letter indicating that the building was substantially complete.

Councilor Walsh commented that the high school renovation was recently completed since the aforementioned letter was received. W. Steere stated that the attorney's interpretation was that

substantial completion is all that is needed, but W. Steere expressed his opinion that the architect has not completely signed off yet.

Councilor Walsh asked if the Council has the right to request a copy of the acceptance letter. Tim Kane replied in the affirmative, adding that it is a public document.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Solicitor to forward correspondence to the Foster/Glocester School Committee and/or their Solicitor, requesting any correspondence or certificates from the architect regarding acceptance of the school per the Town Charter.; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Special Event License - Discussion and/or Action
Knight's Farm, LLC, 1 Snake Hill Road, AP 19, lot 161

Councilor Walsh stated that the Clerk's office has received another request from Knight's Farm to hold a second car show on July 3, 2010.

Discussion: Joseph DelPrete, Police Chief, noted that there were no problems or complaints during the previous event at this location. Councilor Carroll stated that he drove by on the day of the car show and the parking lot was only about half full. Councilor W. Steere asked how many times this type of event would be allowed before a zone change would be needed. Tim Kane, Town Solicitor, replied that three or four times would be considered special events, but if the applicant wishes to continue having the events for an extended period of time, a zone change may be required.

MOTION was made by Councilor W. Steere to GRANT a Special Event license to Knight's Farm, LLC, 1 Snake Hill Road, AP 19 Lot 161; said event to be held at above address on Saturday, July 3, 2010 from 12:00 p.m. to 3:00 p.m.; said event will be limited to uses as described on application. The Police Chief may stop the event at any time with due notice; seconded by Councilor G. Steere.

Discussion: There was consensus to inform the applicant that any more than four (4) special events of this nature will require a zone change application.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- F. 2010/2011 Budget - Discussion and/or Action
 - 1. Discussion
 - 2. Resolution: Special Financial Town Meeting

Tom Mainville, Finance Director, explained that in the Town's budget, there was \$664,000 which the town anticipated receiving from the State with regard to car tax revenue. It was noted that we will actually receive \$82,000, leaving a shortfall of approximately \$580,000 which must be made up either by further budget cuts or a tax increase. T. Mainville explained that if we bill out vehicles at their full value, it would put us over the cap of 4½%, which is \$917,000.

T. Mainville stated that this could be averted by dropping the real estate side by \$0.45. T. Mainville further stated that another option would be to bill out just enough car tax to cover the \$580,000 loss. Viviane Valentine, Tax Assessor, stated that if we were to bill out the full amount, we would be over the cap and would need a 4/5th majority vote of the Town Council to apply for an exemption from the Office of Municipal Affairs.

After discussion, Councilor Burlingame recommended that we keep it below 2% and move some money forward, keeping the real estate rate flat so that no property owners will see an increase on their homes and land. David Steere, Budget Board member, commented that we either have to address the problem this year or face another problem next year.

Regarding a Special Financial Town Meeting, Councilor Burlingame inquired if there would be limitations as to what can occur at that meeting. Councilor Walsh asked if this excise tax is part of the \$1.75 million that the State has taken from us. Tom Mainville replied that the car tax amounts to \$1.2 million and the other \$550,000 in general revenue sharing adds up to the \$1.75 million. Councilor Burlingame commented that there is also a \$218,000 reduction in the Gloucester school revenue.

Councilor Burlingame stated that he is reluctant to go before the voters and say that there was a 0% tax increase at the May Financial Meeting, but now we must raise taxes by 4.5%. It was stated that this increase will affect everybody. Councilor G. Steere noted that it will affect residents who did not pay taxes previously because they do not own real estate and their cars are valued at less than \$6,000.00.

Councilor W. Steere stated that we took the FM Global money so that we didn't have to raise taxes, but if we raise less than is necessary, he does not want to leave the next Council with a 1% problem. Councilor Walsh replied that he does not find a 1% deficit unreasonable and pointed out that this Council lost \$1.75 million and has still made the budgets work.

Councilor Burlingame stated that he would feel more comfortable moving an additional \$100,000 from surplus, which would result in a 2.36% tax increase on motor vehicles. Councilor Burlingame noted that there would be a slight decrease in the real estate, commercial and tangible tax rates. Councilor G. Steere stated that he is not in favor of taking any additional money from surplus, adding that we will have to deal with it next year. Councilor Carroll concurred.

There was discussion concerning the scheduling of a Special Financial Town Meeting. Jean Fecteau, Town Clerk, stated that due to State Law, the earliest possible date would be July 31. Councilor Burlingame asked if we could issue just one tax bill if the meeting is scheduled for this date. Viviane Valentine replied in the affirmative.

MOTION was made by Councilor Carroll to request the Town Clerk to schedule a Special Financial Town Meeting, July 31, 2010 at 10:00 a.m. for the purpose of amending the budget approved at the May 2010 Financial Town Meeting by decreasing the motor vehicle tax exemption in an amount necessary to raise an amount not less than \$581,580 and not to exceed \$601,580, and to AUTHORIZE the Town Council President to sign a Resolution requesting the same; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Reserve Funds

Councilor Walsh stated that the Finance Director has requested four motions to reserve funds:

MOTION was made by Councilor W. Steere to authorize the Director of Finance to transfer up to \$13,000.00 from General Fund account number 01-043-2106 '*Service Contracts - radio equipment*' (EMA Department) at June 30, 2010 (fiscal year end) to a '*Radio Equipment Maintenance*' Special Revenue Fund to be carried forward to Fiscal Year July 1, 2010 - June 30, 2011 and future years to be used for maintenance, repairs and replacement of radio equipment; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to authorize the Director of Finance to transfer up to \$6,000.00 from General Fund account number 01-040-2106 '*Service Contracts*' (Police Department) at June 30, 2010 (fiscal year end) to the '*Police Equipment Maintenance*' Special Revenue Fund to be carried forward to Fiscal Year July 1, 2010 - June 30, 2011 and future years to be used for maintenance, repairs and replacement of equipment; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Carroll to authorize the Director of Finance to transfer up to \$19,000.00 from General Fund account number 01-082-2233 '*Computer systems purchases/Support/Repairs*' (Other Operational Expenses) at June 30, 2010 (fiscal year end) to a '*Computer systems upgrade*' Special Revenue Fund to be carried forward to Fiscal Year July 1, 2010 - June 30, 2011 and future years to be used to upgrade the Town's computer systems; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor G. Steere to authorize the Director of Finance to transfer up to \$50,000 from the General Fund to a '*Reserve for Health Insurance*' Special Revenue Fund to be carried forward to Fiscal Year July 1, 2010 - June 30, 2011 and future years. This amount represents the difference between the amount budgeted for medical insurance and actual medical insurance premiums/working amounts paid as of June 30, 2010 (fiscal year end) and will be used to lessen the impact of potential significant increases in health insurance premium/working rates associated with being self-insured through GHGRI; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

G. Interlocal Equipment Sharing and Personnel Interchange Contract & Joint Purchasing Agreement
Among the Towns of Burrillville, Glocester, North Smithfield and Smithfield

Discussion and/or Action

Councilor Walsh stated that the Council has received the agreement between the four towns. Councilor Walsh asked Tim Kane if this is for equipment sharing only. T. Kane replied in the affirmative, stating that the joint purchasing agreement is separate and is still being drafted.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Interlocal Equipment Sharing & Personnel Interchange Contract between the Towns of Burrillville, Gloucester, North Smithfield & Smithfield; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

H. Appointments

1. Litter Crew Supervisor

Councilor Walsh read the following recommendation from the Public Works Department:

June 17, 2010

To: Town Council

From: Gary Trembl

Public Works Director

Re: Appointment Litter Crew Supervisor

I am requesting that Marie Howard be appointed to the position of Litter Crew Supervisor. Marie worked on the litter crew 4 summers ago and has been the supervisor for the last 3 summers. She has done a great job working with the crew cleaning up the sides of roads throughout town. Marie will be working 16 hours per week at a rate of \$ 11.00/hour starting June 28, 2010. The program will run from 6/28/10 - 8/6/10

(End of memo)

MOTION was made by Councilor G. Steere to APPOINT Marie Howard as the Litter Crew Supervisor for 2010, at the hourly rate of \$11.00 per hour, effective June 28, 2010 to August 6, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Litter Crew Lottery

A lottery was conducted with the following results:

MOTION was made by Councilor Carroll to APPOINT Andrew Burns and Amanda Maynard to the Litter Crew for 2010, at the hourly rate set forth by the Finance Director, effective 6/28/10 to 8/6/10; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to APPOINT and Andrew Cordone, Aaron Dupuis and Dylan Longwill, in that order, as Alternates to the Litter Crew for 2010 at the hourly rate set forth by the Finance Director, effective 6/28/10 to 8/6/10; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Part Time - Seasonal Maintenance worker

Councilor Walsh stated that the Public Works Director has requested this appointment be tabled.

MOTION was made by Councilor W. Steere to TABLE the appointment of the part time seasonal maintenance worker for 2010, seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Boards/Commissions

A. Resignation: - Discussion and/or Action (cont'd from June 3, 2010)

1. Senior Center Board of Directors

Councilor Walsh stated that the Council has received the resignation of Stan Severance from the Senior Center Board of Directors, effective June 9, 2010.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Stan Severance from the Senior Center Board of Directors effective June 9, 2010; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Declare Vacancy - Discussion and/or Action

1. Recreation Board

One term to run concurrent with Council to expire 01/2011

Councilor Walsh read the following request from the Recreation Board:

To: Town Council

From: Anthony Parrillo

Date: May 26,2010

Subject: Recreation Commission

At the Recreation Meeting in April there was discussion regarding Ted Burns, a member of the Commission. The last meeting Ted attended, approximately a year ago, he made it very clear to the group that he no longer wanted to serve as a member of the Commission. Due to a lack of time and other commitments, he decided to step down. We informed him that he needed to send a letter of resignation to the Town Hall.

As of last month Ted has not submitted a letter of resignation, and I ask that you remove him from the Recreation Commission. Judy Branch, a current member of the committee knows someone (I believe his name is Joe Branch) that is interested in filling Ted's position. Currently, we are unable to fill this void until Ted Burns is officially removed from the position.

If you have any questions, please contact me.

Respectfully submitted,

Anthony Parrillo

Recreation Director

(end of memo)

Discussion: Councilor Carroll stated that he contacted T. Burns several months ago regarding this issue, but has not heard back from him. Tim Kane, Assistant Town Solicitor, stated that per the Charter, if a member of a board or commission misses three (3) consecutive meetings, the Council can declare the position vacant.

MOTION was made by Councilor G. Steere to DECLARE the vacancy of the seat on the Recreation Committee held by Edward Burns, one unexpired term to expire 1/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Amend Charge - Discussion and/or Action

1. Economic Development Commission

To increase to two alternate positions

Councilor Walsh stated that the Council has received a request to add a second alternate to the Economic Development Commission due to attendance issues.

Discussion: Councilor W. Steere explained that there is an individual who wishes to become involved with the Economic Development Commission. Councilor W. Steere stated that he is in favor of adding a second alternate.

MOTION was made by Councilor W. Steere to AMEND the Charge of the Economic Development Commission to increase one alternate position to two alternate positions effective immediately; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Appointment - Discussion and/or Action

1. Senior Center Board of Directors (cont'd from June 3, 2010)

Councilor Walsh stated that the Senior Center Board of Directors has not forwarded a recommendation. They will be calling a special meeting later this month to address this and other issues and they have requested this item be tabled at this time.

MOTION was made by Councilor W. Steere to TABLE the appointment to the Senior Center Board of Directors; seconded by G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Budget Board (cont'd from June 3, 2010)
One unexpired 3 year term to expire 1/2011

MOTION was made by Councilor G. Steere to APPOINT Kevin LaVoie to the Budget Board to fill one unexpired 3 year term to expire 1/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Recreation Board
One term to run concurrent with Council to expire 01/2011

MOTION was made by Councilor Carroll to APPOINT Joe Branch to the Recreation Board for a one year term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Western Rhode Island Home Repair Executive Board
One 2 year expired term to expire 7/2010

Councilor Walsh stated that the Program Manager has informed the Clerk that Charles Miller wishes to remain on the Board.

MOTION was made by Councilor W. Steere to REAPPOINT Charles Miller to the Western Rhode Island Home Repair Executive Board for a 2 year term to expire 7/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

5. Gloucester Housing Authority
One 5 year expired term to expire 7/2010

Councilor Walsh stated that the Clerk's office has left a message for Leanne Poirier, but has not received a response.

Discussion: None.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Gloucester Housing Authority for a 5 year term to expire 7/2015; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

6. Economic Development Commission
Alternates (new position) 1 year term to expire 5/2011

Councilor Walsh explained that this is to fill the newly created Alternate #2 position. Members of the Board have recommended Henry Gold for this position.

Discussion: None.

MOTION was made by Councilor W. Steere to APPOINT Henry Gold to the Economic Development Commission for the 1 year Alternate #2 position for a term to expire 5/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

X. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Tom Mainville, Finance Director, stated that presently we offer an option for taxpayers to pay their taxes using credit cards through Opal Data. T. Mainville stated that Opal Data has decided to stop doing this and has brought in another company called Point and Pay to continue this option. T. Mainville stated that he has reviewed their contract along with the attached terms and conditions, which he feels are burdensome and onerous.

T. Mainville stated that he would not feel comfortable signing this contract. T. Mainville stated that a representative from Point and Pay advised him that if there are

certain paragraphs in the agreement which make us uncomfortable, they would consider taking them out. Tom Mainville explained that with Opal Data, tax payments went through them and stopped there, whereas the proposed system would have a credit card accepting machine in the Tax Collector's Office. T. Mainville stated that our risk would be increased. Councilor Walsh directed T. Mainville to forward the documents to the Town Solicitor for review.

Councilor Walsh noted that a bill was submitted by the Juvenile Hearing Board with regard to flowers purchased for Memorial Day plantings. There was Council consensus to pay this invoice.

2. Councilor Burlingame asked Lawrence Desormier, Building/Zoning Official, if his office has caught up on the CEADA reporting to the State. L. Desormier replied that the situation has improved and they are doing the best they can to keep up. Councilor Burlingame spoke regarding the timing in issuing a permit to construct a shed, asking L. Desormier why it took so long.

L. Desormier replied that, in fairness to the applicants, he reviews applications in the order that they are received. Councilor Burlingame expressed his opinion that a permit for a 4 by 8 shed without a foundation should not be placed in the same queue as those which require more work. Councilor Burlingame requested that the Building Office review the simple applications before those which require more time.

3. Gary Trembl, Director of Public Works, reported that the footings for Pine Orchard Road were delivered and installed. G. Trembl stated that the Sand Dam Association will be installing a pipe to alleviate the water from the dam to the left of the Transfer Station, adding that this must be completed before the bridge work can begin.
4. Joseph DelPrete, Police Chief, spoke regarding the traffic light on Route 44 and Route 102. Chief DelPrete stated that he attended a meeting at the State Traffic Commission last week and they were amicable to our request to change the timing of the light. Chief DelPrete noted that there was an engineer here today studying the traffic flow. For the time being, Chief DelPrete stated that he will keep the light on flashing from 2:00 pm to 7:00 pm.

Chief DelPrete stated that on May 29th, liquor compliance checks were conducted and two establishments, Pinewood Pub and Europa Restaurant, were found in violation for serving alcohol to a 17-year old decoy who was accompanied by an undercover officer from Central Falls. Chief DelPrete stated that both servers were charged and pled guilty in 6th District Court.

Chief DelPrete noted that neither establishment had any violations in the past five years and he gave them a verbal warning that if another violation occurs this year, they would go before the Licensing Board and face a fine, suspension and/or possible revocation of their license.

B. Boards & Commissions

1. Anne Ejnes, School Committee member, stated that redistricting of the elementary schools is going well. A. Ejnes stated that there have been no complaints so far and complimented the principal of Fogarty Elementary School for what she has done to meet with the parents to alleviate their concerns.

XI. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received from the Big Brothers organization regarding an event to be held on June 18th.
- B. Councilor Walsh stated that a notice was received regarding a seminar on “Creating Affordable Housing in Your Community”, which will take place on June 25th.
- C. Councilor Walsh stated that the Council received correspondence regarding pothole damage to a vehicle on Cooper Road.
- D. Councilor Walsh stated that correspondence was received concerning a bike ride which will travel through Town on State roads. This will be referred to the Chief of Police.
- E. Councilor Walsh stated that there was a letter from the Regional School Department indicating that there will be a delay in the vacating of Rooms 7 through 12 at 1145 Putnam Pike.
- F. Councilor Walsh stated that a letter was received from a concerned resident with regard to the disposal of syringes at the Transfer Station. Gary Treml, Director of Public Works, stated that he has contacted Resource Recovery and has been given the procedure on this matter.
- G. Councilor Walsh stated that a Resolution was received from the Town of Richmond regarding wetland permits for flood zones affected by the recent flooding.
- H. There was discussion regarding a letter from a Gloucester resident concerning the process by which lifeguards are hired. Councilor W. Steere stated that the Council had indicated that those hired for Recreation Department summer positions should be residents of Gloucester. Councilor W. Steere explained that the resident’s daughter applied for a position, but a Foster resident was hired instead.

Councilor Carroll stated that there should be a policy in place which states that Gloucester residents receive priority over non-town applicants. Councilor G. Steere expressed his opinion that the Gloucester resident, if qualified, should have been hired and suggested that the Council speak to the Recreation Director regarding the matter. There was consensus to send a reply to the resident informing her that the Council is following up on the situation.

XII. Open Forum

- A. Bob Lyons asked if there would be anything on the ballot with regard to full regionalization of schools.
- B. Councilor Burlingame stated that the East Providence School Committee reached an agreement with the teachers, adding that East Providence has a charter provision by which the Town Council gets involved in the ratification of school contracts. Councilor Burlingame stated that Gloucester could conceivably place this on the ballot for a Charter Amendment.

Anne Ejnes, School Committee member, stated that if the Council is considering this, they should also appoint at least one Council member to serve on the negotiating team. Tim Kane, Assistant Town Solicitor, suggested that when the Charter is reviewed, the Council could require that the School Committee consult with the Council before approving a contract and that a Council liaison be appointed.

XIII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Potential Litigation
Licensing Board
Discussion and/or Action

MOTION was made by Councilor W. Steere to convene to Executive Session pursuant to RIGL 42-46-5(a)2- Potential Litigation Licensing Board; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

No votes were taken in Executive Session.

MOTION was made by Councilor W. Steere to reconvene Open Session; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:53 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 15, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **July 15, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Raymond Goff, Town Planner; Gary Trembl, Public Works Director; Joseph DelPrete, Chief of Police; George Charette and Russell Gross, Planning Board members; Walter Steere, Jr., School Committee member; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum on Agenda Items Only

None.

V. Public Hearings

A. Proposed Amendments to Gloucester Code of Ordinance - Discussion and/or Action
Chapter 350, Article IV Planned Districts

Petitioner: Julian Fogue

Location: AP 18, Lot 10

Amendments, as proposed, to current stipulations:

1. "that no self-motorized vehicles shall be sold" CHANGED to read "the sale and storage of motorized vehicles shall be allowed and activities directly related thereto."

Councilor Walsh stated that this Public Hearing was advertised and abutters notices were sent.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding this application.

Discussion: Councilor Walsh stated that a recommendation from the Planning Board has not been received at this time. The Council will hear testimony from all interested parties, however the hearing will be continued to the meeting of August 5th.

Julian Fogue, applicant, of 401 Snake Hill Road, presented the Council members with additional information pertaining to his application. J. Fogue stated that he is proposing to change the language of the stipulations to allow the sale of equine motor vehicles in addition to horse trailers.

If the application is granted, J. Forgue stated that he will apply for a motor vehicle license from the State of Rhode Island which will be limited to this type of equine motor vehicle and not RV's or cars.

Councilor Carroll asked the applicant to describe the vehicle he wishes to sell. J. Forgue replied that it consists of a truck with a body on top to put horses in and also provides living space. Councilor Carroll inquired if this vehicle could be used as an RV. J. Forgue replied that it could be done if the horse stalls were removed, but added that this would be possible with a horse trailer also.

Councilor G. Steere stated that he was at the Planning Board meeting at which two types of vehicles were mentioned; "horse vans" and "equine motorcoaches." J. Forgue explained that one type has living quarters and the other does not.

Jay Peabody, an attorney with Partridge Snow & Hahn, spoke on behalf of George Briden, an abutter to the subject property. J. Peabody stated that he had sent a letter to the Council with regard to this application. Councilor Walsh stated that the letter was received and made part of the record. J. Peabody noted that his client is not opposed to the petitioner's application but wished to have more definition of limitation to what the applicant is attempting to do, adding that the application is not clear.

J. Peabody submitted to the Council a copy of the current stipulations which he has red-lined to reflect certain conditions which he feels should be in place, such as the requisite licensing requirements having been met under Rhode Island General Laws. J. Peabody noted that this amendment must be clear on the record because the property is for sale and any future use will be subject to the Council's decision. J. Forgue stated that the property is no longer for sale.

Charles Fogarty, an abutter to the property, stated that the application itself is somewhat vague with regard to the types of vehicles to be stored and sold on the property. C. Fogarty stated that there should be a clear definition of the vehicles to prevent misinterpretation. C. Fogarty further stated that the current stipulation which allows 35 vehicles should remain as such and not allow 35 additional motorized vehicles. C. Fogarty noted that the wording of the application states "related activities" and asked if this could be interpreted to mean a maintenance and repair facility on the property.

C. Fogarty commented that he is in favor of Planned Unit Developments, but noted that there have been multiple zone changes since Tourbillon Farms was originally approved. C. Fogarty stated that the onus for a zone change is on the individual, who must show hardship, adding that improving the property to increase its value is not a legitimate reason. C. Fogarty noted that although the property is no longer for sale, at some point somebody else will own this and we must be careful that we preserve the intent of the Planned Unit Development. C. Fogarty voiced concern that in the future, an applicant may wish to sell camping vehicles. C. Fogarty stated that we not only have to look at the specifics of this application, but also the general policy and the fact that hardship must be proved in the case of a zone change.

Councilor Burlingame responded that although he understands what C. Fogarty is saying, there is another aspect to consider. Councilor Burlingame stated that the operation of the business has developed in such a way that enhances the value of the property and generates increased tax revenue. Councilor Burlingame added that this type of economic development within the community will expand the tax base. C. Fogarty agreed but noted that in the past, certain allowances have been made which have made certain territories something that they were not intended to be.

Tim Kane, Assistant Town Solicitor, stated that a Zone Change is based on whether it is consistent with the Comprehensive Plan, whereas an applicant for a Special Use Permit or Variance must demonstrate hardship.

George Charette, Planning Board chair, stated that the Planning Board scrutinized this application carefully before rendering an opinion. G. Charette pointed out that the applicant would have no more than three motorized vehicles on the property as they are valued at well over \$100,000. G. Charette added that the vehicles would be stored in an open space which is surrounded by natural growth. G. Charette stated that the Planning Board has not submitted their recommendation to the Council but the applicant was advised by the Planning Board that a positive recommendation would probably be made. G. Charette noted that most of the concerns voiced tonight will be addressed in the Planning Board's recommendation.

Bernardine Hodgkinson, of 421 Snake Hill Road, spoke regarding several problems with the existing business on the subject property, stating that the regulations were never enforced by the Town Council. B. Hodgkinson stated that the trailers are stored along her property line. B. Hodgkinson noted that they are not all horse trailers, but also include motorcycle trailers and a box truck trailer.

B. Hodgkinson reported that there is a maintenance facility presently on the property where they have worked on trailers for years. B. Hodgkinson expressed her opinion that businesses should be located in a business zone and not a residential area such as Snake Hill Road. B. Hodgkinson noted that she is totally against this amendment as are most of her neighbors.

Russell Gross of 486 Putnam Pike, Planning Board member, stated that only one of the abutting property owners, present tonight, were present at the Planning Board meeting. R. Gross stated that it would have been helpful if the neighbors had attended to voice their concerns.

Tim Kane, Assistant Town Solicitor, explained that the abutting property owners are notified by certified mail of the Town Council Public Hearing, but notice is not required for the Planning Board meeting as it is not a public hearing. R. Gross stated that the abutters should be notified of both meetings. Mr. Gross noted it was funny that the gentleman present tonight knew about the Planning Board meeting but others did not.

MOTION was made by Councilor W. Steere to CONTINUE the Public Hearing to August 5, 2010 for the proposed amendment to the Gloucester Code of Ordinance, Chapter 350, Article IV Planned Districts, Petitioner: Julian Forgue, Location: AP 18, Lot 10; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Amendment to Entertainment License Request - Discussion and/or Action

This application is a request for relief of the outdoor restriction of Applicant's Entertainment License:

Applicant: Putnam Properties, Inc.

d/b/a Stick's Tavern

Location: 417 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised. Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the amendment.

Discussion: Vincent Iannuzzi, owner and applicant, explained that last year he filed an application for outdoor entertainment, but withdrew it due to personal reasons. V. Iannuzzi stated that he has refined the application to address concerns which were brought up at the time and has resubmitted the application. V. Iannuzzi noted that he has recently purchased more land and has increased the parking capacity. V. Iannuzzi stated that he is competing with other bars in the local area that are doing block parties and events with live bands for entertainment. V. Iannuzzi commented that he has noticed a significant drop in business and is attempting to stay afloat financially.

With regard to the neighbors' concerns about noise, V. Iannuzzi stated that he placed a stereo in the back yard of the establishment with the volume turned all the way up and walked around the neighborhood. V. Iannuzzi stated that the music could not be heard over the sound of passing cars. V. Iannuzzi stated that he is trying to keep his business going and asked the Town Council to consider his request.

Councilor Walsh asked if anyone wished to be heard for or against this application.

1. David LaPlante, 47 Absalona Hill Road, stated that turning a stereo up loud is not the same as a live band. D. LaPlante stated that last year, the applicant had outdoor live entertainment in violation of his license, adding that the music could be heard loud and clear. D. LaPlante pointed out that at a hearing pertaining to this violation, there were many motorcycle people present to intimidate the Council. D. LaPlante stated that he has no objection to motorcycle riders drinking and listening to bands inside, but is not in favor of outdoor entertainment. D. LaPlante noted that the establishment in Foster that has outdoor

entertainment does not have houses nearby. D. LaPlante expressed concern that this type of entertainment will increase traffic on Route 44 causing a public safety issue.

2. David Piccirillo, of 456 Putnam Pike, stated that he lives directly across from the tavern. D. Piccirillo stated that when the band was performing outdoors last year, he could hear every song clear as a bell. D. Piccirillo stated that if the request for outdoor entertainment on weekends from 2:00 to 7:00 is granted, it will ruin the weekend for the neighbors who will be forced to listen to whatever is being played.

D. Piccirillo expressed concern that since Mr. Iannuzzi has purchased additional land and has increased the parking area, there will be more people and bigger parties. D. Piccirillo stated that he is not opposed to this idea for one day only of a holiday weekend, such as Memorial Day, 4th of July, or Labor Day. However, D. Piccirillo expressed his objection to every weekend all summer long.

3. Joseph DelPrete, Chief of Police, stated for the record that he will oppose this on two fronts; the public safety issue and the number of cars which will cause problems upon exiting from the establishment.
4. MaryAnn Curry, resident of Smithfield, stated that she is a patron of Sticks Tavern and a good friend of Mr. Iannuzzi. M. Curry stated that she is a single mother of two, adding that she rides a motorcycle but does not drink alcohol. M. Curry stated that she had planned to have her son's 5th birthday party with an acoustic band at the establishment, but could not because it is not allowed. M. Curry pointed out that outdoor entertainment would not increase the number of people because the capacity of the tavern is limited.

Councilor Walsh asked if anyone else wished to speak regarding this application. Hearing none, Councilor Walsh DECLARED the Public Hearing Closed.

Discussion: Councilor Walsh asked V. Iannuzzi what is the capacity of the establishment. V. Iannuzzi replied the capacity is 192, however, they do not even come close to that number. V. Iannuzzi stated that when the prior incident with the live entertainment occurred, he was out of town, adding that the individual who made the decision is no longer employed at the tavern. V. Iannuzzi stated that if he is allowed to have live entertainment it would be in back of the building out of sight from the road. V. Iannuzzi stated that even one day per weekend would be fine.

Councilor G. Steere stated that when V. Iannuzzi was before the Council last year, it was stated that the events would be held once a month during the summer months, however, V. Iannuzzi is now asking for every weekend. Councilor G. Steere stated that he will oppose this application.

Councilor Burlingame asked if the Council must have a finding to prove the fact that the outdoor entertainment will not be a public nuisance. William Bernstein, Town Solicitor, replied that under Ordinance 173-4, the Council must specifically make a finding that the proposed entertainment would not constitute a public nuisance. Councilor Burlingame stated that the Council has heard testimony from two people who claim that it is a nuisance and more

importantly, the Police Chief has stated that he is against this for the same reason. Councilor Burlingame stated that this is grounds for denial.

V. Iannuzzi asked if the Ordinance addresses hardship with regard to the location of the business. W. Bernstein replied that this is a standard that may be found in the Zoning Ordinance, but this is a specific Ordinance which deals with entertainment. V. Iannuzzi suggested that we try something minimal, such as one day per month. Councilor G. Steere stated that when the former Police Chief recommended that for 100 people, two officers would be required, V. Iannuzzi stated that this would be cost prohibitive. V. Iannuzzi stated that he has six employees on duty during functions, not including the bartenders.

Councilor W. Steere asked the applicant what is the difference between having the entertainment indoors as opposed to outdoors. V. Iannuzzi replied that his patrons want to listen to the music at picnic tables outdoors where there is more room. Councilor W. Steere stated that the Police Chief is our authority on public safety and his opinion should be considered as well as that of the neighbors.

Councilor Carroll stated that the benefit that would be realized by the applicant would be outweighed by the burden of the neighboring property owners. Councilor Carroll noted that at this time, people can play bocce and drink alcohol outdoors and entertainment can still be held inside. V. Iannuzzi replied that we won't know if it would be a burden unless we try it, adding that if it does not work out, the Council could choose not to renew the license in November.

Councilor Walsh asked William Bernstein, Town Solicitor, if there is way to grant a special event license for one day instead of changing his license. W. Bernstein replied in the affirmative, adding that the applicant would have to fill out an application describing the event and what type of entertainment there would be. V. Iannuzzi stated that he would be willing to do so.

Chief DelPrete asked V. Iannuzzi what is the potential that outlaw motorcycle clubs would attend the event. V. Iannuzzi replied that he doesn't pay attention to what his customers are wearing, noting that most of them are recreational riders like himself. Councilor W. Steere commented that there were approximately twenty-five bikers present at the Town Council meeting last year.

Russell Gross asked if there would be a hearing for a request for a Special Event. Councilor Walsh replied that a Special Event application must be heard by the Town Council. Jean Fecteau, Town Clerk, stated that any business-related applications are given to the Town Council because the applicants have licenses issued by the Council.

Councilor Walsh asked if there were any more questions from the Town Council. Hearing none, Councilor Walsh called for a motion.

MOTION was made by Councilor W. Steere to DENY the request for relief of the outdoor restriction of Applicant's Entertainment License; seconded by Councilor G. Steere

Discussion: None.

Jean Fecteau, Town Clerk, polled the Council:

Councilor Carroll	Aye
Councilor G. Steere	Aye
Councilor Burlingame	Aye
Councilor W. Steere	Aye
Councilor Walsh	Aye

MOTION PASSED

- VI. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes- June 17, 2010
 - B. Finance Director Report: June 2010
 - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of June 17, 2010, to TABLE the Finance Director's Report of June 2010; there are no Additions or Abatements to the 2009 Tax Roll; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- VII. Unfinished Business
 - A. Appointments
 - 1. Part Time - Seasonal Maintenance worker (cont'd from 6/3/2010)

Gary Trembl, Director of Pubic Works, stated that this position will not be filled, but will remain in-house to save money.

VIII. New Business

A. Road Policies/Non-town roads/Repair Procedures - Discussion and/or Action
Discussion: Councilor Burlingame stated that he would like to make a recommendation at the next meeting. There was discussion concerning the formation of a committee to compile criteria to determine the order in which roads should be repaired.

B. Claims - Discussion and/or Action

1. Silva claim

Tim Kane, Assistant Town Solicitor, recommended that the claim be denied and referred to the Trust.

MOTION was made by Councilor Carroll to deny the claim made by the plaintiff Silva and refer said claim to the Municipal Trust and the Solicitor for further action; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Prudhomme claim

Tim Kane, Assistant Town Solicitor, explained that this claim concerns pothole damage and has already been denied by the Finance Director. T. Kane asked if the claimant was notified in the event that he wished to speak to the Council. Jean Fecteau, Town Clerk, noted that Mr. Prudhomme was aware that his claim was referred to the Town Council.

MOTION was made by Councilor G. Steere to deny the Prudhomme claim; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Lake Washington dam/road - Discussion and/or Action

Discussion: Paul Ricard of 1 Larry Bird Drive spoke on behalf of the Lake Washington Association. P. Ricard stated that in 2007 the Department of Environmental management began implementing new rules and regulations which require that dams be registered by their owners. P. Ricard stated that the Association, the Town of Gloucester, and other private parties are co-owners of the dam.

P. Ricard further stated that, upon research, it was discovered that in 1984, the Town accepted Lake Washington Drive by deed transfer. P. Ricard requested that the Town Council form a committee or appoint a liaison to discuss these issues with DEM before the next round of inspections are due on the dam. Councilor Walsh inquired when the next site visit by DEM will take place. P. Ricard replied that the next physical examination of the dam is due in two years.

Tim Kane, Assistant Town Solicitor, stated that the Council accepted the road, but it is unclear whether the road and the dam are the same thing. It was stated that more research must be conducted and P. Ricard offered the assistance of the Lake Washington Association. Councilor Walsh stated that this will be on the agenda for the August 19, 2010 Town Council meeting.

D. Municipal Court (cont'd from 6/3/2010) - Discussion and/or Action

Discussion: Joseph DelPrete, Chief of Police, stated that he has conducted an analysis with regard to the Municipal Court in the Town of Burrillville which was established in 1999 and the newly established Court in the Town of North Smithfield, which is about to begin soon. Chief DelPrete stated that he has calculated that the Town would gain \$2.00 more for each traffic citation as compared with the amount from the Rhode Island Traffic Tribunal. Chief DelPrete further stated that in the event of arraignments or trials, the Town would gain up to \$25.00 per violation for court costs.

Chief DelPrete noted that start-up costs would be approximately \$15,000 to \$20,000 for software to manage the court and to interface with the Rhode Island Traffic Tribunal. Chief DelPrete added that there would be an ongoing expense for personnel such as a clerk, administrator and police officer. Regarding zoning issues such as animal control, Chief DelPrete stated that in the last 8 or 9 years, we have had only 10 or 12 ordinance violations from the Police Department. Chief DelPrete expressed his opinion that although the Municipal Court would have a lot of positive aspects, much of the support would fall on the back of the Police Department.

Chief DelPrete added that with staffing levels as they are, he would have difficulty administering that court. Chief DelPrete stated that a legislative act would be necessary to establish a Municipal Court, noting that North Smithfield had difficulty obtaining legislation. Councilor Carroll commented that the revenue generated from a Municipal Court could possibly cover the salary for an additional Police Officer. Chief DelPrete replied that this is what North Smithfield is projecting. Chief DelPrete stated that he will continue to research the matter and will report back to the Town Council.

E. Motor Vehicle Excise Tax proposal/billing - Discussion and/or Action

Councilor W. Steere asked what is the plan for billing after the Special Town Financial Meeting of July 31st.

Discussion: Tom Mainville, Finance Director, replied that due to the Town Financial Meeting, bills should go out two weeks later than they have in the past, which would extend the due date until September 17th. T. Mainville noted that our fund balance is sufficient to withstand the delay, but he would not want to extend it beyond that.

T. Mainville also pointed out that we have an up-front payment from FM Global which will help in this regard. T. Mainville further stated that the budget has been adjusted by taking the revenue out of the State anticipated funds and moving it to the levy portion of the budget. T. Mainville noted that the tax rates will not change but the exemption will be reduced from \$6,000 to \$2,700.

F. Commuter Parking - Discussion and/or Action

Discussion: Councilor W. Steere stated that the former State Police barracks will eventually be sold, affecting the commuters who park there. Councilor W. Steere asked for suggestions regarding a RIPTA parking area somewhere else in the village. Councilor Carroll stated that an

option would be to use a portion of the Kent property. Councilor W. Steere stated that another possibility would be the parking area behind the Town Hall.

Councilor W. Steere expressed concern that if this issue is not addressed, the State may be inclined to discontinue the bus route. Councilor Walsh asked why we would use taxpayer money to provide parking for 10 or 12 commuters. Councilor W. Steere stated that we must be more self-reliant as a Town since the State gives us nothing. Councilor W. Steere stated that we should explore all options.

G. Recognition - Discussion and/or Action

1. 4th of July Parade

Discussion: Councilor W. Steere stated that this year's parade went off seamlessly, which is a tribute to the Town employees and others who took part in the planning and execution of the event. Councilor W. Steere commended the Public Works Department for their quick and thorough clean-up and the Police Department for keeping everything under control on such a hot day. Councilor W. Steere also wished to publicly recognize the Parade Committee whose members worked hard to put together a successful 4th of July parade. There was Council consensus to send a letter to the Parade Committee expressing appreciation.

2. Pine Orchard Road/bridge repairs

Discussion: Councilor W. Steere spoke regarding the recent resurfacing of Pine Orchard Road, stating that he wished to recognize the local contractors and the Department of Public Works for their hard work and initiative.

There was discussion concerning the Chestnut Hill bridge. Gary Treml, Director of Public Works, stated that the work has been sidelined by the State. Councilor W. Steere asked if there are any avenues to circumvent the situation. Tim Kane, Assistant Town Solicitor, suggesting sending a letter to the Department of Transportation stating that the Town is interested in doing the project.

H. Appointment

1. Substitute Lifeguard 2010

Councilor Walsh stated that the Council has received a request from the Recreation Director:

Appoint David Shuckerow as a Substitute Lifeguard at a rate of \$10.25 per hour. David is already a Water Safety Aide and is also Lifeguard certified.

Thank you,
Anthony Parrillo

(end)

Councilor Walsh asked if the candidate is a Gloucester resident. Councilor Carroll replied in the affirmative. Councilor W. Steere asked if the candidate is currently a Water Safety Aide. Councilor Carroll stated yes, adding that the Recreation Director wishes to have him fill in as a lifeguard provided it does not interfere with the water safety aide position. Councilor W. Steere noted that we have other qualified applicants.

Councilor Carroll suggested that before next Spring, the Council should put in policies to address matters such as this. Councilor Walsh pointed out that some of the lifeguards go on vacation in August and others go away to college before the end of the season, adding that this appointment will allow the Recreation Director to cover the absences.

MOTION was made by Councilor Carroll to APPOINT David Shuckerow as a substitute Lifeguard for the 2010 summer season, at a rate of \$10.25 per hour effective July 11, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

I. Bid Recommendation

1. **IFB 2010-09 - Paver-Roller-Trailer**

Councilor read the following recommendation from the Board of Contracts and Purchases:

July 15, 2010

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Awarding of IFB 2010-09 ~ Asphalt paver, roller, and trailer

I. IFB 2010-09 was advertised in accordance with current rules and procedures.

II. One (1) company bid. Bidder was deemed in compliance with the bid specifications.

III. The Board recommends the bid be awarded to the sole bidder:

Wood's CRW Corp. of New Hampshire

1401 Hooksett Road

Hooksett NH 03106

Bid price: \$96,100.00 for the paver, roller, and trailer package

Allocation of total bid price:

\$ 54,500	Leeboy model 1000F track asphalt paver
29,500	Hamm HD 10 C VV roller
12,100	Interstate trailer, model 20DT
\$ 96,100	Total bid price

Respectfully submitted,

Larry Desormier - Building/Zoning Official

Jean M. Fecteau - Town Clerk

Thomas P. Mainville - Director of Finance

(end of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to **AWARD IFB 2010-09** ~ Asphalt paver, roller, and trailer to Wood's CRW Corp. of New Hampshire, for the Bid price of \$96,100.00; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. IFB 2010-10 - Crack sealing

Councilor Walsh read the following recommendation from the Board of Contracts & Purchases:

July 15, 2010

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Awarding of **IFB 2010-10 ~ Crack sealing**

- I. IFB 2010-10 was advertised in accordance with current rules and procedures.
- II. One (1) company bid. Bidder was deemed in compliance with the bid specifications.
- III. The Board recommends the bid be awarded to the sole bidder.

AnnSeal, Inc.

130 Main Street, Suite

Johnson City, NY 13790

Bid price: \$12.92 Per gallon of crack sealant

Respectfully submitted,

July 15, 2010

12 of 17

Larry Desormier - Building/Zoning Official
Jean M. Fecteau - Town Clerk
Thomas P. Mainville - Director of Finance
(end of memo)

Discussion: None.

MOTION was made by Councilor Carroll to AWARD **IFB 2010-10 ~ Crack sealing** to AnnSeal, Inc. For the bid price of \$ 12.92 per gallon of crack sealant; seconded by Councilor G. Steere.

Discussion: Councilor Walsh asked the Finance Director if other Towns were consulted to determine what they pay for this material. Tom Mainville, Finance Director, replied in the negative. Councilor Walsh suggested that the Finance Director do so.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0

MOTION PASSED

IX. Boards/Commissions

A. Resignation

1. Senior Center Board of Directors

Councilor Walsh stated that the Council has received the resignation of Ernie LaFazia from the Senior Center Board of Directors, effective at the close of the October, 2010 Board of Directors monthly meeting.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Ernest LaFazia from the Senior Center Board of Directors effective at the close of the October, 2010 Board of Director's monthly meeting; seconded by Councilor Burlingame.

Discussion: The Clerk will put the filling of this position on the agenda at a later date.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

B. Appointment - Discussion and/or Action

1. Senior Center Board of Directors (cont'd from June 17, 2010)

Councilor Walsh explained that this appointment is to fill the seat vacated by Board Member Steven Sette.

Councilor Walsh read the following recommendation from the Board of Directors:

Town Council Members
Kevin Walsh, Council President

June 30, 2010

Dear Mr. Walsh and Council Members,

The Board of Directors of the Gloucester Senior Center met today and voted to recommend Mrs. Kathleen Rechter to fill the vacancy on the Senior Center Board of Directors.

We ask that you please consider and appoint Kathleen to this position.

Sincerely,

Ernest LaFazia, Chairman

(end of memo)

MOTION was made by Councilor W. Steere to APPOINT Kathleen Rechter to the Senior Center Board of Directors effective July 17, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Gloucester Housing Authority (cont'd from June 17, 2010)
One 5 year expired term to expire 7/2010

Councilor Walsh noted that this is the seat of Leanna Poirier who has indicated that she wishes to remain on the Housing Authority.

MOTION was made by Councilor Burlingame to REAPPOINT Leanna Poirier to the Gloucester Housing Authority for a five year term to expire 7/2015; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Comprehensive Community Plan Coordinating Committee
12 member comm. - 2 year terms

Councilor Walsh stated that this is a committee that has not been called upon to meet for some time. Ray Goff, Town Planner, spoke but was inaudible on the tape. There was Council consensus to address this matter at the next meeting.

X. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

1. Gary Treml, Director of Public Works, stated that he has been working with FEMA with regard to reimbursement for damage incurred by the recent flooding.

G. Treml also updated Council on the success of the work and equipment they have been sharing with the Town of Foster.

2. Larry Desormier, Bldg./Zoning Official, was addressed by Councilor Walsh. Councilor Walsh noted that, per the monthly report from that department, the number of building permits appears to be up from last year.
3. Ray Goff, Town Planner, spoke regarding the Chepachet Riverpark project and the drainage issues in the village. Councilor Walsh requested R. Goff get more information for Council and this item will be placed on the agenda of August 5 for further discussion.
4. Walter Steere, Jr., School Committee member, was asked when the high school obtained their Certificate of Occupancy. It was stated that the temporary certificate was issued in September of last year and the final certificate in May, 2010.

Councilor Walsh inquired how an architect could send a letter of approval and substantial completion in June of 2009 when the job was not complete until May of 2010. Councilor Walsh further asked if the middle school was also included in the approval. W. Steere replied that he is unsure. Councilor Walsh directed Tim Kane, Assistant Town Solicitor, to send a letter to the School Committee regarding this matter.

B. Discussion on Procedures for setting agenda

Councilor Walsh read the following memo from the Clerk:

To: Town Council:

I would like to ask Council to reaffirm how their meeting agendas are to be formed. To date, the Clerk's Office has tried not to put anything on the agenda, other than monthly items, without the consent of a Council member. Each Department Head, and even citizens

have been told they need to contact a council member for approval. Department Heads have to contact their Council Liaison, if that person is available. In the past, I have always helped anyone who couldn't make that contact, but more and more I have to ask departments to contact their liaison. They are usually close calls to the point at which the agenda needs to be set.

If this is the procedure you wish to continue I will forward reminders to all departments. If not, please let me know what you would like to change.

Thanking you, in advance, for your assistance.

Jean Fecteau, Clerk

(end of memo)

Discussion: Councilor Walsh stated his opinion that the Department Heads should still go through their liaisons to have items placed on the agenda. Councilor Carroll expressed agreement, stating that this ensures that at least one councilor to be aware of the agenda item. Councilor Walsh suggested that the Town Clerk set the agenda on the Monday prior to the meeting to avoid last minute additions.

- C. Boards & Commissions
None.

XI. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received from the Department of Environmental Management regarding the re-issuance of a permit for storm water discharges. This will be forwarded to Ray Goff, Town Planner.
- B. Councilor Walsh stated that a letter of approval was received from the Department of Transportation regarding parking on Putnam Pike.
- C. Councilor Walsh stated that a traffic analysis was performed on Jackson Schoolhouse Road in response to a request for speed bumps.
- D. Councilor Walsh stated that a letter was received from a resident with regard to speeding on Saw Mill Road.
- E. Councilor Walsh referred to the report of the Director of Human Services, stating that it mentions that there have been problems with the van's brakes.

XII. Open Forum None.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:18 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 5, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 5, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Raymond Goff, Town Planner; Gary Trembl,
Public Works Director; Joseph DelPrete, Chief of Police; George
Charette and Russell Gross, Planning Board members; Walter Steere,
Jr., School Committee member

III. Seek to Convene to Executive Session

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

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

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IV. Convene Regular Meeting

MOTION was made by Councilor G. Steere to Convene the Regular Session and it was stated
for the record that no votes were taken in Executive Session;
seconded by Councilor W. Steere.

Discussion:

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

V. Pledge of Allegiance

The Pledge of Allegiance was led by Charlie Wilson.

VI. Open Forum on Agenda Items Only

None.

VII. Public Hearings (**Continued from July 15, 2010**)

A. Proposed Amendments to Gloucester Code of Ordinance - Discussion and/or Action
Chapter 350, Article IV Planned Districts

Petitioner: Julian Forgue

Location: AP 18, Lot 10

Amendments, as proposed, to current stipulations:

1. "that no self-motorized vehicles shall be sold" CHANGED to read "the sale and storage of motorized vehicles shall be allowed and activities directly related thereto."

Councilor Walsh stated that this Public Hearing was opened and heard on July 15, 2010. All present to speak for or against were heard and the Public Hearing was continued.

The following Planning Board opinion, in the form of a motion, was read by Councilor W. Steere:

MOTION was made by Ms. Furney, that the Planning Board forward to the Town Council, a positive recommendation for the granting of a text amendment to Article 350-22, P-Districts Created regarding property located at 401 Snake Hill Road further described as Assessor's Plat 18, Lot 10 for applicant Julian Forgue. The applicant seeks to change the original Planned District approval condition that states "That sales be limited ... and that no self-motorized vehicles shall be sold."

The applicant has proposed to amend the current language and is seeking approval of the following language: **the sale and storage of motorized vehicles shall be allowed and activities directly related thereto.** "This amendment is further described in the application as: "Applicant desires to store and sell motorized vehicles such as recreational vehicles (family campers) e.g. horse/self-contained."

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

1. That the amendment be specifically limited to the sale and routine service of motorized vehicles for equine and equine related uses. Such uses were described by the applicant as "Equine Motor Coaches and Motorized Horse Vans";
2. No major repairs of said motorized vehicles shall be permitted as part of this decision and;
3. That Article 350-22, P-Districts Created, of the Zoning Ordinance is amended to include the above conditions.

In making this decision, the Board considered the following information presented by the applicant in the submission package and presentation at the July 12, 2010 Planning Board meeting:

1. The subject property was approved for a P-District on March 6, 1998 by the Gloucester Town Council. As part of that approval, a number of conditions were placed on the decision. One of which was a prohibition on the sale of motorized vehicles.
2. The applicant/owner's attorney stated that the text amendment for the sale of "motorized vehicles" is necessary for a State sales license. This language will allow the applicant to market motorized horse vehicles in addition to trailer sales. The applicant is open to placing a conditional approval that is limited only to the sale of motorized vehicles directly related to equine use and that no non-equine related recreational vehicles or trucks are to be sold or repaired as part of this application;
3. Materials distributed by the applicant to the Planning Board on July 12, 2010 with pictures that describe Equine Motor Coach's and Horse Vans;
4. A letter from Attorney Jay Peabody on behalf of abutters, Mr. George Briden and Ms. Alyse Gray, voicing their concern about the "vagueness" of the request and that any approval that the sale of such "self-motorized vehicles" be "incident" or "related to" the sale and storage of horse trailers.

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

- 3.2.3 Take steps that will enable Gloucester to be a pleasurable place to live, work and raise a family;
- 3.2.5 Allow Gloucester's rural way of life to be enjoyed by future generations;
- 5.2.1 Allow for future economic development to occur that does not conflict with or degrade the desirable attributes of the Town and that help to sustain the Gloucester Vision;
- 5.2.2 Prevent the traditional problems created by economic growth, such as environmental degradation, dramatic changes to community character, and unsightly highway strip development, from occurring in the Town;
- 5.2.3 Broaden and diversify the Town's economic base to reduce the residential sector's property tax burden;
- 5.3.6 Implement and support appropriate regional economic development initiatives that complement the Town's economic development goals;

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

Motion was **seconded** by Mr. Gross.

Ms. Furney **amended her motion** to add the following condition:

4. "All previous conditions of the former approval are to be carried forward"

Mr. Gross **seconded** the amended motion.

VOTE: Ayes - 5 (Reichert, Pitocco, Charette, Calderara, and Furney)

NAYS- 0

RECUSAL 1 (Mr. Gross)

Motion carried on a 5-0 aye vote

(End of motion)

Councilor Walsh asked if anyone wished to speak for or against the amendment.

Discussion:

Bernardine Hodgkinson, property abutter, questioned how much land is currently devoted to the business now and if it is a growing business. Ms. Hodgkinson asked if the Building/Zoning Official has inspected the applicant's property to determine if the regulations which are already in place have been adhered to.

Councilor Walsh replied that the Building/Zoning Official would normally be sent out to inspect a business if there is a request or question regarding that business. Ms. Hodgkinson stated even when there is a complaint the town does not inspect. B. Hodgkinson stated that Mr. Forgue is in violation of several of the stipulations regarding the PUD, such as exceeding the limit on the number of trailers on the property and the type of trailers that he sells.

B. Hodgkinson noted that the applicant is the chair of the Economic Development Commission and stated that when she served on the Commission, businesses were supposed to be located in business districts. B. Hodgkinson expressed her opinion that if this request is approved, the Council will be giving preferential treatment to the chair of the EDC over other people. B. Hodgkinson stated that at the last meeting, the applicant stated that the property is no longer on the market, however, B. Hodgkinson pointed out that the real estate agent's website indicates that the property is an active listing.

Jay Forgue, owner and applicant, responded that he operates a horse facility as well as the trailer sales, noting that people who board their horses sometimes keep their trailers on the property. J. Forgue further stated that the property is not for sale, adding that he did not resign the listing.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if this amendment is granted, will the current limit of 35 trailers include the three motorized vehicles. T. Kane replied that this should be stipulated for clarity in the motion. J. Forgue stated that he wishes to be allowed three additional vehicles over the original 35 non-registered vehicles. Councilor Carroll commented that the way he interprets the original amendment is that a total of 35 trailers may be present on the property at one time, noting that it was not specified whether the trailers are inventory or registered vehicles.

J. Forgue replied that the original PUD allowed the boarding of 100 horses, which could mean 100 trailers. Councilor W. Steere asked if most people take their empty trailers home with them, and J. Forgue replied that most people leave their trailers at the barn. J. Forgue stated that he wished to be clear that there was never a restriction on that. Councilor Carroll reiterated that the language in the original PUD from 1998 clearly states that the number of trailers on the property for any purpose at any time cannot exceed 35. It was noted that trailer sales were confined to one acre, but the limit of 35 trailers was for the entire property.

Councilor G. Steere questioned if the 35 was for one acre of land or includes the remainder (50) acres. Councilor G. Steere stated he does agree with J. Forgue that the property is a horse farm and you will find trailers on a horse farm. T. Kane stated the stipulations refer to “the property.” J. Forgue explained that people use trailers for their buggy, clothes, etc.

Jay Forgue commented that notices were sent to 47 abutting property owners, yet only one is in attendance tonight to object to his proposal.

Councilor W. Steere stated that if this is granted, the Council must be very specific regarding the wording of the amendment. J. Forgue stated that it was understood that a section of the front part of the farm would be where trailers are sold and the back of the property would remain a farm. Councilor W. Steere expressed his opinion that this should be spelled out specifically to avoid any confusion. J. Forgue commented that he is in business and is trying to keep people employed, adding that putting a restriction on the number of trailers will require him to hire someone to count the trailers before he can accept any trailers for service.

Councilor Walsh stated that common sense must be used in this case. Councilor Walsh stated that if there is a horse show on the farm which would draw 100 people with trailers, they cannot be parked up and down Snake Hill Road due to the restriction on the number of vehicles on the property. J. Forgue stated they would not do that.

Councilor G. Steere questioned if it should be worded that “in stock” there should be no more than 35 vehicles, and 3 equine motor coaches. There appeared to be a council consensus on that point. T. Kane stated Council could add “unregistered” vehicles. J. Forgue suggested portioning off the property. Discussion followed on how much property would be necessary.

Councilor W. Steere referred to the Planning Board’s motion regarding “major repairs,” asking the applicant what he would consider major repairs. J. Forgue stated that he considers engines, transmissions, and overhauling vehicles and that his business only deals with minor repairs such as electrical problems, tires and brake inspections.

Jay Peabody, of Partridge Snow & Hahn representing George Briden, abutting property owner, stated that the limit of 35 trailers pertains to those which are for sale. J. Peabody asked the Council to consider placing a limit on the total number of trailers on the property, stating that there is the capacity for over 100 horses which would result in 135 trailers, which is unreasonable in his opinion. J. Peabody suggested that the wording of the motion indicate that the total is for trailers for sale and/or repair instead of just “unregistered.”

Bernardine Hodgkinson stated that there were several other neighbors present at the last meeting, but they didn't speak regarding the application because it was stated that if they wished to make the same comments as somebody who already has spoken, they need not speak. Councilor Walsh disagreed, stating that people were told that if they made their points at the beginning of the meeting, they should not reiterate them during the Public Hearing. B. Hodgkinson stated that some of the neighbors have offered to contribute to legal representation but are afraid to speak out in public against Jay Forgue.

Councilor Walsh stated he would like some kind of time frame for how long a vehicle can be on the property before it is counted. Councilor Walsh questioned how long a vehicle needs to be on the property for a minor repair. J. Forgue stated there is no way to tell, depending on the workload.

Jay Forgue stated that he has no objection to limiting the unregistered vehicles to 35 and the equine vehicles to three, however, if the equine vehicles become more popular than horse trailers, he may have 15 equine vehicles and 20 horse trailers.

Councilor Burlingame stated the total number is the issue, not how many of each. J. Forgue stated he does not have a problem with 35 or 38 unregistered vehicles.

Councilor G. Steere questioned if this would mean 38 unregistered units, not specific to type. Councilor G. Steere stated this is why there are no businesses in this town.

Atty. Kane explained an option for the wording.

Councilor Carroll questioned if this number is specific to 35 inventory or 35 total repair and inventory.

Councilor Walsh stated that all the applicant is asking for is three additional vehicles, total of 38, unregistered, for sale on the property.

Councilor Carroll stated the applicant has come to ask for self-motorized vehicles, the number in 1998 amendment stated 35 total. Did not qualify for any purpose.

Councilor W. Steere stated that if you have 15 self contained units they may take up more room so are we abandoning to having to have more. We are in a residential area.

J. Forgue stated he has been in this business for twelve years and they sent out letters to 47 abutters so he must be doing something right.

Councilor W. Steere stated that is why Council has to be very specific with this decision.

Councilor Walsh asked if anyone else wished to speak.

Hearing none, Councilor Walsh declared the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to GRANT the amendment to the Gloucester Code of Ordinance - Chapter 350, Article IV Planned Districts, Petitioner: Julian Forgue Location: AP 18, Lot 10, as proposed:

1. “that no self-motorized vehicles shall be sold” CHANGED to read “the sale, routine service, and storage of motorized vehicles shall be allowed and activities directly related thereto” subject to the following stipulations:
 - a. That the sale of of motorized vehicles be limited to vehicles used for equine and equine related uses such as Equine Motor Coaches and Motorized Horse Vans as described by the applicant;
 - b. No major repairs (motor and drive train) of said motorized vehicles shall be permitted;
 - c. That the number of unregistered trailers including equine motor coaches and motorized horse vans on the property at any time shall not exceed 38;
 - d. All previous conditions of the former approval not herein modified are to remain in full force and effect.

seconded by Councilor G. Steere.

Discussion: Councilor Carroll expressed reservations concerning the location of the property and disagreed with the Planning Board’ recommendation which did not include Comprehensive Plan sections 3.2.5 and 5.2.1 dealing with the rural way of life and future economic development. Councilor Carroll stated the burden on the property owner is for the benefit of a limit number of people that can afford these vehicles and further that he does not feel good about this amendment.

Councilor W. Steere commented that this amendment would allow an existing business to remain competitive. Councilor W. Steere further stated that we must minimize the impact on the surrounding area.

Councilor Carroll noted that the applicant runs good businesses, but expressed his opinion that the vehicles in question are huge and would not be a good fit in this area.

Jean Fecteau, Town Clerk, polled the Council:

Councilor Carroll	Nay
Councilor G. Steere	Aye
Councilor Burlingame	Aye
Councilor W. Steere	Aye
Councilor Walsh	Aye

MOTION PASSED

B. Exception to the Ordinance Regulating the Issuance of Building Permits

Owner: Hallmarc Financial Realty

Applicant: Randy Burt

Location: Rainbow Road further described as SG Plat, Lot 100

Applicant seeks an Exception to the Ordinance Regulating the Issuance of Building Permits for access to one (1) proposed dwelling on Rainbow Road, an unimproved, platted non-town road.

Councilor Walsh stated that this application was advertised and abutters were notified of this hearing. Councilor Walsh declared the Public Hearing OPEN.

Councilor Carroll read the following Planning Board opinion in the form of a motion:

Motion was made by Chairman Charette for a positive recommendation to the Gloucester Town Council regarding an application for an Exception to the Ordinance Regulating the Issuance of Building Permits by Applicant Randy Burt and Owner Hallmarc Financial Realty Trust, for property located at the intersection of Rainbow Road and Indian Trail and further described as Recorded Plat Spring Grove (SG), Lot 100, as shown on the plans entitled "ISDS System Design for Hallmarc Financial Trust, PO Box 725, Swansea, MA 02777 of Spring Grove Plat, Lot 100, Terrace Drive, Gloucester Rhode Island" Sheets 1 through 8 dated July 10, 2010 and prepared by National Surveyors-Developers Inc., 42 Hamlet Avenue, Woonsocket Rhode Island.

The applicant seeks to install a driveway across an unimproved portion of Rainbow Road to provide access to their existing residential lot (Lot 100). The driveway is depicted on sheet 3 of 8 entitled "ISDS System Design". The subject property abuts Rainbow Road, Indian Trail and Terrace Drive. Access will be via Rainbow Road, a paved private road as access via Terrace Drive is impractical due to steep grade change (drop) of approximately 25 feet. Granting this exception will allow the owner to access Lot 100 from Rainbow Road with a driveway which is the only practical access to the property.

In making this recommendation, the Planning Board has considered the following:

- 1) That the proposed access meets or exceeds the Rules and Regulations adopted by the Gloucester Planning Board;
 - 2) The proposed plans exceed the requirements outlined in the recommendation by the Fire Chief, Robert G. Dauphinais of the Chepachet Fire District, dated July 7, 2010;
 - 3) The plans submitted by the applicant, sheets 1 through 8, dated July 7, 2010 support the feasibility of the access request;
 - 4) A June 21, 2010 letter from Attorney Ralph E. Iannitelli regarding ownership of the road (s) demonstrates ownership of the roads within the platted subdivision;
 - 5) That the present condition of the improved portion of Rainbow Road and Indian Trail are adequate for public safety vehicle access;
 - 6) That the proposed improvements, a 14 foot wide travel way with 2 foot shoulders, will provide adequate physical access to the property by the public safety vehicles;
- and

- 7) The Report of the Technical Review Committee, dated June 29, 2010 that demonstrates appropriate Town staff have reviewed and support the application for access.

The proposed plan is found to be consistent with the Gloucester Comprehensive Community Plan:

Section 3.2.1 “To preserve, enhance and protect Gloucester's rural character and sense of place;”

Section 3.2.2 “To encourage responsible land use decisions by public officials and public bodies;”

Section 4.2.1 “To maintain, protect and enhance Gloucester's desirable living attributes;”

Section 6.2.4 “To prevent the loss, destruction or misuse of natural and cultural resources in order to preserve the special character and sense of place of Gloucester” and;

Section 9.2.2 “To create, maintain and preserve a safe and efficient multi-modal circulation system.”

The Planning Board recommends that the following conditions be included in any approval of this application:

- a) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit;
- b) That this section of Rainbow Road remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and the Director of Public Works prior to the issuance of a building permit;
- c) That it is the applicants sole responsibility to seek and receive all permissions, clearances and/or approvals from owner(s) of Rainbow Road and or Indian Trail prior to making any alterations or using this road (s) or access to this property;
- d) Creation of a driveway of 14-foot wide travel way plus 2-foot shoulders on each side and paved from the improved (paved) portion of Rainbow Road to the property line of Lot 100.

Motion was **seconded** by Mr. Reichert.

VOTE: AYES – 5 (Reichert, Pitocco, Charette, Calderara, and Gross)

NAYS – 1 (Furney) Ms. Furney stated she feels that more frontage of the property facing Rainbow Road should be paved.

Motion carried on a 5-1 aye vote.

(End of motion)

Councilor Carroll read the following recommendation from the Fire Chief:

July 7, 2010
Office Of The Town Planner

I have reviewed the plans/materials submitted for an exception to the ordinance regulating the issuance of building permits for the recorded plat Spring Grove, Lot 100 (intersection of Rainbow Road and Indian Trail).

The Plans submitted do indicate the width of the driveway or its construction. However, based on the plans/materials submitted, it appears there will be adequate access for emergency vehicles.

The only recommendations from this office is the driveway width be at least 10' (ten feet) wide with an additional 4' (four feet) cleared each side to allow access for emergency apparatus and the driveway base be sufficient to support the weight of the fire apparatus.

Robert G. Dauphinais, Chief
(end of memo)

Councilor Walsh asked if anyone wished to speak for or against the exception to the ordinance regulating the issuance of building permits.

Discussion: Councilor Walsh asked if all fees and mailing costs have been paid by the applicant. Jean Fecteau, Town Clerk, replied that arrangements were made for the owner of the property, Hallmarc Financial Realty, to submit a check at this meeting.

Randy Burt, applicant, stated that he had the surveyor come out to mark the road so that anyone who visits the site could see what is planned.

Richard Silva, of Hallmarc Financial Realty, was also present.

Councilor Burlingame asked the applicant if he had any issues with the recommendations from the Planning Board and the Fire Chief regarding the driveway & shoulder. Randy Burt replied in the negative.

Councilor G. Steere stated he visited the site in question and feels this is a very straight forward request, as this is his only access. Councilor G. Steere stated the Planning Boards comment about paving more of the frontage on Rainbow Road is "crazy" as he sees no reason for this paving. Councilor G. Steere stated that basically the applicant needs to get off the road about 25 feet to his property line and have a driveway and the access from Terrace Road is too steep. Councilor G. Steere also stated it would only take two minutes at the site to see why the applicant is present.

Randy Nadeau, an abutter to the property, stated that he has no problems or issues with the application.

Walter Bienicki stated that he lives in the neighborhood but is not an abutter. W. Bienicki stated that approximately twelve years ago, the residents contributed funds to have the road re-oiled. W. Bienicki expressed concern that heavy equipment will damage the road. W. Bienicki stated that he was assured by the applicant that the equipment will access the property from the top of the hill, adding that the only thing that will come in from the bottom is the well rig. Therefore, W. Bienicki stated that he has no objection to the application.

Councilor Walsh asked if anyone else wished to speak. Hearing none, Councilor Walsh declared the Public Hearing CLOSED.

MOTION was made by Councilor Carroll to GRANT the Exception to the Ordinance Regulating the Issuance of Building Permits: Owner: Hallmarc Financial Realty; Applicant: Randy Burt; Location: Rainbow Road further described as SG Plat, Lot 100 for access to one (1) proposed dwelling on Rainbow Road, an unimproved, platted non-town road with the following stipulations:

- a) That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit;
- b) That this section of Rainbow Road remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and the Director of Public Works prior to the issuance of a building permit;
- c) That it is the applicants sole responsibility to seek and receive all permissions, clearances and/or approvals from owner(s) of Rainbow Road and or Indian Trail prior to making any alterations or using this road (s)or access to this property;
- d) Creation of a driveway of 14-foot wide travel way plus 2-foot shoulders on each side and paved from the improved (paved) portion of Rainbow Road to the property line of Lot 100.
- e) That all Town fees are paid.

Seconded by Councilor G. Steere.

Discussion: None.

Jean Fecteau, Town Clerk, polled the Council:

Councilor Carroll	Aye
Councilor G. Steere	Aye
Councilor Burlingame	Aye
Councilor W. Steere	Aye
Councilor Walsh	Aye

MOTION PASSED

- VIII. Consent Items -Discussion and/or Action
A. Approval of Town Council Minutes- July 15, 2010
B. Finance Director's Report - June 2010

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of July 15, 2010, and to ACCEPT the Finance Director's Report of June 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Road Policies/Non-town accepted Town roads; Repair Procedures - Discussion and/or Action

Councilor Burlingame stated that this has been an ongoing problem for at least twenty years. Councilor Burlingame explained that previous Councils had taken the position that the Town would plow non-Town roads and perform basic maintenance to keep them somewhat okay. Councilor Burlingame commented that recently it has been determined that patching the road will not work in some places due to the level of disrepair. Councilor Burlingame stated that the Council has been asked to develop a simple draft proposal to deal with the problem. Councilor Burlingame read the following into the record:

**TOWN OF GLOCESTER
POLICY FOR NON-TOWN ACCEPTED ROADS
August __, 2010**

The purpose of this document is to establish a consistent policy pursuant to which the Town may maintain and make improvements to non-town accepted road (private road) as the resources of the Town may permit. Nothing contained in this policy shall have the force and effect of law or ordinance nor shall anything contained in this policy or actions taken pursuant thereto be construed as an acceptance by the Town of any private road.

A. Non-Accepted Town Roads/Streets (a.k.a. Private)

1. Those roads, easements, or access ways that are not State Roads or Town Accepted Roads, which may be private and are identified on recorded maps or deeds. They are roadways which do not meet the minimum sub-division standards. These roadways have not been accepted by the Town.

B. Maintenance and Improvements

1. Maintenance and improvements to non-town accepted roads is not the legal responsibility of the Town. Private roads should be maintained by those property owners whose property is accessed by said private roads.

2. It is the intent of the Town not to maintain private roads, however should a private road become impassable for emergency, fire and police vehicles, (as determined by the public works director) the Town may make necessary maintenance/improvements.
3. The Town may at its discretion continue to provide maintenance to existing non-town accepted roads which are presently receiving maintenance. This practice will not constitute Town acceptance, responsibility or liability of any kind or nature by the Town. If in the future conditions of the roadway are deemed too severe, the town may elect to stop some or all services.
4. Annually, the DPW Director shall prepare a priority list of non town accepted roads which have historically received some maintenance by the Town and are in need of repair. The DPW director shall prioritize the list based on factors including but not limited to the condition of the road, the estimated cost of making repairs to said road, the number of homes served by said private road and the general use of said road including school bus routes.
5. As the Town resources may permit, the Town may make improvements to said private roads, including grading and re-paving. All such work shall be within the traveled way of a private road.
6. In the event that abutting property owners are willing to pay for the cost of the materials necessary to make improvements to said private roads, then these roads shall be given priority by the DPW Director.
7. Prior to the Town doing any re-paving work the written consent of all abutting property owners must be obtained on a form approved by the Town Council, said consent shall also include language indemnifying and holding the Town harmless.

(End of proposed policy)

Discussion: Councilor Burlingame stated that this proposal is a framework for determining which roads will get what, how the repairs will be paid for, and requires a sign-off of property owners.

Tim Kane, Assistant Town Solicitor, explained that there are three (3) ways by which a road can become a Town road: 1) a deed to the Town and acceptance by the Town, 2) taken by the Town as condemned, and 3) twenty years of continuous maintenance, a public hearing, and specific notice to the abutters. T. Kane stated that none of the roads in question have met this criteria, adding that this draft policy is an attempt to take those roads and prioritize them in order for the Director of Public Works to make improvements as the Town's resources permit.

T. Kane stated that we must protect the Town from a legal standpoint that these roads do not become Town-accepted roads because they do not meet present subdivision standards. T. Kane commented that this is a good way to recognize the problem and come up with a procedure whereas the DPW can repair the roads in an orderly fashion.

Councilor Walsh asked what is the next step for the Town Council. T. Kane replied that he has received input from Councilor members which he will incorporate into the draft. Councilor Walsh asked if a Public Hearing is necessary or is this a policy that the Council can adopt. T. Kane responded that the Council is not required to hold a Public Hearing, but they could if they wish. There was Council consensus that they would like input from the public.

It was noted that there may be some capital funding available for this purpose as well as paving equipment which was purchased by the Town.

Sheran Little stated that she recently moved here from New York. S. Little commented that she pays \$5,000 per year in real estate taxes and asked what does that pay for? S. Little stated that her taxes are higher because her property is 85 ft. from Echo Lake. S. Little expressed her opinion that it is unfair that Town roads are maintained and private roads are not. Councilor Walsh pointed out that 70% of our taxes go to the schools.

George Leonhardt, of Jackson Schoolhouse Road, gave a brief history of the Brandy Acres development which was established in 1941. G. Leonhardt stated that after many years of the roads being considered private, the residents signed a document stating that they did not wish the roads to be private any longer. G. Leonhardt stated that the Town took the roads over and began cold-patching and plowing them.

John Garabedian, of Lake Drive, stated that as a taxpayer who pays over \$5,000 per year, he is disturbed when we approve such things as a school for \$58 million and end up paying an additional \$28 million which was not approved. Councilor Walsh noted that the voters originally approved \$45 million and a \$12.8 million capital lease for the Esco boilers. J. Garabedian stated that there is a priority problem and added that there is a bridge about to be dismantled which seems unnecessary when we could use the money elsewhere. Councilor Walsh commented that the State is replacing that bridge. J. Garabedian stated that he is frustrated that so much money is going into the schools when there is less maintenance on his road.

Barbara DeMasco, of Lake Drive, stated that the Solicitor said that one of the qualifiers for acceptance as a Town road is that it has been maintained for at least twenty years. B. DeMasco stated that she has lived on Lake Drive for 22 years during which the Town has maintained the road. B. DeMasco stated that she bought property in Gloucester because she loved the Town and its school system, but commented that she wants the same treatment as everyone else.

B. DeMasco stated that she has always enjoyed driving along the contour of the lake but is no longer able to due to the condition of Lake Drive. B. DeMasco noted that when she bought her property 22 years ago, she was told that Lake Drive was a Town road and was never informed when it was changed to a non-Town road. B. DeMasco stated that the road is getting worse and feels that it should have priority with regard to repairs. Councilor W. Steere asked B. DeMasco who told her that Lake Drive was a Town road in 1988 when she purchased the property. B. DeMasco replied that her realtor told her, but she also went to Town Hall to verify the information.

Tim Kane, Assistant Town Solicitor, clarified that there are other parts to the equation: twenty years of continuous maintenance, the road must be surveyed, a Public Hearing must be held and the Town Council must declare it a public road.

Ed Brennan referred to the Town Council minutes of May 12, 1988 which contains a list of Town roads including Lake Drive. E. Brennan commented that when he bought his property in 1979, Lake Drive was a Town road. E. Brennan stated that although he feels that the Council is going in the right direction, and that the roads will not make the winter without repair.

Councilor Burlingame explained that when the road list was prepared in 1988, the proper research had not been conducted. Councilor Burlingame stated that there had to be a deed and survey of the road to verify the fact that it was in fact a Town-owned road. Several years later, those roads which did not have a deed to the Town were removed from the list.

Walter Bienicki spoke regarding Spring Grove Road, stating that there are cracks in the road which must be oiled before the winter. Ed Brennan concurred, adding that Lake Drive will not make it through the winter. Tim Kane, Assistant Town Solicitor, stated that this Council is committed to appropriating some money from FM Global to repair the roads.

Dudley Sisak, from Lake Drive, stated that he has owned his house since 1953 and has always thought that Lake Drive was a Town road. D. Sisak asked if the residents sign off to allow the Town to work on the road, will the Council ever take steps to make it a Town road? Tim Kane, Assistant Town Solicitor, stated the sign-off would allow the Town to perform drainage work. Councilor Carroll noted that this would not sign off the residents' rights in the future, but would be to solve an immediate problem. T. Kane stated that the problem would be bringing the road up to a Town standard, which would be cost prohibitive.

From this point forward, tape malfunction.

Tom Etheridge, resident of Lake Drive, gave additional back ground on the history of these roads.

John Salisbury, resident of Lake Drive, stated Salisbury Road was turned over to the Town in 1950.

- X. New Business
 - A. Bid Extension IFB 2001-10
 - Gasoline & Diesel - Discussion and/or Action

Councilor Walsh stated that the Council received the following:

August 5, 2010
To: Honorable Town Council
From: Gary Treml
Public Works Director
Re: IFB 2001-10

The existing bid IFB 2001 - 10 for gas and diesel from Reichert and Sons expired on May 31, 2010. Reichert and Sons Fuel Oil Co., Inc. has agreed to extend the bid, with pricing, terms and conditions remaining the same until May 31, 2011. (See attached bid extension agreement)

I am requesting that the IFB 200 1 - 10 extension be approved
Thank you,

Gary Treml, Director
(end of memo)

Discussion:

MOTION was made by Councilor Carroll to EXTEND Bid Award IFB 2001-10 Unleaded Gasoline & diesel to Reichert & Sons Fuel Oil Inc. for the bid price of \$.085 per gallon over cost for low sulfur diesel and \$.125 per gallon over cost for gasoline (89 octane) to May 31, 2011; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Chepachet Village Stormwater Project
 - Financial Assistance request

The Planner discussed this matter at the last meeting.

MOTION was made by Councilor W. Steere to CONTINUE the financial assistance request regarding the Chepachet Village Stormwater Project until the next meeting of the Town Council on August 19, 2010; seconded by Councilor

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

C. Relief from Subdivision Regulations

Applicant: Carlos Mendes; Owners: Carlos Mendes, Paul & Susan Rivard

Location: AP 5, Lot 103

RE: Issuance of Building Permits

Councilor G. Steere read the following request:

Glocester Town Council

RE: Plat 5, Lot 103

Beaver Dam Subdivision

Lots 4, 7, 8, 9, & 10

Dear Honorable Council Members:

With regard to the above please consider this letter a request to waive the requirement from Section 300 (F) (1) of the Gloucester Subdivision Regulations which states as follows:

“(1) building permits shall not be issued for any lot within a subdivision prior to the acceptance of the subdivision streets by the Town Council for maintenance and ownership as specified in Chapter 300-32.F”

The reason for the waiver request is that the final coat of asphalt will not be put down for approximately one year.

Sincerely

Carlos Mendes

(end of memo)

Councilor Walsh stated that the Council has also received a recommendation from the Planning Board:

MOTION was made by Ms. Pitocco and **seconded** by Mr. Calderara for a recommendation to the Town Council to authorize the Building Official to issue five (5) building permits and to authorize Public Works to begin snow removal within the subdivision known as "Beaver Dam Subdivision."

Beaver Dam Subdivision, Phase IIB, is a five (5) lot subdivision located off Old Snake Hill Road. With the submission of the required bonding, the Planning Board has granted a

conditional final approval of this subdivision. The roadway has been constructed and the final course of pavement will be installed in one year.

The applicant/owner, Carlos Mendes, has applied for and received final approval of the subdivision and would like to begin construction of the building lots. The applicant has agreed to post a bond sufficient to cover the final paving of the roadway, loam and seed the road shoulders, and maintenance of soil and erosion controls.

Vote: Ayes: 6, (Reichert, Calderara, Pitocco, Furney, Folcarelli, and Gross)

Nays: - 0

Motion carried on a unanimous aye vote.

(End of motion)

Discussion:

MOTION was made by Councilor Burlingame to GRANT THE WAIVER per the request made by Subdivision Applicant/Owner Carlos Mendes regarding the issuance of five building permits and granting of snow removal within the newly created subdivision known as “Beaver Dam Subdivision” upon posting of a bond sufficient to cover the final paving of the roadway, loam, seeding of road shoulders, and the maintenance of soil and erosion controls; seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XI. Boards/Commissions

- A. Comprehensive Community Plan Coordinating Committee
12 member commission - 2 year terms

The Town Planner has advised Council that this Board no longer serves a purpose and suggested it be disbanded.

Councilor Walsh explained that this Board was originally formed by the Council in 1994 to oversee each task as it relates to the Comprehensive Community Plan Work Program. Councilor Walsh also stated the overseeing of the Comprehensive Plan is now done by the Planning Board.

Discussion: None.

MOTION was made by Councilor to DISBAND the Comprehensive Community Plan Coordinating Committee; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XII. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Gary Treml, Public Works Director, updated the Council on Resource Recovery Profit Sharing program.
G. Treml also stated the paver, purchased by the Town, has been received.
2. Chief Delprete stated he has gone to the RI Traffic Tribunal with the Finance Director to review the potential costs involved in a municipal court system. The Chief stated it appears the Town may “break even” after administrative costs.
3. Ray Goff advised the Council the Town has received a grant to be applied to a geothermal system for the Town Hall. R. Goff stated he would continue to apply for additional grants for this purpose.

B. Boards & Commissions

None

XIII. Council Correspondence/Discussion

Councilor Walsh reviewed the correspondence received by Council.

XIV. Open Forum

1. Edward Brennan discussed the draft road policy.
2. Walter Steere Jr., School Committee member, discussed the Special Financial Meeting. W. Steere stated he did not feel procedures were followed or enforced, by the Town Moderator, when the vote was taken. W. Steere, Jr. also informed the Council the School Committee would be going to arbitration with the teachers’ union.
3. Anne Ejnes, Gloucester School Committee, addressed the Council. Ms. Ejnes stressed the importance of working to improve the relationship between the school committees and the council and that the constant criticism of the school committees by the council is making this difficult. A. Ejnes asked that the council stop criticizing the school committees for things in the past and that the council acknowledge the progress the current committees have made in dealing with the difficult realities we all (committees and councils) have to deal with now.
4. Ron Cervasio, Foster/Glocester School Committeeman, addressed the Council. Mr. Cervasio told the Council that Dr. Barnes, School Superintendent, has submitted a zero increase budget for two years and asked Council to show Dr. Barnes the respect he deserves as an incentive to continue to submit responsible budgets.

XV. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 10:23 p.m.: seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 16, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 19, 2010**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
Edward C. Burlingame; and Patrick J. Carroll.

Member absent: George O. Steere, Jr.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Raymond Goff, Town Planner;
Gary Treml, Public Works Director; Joseph DelPrete, Chief of Police;
Susan Harris, Deputy Town Clerk; Russell Gross, Planning Board
member; Walter Steere, Jr., School Committee member

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Open Forum on Agenda Items Only

Bob Lyons spoke regarding Item VII, Motor Vehicle Excise Tax. B. Lyons stated that his truck, which is four (4) years old, has only depreciated by less than \$3,000. B. Lyons commented that something is definitely out of whack and expressed hope that the Council can find some relief for the taxpayers.

V. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- August 5, 2010

B. Finance Director's Report - July 2010

C. Tax Assessor's Additions & Abatements - July 2010

Councilor Walsh stated that the Clerk has asked Council to table the minutes of August 5 for further editing.

MOTION was made by Councilor Carroll to TABLE the Town Council minutes of August 5, 2010; TABLE the Finance Director's Report for July 2010; there are no July Additions to the 2010 Tax Roll; and to Approve the Abatement to the 2009 Tax Roll in the amount of \$223.41; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Chepachet Village Stormwater/River Park Brownfields Cleanup
RIDOT Request for Financial Commitment"- Discussion and/or Action

Discussion:

Ray Goff, Town Planner, distributed the latest cost estimate from the Horsley Witten Group with regard to the Chepachet Village Stormwater/River Park Brownsfield project. R. Goff stated that the cost is estimated at \$413,315, to which a 25% contingency will be added, bringing the total estimate to \$516,643. R. Goff stated that he is seeking a Resolution of support, if possible, from the Town Council indicating that they are willing to move forward with the project.

R. Goff stated that the Department of Transportation has made a commitment to pay half of the cost of construction, noting that at this time we have \$330,000 for part of this grant project. R. Goff stated that Town forces and materials would be used on Tanyard Lane and Oil Mill Lane to install drainage, adding that this would go toward our \$150,000 requirement for in-kind services.

T. Mainville expressed concerns that we be cautious to be sure we cover the in kind amount. R. Goff stated he has reviewed cost estimates and has discussed with G. Trembl. Councilor Burlingame stated we must be careful so that in the future we find out we didn't meet the in-kind amount and we now owe funds. R. Goff, stated he would not let that happen. The Town Council directed R. Goff to work with Tom Mainville, Finance Director and Gary Trembl, Public Works Director, to determine an estimate of in-kind services. After further discussion, there was Council consensus to continue this matter until the next Town Council meeting.

MOTION was made by Councilor Burlingame to CONTINUE the Chepachet Village Stormwater/River Park Brownfields Cleanup discussion until the Town Council meeting of September 2, 2010; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

B. Lake Washington Dam/road - Discussion and/or Action (cont'd from 7/15/2010)

Discussion:

Paul Ricard, President of the Lake Washington Association, was present to continue discussion regarding ownership of the dam. Tim Kane, Assistant Town Solicitor, stated that he and the Director of Public Works have researched the title, adding that an argument can be made that the Town shares some responsibility with respect to that property.

T. Kane commented that the questions is where does the road end and the dam begin. T. Kane suggested that an ad-hoc committee consisting of one or two Council members, Mr. Ricard, and the Director of Public Works be formed to review what will need to be done over the next five years with respect to the dam.

MOTION was made by Councilor Burlingame to APPOINT Councilors Carroll and W. Steere, along with G. Treml, Public Works Director, and Paul Ricard, President of the Lake Washington Association, to an ad-hoc committee to address the Lake Washington dam/road issue; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VII. New Business

A. State Traffic Commission rules on motor vehicle excise tax valuations.

Discussion/action

Discussion: Councilor Burlingame stated that there has been some concern among taxpayers with regard to the assessed values of their vehicles. Councilor Burlingame explained that these values are determined by the Rhode Island Traffic Commission, which is separate from the Motor Vehicle Department. Councilor Burlingame added that this Commission was created according to State Law to establish uniform values for vehicles in all cities and towns.

Councilor Burlingame commented that older vehicles in particular are given a high assessment. Councilor Burlingame suggested placing a statement in the press which explains the situation and lets the taxpayers know that they may file an appeal. Tim Kane, Assistant Town Solicitor, stated that he will research the law, but noted that he is not sure that anything can be done about it.

Councilor Walsh stated that something should be done to let the taxpayers know that they only have until September 1st (*this is not correct date*) to file a complaint regarding their vehicle assessment. Councilor Burlingame read a draft of an advertisement which he recommended placing in next week's issue of the Bargain Buyer. Councilor Carroll agreed, stating that he has received numerous calls from taxpayers.

Bob Lyons stated that everyone in Town will probably file an appeal, causing long lines at the Tax Assessor's Office and asked if one appeal could be filed on behalf of the Town. Councilor Burlingame replied that Tim Kane, Assistant Town Solicitor, will look into this, but in the meantime, the ad should appear in next week's paper.

Walter Steere, Jr. stated that the ad should contain the names and phone numbers of the elected officials who voted to pass this tax down to us.

Russell Gross stated that the NADA book only goes back to 1991, therefore his Jeep is not listed. A similar model is assessed at \$1,150 and when you add \$325 for low mileage, the total is \$1,475. R. Gross noted that he is taxed on \$3,600 which does not include the \$2,700 exemption.

MOTION was made by Councilor Burlingame to place a half-page ad in next week's Bargain Buyer with regard to the motor vehicle excise tax; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Councilor Burlingame stated that this should be on the agenda for the next meeting for further discussion with the Assistant Town Solicitor.

VIII. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that she would like to thank Local 57 International Union of Operating Engineers and Reichert & Sons for donating equipment and labor to correct drainage issues and install turf at Leja Field at Gloucester Memorial Park.

J. Fecteau noted that the work was performed under the direction of Chris Treml, the administrator of the Union's apprenticeship program. J. Fecteau asked the Council to send letters thanking these individuals for their time. Councilor Carroll suggested that a Resolution be prepared for the next Town Council meeting.

Jean Fecteau stated that Chief Pearson of the Harmony Fire Department was awarded the 2010 Fire News Outstanding Leadership Award. There was Council consensus to prepare a Resolution for the next Town Council meeting.

Jean Fecteau stated that her office is currently accepting declarations of candidacy for School Committee, adding that the deadline is September 3rd. J. Fecteau stated that there will be three (3) seats available in November.

J. Fecteau stated that she is ready to begin the advertising process for the Amendment to the Historic District Ordinance regarding signs and alternative materials. There was Council consensus to schedule a Public Hearing for September 16.

2. Tom Mainville, Finance Director, spoke regarding a complaint by Ocean State Policy Research Institute concerning access to public records. T. Mainville stated that he sent an estimate on December 23, but Ocean State has not responded.
3. Gary Treml, Director of Public Works, stated that he and Ray Goff, Town Planner, attended a meeting with DEM with regard to free software to monitor stormwater runoff, noting that this software has multiple uses. DEM will be providing training in September. Gary stated that Beth DeCorte will attend this training.

G. Treml stated that the salt bid has come in for the next storm season, adding that the price went down \$1.50 per ton.

G. Treml reported that his department has begun work on Lake Drive. G. Treml stated the first 600 feet has been graded and paving will be done next week. Councilor W. Steere asked if the residents have signed off. G. Treml replied that there are no houses on that section of Lake Drive. Councilor Burlingame commented that caution must be used when paving the hills on Lake Drive due to water runoff.

Councilor W. Steere stated that sign-offs should be obtained from everybody before any more work is done. G. Treml asked the Council if he should hold off on the work being done. The response was to finish paving the section being worked on at this time. T. Kane, Assistant Town Solicitor, stated that he is working on a waiver and asked for a list of abutting property owners.

G. Treml spoke concerning the Chestnut Hill Bridge, stating that it may be delayed until Spring. G. Treml stated that he was told that an emergency repair of the existing bridge could be requested.

B. Boards & Commissions

1. Councilor Burlingame stated that in a recent newspaper article it was stated that 11,000 students will not receive diplomas because they did not meet the criteria two years ago. Councilor Burlingame noted that Ponaganset was listed as one of the schools involved. Walter Steere, Jr., School Committee member, stated that he had not seen the article and added that he has not heard of any problems with students graduating.

Councilor Burlingame explained that two years ago, the Department of Education established criteria that students had to meet certain tests with regard to math and English proficiency. The article said that in some cases, schools that showed poor performance would not be certified to issue diplomas. W. Steere, Jr. expressed his opinion that this does not make sense to him and stated that he will look into the matter.

W. Steere, Jr. stated that with the Department of Education's new funding formula, larger cities and towns will receive more State aid and the smaller communities will receive less. W. Steere, Jr. stated that the future of Glocester schools does not look promising. Councilor Carroll commented that there are numerous administrators on staff at the schools and asked why we keep adding administrators when the school numbers continue to go down.

W. Steere, Jr. replied that no new positions have been created. W. Steere, Jr. stated that one of the administrators is involved in discipline which is needed since there no longer is a resource officer at the high school. W. Steere, Jr. pointed out that some administrators were replaced at lower salaries and the head of guidance

recently retired and was replaced with a part-time employee at a savings of \$30,000. Regarding teacher negotiations, W. Steere, Jr. stated that the two sides are not close and are headed for mediation.

IX. Council Correspondence/Discussion

- A. Councilor Walsh stated that Northern RI Conservation District has a seminar scheduled for September 9, 2010. The correspondence will be forwarded to Ray Goff, Town Planner.
- B. Councilor Walsh stated that a notice was received concerning a workshop sponsored by the Department of Environmental Management with regard to Storms & Trees.
- C. Councilor Walsh noted that according to the Building/Zoning Official's report, building permits are up approximately 25% over last year.

X. Open Forum

- A. Bob Lyons referred to the draft road repair policy which is being worked on. B. Lyons stated that he agrees with item #6 which indicates that residents who are willing to pay the cost would be considered first. B. Lyons stated that he objects to the statement that "if the future conditions of the roadway are deemed too severe, the Town may elect to stop some or all services." B. Lyons stated that this could mean that the road may be left to deteriorate to relieve the Town of its liability.

B. Lyons stated that he also disagrees with item #1 which states that "maintenance and improvement to non-Town accepted roads is not the legal responsibility of the Town." B. Lyons stated that on page 22 of the Town Ordinance book, there is a definition of a public highway which reads, "any street, road, lane or drive that is wholly or partially maintained, including snow removal, by the Gloucester Highway Department."

B. Lyons further stated that Section 24-5-1 of the RI General Laws reads that it is the duty of the Town to maintain all highways. B. Lyons stated that the 31 miles of private roads that are currently maintained by the Town have become the Town's responsibility.

Tim Kane, Assistant Town Solicitor, stated that he has explained that there are three (3) ways for a road to become a Town-accepted road. B. Lyons stated that a Public Hearing is required and added that when some roads were removed from the Town Road List, a Public Hearing was not held and the residents were not notified. Councilor W. Steere stated that the Council is trying to find a way to help where legally they would not be so liable to do so, because it is the right thing to do.

Councilor W. Steere added that arguments such as this make it that much more difficult. Councilor W. Steere stated that for a road to be Town-accepted, it must be up to subdivision regulations and a survey would be required, which would be costly.

Councilor W. Steere stated that the Council is trying to find a way to make the roads safe and passable for everybody without having to go through that process.

Councilor Burlingame stated that the Council wants to prioritize the non-Town roads and as the money becomes available, the roads will be repaired. Councilor Burlingame pointed out that prior Councils have agreed to plow the roads but would not deal with maintenance issues. Councilor Burlingame stated that we must be careful when repairing roads with regard to water runoff and must get sign-offs from the property owners.

Councilor Burlingame explained that this is what happened in the late 1980's and early 1990's when some roads were inadvertently added to the Town Road List. Councilor Burlingame stated property owners subsequently filed a lawsuit because they claimed that the Town did not own the road. B. Lyons stated that the issue regarding the 16 roads which were removed from the list will never be resolved until it is remedied by following State law.

Councilor Walsh stated that he will never agree that the road is a Town road. Councilor Walsh commented that if the Town paves any of the roads in Waterman Lake Plat, there will be a problem with cars speeding, adding that if there is an accident, the Town will be blamed for building a road which was not to specification.

- B. Lorraine O'Connors, of Tucker Street, thanked the Council and Highway Department for patching the roads in the Waterman Lake Plat. Unfortunately, L. O'Connors stated that there was heavy rain afterward which washed away much of the rest of the road. L. O'Connors expressed her opinion that the road will not be passable this winter.

L. O'Connors referred to a letter which she submitted to the Town Council last April with regard to the road issue. L. O'Connors stated that the letter was a recommendation that the Town accept all private roads into the Town highway system on a graduated basis. L. O'Connors noted that the Road Committee which was established in 2000 made a similar recommendation. L. O'Connors expressed hope that the present Council will continue to serve after the election and continue the efforts which have been started.

Councilor Burlingame suggested that the roads be prioritized in order of those most traveled, school bus routes, etc. Councilor Burlingame stated that the "bone of contention" is the 16 roads which were removed from the Town Road List in 1994, adding that people had purchased homes with the belief that the road was Town-approved. Councilor Burlingame recommended that the Public Works Director start by prioritizing those 16 roads.

Councilor Walsh stated that it seems crazy that people would file lawsuits if the Town paved in front of their driveway, but there is one such lawsuit right now that the Council must deal with.

- C. Paul Rappaport, of Chestnut Hill Road, stated that he recently moved to Gloucester to take care of his uncle, who has since died. P. Rappaport stated that there are three houses across the street which are owned by members of the Martin family who have been harassing him and his wife. P. Rappaport added that these individuals also harassed his uncle prior to his death. P. Rappaport stated that there have been incidences of vandalism and gunfire, as well as unregistered ATV's racing each other down the street with small children on the vehicles.

P. Rappaport noted that the police have been called many times, but they have only responded once. P. Rappaport expressed his opinion that these offenders are protected because they have relatives who are police. P. Rappaport feels that he is being denied police coverage due to their connections.

Councilor W. Steere stated that these are serious allegations which question the integrity of our Police Department and asked if there was any proof to back up the claims. P. Rappaport replied that he sees what happens and if he had pictures, it would not be considered proof. P. Rappaport stated that he wants the harassment to stop and he wants to see patrol cars in the area. P. Rappaport commented that he took care of his uncle for five years before his death and there used to be many more police cars in the past.

- D. Ed Brennan stated that he lives on a non-Town road which is not privately owned and asked if something could be included in an ordinance stating that the Town will maintain the present width of the roads. Tim Kane, Assistant Town Solicitor, replied that he would not advise the Town to accept 33 miles of road when they do not have the resources to maintain them.

Councilor Burlingame stated that the intent of the proposed road repair policy is to acknowledge the fact that the Town will maintain the roads, will not bring them up to the standard of a Town-accepted road. E. Brennan thanked the Council for their efforts.

- E. Russell Gross stated that each of the lake areas has an association and suggested that the Public Works Director deal directly with the presidents of these associations with regard to road issues.

XI. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Potential Litigation
Drinkwater Claim Discussion and/or Action
- B. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
I.B.P.O. Local #638 Discussion and/or Action

MOTION was made by Councilor W. Steere to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Potential Litigation & - Collective Bargaining; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

XII. Reconvene Open Session

MOTION was made by Councilor W. Steere to Reconvene Open Session and stated for the record that no votes were taken in Executive Session; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

XIII. I.B.P.O. Local #638 Contract Ratification Discussion and/or Action

MOTION was made by Councilor W. Steere to TABLE the I.B.P.O. Local #638 Contract; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 9:26 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 19, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **September 2, 2010**

I. Call to Order

The meeting was called to order at 7:30 PM.

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Raymond Goff, Town Planner; Gary Trembl,
Public Works Director; Joseph DelPrete, Chief of Police; and Ernest
LaFazia, Senior Center Board of Directors chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Stuart Pearson, Harmony Fire Chief.

IV. Open Forum on Agenda Items Only

None.

V. Resolutions

A. Chief Stuart Pearson
Recognition

Councilor W. Steere read the following Resolution for Chief Pearson who recently won a leadership award at the Fire House Expo held in Maryland in July, 2010:

**RESOLUTION 2010-17
CHIEF STUART PEARSON**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester hereby congratulate Chief Stuart Pearson for being chosen by Fire News and the Cygnus Public Safety Group to receive the 2010 Fire News Outstanding Leadership Award which was presented at the Fire House Expo in Baltimore, MD; and

WHEREAS, Fire News is a New York-based publication for fire, rescue and EMS services, that has served the firefighting community nationwide since 1973, and has partnered with Firehouse Expo to grant this award to a deserving fire, rescue or EMS service professional, Chief Stuart Pearson; and

WHEREAS, Chief Pearson had a twenty-six (26) year career as a firefighter with the Johnston Fire Department and retired in 1999 as Deputy Chief. He was

hired as Fire Chief for Harmony Fire District in 1999 and continues to hold that position today. Chief Pearson has served on the Town of Gloucester Public Safety Commission for over eleven (11) years, Director for the New England Association of Fire Chiefs since 2003 and in 2007 served as President of the RI Association of Fire Chiefs and is currently an active member. Chief Pearson is also a member of the International Association of Fire Chiefs and has held the position of Chairman for their MAS90 Committee since 2008. Chief Pearson is a certified RI Fire Inspector and a Commissioner on the RI Fire Safety Code Board of Appeal and Review; and

WHEREAS, Chief Pearson has overseen all aspects of management, operations and personnel within the Harmony Fire Department for over a decade and has established and maintained standard operating guidelines and procedures that has enabled him to achieve an outstanding effective, efficiently run department; and

NOW THEREFORE BE IT RESOLVED that the Town Council, Town Clerk and citizens of Gloucester congratulate Chief Stuart Pearson for receiving the distinct designation of being awarded the **2010 Fire News Outstanding Leadership Award** and hereby state we are proud to have Chief Pearson working to benefit the Town of Gloucester and its citizens.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Seconded by Councilor G. Steere

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Chief Pearson thanked the Council for this prestigious award and noted that if not for the support and help of the Harmony Fire District Board, members of the Harmony Fire District and Chief Pearson's family, this would not have been possible.

B. Appreciation of Volunteers
G.M.P. - Leja Field

Councilor G. Steere read the following Resolution to the International Union of Operating Engineers, Local 57, to show our appreciation of the work done at Gloucester Memorial Park:

RESOLUTION 2010-18

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to thank the International Union of Operating Engineers for their assistance in the Town's efforts to correct the drainage and install infield mix at Leja Field located within Gloucester Memorial Park; and

WHEREAS, Local 57 of the International Union of Operating Engineers donated its equipment and labor in order to complete this project; and

WHEREAS, Chris Treml, Administrator of the Union's Apprenticeship Program, was there to oversee the project; and

WHEREAS, if not for the equipment and labor offered by the International Union of Operating Engineers, this project would have cost the Town considerably more funds and taken far longer to complete. Now that this project is completed, Gloucester's youths should greatly benefit by having a safe, dry and well prepared playing field; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk, along with the citizens of Gloucester, appreciate the help and hard work received from the International Union of Operating Engineers Local 57 led by Chris Treml and want to say thanks to a job well done.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

Seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- August 5th & August 19th , 2010

B. Finance Director's Report - July 2010

C. Pole Grant

1. Waterman Lake Drive - Joint Pole on P.4-84

MOTION was made by Councilor Carroll to TABLE the Town Council minutes of August 5th & August 19th, 2010; to TABLE the Finance Director's Report for July 2010; to APPROVE the Pole Grant for Waterman Lake Drive, Joint Pole on P.4-84; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Chepachet Village Stormwater/River Park Brownfields Cleanup RIDOT Request for Financial Commitment"- Discussion and/or Action

Councilor Walsh stated that this item was continued from August 19, 2010 for more information regarding in-kind work.

Discussion:

Ray Goff, Town Planner, explained that he has reviewed the budget estimate for this project and has come up with several different scenarios. R. Goff stated that he feels that it is possible to meet the \$150,000 match by using in-kind services and contractor labor. R. Goff stated that there is approximately \$94,000 in terms of expenses through in-kind and use of our own equipment and materials.

R. Goff added that this project would be handled the same way as the recent bridge project; local contractors and owner/operators would be used to help us with the prevailing wage issue. R. Goff stated that a maximum of \$110,000 in cash must be set aside to ensure that we can complete this project on time and within budget. R. Goff pointed out that there was a substantial savings on the bridge project which is where this money would come from.

Councilor Walsh asked if the \$110,000 would be available through grants. R. Goff replied that the \$110,000 would be in addition to the grant money. Tom Mainville, Finance Director, stated that he met with the Town Planner and Public Works Director to discuss the possibility of having to use Town money to complete the project.

T. Mainville explained that there was money set aside for the repair of a culvert which washed out, but 90% of the repairs will be covered by FEMA, leaving these funds available. T. Mainville stated that in the event that in-kind services are not sufficient, we could probably use this money without further impact to the Capital or Operating Budgets. T. Mainville further stated that considering that we would get \$600,000 to solve a problem, the match is reasonable.

MOTION was made by Councilor W. Steere to AUTHORIZE a Letter of Commitment to R.I. Dept. of Transportation stating the Town of Glocester's intention to move forward with the construction of the Chepachet Village Stormwater Project; seconded by Councilor Carroll.

Discussion:

Councilor Burlingame stated that it should be documented that this money is available so that future Councils will not be surprised regarding where it is coming from. T. Mainville stated that the minutes would reflect this information. Councilor G. Steere asked what is the balance of the funds. T. Mainville replied \$146,000. Gary Treml, Director of Public Works, stated that \$96,108.59 was submitted to FEMA for the culvert project for which the Town will be reimbursed \$86,563.44.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Road Policy - Discussion and/or Action

Councilor Walsh stated that the Solicitor has reworked parts of the proposed policy after discussion at the last council meeting.

Discussion: Councilor Burlingame stated that this policy should be kept simple, adding that the decisions regarding repairs should be left up to the Public Works Director's judgement with input from the Police concerning safety. Councilor W. Steere stated that he has faith in G. Treml's judgement, but is "looking down the road" to when somebody else will serve as Public Works Director.

Councilor Carroll noted that this policy is just that, not law or ordinance, adding that future Councils could make changes if necessary. There was Council consensus to schedule a Public Hearing for the next Town Council meeting.

MOTION was made by Councilor Burlingame set a public hearing date for the proposed Road Policy for September 16, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. State Traffic Commission rules on motor vehicle excise tax valuations

Discussion/action

Councilor Walsh stated that this item was continued from August 19, 2010 should more discussion be needed. There was discussion regarding how vehicle valuations are determined. It was stated that vehicles manufactured before 1991 are given the values in the NADA listing

instead of Kelly Blue Book and cannot be appealed to the State. Tim Kane, Assistant Town Solicitor, stated that the Traffic Commission has adopted regulations pursuant to their regulatory powers that say they use NADA.

Councilor G. Steere expressed his opposition. Councilor Walsh recommended that the Council send correspondence to the State Traffic Commission stating that there is something wrong with their evaluation system. There was Council consensus to draft a Resolution which states that we disagree with way that vehicle values are determined. This Resolution will then be sent to all cities and towns.

VIII. New Business

A. Safety Commission Recommendation

1. Jackson Schoolhouse Road - Discussion and/or Action

Councilor Walsh stated that the Safety Commission met on August 30th and voted to recommend to Council the placement of a three way stop at the intersection of Salisbury Road and Jackson Schoolhouse Road.

Discussion: Joseph DelPrete, Chief of Police, stated that a traffic survey was conducted in response to several complaints from residents of Jackson Schoolhouse Road. Chief DelPrete stated that the Safety Commission has determined that the best traffic calming methods for Jackson Schoolhouse Road would be a three-way stop sign at Salisbury Road.

Councilor Walsh asked if a second traffic study would be done after the installation of the stop sign. Chief DelPrete replied that he would like to do so. Councilor G. Steere asked what if it doesn't work out and more complaints are received concerning the stop sign than were received regarding speeding cars. Chief DelPrete stated that the stop sign could be installed on a six-month trial basis.

Councilor Burlingame pointed out that when a four-way stop sign was placed at Cooper and Farnum Roads, there were complaints at first but they stopped as people got used to it.

MOTION was made by Councilor Carroll to request the Town Clerk to begin the process for an amendment to the Code of Ordinance, Chapter 258-2 Designation of stop intersections, to include three way stop sign at the intersection of Jackson Schoolhouse Road and Salisbury Road; seconded by Councilor G. Steere.

Discussion: Jean Fecteau, Town Clerk, asked if the six-month trial should be conducted prior to amending the Code of Ordinance, in the event that it does not work out. Tim Kane, Assistant Town Solicitor, replied that a Code amendment is necessary to put the sign up, adding that if it does not work, the Code would have to be repealed.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Personnel
 - 1. Public Works
 - a. Authorization - Family Medical Leave Act Discussion and/or Action

Councilor Walsh read the following a request from a Public Works employee regarding Family Medical Leave:

August 25,2010
To: Town Council
Re: Family Medical Leave

Due to a recent surgery, I am requesting time off under the Family Medical Leave Act (FMLA).

I anticipate needing the time off under the FMLA starting at the end of August and returning to work sometime in September.

Thank you for your understanding and consideration.
(End of request)

Discussion: Tom Mainville, Finance Director, stated that this is standard procedure, adding that the employee will not accrue vacation time during the medical leave.

MOTION was made by Councilor W. Steere to APPROVE the request for Family Medical Leave for a Public Works Department employee to a date to be determined; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- 2. Senior Center
 - a. Employee Coverage Extension - Discussion and/or Action
 - b. Salary Adjustment - Discussion and/or Action

Councilor Carroll read the following request from the Senior Center Board of Directors:

Honorable Town Council,

This letter is relative to a proposed salary increase for Jacqueline Aellig of the Senior Center. Jackie Aellig has been a part time kitchen employee at the Center since June of 2009. She has been a certified National Food Safety Manager for many years. Her current hourly rate is \$8.50 per hour.

The Senior Center Executive Board is in favor of a pay increase of \$1.50 per hour. Members of the E-board have called other Senior Centers and most part time kitchen employees are making between \$9.10 an hour to \$14.00 per hour. The private company (Leso) kitchen employees at our high school and middle school are making \$13.00 per hour. Mrs. Aellig's job description has changed since her employment began. Due to the illness of our Senior Center Director, Fran Ballou, Mrs. Aellig has had to step up to not only do her job, but also Fran Ballou's job when Fran is absent. Mrs. Aellig has also helped professionalize our Senior Center kitchen.

A copy of Mrs. Aellig's daily activities is attached to this letter. Jackie Aellig also has to oversee three per diem part time employees who work when Fran is out or whenever needed. All three per diem employees have also been certified by the State Health Department in food safety. Joe Peters, Steve Sette and myself have been working to increase Mrs. Aellig 's pay for the past eleven months. The Senior Center has lost several kitchen employees in the past because of the very low pay scale. This pay increase is less than \$2,000.00 a year.

We have found the money within our budget; deleting drinking water deliveries and cutting down on computer allocations, to cover Mrs. Aellig's pay increase. In the almost four years the Center has been open, I have not seen a more proficient, devoted and trustworthy kitchen employee. It would be awful to lose Mrs. Aellig due to an under paid position! Please take this upon your Council to ratify this pay increase effective as of September 2,2010, so we may keep the qualified employee that we so desperately need.

Respectfully submitted,

Ernest A. LaFazia, Chairman Gloucester Senior Center E-Board

(end of memo)

Discussion:

Ernie LaFazia addressed the Council regarding this matter. E. LaFazia stated that the job description for this position has been changed several times in the last two years and now incorporates many different duties from kitchen tasks to clerical and managerial skills. E. LaFazia noted that Ms. Aellig goes above and beyond, sometimes on her own time. E. LaFazia stated that he and the other Executive Board members are concerned that without the salary increase, the Senior Center may lose this employee. E. LaFazia reiterated that this \$1.50 per hour increase will only amount to \$2,000 per year.

With regard to the request for employee coverage extension, Councilor Walsh stated that this was originally addressed in March to allow Jackie Aellig to cover for Fran Ballou, Manager. It was noted that the original request was to allow this coverage until June and must now be extended.

Councilor Burlingame commented that it is wise to do this now for succession planning. E. LaFazia agreed, stating that the Senior Center has over 100 volunteers, but they cannot count on volunteers to do everything.

MOTION was made by Councilor W. Steere to extend the employee coverage through December 31, 2010, per the letter of March 23, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor G. Steere to increase the salary of Senior Center employee Jackie Aellig to \$10.00 per hour; seconded by Councilor Carroll.

Discussion: David Steere, of the Budget Board, stated that the same request was submitted last January with an amount of \$4,000. D. Steere asked why the request before the Council now is \$2,000. E. LaFazia replied that when you calculate the hourly increase by 27 hours per week, the figure is \$1,986.

E. LaFazia further stated that the Senior Center has saved money by discontinuing deliveries from Poland Springs water and by implementing other cost-cutting measures. D. Steere noted that it has been mentioned that the Budget Board cut the Senior Center budget by 6%, adding that this is inaccurate and when the budget was submitted, most of the budget cuts had already been made.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Chestnut Hill Road Bridge repair - Discussion and/or Action

Discussion:

Gary Treml, Director of Public Works, reported that it does not appear that anything will be done right now. Councilor G. Steere asked if G. Treml has heard from anyone since the meeting the other evening. G. Treml replied in the negative. Councilor Burlingame stated that he made a recommendation at the meeting that we request an update every three months.

Councilor Burlingame stated that he is disturbed that a year ago, it was stated that work would begin in April. G. Treml stated that the contractor was suspended from bidding on federal work for a year and has just been put back on the list. There was Council consensus to notify the Department of Transportation weekly, in writing, that nothing is being done on the bridge.

MOTION was made by Councilor Burlingame to send a weekly status update letter to the Department of Transportation with regard to the Chestnut Hill Bridge; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Gloucester Code of Ordinance - Discussion and/or Action

1. Chapter 272 Wastewater Management District
2. Chapter 350- Zoning
 - a. 350-46 Sewage Disposal System Setback from Water Bodies
 - b. 350-57 Development Plan Review

Discussion:

Councilor G. Steere stated that he is concerned with the chapter in the Zoning Ordinance which requires that a septic system with less than a 150' setback from a body of water must be reviewed by the Wastewater Board before it goes to DEM. Councilor G. Steere commented that this is not needed any longer because DEM now requires nitrogen reducing systems and their rules are stringent enough. Councilor G. Steere noted that the enforcement powers of the Wastewater Management District Board were rescinded years ago.

Councilor G. Steere expressed his opinion that this should be removed from Zoning and we should get rid of the Wastewater Management District Board's Rules and Regulations that are on the books. Councilor G. Steere further stated that the charge of the Wastewater Board should be changed to make them an advisory and educational board to assist residents in obtaining loans or grants for septic systems.

Councilor Burlingame stated that he agrees with Councilor G. Steere's comments, particularly with regard to the 150' setback requirement. Councilor Burlingame asked Ray Goff, Town Planner, if the Wastewater Management District Board provides any input that is helpful in the process of obtaining building permits. R. Goff replied that if an applicant is seeking a Special Use Permit for a septic system less than 150' from a water body, the WWMD becomes involved.

Councilor Burlingame asked if the WWMB rules were not in place, would the DEM's rules apply. Councilor G. Steere asked if any scientific calculations used by the WWMB are used to dictate what type of septic system must be placed in these areas. R. Goff stated that he is not aware of what criteria are used by the WWMB. Councilor G. Steere stated that no design criteria are used by the Wastewater Board; they simply go by the 150' setback requirement.

Councilor Burlingame stated that upon reading the Ordinance which created the WWMB, it appears that they could, technically, develop rules and regulations for types of systems, violations, etc., but because they never developed the Rules and Regulations, none of this is in place.

Councilor Burlingame raised the question of what harm would it be if the whole ordinance were eliminated? R. Goff replied that he does not know what the impact would be to the Town. Councilor Burlingame stated that the Ordinance was established in the 1990's when we were considering tying in with Burrillville's wastewater treatment facility, but wondered if we now have an Ordinance and a Board that we do not need. Councilor G. Steere commented that the Wastewater Board could serve an educational and assistance purpose.

Councilor Burlingame suggested rewriting the Ordinance to make the Board function in an advisory role without enforcement powers. Councilor Walsh asked what would the ramifications be if a system fails and affects neighboring property. R. Goff stated that the Wastewater Management District Board does not get involved in these matters; the Building Official would contact DEM who would in turn decide if there is an enforcement issue.

Councilor Burlingame stated that he recommends two things be done:

- 1) the 150' setback requirement be eliminated from the Zoning Ordinance and;
- 2) revise the charge of the Wastewater Management District Board and the way the Wastewater Management District Ordinance reads.

Lou Cadwell, chair of the Wastewater Management District Board, was present and addressed the Council. L. Cadwell expressed disagreement with Councilor G. Steere's comments, stating that if we eliminate the 150' requirement, a homeowner could install any type of system they wish, or at least make the request to DEM. L. Cadwell stated that just because DEM has better systems, it does not mean that they are required.

Councilor G. Steere replied that they are required by DEM where they are needed, based on design criteria. L. Cadwell stated that the Planning Board recently came up with a different recommendation based on money, not on whether it is good for the Town. Russell Gross, Planning Board member, stated that this is not true. Councilor G. Steere stated that he has been installing systems since 1972 and again stated that alternative systems are required where they are needed.

Councilor Walsh stated that everyone wants to protect our groundwater; the question is what is the most efficient and reasonable way to do so. Lou Cadwell agreed, adding that this is why they changed the Rules and Regulations from twenty pages to one sentence. L. Cadwell stated that DEM should decide what type of system is reasonable.

Councilor Burlingame asked if the Ordinance did not have the 150' requirement, would DEM allow a system to be installed which would compromise wetlands. L. Cadwell replied that DEM handles the whole state and he is worried about groundwater because we have no sewers. Therefore, L. Cadwell states that we need to be more vigilant.

Councilor Burlingame stated that there was a discussion at the meeting with DEM with regard to the retention pond at the corner of Route 44 and Tourtellot Hill Road. There were complaints that the water was getting into Reynolds Plat and part of the process of redoing the village involves where the water will go. Councilor Burlingame stated that DEM is very much involved in this issue and what is going on in terms of contamination. Councilor Burlingame stated that

we are not in a position to provide superior wisdom over DEM's rules for setbacks on wetlands and water.

Councilor Walsh asked R. Goff, Town Planner, if a representative of DEM could explain some of these matters in layman's terms. Councilor Walsh expressed his agreement with L. Cadwell's opinion that one state, one rule is not necessarily the answer because not all communities have sewers and water. Councilor G. Steere stated that many areas along the ocean do not have municipal sewer systems.

Lou Cadwell stated that even in those regions, there are second thoughts about the nitrogen-reducing systems due to its cost. L. Cadwell stated that a second issue is the 150' and whether or not it is above and beyond the call of duty. L. Cadwell referred to Councilor G. Steere's statement that within 100 feet, DEM will require certain things, and commented that he is not convinced that this is true. L. Cadwell commented that he is not against the idea of reducing the 150' to 100'.

Councilor G. Steere stated that because of the Ordinance and its requirements, people may be saddled with a \$25,000 or \$30,000 septic system with a monthly electric bill and an annual maintenance fee without any design criteria involved.

Councilor Burlingame asked what would happen if the 150' requirement was eliminated from the Zoning Ordinance. L. Cadwell replied that he would still be in favor of a setback to protect the groundwater and wetlands. Councilor Burlingame asked if the Zoning Board never had a setback requirement, what would the WWMB be doing now? L. Cadwell replied that everything that they do is based on the Wastewater District Ordinance. Councilor Burlingame asked if, in the absence of the 150' setback, a person came to the Board with a plan, would the Board recommend a certain type of system, or would that already be determined by DEM?

L. Cadwell replied that the latest Rules and Regulations would leave it up to DEM to decide which alternative system is best, adding that the Board is not qualified to make that decision. Councilor Burlingame stated that this reinforces the reason that the 150' setback requirement should be removed. L. Cadwell stated that he feels exactly the opposite, that this is why we need more stringent requirements that the State has.

Tim Kane, Assistant Town Solicitor, stated that the WWMB's last set of regulations require that a homeowner would petition the Board for approval prior to going to DEM. Councilor Burlingame stated that this is exactly what he is totally opposed to, another layer of bureaucracy involved.

T. Kane stated that the enabling legislation says that the WWMB can do three things which the Town does not want them to do; inspect, enforce and provide public education. T. Kane added that there is nothing in the enabling legislation that allows Wastewater Management Districts to pass judgement before DEM does. L. Cadwell stated that DEM wants the Town to have more stringent regulations.

Councilor Carroll expressed his opinion that DEM is not easy to get through, adding that he sees cases where people spend thousands of dollars trying to get a system approved by DEM. Councilor Carroll stated that he does not see why the Town must go above and beyond DEM's regulations. Councilor Carroll stated that the link with Zoning should be cut out and the best way would be to make the Board an educational entity.

Ray Goff, Town Planner, stated that in 2000 when he first started here, he felt that the 150' setback was a good thing because perc tests were conducted to determine the water table. R. Goff noted that today, septic systems are designed based on a soil evaluation which can be done any time of year. R. Goff expressed agreement that we have created another level of bureaucracy that in this day and age is not necessary.

R. Goff added that the educational aspect of the Board remains an important and viable role in this Town. R. Goff recommended that the Wastewater Management District Board work with the Northern RI Conservation District to provide outreach. Councilor Burlingame stated that he would feel comfortable with eliminating the 150' requirement from the Zoning Ordinance as the first step, allowing the WWMB to refocus on education.

Councilor G. Steere stated that DEM and the system designers should handle it. Councilor G. Steere stated that it is a soil science with design criteria based upon what is found in the soils, adding that it is much more dependable than the old perc test for water table. Councilor G. Steere agreed with R. Goff that this had a purpose years ago before these new systems were used, but now feels that it is redundant and should be eliminated.

Lou Cadwell stated that the only way the Town can be more stringent than DEM is if Zoning is involved because Wastewater cannot have that responsibility. L. Cadwell commented that if the 150' is eliminated, the same level of regulations will be imposed in Glocester as it is throughout the State. L. Cadwell stated that people will not install a more expensive system just because it is the right thing to do.

MOTION was made by Councilor G. Steere to hold a First Reading for proposed Code of Ordinance amendments to Chapter 350 Zoning;

- a) 350-46 Sewage Disposal System Setback from Water Bodies and
- b) 350-57 Development Plan Review, on September 16, 2010;

seconded by Councilor Carroll.

Discussion: Councilor G. Steere stated that if these amendments are adopted, there will be no need for any Wastewater rules and regulations. Lou Cadwell noted that there are several other members of the WWMB present should they wish to voice their opinions.

Peter Skeffington, 48 Anan Wade Road, stated that he has served on the Wastewater Management Board for six years which was a waste of time. P. Skeffington commented that the Board is a study in repetition, duplication of jurisdiction and redundancy in bureaucracy. P. Skeffington stated that in the last six years, the WWMB acted on one case which was overlooked by DEM. P.

Skeffington explained that the problem was reported to the Board by a neighbor who felt that the lot was too small, adding that if not for this gentleman, a house would have been built on a tiny lot which did not have room for a house and a septic system. P. Skeffington further stated that if the Board had not been in existence and he had received the same call, he would have notified the Building Inspector who would have investigated the matter. During his six years, the Board never got a call concerning a failed system where sewage was running on top of the ground.

P. Skeffington voiced his opinion that if the Council insists on keeping the Board alive, all regulatory powers should be removed and the Board should turn into a helpful Board which will give assistance to property owners who are about to be forced by DEM to replace their septic systems due to DEM's cesspool phase-out bill of 2007. P. Skeffington suggested that a list of local engineers and contractors be established by this Board and offered to property owners in an effort to keep Gloucester's money in Gloucester.

Linda Nichols stated that she has been on the Wastewater Board for seven years. L. Nichols stated that the members are not engineers and are not capable of deciding which system should be installed. L. Nichols is in favor of leaving it up to DEM to make decisions on an individual basis. L. Nichols stated that the Board's job is to educate the public and to assist with obtaining grants for septic systems. L. Nichols expressed her disagreement with the 150' setback requirement and urged the Council to eliminate it from the Zoning Ordinance.

Russell Gross stated that the Planning Board has had this same discussion at which time Norbert Therrien, Professional Land Surveyor from Woonsocket, stated that he thinks the 150' setback is not necessary and offered to speak at a Council meeting or workshop at no charge.

George Kain, member of the Wastewater Management Board, stated that the 150' setback came from the original studies on the village a long time ago. G. Kain stated that the worst problem we have is road salt contamination of wells along State roads, which in his opinion is worse than bacteria in a septic system. G. Kain stated that this problem must be addressed.

Patricia Lawrence of 22 Camp Street stated that she is very much in favor of the 150' setback because we have so many pristine lakes and rivers. P. Lawrence urged the Council not to follow what DEM dictates and to make Gloucester independent.

Lou Cadwell stated that we must think about postage-stamp lots and whether DEM should allow compost toilet on these lots. L. Cadwell stated that this is one thing that he is worried about.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

1. Gary Treml, Director of Public Works, stated that we received a \$3,184 rebate on our recycling plus another check for \$9,020 as profit-sharing. G. Treml noted that we are at 26% with regard to recycling. Councilor Walsh asked what percentage we must reach by the end of the year. G. Treml replied 35%, adding that it is unlikely that we will reach this goal.

Councilor W. Steere stated that the town of Smithfield has a person dedicated to recycling and they are still not coming close to their percentage goal. Councilor Walsh asked if the percentages are unreasonable. G. Treml replied in the negative, stating that some municipalities, such as Middletown, are attaining their goals by using different methods such as the “pay as you throw” program. G. Treml expressed his opinion that this program is the most effective way to increase recycling.

2. Joseph DelPrete, Chief of Police, provided an update concerning the traffic light at Route 44 and Money Hill Road. Chief DelPrete stated that the Department of Transportation has been conducting timing studies over the last several weeks which indicate that traffic runs smoothly on Route 44 west, but there are backups coming in from Routes 100 and 102.

Chief DelPrete stated that he wishes to recognize several members of the Police Department for their work together with the State Police to seize 350 marijuana plants and make an arrest in the case.

B. Boards & Commissions

1. Peter Skeffington, speaking on behalf of the Community Resource Commission, made the following statement:

“The Resource Commission has backed away from Hydro until such time as DOT fixes the pipe and bridge at S & S Dam, and also until the RI Senate passes that net metering bill for hydro. The House passed it but the Senate Bill did not pass, or it never made it out of committee. Our Senior Senator, Paul Fogarty, never got back to me as to why that wasn’t passed.

“Our next Hydro project could be a big water wheel in the Chepachet River, right in the center of town. It will be aesthetically pleasing. The Historic Commission should be very happy about it. Once installed, we will know how much horsepower it will produce. From that we can determine the amount of KW’s we can expect to obtain. Hopefully we will be able to wire it directly into Town Hall and realize a reduction on that electric bill through net metering, assuming the Senate gets its act together and passes that bill.

“DEM doesn’t like turbines. Calls them sushi makers I’m told because they chop up fish. Water wheels on the other hand do no harm to the environment. This should

really open people's eyes about water power. And DEM should have no qualms about us installing a water wheel in the Chepachet River.

"Today, I received good news. Congress is looking at a bill which will remove small and micro sized hydro power projects from FERC (Federal Energy Regulatory Commission) regulation. If this passes, the door will be thrown open for development of several projects in town, keeping in mind that we have more than 50 dams, according to DEM.

"The Resource Commission has also proposed the construction of eight small (10KW) windmills that we would like to install in town, and we are now about to apply for grants for that purpose, under the guidance of the very helpful Jacky DiPietro in our Finance Office.

"This Commission is also in the process of starting a pumpkin patch in West Glocester. Our thanks go out to Roy Najecki and the Conservation Commission for offering it to us. That Commission is now using it to grow blight resistant chestnut trees. The area south of the orchard is where we will start a garden under the stewardship of the Conservation Commission.

"After a number of trees are cut down, Councilman Buster Steere has made a wonderful offer to dig out the numerous stumps with his excavator, at no charge to the town.

"Hopefully we will be able to find someone with a tractor and harrow to flatten it out before planting rye grass, which will then be plowed under next spring, making way for pumpkin planting. The pumpkins will be sold on the lawn of Town Hall next fall. The proceeds from that sale will benefit the Glocester Food Bank—if that meets with the Council's approval."
(End of statement)

2. Linda Nichols, chair of the Resource Commission, asked to be placed on a future Town Council agenda to provide an update with regard to what the Commission has been doing since its inception. Councilor Walsh replied that it is not necessary to be placed on the agenda because at each meeting, the Council addresses Department Heads and Boards and Commissions. L. Nichols commended the members of the Resource Commission for their time and dedication.
3. Ernie LaFazia of the Senior Center Board of Directors thanked the Council, the Finance Director and the Town Clerk for their support and guidance.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received with regard to an Anti-Bullying Summit which will be held on October 26th at the University of Rhode Island Providence Campus.

- B. Councilor Walsh stated that a Resolution opposing unfunded mandates was received from Narragansett and there was Council consensus to place this on the agenda for the next meeting.
- C. Councilor Walsh stated that a Statement of Understanding between the Town of Glocester and the American Red Cross was received. Jean Fecteau, Town Clerk, stated that the document has been signed by Charles Miller, EMA Director.
- D. Councilor Walsh stated that a notice was received from the State Traffic Commission regarding the installation of a “No Pass Zone” on Snake Hill Road near Appleton Lane.
- E. Councilor Walsh stated that correspondence was sent to the Chief Civil Engineer regarding sidewalk repairs to Chepachet Bridge No. 100.
- F. Ray Goff, Town Planner, stated that he has notified the owner of Emerald Estates that the bond for this subdivision has lapsed. Councilor Burlingame stated that another problem in the subdivision is that the road tilts the wrong way and is breaking up in spots.
- G. Councilor Walsh asked Councilor G. Steere to review the invoices from Jeff Kastle.
- H. Councilor Walsh stated that the Foster Town Council is interested in meeting with representatives of the Glocester Town Council and members of the Financial Departments of each town to discuss Foster’s financial shortfall and to determine if the Town of Glocester can assist with regard to the Regional Schools. Councilor Burlingame stated that he believes that Foster wishes to exercise the 95% rule.

Councilor Burlingame noted that Glocester would have to be a party to that and he is not willing to do so. Councilor Walsh stated that he feels that we should listen to what Foster has to say and report back to the Council and make a decision as a group. Councilor G. Steere pointed out that we asked to meet with the Foster Town Council on several occasions with regard to sharing a police chief and never heard back from them. Councilors Carroll and W. Steere volunteered to attend the meeting.

- XI. Open Forum
None.

- XII. Seek to Convene to Executive Session
A. R.I.G.L. 42-46-5(a) 2 - Collective Bargaining
I.B.P.O. Local #638 Discussion and/or Action

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

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- XIII. Reconvene Open Session

Reconvene Open Session and state for the records no votes were taken in Executive Session.

- XIV. I.B.P.O. Local #638 Contract Ratification

Discussion and/or Action

Discussion:

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Collective Bargaining Agreement between I.B.P.O. Local #638 Gloucester Police and Town of Gloucester, for the period July 1, 2010 to June 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:42 PM; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 16, 2010 Town Council Meeting.

September 2, 2010

18 of 18

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 7, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk;
Gary Treml, Public Works Director; Sarah Mangiarelli, Foster-Glocester
Regional School Department Business Manager; and Joseph DelPrete,
Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum on Agenda Items Only

None.

V. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- Sept 16th, 2010
- B. Correction to Town Council Minutes - June 17, 2010, Consent Items
- C. Finance Director's Report - June, July & August 2010
- D. Pole Grant - Durfee Hill Road, P. 19 ½

MOTION was made by Councilor Walsh to TABLE the Town Council minutes of September 16th, 2010; to correct the Town Council Minutes of June 17, 2010 to change the Tax Assessors Abatement to the 2009 Tax Roll to \$44.95 instead of \$44.05; to TABLE the Finance Director's Report for June, July, & August 2010; and to APPROVE the Pole Grant located on Durfee Hill Road, P. 19 ½; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Police/Fire/Rescue Emergency Response Communication and PMS Cell Tower
Discussion and/or Action

Councilor Carroll stated that this item was tabled from the last meeting. The School Business Manager was to get information regarding the annual maintenance fees and/or cost of replacement.

Discussion: Walter Steere, Jr., School Committee member, stated that Sara Mangiarelli, Business Manager, has not yet arrived at the meeting.

MOTION was made by Councilor Walsh to move agenda item VI. A. to later in the meeting; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Road Policy - Discussion and/or Action
Non-accepted Town Roads

Councilor Carroll stated that the Council held a Public Hearing to offer residents the opportunity to be heard on September 16, 2010.

Discussion:

Tim Kane, Assistant Town Solicitor, stated that he changed the wording slightly to include roads which are the only means of access to Town-accepted or State roads. T. Kane added that this is another way to address dead end roads. Councilor G. Steere noted that most roads fall into this category, not only dead ends. T. Kane suggested saying whether the road is a dead end road. There was consensus to use the phrase "only means of egress." Councilor Carroll stated that it would be good idea to publish the list for residents to see. T. Kane replied that it would be a public record of which hard copies would be available.

Councilor W. Steere stated that he has full faith in the Public Works Director, but expressed concern that in the future, others will serve in that capacity and on the Council. Councilor W. Steere also suggested that the Safety Commission be involved in the process of determining the priority list. Councilor Burlingame disagreed, stating that this would add another group of people getting involved in something which may have to be dealt with on an emergency basis.

Councilor G. Steere noted that the list would be approved by the Council and recommended that a Council member work with the Public Works Director. Councilor G. Steere offered to do so. Councilor Burlingame pointed out that the Public Works Director makes the decisions on Town roads without the Council getting involved, and feels that he should also make the decisions concerning non-Town roads. Councilor W. Steere reiterated that his concerns have nothing to do with the current Director, but he is looking down the road and stated that by tightening up the policy now, it may prevent issues in the future.

There was discussion regarding whether the priority list should be reviewed and updated annually. Councilor G. Steere expressed concern that if a road that is near the top of the list gets replaced by a road further down, it may appear improper to the residents. Jean Fecteau, Town Clerk, noted that if the list is posted on the internet, there should be a disclaimer which states that the Public Works Director has the right to amend the list in case of emergencies.

T. Kane recommended adding the following statement to paragraph 3 of the policy: "The DPW Director shall have the authority to modify the priority list as circumstances require." Councilor Carroll pointed out that any future Council could change this policy because it is only a policy, not an ordinance. Councilor Burlingame agreed, stating that this is a first step which we can work with.

MOTION was made by Councilor G. Steere to ADOPT the Road Policy, Non-accepted Town Roads as amended, as previously submitted for Public Hearing on September 16, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

VII. New Business

A. Gloucester Code of Ordinance

1. 1st Reading of proposed Code Amendment
Chapter 272, Wastewater Management District

Councilor Carroll stated that the Solicitor has worked on a proposed amendment to the chapter of the code regarding the Wastewater Management District.

Tim Kane, Assistant Town Solicitor, explained that he has changed the definition of ISDS to what DEM recognizes and has modified the Ordinance to make the Wastewater Management District Board a board which educates the public and seeks funding, but would no longer be an inspection and enforcement board. Councilor G. Steere expressed concern regarding item H. which addresses Rules and Regulations.

T. Kane stated that he left that in but made it all subject to Town Council approval. Councilor Burlingame agreed, stating that the intent is to make the Board an advisory group, adding that the reference to Rules and Regulations should be stricken from the Ordinance.

MOTION was made by Councilor Burlingame to TABLE the 1st Reading of the proposed Code amendment, Chapter 272, Wastewater Management District until the next meeting; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Recreation Department Employment Policy

Discussion and/or Action

Councilor Carroll spoke regarding the establishment of a residency requirement for summer employees of the Recreation Department. Councilor Carroll explained that it is difficult for young people to get jobs in general and taxpayers should have the first opportunity. Councilor Carroll further stated that there should also be a review of the age requirement for summer employees.

Councilor G. Steere agreed, stating that last year, a complaint was received from a Gloucester resident regarding the hiring of a Foster resident. Councilor Carroll recommended that the Council work on a policy at this time in order to have something in place before the hiring period in the Spring. Councilors Carroll and G. Steere stated that they will bring a policy forward for discussion in November.

C. 2010 Holiday Schedule

Discussion and/or Action

Councilor Carroll stated that the Clerk's contract and the Personnel Handbook allow for half day for Christmas and New Years Eve, and full day for Christmas and New Years Day. Councilor Carroll noted that Christmas and New Year's Day fall on Saturdays this year and asked if there would be a half day on December 23rd and the 24th off and the same for New Years, half day on the 30th and the 31st off. Tom Mainville, Finance Director, replied that, typically, this is how the holiday schedule has been set in the past.

MOTION was made by Councilor Walsh to close the Town Hall as follows: December 23rd, half day; December 24th, closed all day; December 30th, half day; and December 31st closed all day; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Police/Fire/Rescue Emergency Response Communication and PMS Cell Tower
Discussion and/or Action

Councilor Carroll noted that the School Department Business Manager is now present. Sarah Mangiarelli, Business Manager, stated that the only definitive answer that she has received from Anthony Building Company is that there is no annual maintenance cost on the antennas unless the School Department chooses to purchase a policy which would cost up to \$150.00 per month.

Councilor Walsh referred to the \$12,000 which is paid annually for the secure line, asking what happens to that money if the Town takes over the operation. S. Mangiarelli replied that this would reduce the operating expenses and subsequently minimize the amount they would need from taxes. S. Mangiarelli noted that she was not aware that the Fire Department has a separate budget, adding that she has had preliminary discussions with the Fire Chief to determine if they would be interested.

Councilor G. Steere stated that there would be virtually no benefit to the Police Department, therefore no benefit to the Town, although the Fire Department would benefit from the tower. S. Mangiarelli stated that if the Council is not interested in this proposal, the space on top of the cell tower is somewhat restricted to Town use. In that case, S. Mangiarelli stated that the School Department would ask for the Council to authorize them to seek other funding sources.

Tim Kane, Assistant Town Solicitor, stated that he sees no problem with this request. Councilor Walsh stated that the Council will wait to obtain the rest of the information before making a final decision.

MOTION was made by Councilor Burlingame to TABLE the discussion regarding Police/Fire/Rescue Emergency Response Communication and PMS Cell Tower until the next Town Council meeting; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

D. Western Home Repair Program- Discussion and/or Action
Funding Request

Councilor W. Steere read the following request from the Program Manager of Western Home Repair:

Town of Gloucester Town Council Members
Town Council President Kevin Walsh
Re: Contribution (Western RI Home Repair Program)

Dear Kevin,

The Town of Gloucester has been awarded a substantial Community Development Block Grant increase for FY 10. The total of the grant award is \$284,550.00. The Town's award has been increased by 41% from last years award representing an \$89,000.00 increase. This is the highest CDBG award that the Town of Gloucester has received in its 24 year history.

This is quite an accomplishment for the Town of Gloucester. The Western RI Home Repair Program has worked very hard through the years to provide decent housing and many other services for the low/mod residents of Gloucester. Our reputation with the staff at the RI Dept of Administration Office of Housing and Community Development is impeccable.

I am writing this letter in regards to the \$2,000.00 contribution to the Western RI Program that the Town of Gloucester has contributed in the past. The Town's last contribution was made in 2008 no contribution was made in 2009.

I am asking that you consider contributing the \$2,000.00 for 2010/2011 to help with the additional advertising cost to get the word out to the low mod income Gloucester residents. The contribution would also be use to help with Worker's compensation insurance and Liability insurance cost for the program which continues to increase each year.

The Western RI Home Repair program will continue to work diligently to assist the low/mod resident of the Town of Gloucester with your continued support.

I can be reached at 568-6206 ext. 6, please feel free to call me with any questions you might have.

Sincerely,
Elinor C. Tetreault
Program Manager

(end of memo)

Discussion:

Councilor Walsh stated that this item was cut from the Budget last year and noted that if this amount is put back in, we can keep an eye on it to determine how much is used. Councilor G. Steere stated that he spoke with Elinor Tetreault, Program Manager, and was told that Foster contributed \$1,000 and Scituate contributed \$2,000.

J. Fecteau, Town Clerk, commented that Scituate has this as a line item in their budget every year. Councilor G. Steere noted that the Program will begin doing work for Burrillville, adding that this is a good program and will be worth the \$2,000 to get the word out. Councilor Burlingame asked if there is enough in the contingency fund at this time. Tom Mainville, Finance Director, replied in the affirmative.

MOTION was made by Councilor Burlingame to provide the \$2,000 as requested by the Western Rhode Island Home Repair program manager; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

E. Police Communications - Radios
Discussion and/or Action

Joseph DelPrete, Chief of Police, stated that last year, the Department received fifteen (15) portable radios which have not been utilized because they have not been fully integrated into the system. Chief DelPrete noted that the Town paid for the radios and was reimbursed by the Emergency Management Agency.

Chief DelPrete explained that the cost to complete the project would be approximately \$15,800 and asked the Council to absorb this amount from the Police Department budget. Chief DelPrete noted that this would give us interoperability with other departments, including the Connecticut State Police, and has many advantages such as clarity and coverage.

Councilor Burlingame asked if there is any grant money which would help offset this cost. Chief DelPrete replied that there is that possibility. Tom Mainville, Finance Director, stated that there are funds in the Police Department budget to cover this expense.

VIII. Boards & Commissions

A. Resignations - Discussion and/or Action

1. Historic District Commission

One unexpired Three year term to expire 11/2012

Councilor Carroll stated that the Town Clerk has received a resignation from Clayton Lanphear from the Historic District Commission. The resignation is on file in the Clerk's office.

Councilor Burlingame stated that, as the liaison to the Historic District Commission, he would like to table this resignation.

MOTION was made by Councilor Burlingame to TABLE the resignation of Clayton Lanphear from the Historic District Commission for the unexpired term to expire 11/2012; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

- B. Appointments - Discussion and/or Action
 - 1. Historic District Commission
 - One unexpired Three year term to expire 11/2010
 - 2. Historic District Commission
 - One unexpired Three year term to expire 11/2012

Councilors Burlingame and G. Steere stated that they wish to table these appointments until they speak to the current members of the Commission.

MOTION was made by Councilor Burlingame to TABLE the appointments (two unexpired three year terms) to the Historic District Commission; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

- 1. Gary Treml, Director of Public Works, stated that his department is starting to recycle light bulbs and batteries. Councilor Walsh suggested placing an ad in the Bargain Buyer to notify residents that there are containers at the Transfer Station for these items. G. Treml stated that an ad has already been prepared. Councilor G. Steere asked if this would count toward our tonnage. G. Treml answered that he does not believe so. Councilor Walsh asked where small propane tanks go. G. Treml replied that he is not sure, but large ones are crushed and placed with the recyclable metals.

G. Treml stated that he wishes to publically thank Laiho Excavating for donating two tires for our grader, saving the Town approximately \$1200.

G. Treml gave an update on the Chestnut Hill Road bridge construction. Councilor W. Steere noted that he has received several calls with regard to Pine Orchard Road, which is being used as a detour while the bridge is closed. Councilor W. Steere noted that it is difficult to see at night and asked if the road can be lined in some form to improve visibility.

G. Treml replied that he would have to hire a contractor with this type of equipment. G. Treml noted that Pine Orchard Road is 7700 feet long which would require 15,000 feet of line if just the edges are done. G. Treml stated that he will ask the State for assistance, but noted that it was not easy obtaining a detour sign placed on Route 44.

B. Boards & Commissions

1. Jay Forgue, chair of the Economic Development Commission, stated that on October 26th at 7:00 p.m., there will be a meeting with individuals from the State Department of Transportation and the Rhode Island Economic Development Committee. There will be discussion regarding the revitalization of the Town of Gloucester.
2. Roy Najecki, of the Conservation Commission, stated that the Commission has been contacted by a landowner who wishes to donate land to the Town. R. Najecki asked that this be placed on the agenda under Executive Session for the next Town Council meeting.
3. Walter Steere, Jr., School Committee member, stated that at their last meeting, the Committee authorized their attorney to petition the Commissioner of Education to order the Town of Foster to pay what was appropriated at the Regional Financial Meeting. W. Steere, Jr. explained that a letter was received from Foster indicating that they are withholding \$188,000, which would be 5%.

Tim Kane, Assistant Town Solicitor, stated that he has looked into this and feels that once the voters vote on the budget at the Regional Financial Meeting, the Towns must fulfill their obligation. Councilor Walsh noted that he received a call from Collette Matarese of the Foster Town Council asking what Gloucester's plans are regarding this matter. W. Steere, Jr. stated that if Gloucester withheld 5% of their share, it would be approximately \$413,000.

W. Steere, Jr. stated that there is a problem with a school bus turnaround at Stone Dam and Gene Allen Roads. W. Steere, Jr. commented that Gary Treml, Director of Public Works, feels that he can take care of it even though it is on the Foster side, provided that permission is obtained from the property owners.

Councilor Burlingame expressed his opinion that the process broke down when parents were called by the bus company, and stated that the School Committee and the Superintendent must address the bus contractor regarding this problem.

Councilor Carroll expressed concern regarding how the bus company obtained the phone numbers of the parents, stating that if the school gave them this information, they were at fault.

X. Council Correspondence/Discussion

1. Councilor Walsh stated that the Burrillville Town Council sent a Resolution with regard to no parking signs on Gazza Road and Peach Road. This will be on the agenda for discussion at the next meeting.

2. Councilor Walsh stated that correspondence was received from DEM concerning Chimera, Inc.
3. Councilor Walsh stated that correspondence was received from the RI Economic Development Corporation with regard to the Office of Regulatory Reform.
4. Councilor Walsh stated that a meeting notice was received from the Gloucester Business Association.
5. Councilor Walsh stated that a complaint was received from a resident of Sandy Brook Road regarding a tree limb on her property. Gary Trembl, Director of Public Works, explained that the tree is on our road, but the limb grows over the property. G. Trembl stated that the resident is complaining that acorns are dropping on the roof, bothering her tenant on the second floor.

G. Trembl further stated that the resident is requesting that the Town remove the tree. G. Trembl stated his position that if the property owner wishes to prune the limbs which are on the property, she has the right to do so, at her expense. Councilor Walsh noted that as long as the tree is in good condition, the Town has no liability.

6. Councilor Walsh stated that correspondence was received regarding Echo Road and Cedar Trail. This will be forwarded to the Director of Public Works.
7. Councilor Walsh stated that a letter was received from Andy Goulet, resident of the Keach Pond area. Mr. Goulet has volunteered to assist the Public Works Director in compiling the priority list of roads to be repaired.

XI. Open Forum

1. Heather Burlingame, of 145 Stone Dam Road, expressed her concern with regard to the school bus turnaround. H. Burlingame asked when the situation will be rectified. Councilor Walsh replied that there are two (2) School Committee members present who are aware of the problem. Councilor Burlingame stated that the school bus company should be notified that they are required pick the students up even if they must go to Route 101 to turn around.
2. Antonio Vasconcelos, of 1032 Putnam Pike, stated that he is the owner and operator of Gloucester Trash Removal. A. Vasconcelos stated that his business services over 300 local families. Since this is a small family-run business which operates solely to service Gloucester residents, A. Vasconcelos stated that it is only fair that he be allowed to dump residential trash under the Town of Gloucester ticket. A. Vasconcelos stated that at this time, the recyclable materials that he dumps at RIRRC are not credited to the Town.

A. Vasconcelos pointed out that Gloucester is having difficulty meeting its recycling quota and is proposing that the Council give him permission to dump under the Town's ticket which will give Gloucester credit for the recyclables. A. Vasconcelos further

stated that he would like to launch the “Local Community Heroes Program” by which local businesses would give the Town their recyclables in return for having their names printed on a flyer which will be circulated to customers and posted in participating establishments.

Councilor Carroll stated that the Council cannot take action on items discussed in Open Forum. Councilor Burlingame asked if A. Vasconcelos had an estimate of what the tonnage would be with regard to recyclables. A. Vasconcelos replied that Europa alone generates a nine-yard dumpster each week, which would put us over the 35% mark. Councilor Burlingame pointed out that if A. Vasconcelos dumps under the Town’s cap, the Town will be charged \$32.00 for each ton. Gary Treml stated that the recyclables would have to go ton-for-ton with the trash in order to offset the cost.

Councilor Walsh stated that the Council will have to review this proposal to determine if it would be beneficial to the Town. Councilor Carroll agreed, stating that it is early in the process but it is worth looking into. It was decided that Councilor Burlingame and G. Steere will meet with Gary Treml to discuss the issue.

3. Walter Steere, Jr., School Committee member, updated the Council regarding the bus situation. W. Steere, Jr. stated that it was the Bus Coordinator who contacted the parents, not the contractor. Anne Ejnes, also a member of the School Committee, stated that the bus company called the Bus Coordinator to inform her that they were unable to make the turnaround. The Coordinator in turn informed the parents. There was consensus to urge the Superintendent to call the bus company to address this matter.

W. Steere, Jr. made reference to a newspaper article regarding road work in Warren which was performed by the same contractor who is doing our bridge. W. Steere, Jr. commented that this is another reason why we must keep a close eye on the project.

XII. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 2 - Litigation
Sherman Lane Discussion and/or Action
- B. R.I.G.L. 42-46-5 (a) 2 - Collective Bargaining
Police Contract Discussion and/or Action

MOTION was made by Councilor Walsh to CONVENE to Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 - Litigation & 42-46-5(a) 2 Collective Bargaining; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session
No votes taken.

MOTION was made by Councilor Burlingame to RECONVENE open session and to SEAL the minutes of the Executive Session; seconded by Councilor Walsh.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

XIV. I.B.P.O. Local #638 Contract Ratification
Discussion and/or Action

MOTION was made by Councilor Walsh to sign the I.B.P.O. Local #638 contract, for the period July 1, 2010 to June 30, 2013; seconded by

Discussion: none

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS
MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:10 p.m.; seconded by Councilor Walsh.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 21, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 21, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Trembl, Public Works
Director; George Charette, Planning Board chair; Walter Steere, Jr.,
School Committee member; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Mike DeGrange.

IV. Open Forum on Agenda Items Only

None.

V. Resolution

A. RI Clean Water Finance Agency/Community Septic System Loan Program

Councilor Carroll read the following resolution for the Loan Agreement between the Town & the
Clean Water Finance Agency:

RESOLUTION 2010-21

WHEREAS, the Town of Gloucester has entered into a Loan Agreement with the Rhode
Island Clean Water Finance Agency under the Community Septic System
Loan Program (CSSLP) to provide town residents loans greater than one
thousand dollars (\$1,000) at an interest rate of two percent (2%) a year; and

WHEREAS, this loan program is administered through Rhode Island Housing &
Mortgage Finance Corporation (RIHMFC) and the Town of Gloucester may
apply specific homeowner loan criteria to the program; and

WHEREAS, said loan criteria has been reviewed and agreed upon by the Town Council
of the Town of Gloucester; and

NOW THEREFORE BE IT RESOLVED, that the following criteria shall be applied to the
loans Administered by RIHMFC:

1. The maximum amount of the loan shall be fifty thousand dollars (\$50,000) and may
include applicable one time fees for processing the loan.

2. The loan term shall be up to a maximum of ten (10) years.
3. There will be no prepayment penalty.
4. The debt to income ratio shall be no higher than forty-five percent (45%).
5. The borrower must be current with all obligations to the Town of Gloucester at the time of application.
6. A failed system is defined by current DEM Regulations and the Gloucester Wastewater Management Ordinance. For purposes of accessing loan funds, all cesspools will be considered failed systems.
7. The loan is for repair or replacement of substandard individual sewage disposal systems and cannot be used for home improvements, additions or remodeling or other uses that require increased sewage handling capacity to include but not limited to conversion from summer to year round use.
8. Under the existing CSSLP provisions, group or cluster septic system projects are not allowed nor are commercially owned property projects.
9. Priority of funding will generally be to failed systems first.
10. Property owners must solicit bids from a licensed and insured contractor and the work will conform to all applicable federal, state and local laws and local laws and ordinances.
11. Funds will be available after a certificate of conformance is issued by the DEM.
12. In addition to systems installed under the Agreement, applications for loans under this program may be approved for systems installed up to six (6) months prior to the date of the loan becoming available to qualifying residents.

This Resolution is effective upon passage.

The Town of Gloucester has entered into a Loan Agreement with the Rhode Island Clean Water Finance Agency under the Community Septic System Loan Program.

Taken under our hands and seal of the Town of Gloucester this 21st day of October, 2010.

Kevin P. Walsh, President
Gloucester Town Council

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Licensing - Discussion and/or Action

1. (New) Victualing License

RMZ, LLC d/b/a Shakerz

Location of Business: 2461 Putnam Pike, further described as AP 1, Lot 12

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on September 30th, October 7th, and October 14, 2010.

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

Discussion:

Bradley Steere spoke on behalf of his client, applicant RMZ, LLC, Robert Zalewski, Manager. Attorney Steere stated that the current owner of the property is Hometown Bank of Webster, Massachusetts and noted that Robert Zalewski has a contract to purchase the property subject to the approval of the victualing, Class BV beverage and entertainment licenses. Attorney Steere noted that Mr. Zalewski will take title in his individual name and operate the business under his LLC which is RMZ, LLC.

Attorney Steere stated that this will be a pub-style restaurant with a moderately priced menu. Attorney Steere pointed out that there has always been an alcoholic beverage license at the premises with no problems. Attorney Steere further stated that Mr. Zalewski is seeking an entertainment license for Thursday through Sunday, with a DJ, live music, comedians, line dancing and activities of that nature.

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

Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Burlingame to GRANT a Victualing License to RMZ, LLC d/b/a Shakerz, Location of Business: 2461 Putnam Pike, further described as AP 1, Lot 12; pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license is for the interior of the premise only and is valid to November 30, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. (New) Liquor License
RMZ, LLC d/b/a Shakerz
Location of Business: 2461 Putnam Pike, further described as AP 1, Lot 12

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal, Legal ads, on October 6th, & October 13, 2010.

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

Discussion:

Councilor Walsh asked if the Police Chief has submitted any comments. Jean Fecteau replied that the Police Chief's approval will have to be received before a license can be issued, but noted that the applicant needs to begin the process in order to secure funding. Attorney Steere expressed concern about his client purchasing the property without the license approvals. Jean Fecteau, Town Clerk, stated that there is a new State law which requires that applicants apply to the Attorney General's Office for a BCI check instead of the local Police Department. Attorney Steere replied that his client will take care of this matter shortly.

Councilor G. Steere referred to the application and asked Tim Kane, Assistant Town Solicitor, if there are any concerns. T. Kane replied that the Town Council has the authority to deny the license if they are uncomfortable with information in the application. Attorney Steere explained that the applicant has a misdemeanor charge which is still pending, but at this time there is no criminal record.

Tim Kane read from RIGL 3-5-10, Paragraph (d) which states that "the board, body or official issuing beverage licenses may deny applications of persons who have criminal records, or who have records or repeated violations of this title." Attorney Steere stated that there is little substance to these matters, adding that he feels they will be favorably disposed of in Court on November 23rd. T. Kane advised the Council that what he sees does not rise to the severity to deny the license.

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

MOTION was made by Councilor Carroll to GRANT the Class BV Victualer Beverage License to RMZ, LLC d/b/a Shakerz, Location of Business: 2461 Putnam Pike, further described as AP 1, Lot 12: contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) Diagram of the complete service area (with dimensions); 9) a list of all employees with Alcohol Service certification (to be kept current); 10) updated menu to remain on file; and 11) sign-off and approval by the Gloucester Chief of Police; this license shall be for the interior of the premise only and is valid to November 30, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

3. (New) Entertainment License

RMZ, LLC d/b/a Shakerz

Location of Business: 2461 Putnam Pike, further described as AP 1, Lot 12

Councilor W. Steere stated that this Public Hearing was advertised in the Observer on October 07, 2010.

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

Discussion:

Councilor Walsh asked if the applicant is seeking a license for entertainment which would be limited to the interior of the premises. Attorney Steere replied yes, at this time. Councilor Walsh stated that if the applicant wishes to have outdoor entertainment in the future, he must come back before the Council. Councilor Walsh referred to the stipulation that live entertainment must cease at 1:00 a.m. and asked if this is for weekends only or seven days a week.

Robert Zalewski, applicant, replied that he wishes to have live entertainment from Thursday through Sunday or Wednesday through Saturday. Jean Fecteau, Town Clerk, noted that the application states Thursday through Sunday. Councilor G. Steere noted that closing time is 1:00 a.m., therefore entertainment must cease earlier to allow the staff to clear out the bar.

Jean Fecteau stated that in November of 2009 when entertainment licenses were renewed, everyone had the same stipulation that live entertainment will cease at 1:00 a.m. J. Fecteau stated that license renewals will again be heard next month and recommended that if the Council makes changes to the stipulations for this application, they be changed for all to make it consistent.

After discussion, there was Council consensus to allow entertainment seven nights a week as the other establishments are allowed, provided there are no complaints from abutting property

owners. The applicant amended his application to change from Thursday through Sunday to seven days a week.

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

MOTION was made by Councilor G. Steere to GRANT an Entertainment License to RMZ, LLC, d/b/a Shakerz, Location of Business: 2461 Putnam Pike, further described as AP1, Lot 12; contingent upon 1) Payment of all Town taxes; 2) Building Official approval as needed; 3) Fire Inspector approval as needed; 4) Police Chief approval as needed; this license shall be for the interior of the premise only and is valid to November 30, 2011 and is subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.
2. That all windows on the premises are kept closed, but not permanently, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m., seven days a week.
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: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance: Proposed Amendments - Discussion and/or Action

1. Chapter 258.2 Designation of Stop Intersections

Addition of three-way stop: Jackson Schoolhouse & Salisbury Road

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer on October 7, 2010.

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

Discussion:

Charlie Wilson asked what is the process for this type of amendment. Councilor Walsh explained that there were concerns which were forwarded to the Safety Commission for review. The Safety Commission then forwarded their recommendation to the Town Council.

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

MOTION was made by Councilor Walsh to GRANT the amendment to the Gloucester Code of Ordinance, Chapter 258.2 Designation of Stop Intersections, Addition of three-way stop: Jackson Schoolhouse & Salisbury Road; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

2. Chapter 350-46 Sewage Disposal System Setback from Water Bodies
Elimination of Section 46, no text replacement

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer October 7, 2010, October 14, 2010, and October 21, 2010.

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

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Walsh to GRANT the amendment to the Gloucester Code of Ordinance, Chapter 350-46 Sewage Disposal System Setback from Water Bodies, the Elimination of Section 46, with no text replacement; the deletion of this section shall automatically delete all other references to the 150' setback that may be in the Gloucester Code of Ordinances, effective immediately; seconded by Councilor G. Steere.

Discussion: Councilor G. Steere explained that the Code of Ordinance was putting regulations on people within 150' of a body of water without any rhyme or reason. Councilor W. Steere noted that DEM's rules are stringent enough

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

3. Chapter 350-57 Development Plan Review
Elimination of Wastewater Management District from Review Process

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze/Observer October 7, 2010, October 14, 2010, and October 21, 2010.

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

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing Closed and asked if anyone from the Council had any comments. Councilor Burlingame stated that this amendment would cause the Wastewater Management Board to be advisory only and would remove any regulatory issues. Councilor W. Steere added that this would also make the Board an education body which would assist residents with obtaining grants. Councilor Burlingame expressed his opinion that this would be a positive step for everyone.

MOTION was made by Councilor G. Steere to GRANT the amendment to the Gloucester Code of Ordinance, Chapter 350-57 Development Plan Review, elimination of the Wastewater Management District from Review Process; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

- A. Approval of Town Council Minutes- Sept 16th, & October 7, 2010
- B. Finance Director's Report - June, July, August, & September, 2010
- C. Tax Assessors Additions & Abatements- September 2010

MOTION was made by Councilor Walsh to APPROVE the Town Council minutes of September 16th & October 7th 2010; to APPROVE the Finance Director's Reports for June 2010; to TABLE the Finance Director's Reports for July, August, & September 2010; and to APPROVE the Addition to the 2010 Tax Roll in the amount of \$413.07 and Abatement to the 2010 Tax Roll in the amount of \$7,462.68; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Police/Fire/Rescue Emergency Response Communication and PMS Cell Tower Discussion and/or Action

Councilor W. Steere stated that this item was tabled from the Council meeting of October 7th, 2010.

Discussion: Councilor Walsh stated that there is nobody present from the School Department and recommended that this item again be tabled.

MOTION was made by Councilor Walsh to TABLE Police/Fire/Rescue Emergency Communication and PMS Cell Tower Discussion and/or Action until the next Town Council meeting; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance - Discussion and/or Action

1. 1st Reading of proposed Code Amendment

Chapter 272, Wastewater Management District

Councilor W. Steere stated that the first reading of this amendment was tabled for further changes.

MOTION was made by Councilor Burlingame to WAIVE the first reading of the proposed amendment to the Gloucester Code of Ordinance, Chapter 272, Wastewater Management District; seconded by Councilor G. Steere.

Discussion:

Tim Kane, Assistant Town Solicitor, stated that he has worked with Councilor G. Steere on this amendment which would change the Wastewater Management District Board from a regulator to a facilitator. Under this Ordinance, the Board would conduct workshops to educate the public regarding the various options for different types of systems.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to set a Public Hearing to hear the proposed amendment to the Gloucester code of Ordinance, Chapter 272, Wastewater Management District, for November 18th, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

IX. New Business

- A. Rhode Island Dept. of Health - Medical Emergency Distribution system
November 1, 2010 to July 31, 2011 - Discussion and/or Action

Councilor W. Steere explained that this is an annual contract agreement between the RI Dept. of Health and the Town for the funding of a medical distribution plan.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the contract agreement between the Rhode Island Dept. of Health and the Town of Gloucester for the Medical Emergency Distribution System Contract period 2010-2011; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

- B. Western Rhode Island Home Repair - Discussion and/or Action
1. Authorization:
a. Completion Certification, Grant #08/13/22

Councilor W. Steere stated that this is a standard sign off form for the closeout of the 2008 grant.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the Completion Certification, Grant #08/13/22, for the Small Cities Community Development Block Grant Program; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

Councilor Walsh stated that we also have the next grant under this item. Councilor Walsh noted that, although it is not on the agenda, it must be submitted next week, therefore there was Council consensus to sign the agreement and ratify at the next meeting.

Jean Fecteau, Town Clerk, explained that the terms of the contract are not changed from year to year.

b. Notice of Intent to Request the Release of Funds

Councilor W. Steere stated that this form is also a standard form signed by the Town Council which is the first step in receiving funds once they are awarded by the state.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Notice of Intent to Request the Release of Funds to be dated October 21, 2010 and forwarded to the Division of Planning/Office of Housing and Community Development; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

c. Environmental Review Statement

Councilor W. Steere stated that this form accompanies the Notice of Intent to Request the Release of Funds and attests that proposed activities meet the environmental criteria.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Environmental Review Statement to be forwarded with the Notice of Intent to Request the Release of Funds 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

C. Authorization: Application to Historic District Commission - Discussion and/or Action
Re: Message board at Senior Center

Councilor W. Steere stated that the Clerk has received a Recommendation of Compatibility application from the Historic District Commission. The Senior Center Board of Directors have submitted the application as the Applicant, but the Owner's signature, which is the Town, is needed.

Discussion: Councilor Walsh explained that the proposed unlit sign is made of wood and will be used to list upcoming events at the Senior Center.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Recommendation of Compatibility Application (#HDC 10-11), as the owner of the Senior Center, said application has been completed by the applicant, Senior Center Board of Directors, and has an application date of October 14, 2010. This application is for the “Installation of a permanent double sided 4' x 6' sign to advertise Gloucester Senior Center events; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

X. Boards & Commissions - Discussion and/or Action

A. Resignations

1. Wastewater Management Board

Five year unexpired Term to expire 6/2012

Councilor W. Steere stated that the Clerk has received the resignation of Lou Cadwell from the Wastewater Management Board, dated October 6, 2010.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Lou Cadwell from the Wastewater Management Board for the five year unexpired term to expire 6/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Historic District Commission (TABLED FROM 10/07/2010)

Three year unexpired term to expire 11/2012

Councilor G. Steere stated that he has spoken to Clayton Lanphear regarding his resignation from the Historic District Commission. Councilor G. Steere stated that C. Lanphear has decided to remain on the Commission for another six months after which he will reconsider his resignation.

MOTION was made by Councilor Walsh to REMOVE FROM THE TABLE the resignation of Clayton Lanphear from the Historic District Commission; seconded by G. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

B. Appointments - Discussion and/or Action

1. Historic District Commission

Three year unexpired term to expire 11/2010

Councilor W. Steere stated that this appointment is to fill the vacancy caused by the resignation of Dan Romani.

Discussion: Councilor Walsh asked if the Alternate member is moved up in this case. Jean Fecteau, Town Clerk, replied that this only applies to certain boards. Councilor Burlingame recommended that the Council appoint the Alternate, Charlie Wilson, to this position.

MOTION was made by Councilor Burlingame to APPOINT Charlie Wilson to the Historic District Commission for the three year unexpired term to expire 11/2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Historic District Commission

Three year unexpired term to expire 11/2012 (resignation above)

It was noted that since the Council did not accept the resignation from Clayton Lanphear, this appointment is not necessary.

MOTION was made by Councilor Burlingame to REMOVE FROM THE TABLE the appointment to the Historic District Commission; seconded by Councilor Walsh.

Discussion: Councilor G. Steere stated that an Alternate should be appointed at the next meeting.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

3. Senior Center Board of Directors
Five year unexpired term to expire 10/2011

Councilor W. Steere stated that the Council received the resignation of Ernie LaFazia at the July 15, 2010 meeting. This resignation was to be effective after the October meeting of the Board.

Council has the list of talent bank applicants for this board and a recommendation from the Board of Directors. There was Council consensus to table this appointment until the next Town Council meeting.

MOTION was made by Councilor Walsh to TABLE the appointment to the Senior Center Board of Directors to fill the five year unexpired term to expire 10/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

4. Wastewater Management Board
Five year unexpired Term to expire 6/2012

MOTION was made by Councilor Burlingame to TABLE the appointment to the Wastewater Management Board to fill the five year unexpired term to expire 6/2012; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

XI. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that she, along with the Town Council, will be hosting a Veterans' Day celebration on November 11th at 11:00 a.m. at the Senior Center.

J. Fecteau also stated that she wished to thank George Charette for the planting in front of the Town Hall.

2. Councilor Walsh referred to the holiday schedule which was adopted at the last meeting, asking if the State is following the same schedule. It was noted that the State is closing on the Monday, while we will be closed on Friday. There was discussion regarding whether the Town should follow the State in this case.

Tom Mainville, Finance Director, stated that this is what we have done in the past, adding that our schedule seems to fit better anyway. Councilor Walsh stated that he thought we were in line with everybody else. Jean Fecteau, Town Clerk, stated that if that is the intent, the Employee Handbook would have to be amended.

3. Gary Treml, Director of Public Works, reported that there is no work going on at the bridge. G. Treml stated that he spoke with the State and was told that they are waiting for the water to go down and they are having a problem with the excavating equipment.

G. Treml stated that the Council had requested information regarding striping of Pine Orchard Road. G. Treml reported that a written request would have to be submitted to the Department of Transportation. Councilor Walsh asked why we would need State permission to perform striping on a Town road. G. Treml stated that he checked with the State per the Council's request to determine what the cost would be.

G. Treml further stated that the State sometimes has master price agreements for this type of work, but this year they do not. Councilor Walsh stated that placing reflectors on the curves would be sufficient, in his opinion. G. Treml concurred, adding that if the road is striped, his department will have to maintain it.

G. Treml stated that he was contacted by Kevin McNeil, who purchased property at 163 Saw Mill Road which abuts Winsor Park. Mr. McNeil has asked to access his property through the park through which he has a right of way. G. Treml distributed copies of the proposal to the Council members.

Mr. McNeil wants to upgrade the path to the point where a truck could be driven through, which would entail cutting down large pine trees which are on Town property. Councilor Walsh stated that no action can be taken on this matter because it is not on the agenda. Councilor Walsh further stated that the proposal will be forwarded to the Town Solicitor for review and will be on the agenda for November 4th Town Council meeting.

B. Boards & Commissions

1. George Charette, on behalf of the Planning Board, thanked the Town Council for the action taken this evening with regard to the Wastewater Management rules and regulations. G. Charette noted that it was mentioned at a Planning Board meeting that a list should be made of all licensed septic design installers who live in Town. G. Charette stated this list should be given out to ensure that businesses that pay taxes in Gloucester receive their share of clientele.
2. Councilor W. Steere asked Anthony Parrillo, Recreation Director, to speak about the T.O.P.S. program with regard to liability. A. Parrillo stated that this program has been running for several years, but this is the first time the school has asked for liability insurance for the use of the gym for basketball.

A. Parrillo explained that in the spring, the program is run under the Gloucester Little League and in the fall, it is run under BGYSA. A. Parrillo stated that the problem is securing gym space for basketball during the winter. Beth Keeling, the director of the T.O.P.S. program, has asked that the program be run under the auspices of the Gloucester Recreation Department.

A. Parrillo explained the program, stating that it serves special needs children from Gloucester and neighboring communities, adding that approximately forty Ponaganset High School students participate as buddies. Councilor Carroll noted that the Boys' and Girls' Basketball programs are covered and he feels that this should be also. Councilor W. Steere agreed that the Council should support this.

There was discussion concerning vandalism at Winsor Park. It was stated that there is a gate which used to be locked in the evening by the Police. Councilor Walsh stated that this matter will be referred to the Chief of Police.

There was discussion regarding the lights at Gloucester Memorial Park. A. Parrillo stated that he received a request from somebody who wished to play tennis after work on weekdays. A. Parrillo stated that the lights go off at 8:00 p.m. during the week and 10:00 p.m on Fridays and Saturdays. A. Parrillo stated that he will shut the lights down for the season this weekend.

3. Peter Skeffington, of the Community Resource Commission, expressed his approval concerning the removal of regulatory powers from the Wastewater Management Board. P. Skeffington added that he would like to see the entire ordinance eliminated, stating that the Finance Department can handle the loan procedure.

Regarding the Community Resource Commission, P. Skeffington stated that he and Linda Nichols visited Senator Whitehouse's office in Providence to discuss grants for projects. P. Skeffington requested that the Council send correspondence to Senator Whitehouse with regard to hydro-electric projects.

4. Mike DeGrange, of the Economic Development Commission, reminded the Council that individuals from the Department of Transportation will be present at the Commission's meeting on Tuesday.
5. Walter Steere, Jr., School Committee member, stated that there have been rumors regarding the closing of Fogarty School. W. Steere, Jr. explained that at the School Committee's meeting in September, the members discussed alternative ways of saving money, one of which was to move the 5th grade to the Region and to possibly close Fogarty School if there was room for the students at the other elementary school. It was noted that the Foster-Glocester Regional Charter indicates that the regional school shall be a Junior-Senior High School for pupils in grades 7 to 12, inclusive.

Councilor Burlingame asked for an update on the certification of the Esco project. W. Steere, Jr. stated that he feels that it will be after the first of the year because there is work scheduled on some of the sensors during the holidays. W. Steere, Jr. stated that this is the last issue to be addressed before ConEd will accept it.

There was discussion regarding the Regional Charter and the need for review. W. Steere, Jr. stated that the School Committee would like to make several minor changes, including the time of the Regional Financial Meeting.

XII. Council Correspondence/Discussion

1. Councilor Walsh stated that correspondence was received by Grow Smart RI and was forwarded to the Planning and Zoning offices.
2. Councilor Walsh stated that correspondence was received from Richard Travers of Gold Mine Road with regard to the road repair policy.
3. Councilor Walsh commended Councilor G. Steere for obtaining a credit from St. Peter & Kasle, Inc.
4. Councilor Walsh stated that correspondence was received regarding the Head Start Program. Jean Fecteau, Town Clerk, stated that she will forward this to the Human Services Director.
5. Councilor Walsh stated that a complaint was received regarding an outdoor wood stove. Councilor Carroll stated that the complainant has asked that this matter be on the agenda for the next Town Council meeting.
6. Councilor Walsh stated that the Town received a tax bill from the Pascoag Reservoir Dam Management District. Jean Fecteau, Town Clerk, explained that the Town took property belonging to the District at tax sale and the District now wants the Town to pay the annual fees. Tim Kane, Assistant Town Solicitor, will look into the matter.

XIII. Open Forum

1. Walter Steere, Jr. asked if there is a date projected for the completion of the Chestnut Hill Bridge. Councilor W. Steere, III replied that the bridge must be completed by September 9, 2011. It was noted that there will be penalties imposed if the bridge is not completed by that date. Councilor W. Steere III commented that if the Town was doing the work, the project would be done by now.

XIV. Seek to Convene to Executive Session

- A. R.I.G.L. 42-46-5(a) 5 -Land Acquisition
Discussion and/or Action
- B. R.I.G.L. 42-46-5(a) 2 - Litigation
Sherman Lane - Discussion and/or Action

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

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

Vote taken per R.I.G.L. 42-46-5(a)5 Land Acquisition

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:29 p.m.; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 2, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 4, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Gary Treml, Public Works Director; Joseph DelPrete, Chief of Police;
Lawrence Desormier, Building/Zoning Official; George Charette,
Economic Development Commission member; and Peter Skeffington,
Community Resource Commission member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Pete Skeffington.

IV. Open Forum on Agenda Items Only

A. Marie Plante, of 56 Victory Highway, congratulated the newly elected officials. M. Plante spoke regarding item VIII. D. 4, Appointments, Historic District Commission, asking how she would go about applying for this position. Councilor W. Steere replied that a talent bank application must be filled out and submitted to the Town Clerk's office for Council consideration.

B. Joe Impagliazzo stated that he would like to speak regarding item VII. E. Wood Burning Outdoor Boilers when it comes up in the agenda.

V. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- October 21, 2010

B. Finance Director's Report - July, August, & September, 2010

MOTION was made by Councilor Walsh to TABLE the Town Council Minutes of October 21, 2010 and to TABLE the Finance Director's Reports for July, August, & September 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Police/Fire/Rescue Emergency Response Communication and PMS Cell Tower Discussion and/or Action

Councilor G. Steere noted that this item has been continued several times while waiting for further information. Sarah Mangiarelli, Foster-Glocester Regional Business Manager, stated that since the last Council meeting there have been several meetings with the Police Chief, Joe McGovern and Dr. Barnes regarding the cell tower. S. Mangiarelli stated that there was discussion regarding the idea of sharing the cost with the Town.

S. Mangiarelli noted that the School Department is spending \$1,000 per month and would be willing to contribute the \$12,000 to get this done because with each month that goes by, they are wasting \$1,000. S. Mangiarelli added that the District is working cooperatively with the Police Department regarding equipment which may be able to be used to help decrease the \$12,000 cost.

Councilor G. Steere asked if the Fire Chiefs have been consulted. S. Mangiarelli replied that the Fire Districts are not interested because the funds were not built into their budgets. Joseph DelPrete, Police Chief, stated that he has met with the Fire Chiefs and there was discussion regarding insuring the towers at their locations. Chief DelPrete noted that this will be a benefit for the Town as it will enhance communications for the Fire Department and will be a good backup system for the Police Department. Chief DelPrete offered to integrate the tower into the public safety communications and build it into the self-insurance fund that we have for the rest of the equipment.

Councilor Walsh asked what the next step would be. Chief DelPrete replied that the Council could authorize him to take over the equipment once it is mounted. Councilor Burlingame inquired as to the cost of maintenance. Chief DelPrete replied there is the self-insurance fund, adding that the equipment is new and should not have any problems.

Councilor G. Steere questioned that if the Region pays for it and installs it, and the Police Department maintains it under the self-insured policy, who will actually own it. Tim Kane, Assistant Town Solicitor, replied that under Title 16 School Departments have control over property located on school grounds.

Councilor Walsh expressed concern over what may happen ten or fifteen years from now. Councilor Walsh stated that he would not recommend giving up our rights to the tower. S. Mangiarelli stated that the School Department is not asking for the rights to the tower, but only wishes to have a communication system that works. S. Mangiarelli suggested that a Memorandum of Understanding be drafted to that effect. Councilor Burlingame expressed agreement.

MOTION was made by Councilor Carroll to AUTHORIZE the Police Chief to coordinate with the Regional School Department for the installation of emergency response communication; seconded by Councilor Burlingame.

Discussion:

Russell Gross asked how much the monthly maintenance would cost. Sarah Mangiarelli replied that unless the antennas were damaged by an act of God, there would be no monthly cost. Councilor G. Steere asked if there would be any additional cost to build housing for the generator. Chief DelPrete replied that there is a building on Terry Lane which will be moved to the site by the Public Works Department for that purpose.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

VII. New Business

A. Right of Way: Winsor Park- Discussion and/or Action

Councilor G. Steere stated that the Council has received a request from Kevin McNeil for the granting of a right of way through Winsor Park. Mr. McNeil was present at the meeting.

Discussion:

Tim Kane, Assistant Town Solicitor, stated that he has been researching this matter, but will need more time. T. Kane advised the Council to proceed with caution, adding that there are many issues to consider. Councilor Burlingame asked T. Kane to draw up a list of these issues to be forwarded to the applicant before the next meeting. Councilor G. Steere noted that the right-of-way is already there, but Mr. McNeil wishes to improve it. T. Kane stated that there may be language in the back deeds that address this matter.

MOTION was made by Councilor Burlingame to TABLE the Right of Way: Winsor Park until the next meeting; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

B. Bus-Turn Around Agreement
Discussion and/or Action

Councilor G. Steere stated that the Council has received a license agreement for consideration between Paul H. Gale, of 201 Stone Dam Road, and the Town of Gloucester regarding the use of Mr. Gale's property for a school bus turnaround. This proposed agreement was prepared by the Town Solicitor.

Discussion: Councilor Carroll questioned why this agreement is not between the schools and the property owner. Tim Kane, Assistant Town Solicitor, stated that he discussed this with Tom

Mainville, Finance Director, and it was his opinion that the agreement should run between the Town and the property owner. T. Kane stated that he will check with the Trust from a liability standpoint. Councilor Carroll asked if this is a one-time situation or will this be done any time a turnaround is needed. Councilor G. Steere stated that the reason we are doing this is that we recently had to rip up a bus turnaround because there was no written agreement.

Councilor Carroll stated that he still has concerns about the agreement being between the property owner and the Town instead of the Region. T. Kane noted that a school department is still a department of the Town, therefore the Town is responsible. Councilor Walsh stated that if it was the just the Region, he would agree with Councilor Carroll, but it is the elementary schools that use the road.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council President to sign the License Agreement, between Paul H. Gale & the Town of Glocester, regarding the use of a portion of property located at 201 Stone Dam Road for a school bus turn around, said license agreement to be dated November 4, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame and W. Steere
NAYS: Carroll

MOTION PASSED

C. Town Council Meeting Information
Discussion and/or Action

Councilor W. Steere discussed different ways that citizens can stay apprised of what is going on in Town. Councilor W. Steere noted that Town Council meetings are always held in a public forum and minutes are available on RI.gov and the Town's website. Councilor W. Steere noted that it has been suggested that the meetings be televised, but there would be a cost of approximately \$1,200 per year.

Councilor Walsh expressed his opinion that if anybody wishes to know what is going on, they can attend the Town Council meetings. Councilor Carroll noted that a previous Council changed the format from having one agenda meeting and one regular meeting to two regular meetings per month, to allow people to be heard twice per month rather than once. There was Council consensus that there are better ways to spend \$1,200. Councilor G. Steere noted that there is also a new publication in Town which will distribute information to residents.

D. Targeted Brownfields Assessment
Discussion and/or Action
Authorization of Property Access Agreement, Chepachet River Park Property

Councilor G. Steere explained that this item was requested by the Town Planner. This is a renewal to an existing agreement between D.E.M. and the Town of Glocester which allows

D.E.M. access to the Chepachet River Park Property in regards to the Targeted Brownfields Assessment.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the renewal of the Authorization of Property Access Agreement, Targeted Brownfields Assessment, Chepachet River Park Property, renewal dated November 4, 2010; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

E. Wood burning outdoor boilers - Discussion

Councilor G. Steere stated that the Council has received a letter of concern from a resident, Joseph Impagliazzo, on Jackson Schoolhouse Road regarding outdoor wood boilers.

Discussion:

Joseph Impagliazzo, of 141 Jackson Schoolhouse Road, stated that he and his family have lived there for the past twenty years. J. Impagliazzo stated that in the fall of 2008, the Zoning Office made three decisions, each one impacting each subsequent decision.

The first decision was to continue to issue permits for the installation of outdoor wood boilers, while our neighboring towns were moving in a different direction.

The second decision by the Zoning Office was since they did not have an ordinance to follow regarding outdoor wood boilers, they would be treated as sheds or outbuildings.

Finally, the third decision was that outdoor wood boilers would be subject to the same setback requirements as sheds, even if that meant moving these devices further or closer to an abutting property owner.

J. Impagliazzo stated that each of these decisions has adversely impacted him and his family and perhaps other residents of the Town. J. Impagliazzo referred to a study conducted in 2006 by the Northeast States for Coordinated Air Use Management, which indicated the health hazards of exposure to wood smoke and air-borne particulate matter. J. Impagliazzo noted that children are especially susceptible to these risks because their lungs are not fully developed. J. Impagliazzo added that the report also states that particles can readily penetrate any residential structure within 150 feet from an outdoor wood boiler (OWB). J. Impagliazzo stated that his house sits within the 150 foot zone of his neighbor's OWB.

J. Impagliazzo asked what the Town is going to do to deal with this issue and how the Town's residents will be protected. J. Impagliazzo asked why nothing has been done in the two years since he was told by the Zoning Office that a draft ordinance was in the works. J. Impagliazzo

expressed concern regarding property values, asking who would buy his house now, especially since the problems associated with OWB's are becoming more widely known.

J. Impagliazzo stated that his 17 year old daughter who was a healthy, active young lady was recently diagnosed with a lung condition which requires the use of an inhaler. In closing, J. Impagliazzo stated that if not for the three decisions made in the Fall of 2008, he would not be standing in front of the Council tonight seeking answers. J. Impagliazzo thanked the Council for their time and stated if the members had any questions, he would be happy to address them.

Councilor Burlingame asked when the outdoor wood boiler was first used. J. Impagliazzo replied that it started in the fall of 2008. Councilor G. Steere asked about the stack height of the OWB. J. Impagliazzo replied that the OWB sits at street level and his house is located approximately 20 to 25 feet above the street level. J. Impagliazzo added that the stack height is about 10 feet from the ground to the top of the stack. J. Impagliazzo stated that the smoke billows out and rolls up his property into his front yard. J. Impagliazzo noted that, depending on the wind direction, the smoke sometimes goes across the street toward another neighbor's property.

Councilor Carroll asked if Mr. Impagliazzo has considered filing a nuisance action. J. Impagliazzo replied that his first step was to come to the Council, but if it is determined that the neighbor is "grandfathered in," civil action will be the only option left. J. Impagliazzo stated that this is not just his personal issue, but a Town issue about the residents and what needs to be done.

Councilor Walsh expressed agreement that something has to be done such as an ordinance which would prevent "grandfathering." Tim Kane, Assistant Town Solicitor, stated that grandfather rights run with the use of land, adding that a means of heating a house is not a use of land and does not necessarily get grandfather rights.

Councilor Burlingame stated that he brought this up a couple of years ago and asked the Building Official to gather information because he had received some complaints. At that time, it appeared that the State was going to take action because there was something before the General Assembly. Councilor Burlingame stated that it is now clear that the State is not going to take action and we have to do something very specific regarding this issue.

Councilor G. Steere concurred, stating that there are places that the boilers do not belong. Councilor G. Steere stated that he believes that a setback is necessary and maybe something pertaining to stack height. Councilor Burlingame suggested that this item be on the next agenda for discussion or action and perhaps issue a moratorium. Councilor G. Steere commented that if a moratorium is placed, we must come up with something because people have the right to heat their house. T. Kane stated that a moratorium would be that no further building permits would be issued for any new ones for a certain period of time.

Lawrence Desormier, Building/Zoning Official, stated that the only requirements for a wood furnace are electrical and mechanical permits, even though they are considered an accessory structure. L. Desormier stated that he has researched ordinances from neighboring towns as well as those from Connecticut, noting that the regulations go from one extreme to the other.

Councilor Burlingame stated that the most important thing is the health issue. Councilor Walsh asked L. Desormier how many ordinances he has. L. Desormier replied that he has ordinances from six different communities. Councilor Walsh asked that they be forwarded to the Town Clerk and the Town Council for review.

Joseph Impagliazzo stated that one of the problems is that these devices are not EPA regulated, and he has read that the EPA is at least 7 or 8 years away from placing regulations that control emissions.

Councilor Walsh stated that the Council will keep Mr. Impagliazzo informed and will place this issue on the agenda for the meeting of November 18th.

VIII. Boards & Commissions - Discussion and/or Action

A. Community Resource Commission Request

Discussion and/or Action

1. Letter of Commitment (re: pursuit of “green energy projects”)

Councilor G. Steere stated that Pete Skeffington, member of the Commission, has asked Councilor Walter Steere for this item. G. Steere stated the Commission needs a letter of support for Gloucester's Hydro Electric Resource “as proof that the Community Resource Commission is in fact a functioning, active entity of government, designed to identify, fund and carry out Hydro Electric installations in the many dams in Gloucester”.

Discussion: Councilor W. Steere stated that he is in support of this initiative and would be willing to work with Pete Skeffington to draft the letter. Councilor W. Steere stated that he is seeking direction from the Council.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign a Letter of Commitment, prepared by the Community Resource Commission and reviewed by the Town Solicitor, regarding the commitment of the Town in the pursuit of green energy projects; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Letter of Agreement (use of mill property)

Councilor G. Steere stated that Pete Skeffington also needs authorization to work on a letter of agreement between the Town of Gloucester and the owners of the mill property which abuts the Chepachet River. It was discussed that the Town Planner may currently have an agreement with the property owners because the proposed “River Walk” runs through their property.

Pete Skeffington, Community Resource Commission member, stated that the owner of the property is Larry D'Ercole. P. Skeffington noted that Mr. D'Ercole is in total agreement with the idea and his only concern is liability. P. Skeffington stated that the turbine would be installed by a subcontractor and that Mr. D'Ercole also wants an agreement that the Town will pay him a portion of the proceeds from the manufacture of electricity.

Councilor G. Steere asked what would happen if Mr. D'Ercole sells the mill in the future. Tim Kane, Assistant Town Solicitor, stated that the agreement would be recorded permanently in Land Evidence. Councilor Carroll voiced concern regarding what percentage of the proceeds would be given to the property owner. Councilor Walsh stated that there are many factors to consider.

Pete Skeffington stated that he has spoken to the people at the Sand Dam Reservoir Association who are 100 percent in favor of utilizing the dam on Chestnut Hill Road. P. Skeffington stated that it would be senseless to conduct a feasibility study unless an agreement is in place. Councilor Burlingame suggested checking the flowage rights coming out of the Keach Pond Dam. P. Skeffington stated that there are no longer any "grandfather rights".

MOTION was made by Councilor Carroll to Request the Town Planner to work with the Community Resource Commission and the Town Solicitor on formulating an agreement for the use of a portion of their property leading into the Chepachet River Walk property. Said agreement shall be considered for approval by the Town Council upon completion; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

- B. Economic Development Commission
 - Discussion and/or Action
 - 1. Point of contact form distribution

Councilor G. Steere stated that the Council had previously adopted a form created by the Economic Development Commission to offer assistance to anyone considering a new business in the town. Councilor G. Steere explained that several people who are interested in starting new businesses were present at a recent meeting of the Economic Development Commission. Councilor G. Steere noted that these individuals were not given the form nor were they steered in the direction of the EDC.

Lawrence Desormier, Building/Zoning Official, stated that the forms are available on the counter in his office, however, they had been inadvertently moved out of sight. The Building Official stated the forms have since been moved to the front and they are offered to prospective business owners. L. Desormier asked if, after the form is given, he is to continue his review process or wait for input from the EDC. Councilor Carroll expressed his opinion that Zoning approval is

statutory but the EDC would provide advice regarding whether a business would be practical. Councilor G. Steere noted that the members of the EDC are enthusiastic about bringing new business to town and would like the opportunity to meet with potential business owners. Councilor W. Steere stated that the Zoning Official should continue the process and at the same time refer the applicant to the EDC for advice.

George Charette, Planning Board chair and former chair of the Economic Development Commission, stated that the EDC is an advisory board looking to give the general public the information needed to operate a commercial business in town. G. Charette stated that there have been prospective businesses who have been discouraged from renting vacant commercial property. G. Charette commented that Gloucester is no longer capable of surviving on rural taxation or property tax. G. Charette stated that the EDC was unaware that somebody was applying for liquor, victualing and entertainment license. G. Charette noted that in other towns, applicants come the EDC first for information.

Councilor W. Steere suggested that prospective business owners should continue working with the Zoning Department, but at the same time be referred to the EDC to help them through the process. L. Desormier stated that he will distribute the form to potential business owners and urge them to seek the advice of the Economic Development Commission. Jean Fecteau, Town Clerk, noted that both she and the Zoning Official try to help people who wish to start a business. Councilor G. Steere stated that we have volunteers who are willing to help also. Councilor W. Steere commented that we are all working toward the same goal and the Economic Development Commission is available to applicants if they choose to seek their advice.

C. Resignations

Discussion and/or Action

1. Zoning Board of Review

Five year unexpired Term to expire 11/2012

Councilor G. Steere stated that the Council has received the resignation of Sharon Lambert from the Zoning Board of Review for the five year unexpired term to expire 11/2012.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Sharon Lambert from the Zoning Board of Review for the five year unexpired term to expire 11/2012; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Budget Board
Three year unexpired Term to expire 01/2012

Councilor G. Steere stated that the Council has received the resignation of Lauren Andrews from the Budget Board for the three year unexpired term to expire 1/2012.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Lauren Andrews from the Budget Board for the three year unexpired term to expire 1/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

D. Appointments - Discussion and/or Action

1. Senior Center Board of Directors
Five Year unexpired term to expire 10/2011

Councilor G. Steere stated that this item was tabled from the last meeting to allow the Council to review talent bank applications and to contact the candidate recommended by the Board of Directors.

Discussion: None.

MOTION was made by Councilor Walsh to APPOINT David Chace to the Senior Center Board of Directors for a five year unexpired term to expire 10/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

2. Wastewater Management Board
Five year unexpired Term to expire 6/2012

Councilor G. Steere stated that in light of the Wastewater Management Board ordinance being rewritten and the public hearing scheduled for November 18, 2010, this item should be tabled.

MOTION was made by Councilor Carroll to TABLE the appointment to the Wastewater Management Board for a five year unexpired term to expire 6/2012; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

3. Zoning Board of Review

- a. Five year expired Term to expire 11/2010

Councilor G. Steere stated that this is to reappoint Christine Bigwood to the expired five year term.

MOTION was made by Councilor W. Steere to REAPPOINT Christine Bigwood to the Zoning Board of Review for a five year term to expire 11/2015; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

- b. One year Alternate Term to expire 1/2011

Councilor G. Steere explained that this is to fill the second alternate seat left when alternates moved up due to the resignation of Sharon Lambert.

MOTION was made by Councilor Carroll to TABLE the appointment to the Zoning Board of Review for a one year alternate #2 term to expire 1/2011; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

4. Historic District Commission
 - a. Two three year terms to expire 11/2010

Councilor G. Steere stated that this is to fill two three year expired terms.

MOTION was made by Councilor Burlingame to REAPPOINT Charlie Wilson and David Colantonio to the Historic District Commission for three year terms to expire 11/2013; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

- b. One year alternate Term to expire 11/2010

MOTION was made by Councilor Carroll to TABLE the appointment to the Historic District Commission for the one year alternate term to expire 11/2010; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

5. Budget Board
 - Three year unexpired Term to expire 01/2012

MOTION was made by Councilor Burlingame to TABLE the appointment to the Budget Board for the three year unexpired term to expire 01/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll
NAYS: 0
MOTION PASSED

IX. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that the RI DOT will be holding an informational meeting with regard to the Chestnut Hill Bridge repairs on November 9th from 7:00 to 8:00 p.m. at the Senior Center.

Jean Fecteau stated that the Tax Assessor has started a campaign to put together a box of donations to send to our troops for Christmas.

2. Gary Treml, Public Works Director, stated that his department is continuing to pave every chance they get. G. Treml noted that the school bus turnaround is complete.
3. Joseph DelPrete, Chief of Police, reported that his department is in the final week of the recruitment process. Chief DelPrete noted that one of his officers will be leaving the department within 3 or 4 weeks, making it necessary to hire 2 new officers. Chief DelPrete added that he has 3 officers who will soon be eligible for retirement. Chief DelPrete stated that he must submit 1 or 2 names for the Police Academy by November 20th. There was Council consensus to approve a list of names for the Police Academy at the next Town Council meeting.

B. Boards & Commissions

1. Henry Gold, of the Gloucester Land Trust, noted that trees are being cut down near Steere Hill and Phillips Farm for the purpose of expanding the parking area. H. Gold further stated that there will be some bridges installed to make the trails more accessible. Councilor W. Steere stated that this is a good project because the area is becoming more popular and parking was very limited.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that a notice of non-compliance was received from DEM with regard to Phase II Stormwater Regulations.
- B. Councilor Walsh stated that a letter of concern was received from Dave Ducharme regarding Brandy Brook Road. Councilor Burlingame stated that this should be referred to the Safety Commission and will be addressed at the next meeting. Councilor W. Steere stated that he takes issue with Mr. Ducharme's claim that no Town official has been there, noting that he and the Public Works Director have both visited the site.
- C. Councilor Walsh stated that correspondence was received from Senator Jack Reed concerning Build America Bonds.
- D. Councilor Walsh stated that correspondence was received from the Trust regarding the Safety Enhancement Grant Program.
- E. Councilor Walsh stated that correspondence was received concerning the "deplorable condition" of Gold Mine Road.
- F. Councilor Walsh spoke regarding a new law being reviewed by Congress, HR-4646 Debt-Free America Act. Councilor Walsh explained that they are trying to establish transactions which would eliminate the national debt and replace income tax on individuals. Councilor Walsh read from the proposed act which states that on every specified transaction, a fee in the amount equal to 1% of the amount of such transaction would be imposed. "Specified transactions" means any transactions used for payment including any check, cash, credit card, transfer of stock, bond or other financial instrument. Councilor Walsh stated that he would like to draft a Resolution in

opposition of this proposed act. Councilor Walsh further stated that this should be done as soon as possible because time is of the essence.

G. Councilor W. Steere stated that he wished to thank the Town employees for making the election run smoothly.

XI. Open Forum

A. Charlie Wilson stated that Candlelight Shopping will be held on three (3) Thursday evenings in December. C. Wilson asked if the Santa display could be placed in front of the Town Hall this year. Jean Fecteau, Town Clerk, replied that she and C. Wilson could work on something regarding Christmas decorations. C. Wilson suggested a tree-lighting ceremony to be held on the second Thursday night of Candlelight Shopping.

B. Russell Gross asked if a Public Hearing would be held with regard to the outdoor wood boilers discussed earlier. R. Gross commented that there are outdoor furnaces which qualify for a \$1500 rebate from the Federal Government until December 31st. Councilor G. Steere stated that as of the first of the year, only newer models which meet certain emissions can be sold. There was discussion concerning the differences between indoor wood stoves and outdoor wood boilers.

XII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:30 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, G. Steere, Burlingame, W. Steere, and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 2, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 18, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police;
Gary Treml, Public Works Director; Raymond Goff, Town Planner;
Lawrence Desormier, Building/Zoning Official; and Peter Skeffington,
Community Resource Commission member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Russell Gross.

IV. Open Forum on Agenda Items Only

None.

V. Resolution

A. Opposition to Congressional Bill H.R. 4646 Debt Free America Act Section 4501

Councilor Burlingame read the following resolution and explained that it is in opposition to a proposed federal law that would create a 1% tax on all monetary transactions, by consensus Council previously opposed:

**RESOLUTION 2010-23
DEBT FREE AMERICA ACT**

WHEREAS, the U.S. Congress has proposed a bill entitled “H.R.4646 Debt Free America Act”, the purpose of which is sited as the raising of sufficient revenue from a fee on transactions to eliminate the national debt within seven years and the phasing out of individual income tax; and

WHEREAS, Section 4501 “Imposition of Transaction Fee” states, “In general, there is hereby imposed on every specified transaction a fee in an amount equal to 1 percent of the amount of such transaction”; and

WHEREAS, this section of the act would amend the Internal Revenue Code to impose a 1 percent fee, offset by a corresponding non-refundable income tax credit, on transactions that use a payment instrument, including any check, cash, credit card, transfer of stock, bonds, or other financial instrument for retail

and wholesale sales, purchases of goods, financial and intangible transactions; and

WHEREAS, the Town Council strongly believes this would place further financial burden on the citizens of our Town and all citizens of Rhode Island; and

NOW THEREFORE BE IT RESOLVED that the Town Council would like to ask for support from our local senator and representatives, as well as our congressional representation in opposing H.R. 4646 the Debt Free America Act.

Kevin P. Walsh, President
Glocester Town Council

seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

B. Opposition: Governmental Salary increases

Councilor G. Steere read the following resolution which shows the Council's objection to the top five administrative jobs in our state government receiving salary increases:

RESOLUTION 2010-24

WHEREAS, in Rhode Island the Governor, Attorney General, Lieutenant Governor, Treasurer and Secretary of State are all starting their newly elected terms in January of 2011 with a salary increase of approximately 9.67 percent; and

WHEREAS, while the Council is aware the salaries in question only go up once every four years and when they do, they reflect the Consumer Price Index for the previous four years, and

WHEREAS, in light of the current state of our States economy as well as the financial hardships of our residents, these increases seem unnecessary at this time; and

WHEREAS, the Town of Glocester continues to promote fiscal responsibility and sacrifice in our budgeting, which includes our staffing, our spending and our saving. In doing so, we cannot understand the reasoning behind these salary increases for our top five state-wide officers; and

WHEREAS, the Town of Glocester employees took a salary increase of only 8.21% over the same four year period, plus an increase of 19.3% in their health care co-share costs; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk would ask our State Officials to rethink their position on taking these raises with the economy in such need of repair and while many of our citizens are desperate for work and a paycheck in order to live in the State of Rhode Island; and we encourage all our cities and towns to make this appeal.

Kevin P. Walsh, President
Glocester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

C. Resolution of Support: Blackstone National Park Councilor Burlingame stated that the Council has been asked by the Blackstone Valley for our support in helping them continue their work and contributions to our community. Councilor W. Steere read the following Resolution:

RESOLUTION 2010-25

WHEREAS, in 1986 Congress established the Blackstone River Valley National Heritage Corridor in Rhode Island and Massachusetts to protect, preserve and enjoy the historical, cultural and natural resources of our heritage area; and

WHEREAS, the Corridor Commission was created by Congress to work with the National Park Service, the two states, the cities and towns within the Corridor and other partners to develop and implement integrated cultural, historical and community programs to retain, enhance and interpret the Corridor's heritage values; and

WHEREAS, the Town of Glocester has enjoyed many benefits from its affiliation with the Commission, the National Park Service, other Corridor cities and towns and public and private partners; and

WHEREAS, the Corridor Commission is an important partner of the municipalities in carrying out regional and local programs to protect and enhance historical, cultural and natural resources for the education and enjoyment of citizens; and

WHEREAS, the Commission's term is now scheduled to end in October, 2011; and

THEREFORE BE IT RESOLVED that the Town of Glocester does hereby advocate for a continuing National Park Service presence in the Blackstone Valley in the State of Rhode Island and Commonwealth of Massachusetts and to encourage the continuing work of the Corridor Commission and its partners. This would allow for the preserving and sharing of the Valley's heritage, protecting the River, Canal, Mill Villages and other historic sites and offering visitor experiences and opportunities for sustainable, heritage-based economic enterprises.

BE IT FURTHER RESOLVED that the Town of Glocester request that our Congressional delegation introduce and support legislation to establish a new unit of the National Park System with five core sites in Rhode Island and Massachusetts and to identify a community-based partner to work with the National Park Service.

Kevin P. Walsh, President
Glocester Town Council

seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VI. Public Hearings - Discussion and/or Action
 - A. Proposed Amendment to Glocester Code of Ordinance
 - 1. Chapter 272, Wastewater Management District
 - Amend the Duties & Powers thereof

Councilor Burlingame stated that this Public Hearing was advertised in the Valley Breeze/Observer on November 4, 2010. Councilor Burlingame declared the Public Hearing OPEN and asked if anyone wished to be heard for or against the proposed amendment.

Discussion:

Pete Skeffington, former member of the Wastewater Management Board, expressed his opinion that this is the proper step to take with regard to the Wastewater Management Board. P. Skeffington stated that he served on the Board for six years and two months and did not see anything produced which was of value to this Town.

Councilor Burlingame asked if anyone else wished to speak. Hearing none, Councilor Burlingame declared the Public Hearing closed.

MOTION was made by Councilor Carroll to ADOPT the amendments to the Gloucester Code of Ordinance, Chapter 272, Wastewater Management District, effective upon passage; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Renewal of Victualing Licenses - Discussion and/or Action

24-HOUR VICTUALING LICENSE RENEWAL

1. Dave's Kitchen 44, David R. Stockford, 722 Putnam Pike
2. Chepachet Deli, Gregory Doura, 842 Putnam Pike

Councilor Burlingame stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 28, November 4, & November 11, 2010.

Councilor Burlingame declared the Public Hearing open and asked if anyone wished to speak for or against the license renewals.

Discussion: None.

Councilor Burlingame again asked if anyone wished to be heard. Hearing none, Councilor Burlingame declared the Public Hearing closed.

MOTION was made by Councilor Walsh to GRANT the 24-hour Victualing License to: 1) Dave's Kitchen 44, David R. Stockford, 722 Putnam Pike ; and 2) Chepachet Deli, Gregory Doura, 842 Putnam Pike pursuant upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2010 to November 30, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VICTUALING LICENSE RENEWALS

1. Aegean Pizza, Saad Souleiman, 1195B Putnam Pike
2. Agio's Inc., 617 Putnam Pike
3. April's on the Pike, LLC, 401 Putnam Pike
4. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike

5. Chepachet Donuts, Inc., 1006 Putnam Pike
6. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
7. Chester's Inc., 102 Putnam Pike
8. DLM Variety, Inc., 365 Snake Hill Road
9. DLUM Restaurant LLC., 1157 Putnam Pike
10. Europa Food Inc., 2400 Putnam Pike
11. Gloucester Little League, 1011 Putnam Pike (Concession Stand)
12. Gloucester Memorial Park, Town of Gloucester
46 Adelaide Road (Concession Stand)
13. Knight Farm, LLC, 1 Snake Hill Road
14. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike
15. Melody Hill Country Club, Inc., 55 Melody Hill Lane
16. NC Pelski, Inc., 812 Putnam Pike
17. Prickly Pear, Inc., 16 Terry Lane
18. Putnam Properties Inc., 417 Putnam Pike
19. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road
20. Tyo-Ristaino Corp., 2168 Putnam Pike

Councilor Burlingame stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 28, November 4, & November 11, 2010.

Councilor Burlingame declared the Public Hearing open and asked if anyone wished to speak for or against the victualing license renewals.

Discussion: None.

Councilor Burlingame again asked if anyone wished to be heard. Hearing none, Councilor Burlingame declared the Public Hearing closed.

MOTION was made by Councilor G. Steere to GRANT the issuance of Victualing Licenses to:

1. Aegean Pizza, Saad Souleiman;
2. Agio's Inc.;
3. April's on the Pike, LLC;
4. Burrillville/Glocester Youth Soccer Association;
5. Chepachet Donuts, Inc.;
6. Chepachet Farms, Neil Esposito, Jr.;
7. Chester's Inc.;
8. DLM Variety, Inc.;
9. DLUM Restaurant LLC.;
10. Europa Food Inc.;
11. Gloucester Little League;
12. Gloucester Memorial Park;
13. Knight Farm, LLC;
14. Ko-Pa Food Enterprises, Inc.;
15. Melody Hill Country Club, Inc.;
16. NC Pelski, Inc.;

17. Prickly Pear, Inc.;
18. Putnam Properties Inc.;
19. Snowhurst Farm, Daniel J. O'Connor, Jr.; and
20. Tyo-Ristaino Corp.;

pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2010 to November 30, 2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Liquor License Renewals - Discussion and/or Action

CLASS A - RETAILER

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike
2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

Councilor Burlingame stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 3 & 10, 2010.

Councilor Burlingame DECLARED the Public Hearing OPEN and asked if anyone wished to be heard regarding the Class - A retailer liquor license renewals.

Discussion: None.

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

MOTION was made by Councilor Walsh 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 approvals as needed; 2) Fire Chief approval as needed; 3) Rhode Island Certificate of Good Standing; 4) Rhode Island Permit to Make Sales; 5) payment of all Town taxes; these licenses shall be for the interior of the premise only and are valid from December 1, 2010 to November 30, 2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

CLASS B -RETAILER LICENSES

1. Europa Food Inc., George Melanis, d/b/a Europa, 2400 Putnam Pike
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Barbara Royer and Patricia Johnson, d/b/a Chester's, 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. NC Pelski Inc., Charlene & Neal Pelski, d/b/a Char's Bar & Grille, 812 Putnam Pike
5. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr. d/b/a Stick's Tavern, 417 Putnam Pike
6. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Diner, 617 Putnam Pike
7. Prickly Pear, Inc., William J. Kapanakis d/b/a Pinewood Pub & Pizza, 16 Terry Lane
8. Tyo-Ristaino Corp., Stephen & Robin L. Tyo & Robert Ristaino d/b/a Cady's Tavern, 2168 Putnam Pike

Councilor Burlingame stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 3, & 10, 2010.

Councilor Burlingame DECLARED the Public Hearing OPEN and asked if anyone wished to be heard for or against the Class B retailer liquor license renewals.

Discussion: None.

Councilor Burlingame again asked if anyone wished to be speak. Hearing none, Councilor Burlingame declared the Public Hearing closed.

MOTION was made by Councilor W. Steere to GRANT a Class B - Retailer Liquor License to:

1. Europa Food Inc., George Melanis, d/b/a Europa;
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Barbara Royer and Patricia Johnson, d/b/a Chester's;
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club;
4. NC Pelski Inc. Charlene & Neal Pelski, d/b/a Char's Bar & Grille;
5. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern;
6. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant;
7. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza;
8. Tyo-Ristaino Corp., Stephen & Robin L. Tyo and Robert Ristaino d/b/a Cady's Tavern;

contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) Diagram of the complete service area; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu to remain on file; and 11) Police Chief approval; these licenses shall be for the interior of the premise only with the exception of NC Pelski Inc., d/b/a Char's Bar & Grille 812 Putnam Pike and Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike

(additional stipulations apply); these licenses are valid from December 1, 2010 to November 30, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

CLASS BT-TAVERN

1. DLUM Restaurant, LLC., David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike
This Public Hearing was advertised in the Providence Journal Legal Ads on November 3, & 10th, 2010.

Councilor Burlingame stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 3 & 10, 2010.

Councilor Burlingame DECLARED the Public Hearing open and asked if anyone wished to be heard regarding the Class BT-Tavern liquor license renewal.

Discussion: None.

Councilor Burlingame again asked if anyone wished to speak. Hearing none, Councilor Burlingame DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to GRANT a Class BT-Tavern License to: DLUM Restaurant, LLC, David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike pursuant to: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) maintaining an up to date diagram of the complete service area in the Town Clerk's office; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu maintained on file; and 11) Police Chief approval; this license shall be for the interior of the premise only and is valid from December 1, 2010 to November 30, 2011; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- D. Entertainment Licenses - Discussion and/or Action
1. Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
 2. Chester's Inc., d/b/a Chester's, 102 Putnam Pike
 3. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike
 4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
 5. Tyo-Ristaino Corp., d/b/a Cady's, 2168 Putnam Pike
 6. Putnam Properties, Inc., d/b/a Sticks Tavern, 417 Putnam Pike

Councilor Burlingame stated that this Public Hearing was advertised in the Observer/Valley Breeze on November 4, 2010.

Councilor Burlingame DECLARE the Public Hearing Open and asked if anyone wished to speak for or against the entertainment license renewals.

Discussion: None.

Councilor Burlingame again asked if anyone wished to be heard. Hearing none, Councilor Burlingame DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to GRANT an Entertainment License to:

1. Europa Food Inc., d/b/a Europa;
 2. Chester's Inc., d/b/a Chester's;
 3. NC Pelski Inc., d/b/a Char's Bar & Grille;
 4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza;
 5. Tyo-Ristaino Corp. d/b/a Cady's;
 6. Putnam Properties, Inc., d/b/a Sticks Tavern
- contingent upon 1) Payment of all Town taxes; 2) Building Official approval as needed; 3) Fire Inspector approval as needed; 4) Police Chief approval as needed; these licenses shall be for the interior of the premise only and are valid from December 1, 2010 to November 30, 2011 and are subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.
2. That all windows on the premises are kept closed, but not permanently, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of Gloucester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time require.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

VII. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- October 21 & November 4th, 2010
- B. Finance Director's Report - July, August, September, & October 2010
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to TABLE the Town Council minutes of October 21st & November 4th, 2010; to APPROVE the Finance Director's reports for July, August, & September of 2010; and to APPROVE the Additions to the 2010 Tax Roll in the amount of \$3,862.96 and Abatements to the 2010 Tax Roll in the amount of \$168.88; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

VIII. New Business

- A. Right of Way: Winsor Park
Discussion and/or Action

Tim Kane, Assistant Town Solicitor, stated that he has thoroughly researched this issue back to the 1800's and has determined that the right of way exists. T. Kane stated that it is his opinion that Mr. MacNeil has the right to pass and repass by foot or motor vehicle. T. Kane suggested that an agreement be drafted to establish a width and some protections for the Town since the only thing on record is a vague right of way. T. Kane stated that he could have an agreement ready for the December 16th meeting.

Councilor G. Steere stated that there is concern that if a driveway is put through, other people would use it unless it is closed off. There was discussion regarding installing a gate at the park entrance to prevent this.

MOTION was made by Councilor G. Steere to AUTHORIZE the Assistant Town Solicitor to draft an agreement with regard to the Right of Way: Winsor Park, subject to Council approval; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

B. Senior Center Construction Account - Close out
Discussion and/or Action

Councilor Burlingame explained there was money left over in the Senior Center construction account that Council agreed should be returned to the Capital Account, but it was never transferred.

Discussion:

Councilor Burlingame stated that it was recommended that whatever is left in this account be returned to Capital and if the Senior Center Board wishes to have any expenditure, they must justify it before the Budget Board. Councilor Walsh asked if these funds are returned to the Capital Budget, and the Senior Center Board is looking for a software project, how does that fit under Capital?

Tom Mainville, Finance Director, replied that the software is \$7,500 which would come under Capital. There was discussion regarding icing that is occurring on the bricks outside of the Senior Center. Councilor Walsh noted that there are still construction issues such as this to be addressed and if the money is put back into Capital, these issues will not be taken care of.

Councilor G. Steere stated that this was discussed several months ago and he was under the impression that the funds would be returned to Capital. T. Mainville, Finance Director, stated that there was never a formal motion to do so. Councilor Burlingame commented that the intent was there. Councilor Walsh stated that the issue with the bricks is hazardous and if the money is in the Capital budget, it cannot be used until it is voted on next May. Councilor Carroll suggested that a compromise be made.

Gary Treml, Public Works Director, stated that it was suggested that an awning be installed at the entrance to the Senior Center to alleviate the icing problem, but the seniors want a permanent structure built. There was discussion regarding other options which may solve the problem. Councilor Burlingame stated that his preference is to move the funds entirely to Capital and find a creative way to solve the icing problem for this winter. T. Mainville pointed out that since it is a safety issue, the Capital funds could be used if necessary. Councilor Burlingame expressed agreement.

MOTION was made by Councilor G. Steere to AUTHORIZE the transfer the balance remaining in the Senior Center Construction Fund (Fund EQ) to the Capital Project Fund (Fund 04); seconded by Councilor Burlingame.

Discussion:

Councilor Carroll recommended leaving \$10,000 in the Senior Center fund to correct the problem with the bricks. Councilor Burlingame asked Gary Treml how much it would cost to remove the bricks and install concrete. G. Treml replied a couple of thousand dollars.

Councilor G. Steere WITHDREW his motion and Councilor Burlingame WITHDREW his second.

MOTION was made by Councilor Carroll to the transfer the balance remaining in the Senior Center Construction Fund (Fund EQ) to the Capital Project Fund (Fund 04) less \$3,000 which will remain in the Senior Center Construction Fund; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Wood burning Outdoor boilers
Discussion and/or Action

Councilor Burlingame stated that this item was put on the agenda for discussion of options such as an ordinance or a temporary moratorium. Councilor Burlingame noted that the Council has obtained copies of Smithfield and Johnston's ordinances for review.

Discussion:

Lawrence Desormier, Building/Zoning Official, asked if an ordinance is adopted, would we be able to amend it as we go if we find problems. T. Kane, Assistant Town Solicitor, stated that any ordinance can be amended, but we should try to get it right the first time because people will be investing money. T. Kane cautioned against placing a moratorium with temporary guidelines because the final ordinance may be different.

Councilor G. Steere stated that he feels that some of the other towns' ordinances are too restrictive. Councilor G. Steere stated that the only way he is in favor of a moratorium is if an ordinance will be in place within a month or so. Councilor G. Steere went on to say that people may have already made a substantial investment by purchasing outdoor wood burners. L. Desormier commented that he has had two calls this week from people who have purchased these devices.

Councilor Burlingame asked Tim Kane if he could have something completed in a month. T. Kane replied that with the Council's input, he could do so. T. Kane suggested that a sub-committee be appointed to assist. There was discussion regarding the wording of the moratorium. L. Desormier stated that a moratorium would adversely affect the two residents who have already purchased boilers.

William Reichert asked how this ordinance would help the gentleman on Jackson Schoolhouse Road. W. Reichert suggested that something be done regarding chimney height requirements, adding that this is usually the problem. It was noted that this issue is addressed in the other towns' ordinances. W. Reichert recommended that before a unit can be installed, a wind test be conducted.

Lawrence Desormier stated that he is concerned about the security of the stack heights as it pertains to the safety of the house.

Councilor G. Steere asked what we can do about the two residents who have already approached the Building/Zoning Official. Councilor Burlingame replied that it could be incorporated in the motion that if somebody already owns an outdoor wood burner, they can proceed, but no new ones will be allowed if a moratorium is in place. There was discussion concerning how to advise the two people who have already purchased boilers. It was stated that we cannot give them direction, but could give them copies of other towns' ordinances to take into consideration.

L. Desormier inquired if he could do anything as the Building Inspector to direct these individuals in the absence of an ordinance. T. Kane replied that the important points are stack heights, setbacks and what is burned in the boilers. L. Desormier noted that the State addresses the units as accessory structures.

T. Kane stated that if a moratorium is not passed, everyone proceeds at their own risk. L. Desormier expressed concern that if somebody installs an OWB on a small lot, what will happen if an ordinance is passed which prohibits this. It was stated that the OWB would have to be removed in that event. L. Desormier noted that he is aware of two such OWB's in the Echo Lake Plat.

George Charette stated that outdoor wood boilers are a problem which needs to be addressed. G. Charette stated that the problem is the stack, adding that on certain days, the wind will bring the smoke down even from a 50 foot chimney.

Bruce Payton stated that Connecticut has State Legislation on outdoor boilers which we may wish to look at. B. Payton also commented that there are some carcinogenic materials which come out of the boilers.

Tom D'Angelo, Chopmist Hill Road, stated that he is a Director with the Builders' Association. T. D'Angelo stated that the important thing might be the type of fuel that is used, noting that burning items such as tires will cause an odor.

William Reichert spoke regarding the differences between metal chimneys and brick chimneys.

Councilor Walsh asked Tim Kane if he could have a draft ordinance ready by the December 16th Town Council meeting if the Council gave their input by December 2nd. T. Kane replied in the affirmative. Jean Fecteau, Town Clerk, noted that if this is an ordinance in the Zoning Chapter, it must be advertised for three (3) weeks.

T. Kane stated that he has incorporated language which would except anyone who has purchased a boiler prior to today, but would indicate that they would proceed at their own risk. J. Fecteau commented that if this is something which would be amended often, it should not be placed in the Zoning Chapter, but in the Code of Ordinances. Tim Kane agreed. J. Fecteau noted that in that case, it would only have to be advertised once after the first reading is held.

There was Council discussion regarding whether to place a moratorium on the installation of OWB's until an ordinance is adopted. T. Kane stated that it is a double-edged sword; if a person with a 10,000 square foot lot would spend \$10,000 on an OWB, a moratorium would do them a

favor. T. Kane asked what date the moratorium would be lifted. J. Fecteau suggested a date in February in the event that questions are raised at the Public Hearing. Councilor Burlingame concurred. It was recommended that advertisements be run to make residents aware that an ordinance is being considered.

Councilor Walsh read the following into the record:

RESOLUTION OF THE GLOCESTER TOWN COUNCIL

WHEREAS, the Town Council finds that the installation and operation of outdoor furnaces, also known as outdoor wood burners, or "OWBs," may create a potential and actual threat to the health, safety, welfare and comfort of the community, in the form of a threat to the air quality and the peace and enjoyment of the community;

WHEREAS, the Town Council wishes to continue the process of examining and evaluating that risk as it applies to Gloucester and its particular and unique topography and to provide for the protection of persons and property;

WHEREAS, the Town Council wishes to establish an ordinance or ordinances for the regulation and control of OWBs, but to prevent the installation of any new units in the interim.

THEREFORE, it is RESOLVED, by the Town Council of the Town of Gloucester as follows:

1. There is hereby effective immediately this date, November 18, 2010, a moratorium, prohibition and ban on the erection, installation and use of OWBs not heretofore already installed, erected and in use as of the date of this resolution. This moratorium shall not apply to any person who has purchased an OWB prior to November 18, 2010 but such person or persons shall proceed at their own risk with respect to any future regulations adopted by the Town.
2. This moratorium shall remain in place for the period through and including February 3, 2011, or until such other time as shall be established by the Town Council by resolution or ordinance.
3. That the Town Solicitor is instructed to draft appropriate legislation for consideration by this Council, of the use and regulation, by ordinance, of the continued use of present and the new installation of all OWBs in Gloucester, and to present such to the Town Council on an expedited basis.

Kevin Walsh, Town Council President

seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Walsh to place an advertisement in the newspaper informing the residents of Gloucester of this moratorium; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

D. Surplus computers - Boards & Commissions
Discussion and/or Action

Councilor G. Steere stated that he has received a request from the Community Resource Commission for the use of a used lap top, if any were currently available.

Discussion:

Councilor Burlingame stated that there are several computers in inventory which would need to be brought up to speed with software at a cost of a couple of hundred dollars. Councilor W. Steere stated that he thought we had somebody on staff who would provide this labor. Councilor Burlingame noted that this individual gets paid separately for this kind of work.

Councilor Walsh questioned spending \$200 to reprogram a computer that is four years old, adding that a new one could be purchased for \$600 with software already installed. Councilor W. Steere expressed his objection to having to pay the employee extra to do this work after hours instead of during his regular work day.

MOTION was made by Councilor G. Steere to AUTHORIZE the use of a surplus computer for the Community Resource Commission; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

E. Police Department
Discussion and/or Action
Approval of candidates for Police Academy

Joseph DelPrete, Chief of Police, stated that further testing must be conducted and asked to table this item until the meeting of December 2, 2010.

MOTION was made by Councilor Carroll to TABLE until December 2, 2010 the approval of candidates for the Police Academy; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Boards & Commissions

A. Appointments - Discussion and/or Action

1. Wastewater Management Board

Five year unexpired Term to expire 6/2012

MOTION was made by Councilor G. Steere to TABLE the appointment, to the Wastewater Management Board for the five year unexpired term to expire 6/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Zoning Board of Review

One year Alternate Term to expire 1/2011

Councilor Burlingame stated that a recommendation was received from the Zoning Board today.

Discussion: Councilor G. Steere stated that he spoke to Greg Meinertz, chair of the Zoning Board, who recommended the appointment of Cyril Crawley to this position.

MOTION was made by Councilor G. Steere to APPOINT Cyril (Ed) Crawley to the Zoning Board of Review to the one year alternate term to expire 1/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Historic District Commission
One year alternate Term to expire 11/2010

MOTION was made by Councilor G. Steere to APPOINT Pete Skeffington to the Historic District Commission for a one year alternate term to expire 11/2010; seconded by Councilor Carroll.

Discussion:

It was noted that this term expires this month, therefore there was Council consensus to change the expiration date to November of 2011.

Councilor Carroll withdrew his second.

Councilor G. Steere AMENDED his motion to appoint Pete Skeffington to the Historic District Commission for a one year alternate term to expire 11/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Budget Board
Three year unexpired Term to expire 01/2012

MOTION was made by Councilor Burlingame to APPOINT Joel Wrona to the Budget Board for the three year unexpired term to expire 01/2012; seconded by Councilor G. Steere.

Discussion:

Councilor Carroll commented that this candidate is the last person to apply for this position while the Council has applications which date back several years. Councilor Carroll asked why these candidates are not considered. Councilor Carroll also wondered if these applicants should be asked if they are still interested in serving.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Community Resource Commission - Discussion and/or Action
Proposed Amendment to Gloucester Code of Ordinance
68-1. Establishment; membership; terms; compensation; clerk; vacancies.

Councilor W. Steere explained that the Community Resource Commission has requested the addition of an Alternate member. Pete Skeffington, member of the Commission, stated that there is an individual who has prior experience with hydro-electric turbines and is very enthusiastic

about alternate energy. It was noted that this amendment would require a first reading and public hearing as the charge is created by ordinance, and the ordinance specifies the number on the board.

MOTION was made by Councilor W. Steere to set a First Reading for the proposed amendment to the Gloucester Code of Ordinance, Chapter 68-1. Establishment; membership; terms; compensation; clerk; vacancies for December 2, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

X. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Gary Treml, Director of Public Works, stated that the water diversion system is in place with regard to the Chestnut Hill Bridge.

G. Treml noted that the plans have been received for the Route 44 sidewalks. Councilor Walsh asked if any information has been received with regard to the storm drains in the center of Town. G. Treml replied in the negative.

G. Treml stated that there will be a new 3-year contract with Resource Recovery coming forward.

G. Treml reported that his department continues to work on some small sections of road in Town. G. Treml noted that it will take a substantial amount of time to formulate the priority list of roads to be paved per the newly adopted private road policy. In the meantime, the DPW has repaired the first 600 feet of Lake Drive, a portion of Cherry Valley Road between Belair Drive and Lakeview Circle, two sections of Gold Mine Road and will soon repair a 160 foot section of New Road in the Keach Pond area.

If the weather continues to be in our favor, G. Treml stated that the end of Indian Trail will be repaired. G. Treml expressed his opinion that these sections of road needed to be repaired before the winter season. Councilor W. Steere asked if G. Treml has had any issues with residents signing off on the repairs. G. Treml replied that he has had no issues and everyone seems to be happy to sign.

Gary Treml asked if the elementary and regional schools have ever been separated with regard to school closings or delays. W. Steere, Jr., School Committee member, stated that the Superintendent makes the call for both the region and the elementary schools. G. Treml asked if there is a problem with the roads in Foster, can we keep the schools open for Gloucester students? Councilor Burlingame stated that he

thought that the Gloucester schools could open, but not the region. W. Steere, Jr. noted that this would cause a problem with busing since the region would have to make up the day.

Councilor W. Steere asked G. Treml if there is a sand use policy in place for residents. G. Treml replied that it will be the same as last year, with the sand stored at the Transfer Station.

2. Joseph DelPrete, Chief of Police, spoke regarding the liquor license application for RMZ, stating that an extensive background check was conducted on the applicant. Chief DelPrete stated that there are several minor arrests on the applicant's record, but nothing which would preclude him from obtaining a liquor license, per State law.

Chief DelPrete reported that the 800 MHZ project is halfway complete, adding that the State installed a base station at the Gloucester Public Safety Headquarters.

Chief DelPrete stated that there were several housebreaks in the area in August and with the help of the State Police and Smithfield Police, two suspects were apprehended in nearby Connecticut. Chief DelPrete commended the Gloucester Police Officers who were involved in the case.

B. Boards & Commissions

1. Walter Steere, Jr., School Committee member, stated that the Charter is in the process of being updated.

W. Steere, Jr. stated that he asked the question of when the schools will be commissioned and the response of the Business Manager was that it may never happen because we may never be able to meet the specifications required by ConEd. Councilor Walsh noted that it is costing the taxpayers a half-million dollars a year. W. Steere stated that there may be savings, but it is difficult to figure because we have a newly remodeled high school which has changed from mostly electric heat to oil and wood chips as well as a nearly new middle school.

Councilor W. Steere asked if the State has questioned anything with regard to reimbursement. W. Steere, Jr. replied that we got a very good reimbursement of 66% on the Esco. Councilor G. Steere stated that there is no sense in paying ConEd \$70,000 per year if they will not accept the buildings. W. Steere, Jr. stated that there will be discussion regarding these issues during the School Committee's budget process.

2. Ray Goff, Town Planner, stated that Atlantic States conducted an income survey in the village of Chepachet without charge but has asked that Ray Goff become a member of Atlantic States at a cost of approximately \$130.00 per year. Councilor W. Steere asked what are some of the benefits of membership. R. Goff replied that

it will assist in obtaining grants and will help in the process with USDA. David Steere commented that an income survey will not mean a thing unless there is a properly formed water district. R. Goff stated that they are moving in that direction but wanted to make sure that the village was income-eligible.

3. Bruce Payton, Land Trust chair, reported that there was a break-in at the Hawkins House as well as trespassers on the Scotstun property. B. Payton noted that the Police Department has been very thorough and he wished to thank them.

B. Payton stated that the Land Trust has closed on two parcels and are planting on top of Steere Hill. B. Payton stated that the Clarkville Schoolhouse was renovated and painted by a local vendor who donated his time to do so.

4. Pete Skeffington of the Community Resource Commission reported that thanks to Councilor G. Steere, the hardwood and pine stumps have been removed in the area where the Commission intends to plant pumpkins. P. Skeffington requested that an agenda item be added for the next Town Council meeting to discuss how the proceeds from the sale of pumpkins will be used. P. Skeffington spoke regarding the Old Stone Mill hydro-electric project and noted that an article about the Community Resource Commission will appear in the December issue of the Gloucester Advocate, a non-partisan publication.

XI. Council Correspondence/Discussion

A. Councilor Burlingame stated that correspondence was received from Edna Kent, Town Historian, concerning stone walls in Town which are being dismantled. Councilor W. Steere noted that the Land Trust has also encountered issues such as this. Tim Kane, Assistant Town Solicitor, cited RI General Law 45-32-2-39.1, which indicates that it is a crime to steal stone walls.

B. Councilor W. Steere commented that all Town employees and Board and Commission members should be reminded that caution should be used when sending e-mails because once a message is sent, it is in the public domain.

XII. Open Forum

XIII. Seek to Convene to Executive Session

A. R.I.G.L. 42-46-5(a) 2 - Potential Litigation - Discussion and/or Action

MOTION was made by Councilor Walsh to CONVENE to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) - Potential Litigation; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV Reconvene Open Session

MOTION was made by Councilor Walsh to RECONVENE Open Session; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:08 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 16, 2010 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **December 2, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police;
Gary Treml, Public Works Director; Susan Harris, Deputy Town Clerk;
Raymond Goff, Town Planner; Lawrence Desormier, Building/Zoning
Official; Walter Steere, Jr. and Anne Ejnes, School Committee
members; and Russell Gross, Commission member;

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Open Forum on Agenda Items Only

None.

V. Resolution

A. Milton Frazier - 100th Birthday

Councilor G. Steere read the following resolution for Milton Frazier, a member of our Senior Center that is turning 100 tomorrow:

RESOLUTION 2010-26

WHEREAS, Milton Frazier, a Gloucester resident for over 20 years, is celebrating his 100th birthday on December 3, 2010; and

WHEREAS, Milton is living a full life; having been blessed in his life with his bride of fifty-five years and his two sons, serving 2 ½ years in the Army during WWII, after which he worked in a candy store in Providence which he eventually bought. After a flood, fire and two lease losses, Milton persevered and was forced to move his business four times before his retirement; and

WHEREAS, meditation, fifteen (15) minutes a day, has helped Milton through life's hardships. Milton began to study Tai Chi 18 years ago and through these studies Milton has brought Tai Chi to the seniors at the Gloucester Mealsite; and

WHEREAS, Milton's philosophy is to always have a goal and take the necessary steps required to achieve it. Milton completed one of his desires by writing books and newspaper editorials. He had his first book published entitled "This is Your Life" and his latest book, "How to Renew Your Life", was published under the name of M. Frazier Keables as a tribute to his grandfather who he admired so much; and

NOW THEREFORE BE IT RESOLVED, that the Town Council and Town Clerk of the Town of Gloucester congratulate Milton Frazier on his 100th Birthday. We wish him many more birthdays to come and thank him for being a positive role model in our community.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VI. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- October 21, Nov. 4 & November 18, 2010
- B. Finance Director's Report - October & November 2010

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of October 21, 2010 and November 4, 2010, to TABLE the Town Council minutes of November 18, 2010 and to TABLE the Finance Director's reports of October & November 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VII. New Business

- A. Gloucester Code of Ordinance - Discussion and/or Action
 - 1st Reading: Community Resource Commission
 - 68-1. Establishment; membership; terms; compensation; clerk; vacancies

Councilor Walsh explained that the proposed amendment is to add one alternate position to this commission.

§68-1. Establishment; membership; terms; compensation; clerk; vacancies.

Pursuant to Gloucester Home Rule Charter §C. 13-10, there is hereby established a Community Resource Commission consisting of **seven regular members and one alternate member** who shall be appointed by the Town Council for terms concurrent with the terms of the Town Council with the exception that members should hold their respective offices until their successors are qualified.

MOTION was made by Councilor W. Steere to Set a Public Hearing for the proposed amendment to the Gloucester Code of Ordinance, Chapter 68 Community Resource Commission, Section #1 Establishment; membership, terms, compensation, clerk, vacancies for December 16, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS:0

MOTION PASSED

B. Ratification - Discussion and/or Action

1. Freshwater Wetlands Applications - Chepachet River Park

Councilor Walsh stated that the Planner received a request from our consultant, Horsley Witten Group, for signature on a RI DEM Freshwater Wetlands Application, Request for Preliminary Determination (Rule 9.00) relative to the wetlands at Chepachet River Park property. Councilor Walsh added that the consultant needed to get the application in as soon as possible to RI DEM.

Councilor Walsh stated that he has signed the application and it now needs to be ratified.

MOTION was made by Councilor Burlingame to RATIFY the RI DEM Freshwater Wetlands Application, dated and signed November 22, 2010, for the Chepachet River Park property; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Public Works- Discussion and/or Action

Used Vehicle purchase

Councilor G. Steere explained that the late Bill Hopkins owned a used tri-axle dump truck which is now for sale. Councilor G. Steere stated that he and the Director of Public Works looked at the vehicle and both feel that it is in good shape for the price. G. Treml, Director of Public Works, stated that the vehicle could be added to the Town's plow fleet and also be used for paving operations.

G. Trembl pointed out that he has been hiring two tri-axle trucks at a rate of \$67.00 per hour for the purpose of transporting mix. It was noted that if we purchase this vehicle, it would soon pay for itself. Councilor G. Steere added that although it is an older truck, it had one owner and one driver.

MOTION was made by Councilor Burlingame to APPROVE the purchase of the aforementioned truck at a price of \$9,000; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Resignation - Discussion and/or Action

1. Human Services Department - Part time Van Driver

Councilor Walsh stated that the Council has received the resignation of Chris Tucker effective 11/26/2010.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Chris Tucker from the position of Part time Van Driver, Human Services Department; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Appointment - Discussion and/or Action

1. Human Services Department - Part time Van Driver

Thomas Mainville, Finance Director, stated that Neil Salisbury, who is the fill-in driver, is interested in taking this spot permanently. T. Mainville stated that he wishes to speak with Mr. Salisbury and the Human Services Director before a decision is made by the Council.

MOTION was made by Councilor Burlingame to TABLE the appointment of a Part Time Van Driver until the next Town Council meeting; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. Town of Gloucester: Seasonal employment policy - Discussion and/or Action
Councilor W. Steere read the following recommendation from the Solicitor:

POLICY FOR SEASONAL RECREATION JOBS

1. The intent of this policy is to give qualified Gloucester residents first priority when filling seasonal positions.
2. A complete list of all applicants for seasonal positions shall be provided to the Town Council for review a minimum of two weeks prior to appointment or recommendations for appointment.
3. Gloucester residents shall be given first priority consideration for all positions and equal consideration shall be given to all qualified applicants who are Gloucester residents regardless of prior employment history with the Town.
4. In the event the list of all Gloucester applicants is exhausted prior to filling of any and all vacancies, the next priority shall go to qualified Foster residents who shall be given equal consideration regardless of prior employment history with the Town.

(End of policy)

MOTION was made by Councilor Burlingame to ADOPT the Policy for Seasonal Recreation Jobs, effective immediately; seconded by Councilor Carroll.

Discussion:

Councilor Carroll stated that he and Councilor G. Steere developed this policy to address issues which have been coming up over the last several years. Councilor Carroll pointed out that this is a policy, not an ordinance or statute. Councilor G. Steere noted that a complaint was received this year from the parent of an applicant who had been turned down two years in a row.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

There was Council consensus to send a copy of the policy to the Gloucester resident who complained to indicate that the issue has been addressed.

G. Police Department - Discussion and/or Action (**TABLED 11/18/2010**)
Approval of candidates for Police Academy

Joseph DelPrete, Chief of Police, stated that there are three candidates scheduled for interviews next week and asked that this matter again be tabled.

MOTION was made by Councilor Carroll to TABLE the Approval of Candidates for the Police Academy; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

H. Hazelwood Road - Cul-de-sac - Discussion and/or Action

Discussion: Councilor Burlingame read the following letter into the record:

Kevin Walsh Gloucester
Town Council President

I am sorry I am unable to make the meeting, I have a previous commitment. I would like the following to be read into the official record. I understand the Town is discussing the possibility of moving the cul-de-sac at the end of Hazelwood Drive. I have no objection as a bordering land owner; I think it may put a great deal of the controversy to rest, which is what I believe Mr. Bernier and I ultimately want. My only concern is the storm water run-off.

My deed does not contain a drainage easement. I just ask that the Town investigate all possible options as to where the water is going to be directed. I am more than willing to sit down with the Director of Public Works, or the Gloucester Town Council, to discuss what would be agreeable and in the best interests of both parties. My son Joseph Voccola IV is also available to discuss any options you may be considering.

Sincerely,
Joseph Voccola, Jr.
CC: Timothy Kane

(end of letter)

Councilor Carroll stated that Bob Bernier had inquired as to what the Town may be planning to do with regard to the cul-de-sac and related water issues.

Bob Bernier, 48 Hazelwood Road, asked what is Mr. Voccola's concern regarding drainage, stating that DEM has looked at this issue twice before and has determined that there is no issue currently where it is. B. Bernier expressed concern that if the cul-de-sac shrinks in size, his frontage will be reduced from 150 feet to 90 feet. B. Bernier stated that he wants the Town to acknowledge that this would create a legal non-conforming lot for resale purposes.

Tim Kane, Assistant Town Solicitor, stated that there is a convoluted history to this development and he would like to speak to Mr. Bernier's attorney and the Director of Public Works before reporting back to the Town Council on December 16th. Councilor Carroll pointed out that this

will be on the December 16th agenda because some Council members will not be on the next Council.

Councilor Burlingame asked what prompted this latest discussion regarding Hazelwood Road. B. Bernier replied that he and Joe Voccola have had various issues over the years and for the last 2 ½ years, J. Voccola has put up barriers which make it difficult for B. Bernier to enter his property.

Councilor G. Steere stated that if the cul-de-sac is reduced, it would not necessarily change the direction of the water. B. Bernier agreed, adding that the water would flow naturally. Councilor Burlingame asked if there are any problems with plowing in the winter. B. Bernier replied in the negative, stating that the guys do a great job despite the barriers placed by Mr. Voccola.

Jean Fecteau, Town Clerk, stated that she has a file on the subject if the Assistant Town Solicitor would like to review it.

T. Kane asked if there has ever been litigation brought against Mr. Voccola with regard to the barriers. B. Bernier replied that he went to the Police 2 ½ years ago, but J. Voccola was adamant that the barrels were on his property. Since that time, the Town has gone around the barrels during snow removal periods.

Councilor Walsh stated that this will be on the agenda for the December 16th Town Council meeting, at which time the Council will have more information. B. Bernier thanked the Council for their time.

I. Budget for FY 2011/2012 - Discussion and/or Action
Capital Improvement recommendation

Councilor Walsh stated that we have received a motion from the Planning Board regarding Capital Improvement budget requests that were submitted by town departments. The Planning Board, per Home Rule Charter, was to determine if the requests received are consistent with the Comprehensive Community Plan. The motion is as follows:

Motion was made by Mr. Calderara and seconded by Ms. Furney to inform the Town Council that the Planning Board has reviewed the Capital Improvement submissions from the Public Works Director, and the Police Chief and find that these requests are not inconsistent with the Policy, Goals and Objectives of the Gloucester Comprehensive Community Plan. The requests included letters from Gary Trembl, Director of Public Works dated October 27, 2010 and Chief Joseph DelPrete, Gloucester Police Department dated October 4, 2010.

VOTE: AYES-7 (Charette, Pitocco, Folcarelli, Calderara, Folcarelli, Gross and Furney)
NAYS: 0

Motion carried on a unanimous aye vote.
(End of motion)

It was noted that this information will be forwarded to the Budget Board.

VIII. Boards & Commissions

A. Appointments - Discussion and/or Action

1. Wastewater Management Board

Five year unexpired Term to expire 6/2012

MOTION was made to TABLE the appointment to the Wastewater Management Board for a five year unexpired term to expire 6/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commission: Report/Discussion

A. Department Heads

1. Joseph DelPrete, Chief of Police, stated that on Tuesday, December 7th, Wreaths Across America will be stopping at Ponaganset Middle School. Chief DelPrete explained that this event consists of four tractor trailers coming from Maine to deliver over 10,000 wreaths to Arlington National Cemetery. Jean Fecteau, Town Clerk, noted that she and the Town Council have donated 100 flags for the Ponaganset students to wave at this event.

Chief DelPrete stated that on Sunday, the Police Department will be involved in a training exercise at the Middle School along with the Warwick and Foster Police Departments. Chief DelPrete invited the Town Council members to attend.

2. Lawrence Desormier, Building/Zoning Official, submitted a letter of resignation to the Council members. Councilor Walsh stated that no action can be taken at this time, but it will be placed on the agenda for December 16th.

L. Desormier stated that he has received an erosion and sediment control plan with regard to Johnson's Farm. L. Desormier stated that he is reviewing the plan and there are several issues to be addressed. Councilor G. Steere asked what is the next step. L. Desormier replied that a variance and development plan review will be required.

3. Councilor W. Steere asked Gary Treml, Director of Public Works, if there has been any activity at the Chestnut Hill Bridge lately. G. Treml replied that the water diversion is in but does not appear to be sealing off as it should. G. Treml noted that there is a rumor that the company doing the work may be going out of business. Councilor W. Steere asked if there have been any complaints from residents of Pine Orchard Road regarding the detour. G. Treml replied in the negative. Councilor W.

Steere commended the Public Works Department for placing reflectors at the entrance of Pine Orchard Road.

Councilor Burlingame asked if there is a possibility of a temporary span during the period of inactivity. G. Trembl replied that this was done on the Manton Avenue Bridge opposite the Woonasquatucket River. Councilor W. Steere asked if the company goes out of business, could the Department of Public Works be able to handle a job of that caliber. G. Trembl replied in the affirmative, if the State gives us the money to finish the job.

B. Boards & Commissions

1. Walter Steere, Jr., School Committee member, referred to item "I" under New Business, and asked if all Capital Improvement recommendations must go before the Planning Board. Tom Mainville, Finance Director, replied that it was more of a case of misinterpretation. T. Mainville explained that the CIP generally applies to the construction of a new building, which the Planning Board would advise whether or not the plan is consistent with the Comprehensive Plan.

T. Mainville stated that replacing vehicles and small construction does not lend itself to a level which needs to be looked at by the Planning Board. T. Mainville stated that this will be referred back to the Budget Board, which is where it would end up anyway.

2. Russell Gross expressed his opinion that it is a waste of time to send matters such as these to the Planning Board.
3. Anne Ejnes, School Committee member, spoke regarding the "Wreaths Across America" ceremony, stating that it is an amazing event and encouraged people to attend.

X. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received with regard to additional signage for the detour from Snake Hill Road to Chestnut Hill Road.
- B. Councilor W. Steere stated that the fourth quarter budget review was received from the Budget Board.
- C. Councilor W. Steere stated that the Council received another letter regarding the Chestnut Hill Bridge detour.
- D. Councilor W. Steere stated that information was received concerning the Drinking Water State Revolving Fund Project that takes place every year. There was Council consensus to forward this to Ray Goff, Town Planner.
- E. Councilor W. Steere stated that the Council received a notice of a lawsuit regarding a student at the Ponaganset Middle School. Tim Kane, Assistant Town Solicitor, stated

that this will be addressed at the next meeting in Executive Session. T. Kane added that the Trust is handling the matter, but as a formality, the Council will deny the claim and refer it to the Trust. Jean Fecteau, Town Clerk, noted that the Town of Foster also received the same letter.

- F. Councilor W. Steere stated that correspondence was received from the Western RI Home Repair Program with regard to mobile home monitoring agreements. Jean Fecteau, Town Clerk, asked that the Council review the agreements for action at the next Council meeting.
- G. Councilor G. Steere referred to the letter from the Budget Board and suggested sending copies to Department Heads to thank them for their efforts. There was Council consensus to do so.
- H. Councilor Walsh stated that he would like to put something on the next agenda concerning the motor vehicle tax. Councilor Walsh recommended that the Council request that the exemption be reduced from \$2,700 to \$500, as the State allows. Councilor Walsh that the voters would vote on this at the Town Financial Meeting in May, adding that the money could be put towards road repairs.

Councilor Burlingame noted that this would cause a tax increase. Councilor Walsh replied that it would not be a tax increase on property. Councilor Burlingame stated that it would be a tax increase to the residents which he will not support. Councilor Walsh stated that the Council did a wonderful job establishing a Road Policy, but now we must find a way to implement it. Councilor Burlingame stated that our surplus is over what is mandated by Charter and suggested that the surplus be moved into the Capital Fund to be used for roads.

- I. William Reichert spoke regarding the Chestnut Hill Bridge and recommended that a portable bridge be rented as was done several years ago on Jackson Schoolhouse Road.

XI. Open Forum

- A. Rose LaVoie spoke regarding the Chestnut Hill Bridge project, stating that somebody at DOT must be held responsible for this fiasco. Councilor Burlingame stated that at an information meeting held by DOT recently, it was stated that it all stemmed from the way they bid the contract out.
- R. LaVoie spoke in opposition to a tax increase.
- B. Bob Bernier stated that it will be difficult to plow Hazelwood Road if the cul-de-sac is reduced in size. B. Bernier noted that Joseph Voccola has two driveways going into his apartment complex, leaving a limited area where snow could be piled up.
- C. Walter Steere, Jr., School Committee member, stated that to attempt to lower the exemption on motor vehicles is not a property tax, but is still a tax. W. Steere, Jr. expressed hope that the School Committee can come up with a zero budget. W. Steere,

Jr. stated that a letter was to be sent by the Council to the School Committee with regard to the Regional Charter. T. Kane stated that he is presently working on the correspondence.

- D. Anne Ejnes, School Committee member, stated that she agrees that there should be a clean, reliable copy of the Regional Charter. A. Ejnes noted that the question came up regarding where the fifth grade belongs, adding that at one point there was a Charter change made at a Gloucester Town Financial meeting which moved the fifth grade into the Region.

XII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:40 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 16, 2010 Town Council Meeting.

These minutes have not been approved by the Town Council.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **December 16, 2010**

I. Call to Order

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

II. Roll Call

Members Present: Kevin P. Walsh, President; Walter M. O. Steere, III ; Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Joseph DelPrete, Chief of Police; Gary Treml, Public Works Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Cub Scout Den 1, Pack 1, Chepachet Troop.

IV. Open Forum on Agenda Items Only

None.

V. Public Hearing

A. Gloucester Code of Ordinance - Discussion and/or Action

1. Community Resource Commission

68-1. Establishment; membership; terms; compensation; clerk vacancies

Councilor Walsh stated that the first reading on this proposal was held on December 2, 2010 and that this Public Hearing was advertised in the Valley Breeze/Observer on December 9, 2010.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against.

Discussion:

Councilor Walsh noted that the only change to the Ordinance will be to add an Alternate position to the membership of the Community Resource Commission.

Councilor Walsh again asked if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing Closed.

MOTION was made by Councilor W. Steere to AMEND 68-1 Community Resource Commission, to include an alternate member to the membership of the Commission, effective upon passage; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- VI. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes - November 18, 2010 & December 2, 2010
 - B. Finance Director's Report - October & November 2010 (to include Additions & Abatements)

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of November 18, 2010 & December 2, 2010; to TABLE the Finance Director's report of November & December 2010; to APPROVE the Additions to the 2010 Tax Roll in the amount of \$98.14, and the Abatements to the 2010 Tax Roll in the amount of \$39.75; the 2009 Tax Roll in the amount of \$1,230.28; the 2008 Tax Roll in the amount of \$1,032.02; the 2007 Tax Roll in the amount of \$964.66; the 2006 Tax Roll in the amount of \$877.19; and the 2005 Tax Roll in the amount of \$835.30; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- VII. Unfinished Business
 - A. Right of Way: Winsor Park - Discussion/and or action

Tim Kane, Assistant Town Solicitor, stated that he has drafted the easement with a width of fifteen (15) feet, adding that he has added an alternate which would allow Mr. MacNeil to work within the fifteen(15) feet, but the actual travel way would only be improved to twelve (12) feet. There was Council consensus to use the alternate wording as stated by T. Kane.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign an agreement regarding the use of an existing Right of Way, through property located in Winsor Park, between Kevin & Jessica MacNeil and the Town of Gloucester dated December 16, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- B. Appointment - Discussion and/or Action
 - 1. Human Services Department - Part time Van Driver (**Tabled 12/2/10**)

Discussion: Councilor Burlingame stated that Neil Salisbury has been working as a van driver on an as-needed basis and it was stated that he has been satisfactory.

MOTION was made by Councilor Burlingame to APPOINT Neil Salisbury to the position of permanent Part Time Van Driver at an hourly wage to be determined; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- C. Police Department - Discussion and/or Action
Approval of candidates for Police Academy (**Tabled 12/2/10**)

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

To: Honorable Town Council Members
From: Chief Joseph DelPrete
Date: December 13, 2010

Subject: Police Department Agenda Items

Dear Council Members,

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

1. Appoint retired North Providence Police Officer Timothy M. Heston of Scituate, Rhode Island as probationary police officer starting on January 4th, 2011. This will fill the recent vacancy left by Patrolman Andrew Snow on December 10th. Timothy Heston has been retired for one year from the North Providence Police Department.
2. Appoint Jeremy J. Gaucher, of Burrillville to the Rhode Island Municipal Police Academy commencing on January 10th, 2011. After successful completion of the municipal academy in June of 2011, he will be granted a one year probationary police officer position with the Gloucester Police Department.
3. Appoint Joseph C. Cole of Johnston to a part time dispatcher position with an hourly wage of \$12.00 per hour. This appointment is needed to assist with the upcoming January retirement/vacancy of third shift full time dispatcher Byron Harrington. He will also be added to the part-time pool to fill vacation and sick leave vacancies when they occur. He has previous experience with all dispatcher functions with the Johnston Police Department.

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

Discussion:

Joseph DelPrete, Chief of Police, explained that the process began with the candidates taking an agility test and a written test, followed by interviews by a panel of outside police officers and Capt. Mattera of the Gloucester Police Department. Chief DelPrete further stated that 8 or 9 individuals were selected to move on to the final interview process.

MOTION was made by Councilor Burlingame:

to APPOINT Timothy M. Heston to the position of probationary police officer effective January 4th, 2011;

to APPOINT Jeremy J. Gaucher to the Rhode Island Municipal Police Academy commencing on January 10th, 2011, after successful completion of the municipal academy in June of 2011, Jeremy J. Gaucher will be granted a one year probationary police officer position with the Gloucester Police Department;

and to APPOINT Joseph C. Cole to a part time dispatcher position with an hourly wage of \$12.00 per hour; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Hazelwood Road - Cul-de-sac - Discussion and/or Action (**Tabled 12/2/10**)

Discussion: Tim Kane, Assistant Town Solicitor, stated that he has reviewed the file again and has spoken with Mr. Bernier's attorney. T. Kane stated that if the cul-de-sac is to be reduced, it would not be incumbent upon the Town to incur the fees, adding that utility poles would have to be moved, pavement would have to be ripped up and lawn planted, and perhaps other people's property would have to be accessed.

T. Kane recommended that the Council reach an agreement with the property owners where they incur the cost and when completed, the Town would quitclaim any rights that the Town may have with respect to the extra part of the cul-de-sac. T. Kane stated that the alternative, if this is unacceptable, is to leave the cul-de-sac as it is.

Councilor Walsh asked who would do the engineering. T. Kane replied that the responsibility would be on the property owners.

Bob Bernier, 48 Hazelwood Road, asked if he wants to reclaim it, would it have to be engineered to the Town's specifications. T. Kane answered in the affirmative. B. Bernier asked if the Town would then take over the cul-de-sac by adverse possession. T. Kane replied that there are several ways by which the Town could take it over. B. Bernier asked if the Town takes it over, does that

mean there will no longer be barrels in the road. T. Kane stated that there should not be barrels there right now.

Councilor Burlingame asked what is the next step. T. Kane replied that an agreement would be drawn up between the Town and the Voccolas and the Berniers. It was suggested that a letter be sent to the property owners stating the Town's opinion in the matter.

Tim Kane explained that the cul-de-sac was accepted by the Town in 1981 but was never deeded over by the predecessors. T. Kane noted that it was not a perfect acceptance, but the Town has been maintaining it for thirty years, giving the Town rights to the cul-de-sac. Councilor G. Steere asked what will be done regarding the barrels and barriers in the road. T. Kane stated that they should not be there and if it becomes a problem, he advises the Town to go through the process for adverse possession.

VIII. New Business

A. Motor Vehicle Tax Exemption - Discussion and/or Action

Councilor Walsh stated that if anything is done with regard to the Motor Vehicle Tax Exemption, he recommends that the funds be used for road repairs. Councilor W. Steere commented that he understands Councilor Walsh's point about roads, but he is concerned about raising taxes.

Councilor Burlingame stated that all revenue flows into the General Fund, from where appropriations are allocated for operations and capital. Councilor Burlingame noted that we had a surplus last year and suggested that the amount of the surplus be moved into the capital account to be used for roads.

No Action.

B. Ratification - Discussion and/or Action

CDBG Contract #10/13/24 - FY 2010

Councilor Walsh stated that at the Town Council meeting of October 21, 2010 documents were authorized for previous grant years. Councilor Walsh stated the contract for the current year was discussed and there was consensus to sign and ratify at the next meeting. Councilor Walsh stated as this contract was never ratified it is before Council now.

MOTION was made by Councilor W. Steere to RATIFY the signing of the CDBG Contract #10/13/24 - FY 2010 previously signed on October 21, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

C. Western Rhode Island Home Repair Program Monitoring Services Agreement - Discussion and/or Action

Councilor Walsh stated that Ellie Tetreault has requested the Monitoring Services Agreements be signed by Council on behalf of Gloucester.

Discussion: None.

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Monitoring Services Agreement between Community Housing Land Trust of Rhode Island and Western Rhode Island Home Repair acting on behalf of the Town of Gloucester; said agreement is to retain the Monitoring Agent to perform monitoring and enforcement services regarding compliance of the Development with the Affordability Requirement and is for a 30 year term; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Outdoor Wood Furnace - Discussion and/or Action

Councilor Burlingame read from a Resolution, adopted at the Council meeting of November 18th, 2010:

1. There is hereby effective immediately this date, November 18, 2010, a moratorium, prohibition and ban on the erection, installation and use of OWBs not heretofore already installed, erected and in use as of the date of this resolution. This moratorium shall not apply to any person who has purchased an OWB prior to November 18, 2010 but such person or persons shall proceed at their own risk with respect to any future regulations adopted by the Town.
2. This moratorium shall remain in place for the period through and including February 3, 2011, or until such other time as shall be established by the Town Council by resolution or ordinance.

Discussion:

Councilor W. Steere stated that he brought this up for discussion to let people know that the Council is working on this and researching dozens of ordinances from other communities similar to ours. Councilor G. Steere added that we want something which will work for Gloucester without being too regulatory or overbearing.

E Resignation - Discussion and/or Action
1. Building/Zoning Official

Councilor Walsh stated that the Council has received the resignation of the Building/Zoning Official.

Discussion: None.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Lawrence Desormier from the position of Building/Zoning Official effective January 5, 2011; seconded by Councilor G. Steere.

Discussion: Councilor Walsh noted that L. Desormier stated in his letter that he would be available on a part-time basis to assist until a replacement is appointed.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

F. Letter of Support - Discussion and/or Action
Business Expansion into Chepachet Village

Councilor Walsh stated that the Town Planner recently forwarded a letter of support to a business that has suggested they may consider opening a branch in Gloucester.

Discussion: None.

MOTION was made by Councilor Burlingame to forward correspondence to Navigant Credit Union in support of a proposed branch opening in Chepachet village; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

G. Communications with State Officials regarding on going projects - Discussion and/or Action

Discussion:

Councilor W. Steere stated that the intention of this discussion is to ensure that Boards and Commissions remain in their purview with regard to ongoing projects by outside entities. Councilor W. Steere added that normally it is the Town Council that is the contact point for communication. Councilor Walsh noted that the Town Planner also receives information regarding these projects. Councilor Burlingame recommended sending a letter to each Board and

Commission regarding this matter. Councilor Carroll stated that he became aware of the situation when he heard that a representative from the Department of Transportation attended a meeting of the Economic Development Commission. Councilor Carroll expressed his opinion that the representative should attend the Town Council meeting also.

Regarding the letter which will be sent to Boards and Commissions, Councilor W. Steere commented that it is not meant to admonish anybody but is merely a reminder to keep their focus on their duties and responsibilities.

Linda Nichols, member of the Community Resource Commission, stated that she has spoken with Senator Fogarty and was told there will be a meeting on January 6th regarding the Chestnut Hill Bridge project. L. Nichols stated that Senator Fogarty will get back to her with information after the meeting.

H. Proposed agreement with the Stone Mill owners for use of Chepachet River sluice way
Discussion and/or Action

Discussion:

Peter Skeffington, member of the Community Resource Commission, commended Tim Kane, Assistant Town Solicitor, regarding the letter of agreement, adding that it covers all the bases. P. Skeffington stated that the only question is that it is being called a “sluice way” and it could also be termed a “penstock.” P. Skeffington suggested that the wording in the agreement be changed to “sluice way/penstock.” T. Kane noted that the agreement is not ready for approval tonight as there are still several issues to address. T. Kane further stated that there is an equity mortgage on the property and if the Town is to go forward with the easement, a partial release from the equity mortgage will be necessary. P. Skeffington stated that there is no hurry.

I. Baird Properties LLC
Request for consideration - Discussion and/or Action

Discussion:

Fred Volpe, attorney with Mosca and Volpe in North Kingstown, spoke on behalf of Baird Properties LLC. F. Volpe stated that the subject property is located at 33 Money Hill Road and is AP 10A Lot 30. F. Volpe stated that his client is in a purchase and sales agreement to purchase the property this month and is asking for consideration from the Town Council. F. Volpe explained that his client filed a soil and erosion plan approximately three weeks ago as was mandated and is waiting for local approval before seeking a permit from DEM.

F. Volpe noted that there are other issues to be addressed before Zoning, for example the main structure which was historically a rooming house, the buyer wishes to modify it to a four-family. Also, there are six cottages on the site which are shown as one-bedroom cottages on the field card. F. Volpe stated that his client wishes to utilize the cottages for retail space.

Councilor Walsh inquired what the buyer is looking for from the Town Council. F. Volpe replied that they are seeking approval of their soil and erosion plan within a reasonable amount of time before the winter weather arrives.

Timothy Behan, professional engineer with the firm TJB Engineering in East Greenwich, explained that there was a tree line which Mr. Baird began clearing until a cease and desist order was issued by the Town pending the approval of a soil erosion plan.

Tim Kane, Assistant Town Solicitor, asked when the soil erosion plan was submitted. T. Behan replied that the plan was submitted approximately 2 weeks ago. T. Kane noted that there is a process to be followed and the cease and desist order can be appealed at any time if Mr. Baird feels that it is inappropriate.

T. Kane further stated that he does not believe that the Town Council has the authority to lift the cease and desist order or grant permission to proceed with earth removal. F. Volpe responded that a plan was filed and his client is looking for relief from turnaround time. T. Kane stated that the Soil Erosion Ordinance sets forth the parameters and he questions whether the application is complete.

Michael Baird, of Baird Properties LLC, stated that the reason he is before the Council this evening is to ask for relief regarding flattening out the property. M. Baird noted that he attended the Planning Board meeting for the same reason. M. Baird noted that he does not have any DEM issues with regard to what has already been cleared nor with drainage.

M. Baird stated that his problem is that when his attorney submitted the plans to the Building Official he was told that the plans would be turned around quickly. M. Baird reiterated that all he wishes to do is to continue the wall across the front and to flatten out the piece of property. M. Baird noted that the cease and desist order was placed 3½ months after excavation was started.

Tim Kane commented that the Town Council is a legislative body, a board of licenses, and a hiring authority, but they are not the soil erosion officer. T. Kane stated that M. Baird is asking the Town Council to lift a cease and desist order imposed by the soil erosion officer. T. Kane stated that if M. Baird has a problem with the order, the Ordinance states that he must appeal to the Zoning Board of Review.

T. Kane advised M. Baird to get DEM out to the property and complete the application. T. Kane stated that he is available to meet with M. Baird, his attorney and the Building Official during the next two weeks.

Councilor Burlingame stated that he would like to find out why the Building Official is not comfortable with the completion of the stone wall. Councilor Burlingame stated that this would not affect anything.

Councilor W. Steere read the cease and desist order into the record as follows:

November 9, 2010
Deborah Johnson
PO Box 264
Pascoag, RI 02859-0264

RE: 33 Money Hill Road, AP 10A Lot 30

Dear Property Owner:

I am forwarding this letter to your attention regarding excavation activity at the referenced location. Please be advised that the excavation activity currently in progress violates the provisions of the Gloucester Erosion and Sediment Control Ordinance, Chapter 177-1, 177-2, and 177-3.

No excavation should have commenced until an erosion and sediment control plan was submitted and approved by this office. Therefore, you are hereby directed to cease and desist, or cause to cease and desist, all excavation activities at the referenced location. At this time, an erosion and sediment control plan designed by a Rhode Island registered engineer must be submitted to this office for review and approval as soon as possible.

Installation of erosion and sediment control measures can only be commenced once an approved plan is in place. Excavation activity may not resume on this property until such time as written approval is obtained from this office. Failure to comply with this notice will result in this matter being directed to the Town Solicitor for enforcement. If additional information or clarification is required, please contact me.

Sincerely,
Lawrence Desormier, Jr.
Building/Zoning Official

(End of letter)

M. Baird noted that he did not go forward with a soil erosion plan in the first three months of operation because he was told by the Building Official that the property was already zoned for all the things he was looking for. M. Baird further stated that he is fully prepared to do everything that is required.

Tim Kane stated that he would like to meet with Mr. Baird and his attorney some time next week. Councilor G. Steere stated that the cease and desist order states that after the soil erosion plan is approved, M. Baird will be allowed to continue. Councilor G. Steere asked Fred Volpe if he was told that a site development plan review would have to go before the Planning Board before he can continue. F. Volpe replied in the negative.

F. Volpe stated that he was told that the soil erosion plan would have to be approved and was waiting for that approval before continuing the process with the other issues which were addressed at the meeting of November 4th. Tim Kane explained that at some point if the business

is to be expanded, that would trigger a development plan review. Councilor G. Steere asked, other than the erosion control plan approval, what would stop the property owner from leveling the lot and putting the walls up. It was stated that the quickest way to proceed is to satisfy the requirements of DEM, after which the site work can continue.

Michael Baird replied that the reason they are here tonight is to ask if they could circumvent that small portion of it and not have to wait the month or so for DEM. Councilor Walsh stated that the Council will see what can be done to assist them, but the Council cannot promise anything. Councilor Walsh stated that the Solicitor will meet with the Building/Zoning Official to determine if there is anything that can be done to expedite the situation. M. Baird and F. Volpe thanked the Council for their time.

IX.. Boards & Commissions

A. Appointments - Discussion and/or Action

1. Wastewater Management Board

Five year unexpired Term to expire 6/2012 (**Tabled 12/2/10**)

Discussion:

Linda Nichols, member of the Wastewater Management Board, stated that the Board met last week and it was decided that she would serve as Chair temporarily until new members are appointed. L. Nichols further stated that a new mission statement was drafted by the Board for the Council to review. L. Nichols stated that she will assist new members in learning the grant process and other aspects of the Board after which she plans to step down and concentrate on the Community Resource Commission.

MOTION was made by Councilor W. Steere to TABLE the appointments to the Wastewater Management Board; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Tax Assessor's Board of Review

Six year unexpired Term to expire 12/31/10

Councilor Walsh stated that the position of Robert Balme, a six year term, expires at the end of the month.

MOTION was made by Councilor Burlingame to REAPPOINT Robert Balme to the Tax Assessor's Board of Review for a six year term to expire 12/31/2016; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

X. Department Heads/Boards & Commissions: Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that she was contacted by Henry Gold of the Waterman Lake Shores Association with regard to obtaining a tax exemption for portions of Waterman Lake, namely the meeting house and the beaches, keeping the roads on the tax roll. J. Fecteau stated that if the Council wishes to consider this matter, a Resolution asking for the legislation would be necessary. J. Fecteau stated that she has figures from the Assessor which indicate the tax impact. There was Council consensus that the WLS Association put their request in writing.
2. Gary Treml, Director of Public Works, mentioned that Bob Dauphinais has been doing a good job on the South Wing of the Town Hall. G. Treml also reported that the new 10-wheeler will begin patching the side roads of Waterman Lake Shores.

B. Boards & Commissions

1. Linda Nichols updated the Council members with regard to the activities of the Community Resource Commission. L. Nichols stated that the Commission has been conferring with members of the Sand Dam Association concerning hydroelectric power. L. Nichols stated that a meeting is scheduled for January 13, 2011 in Room 5 at the Town Hall.
2. Judith Branch stated that she has resigned from the Recreation Commission.
3. Pete Skeffington, member of the Community Resource Commission, thanked Gary Treml, Director of Public Works, for his expedient transportation of heavy equipment and thanked George Charette for his rototilling work. P. Skeffington also stated that he has been in contact with our Senators and Representatives with regard to initiating legislation which will minimize or eliminate control of hydroelectric projects from two megawatts down.
4. George Charette, of the Economic Development Commission, stated that Michael Baird of Baird Properties did go to the Commission concerning his plans for the property at 33 Money Hill Road. There was discussion with regard to the installation of a public restroom on the property. Councilor Walsh stated that a public well would be required for this to be possible. G. Charette stated that both the Planning Board and the Economic Development Commission advised the applicant to submit the paperwork to the State and once approved, to come back to the Town for permits.
5. Walter Steere, Jr., School Committee member, stated that four changes have been proposed for the Regional Charter and have been forwarded to the Foster and Gloucester Town Councils for review.
6. Bruce Payton of the Gloucester Land Trust stated that on December 2nd the Land Trust received a notice of violation concerning the dam at Hawkins Pond. B. Payton stated that the reconstruction work which is required is quite extensive. B. Payton

noted that he will recuse himself because he works for DEM and Henry Gold, Vice-Chair of the Land Trust, will take over. B. Payton stated that due to the reconstruction which will take place, this might be a good time to look at Economic Development's proposed hydro dams at that site.

B. Payton commented that DEM is a 50% owner of the property. B. Payton stated that a meeting is scheduled with DEM on Monday after which more information will be available. B. Payton stated that because of the expense which will result from this violation, the Land Trust has postponed work which was planned for the Steere Hill parking area.

B. Payton reported that several new walking trails have been opened at Steere Hill.

XI. Council Correspondence/Discussion

- A. Councilor Walsh stated that a resignation was received from Katherine Veiga as secretary to the Senior Center Board of Directors. Jean Fecteau, Town Clerk, noted that Ms. Veiga was a volunteer to this position, therefore this resignation is for the Council's information only.
- B. Councilor Walsh stated that there will be a road race called the Chieftain Challenge which will be held on March 23rd. The race will start at Ponaganset Middle School and end at Ponaganset High School. A copy of the notice will be forwarded to the Chief of Police for his information.
- C. Councilor Walsh stated that correspondence was received from DEM regarding Tree City Day. This will be forwarded to Bruce Payton, Land Trust chair.
- D. Councilor Walsh stated that monthly reports were received from Public Works, the Police Department, and the Town Clerk's Office.
- E. Councilor Walsh pointed out that since the Council began using a paperless system four years ago, there are no files available. Councilor Walsh stated that when he turns in his computer tonight, he will lose all of his records. Councilor Walsh suggested that this should be considered by the other Council members.

XII. Open Forum

- A. Chris Kowal, 25-year resident of Gold Mine Road, stated that he would like to publicly thank the Town Council and the Director of Public Works for the improvements to the road.
- B. Walter Steere, Jr. spoke regarding the property on Money Hill Road which was discussed earlier. W. Steere, Jr. stated that there was testimony that no material was brought in or out of the property, however W. Steere, Jr. noted that he personally saw a triaxle load pulling out of the property. W. Steere, Jr. stated that it appears that there is a problem with water backup near the cabins, possibly caused by cleaning out the wetlands.

XIII. HAPPY HOLIDAYS TO ALL AND TO ALL A GOOD NIGHT!

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:15 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the XXX xx, 2011 Town Council Meeting.