

At a meeting of the Town Council holden in and for the Town of Gloucester on June 21, 2018:

I. Call to Order

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

II. Roll Call

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

Also Present: Jean Fecteau, Town Clerk; Nichole Carroll-Barnes for the Town Solicitor; Gary Treml, Director of Public Works; Diane Brennan, Finance Director; Joseph DelPrete, Chief of Police; Ken Johnson, Building/Zoning Official; Lori DeSantis, Tax Assessor; Gerry Mosca, EMA Director; and Bob Shields, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum - For Agenda Items

None.

V. Resolution

A. As Requested by Town of Burrillville:

1. Support of House Bill 8120 and Senate Bill 2905

RE: Energy Facility Siting Act - Discussion and/or action

Councilor G. Steere stated that the Council received a request from Burrillville to support a House & Senate Bill related to the Energy Facility Siting Act. Councilor G. Steere stated that in her letter, the Burrillville Clerk sums up the proposal "The proposed legislation is intended to give greater protection and consideration to the concerns of host communities. It also streamlines the siting procedure and safeguards the need for reliable and affordable sources of energy while protecting the state's environmental resources." Councilor G. Steere stated that there was a Council consensus to support their efforts with the following Resolution, which was read into the record by Councilor Reichert:

**RESOLUTION 2018-04**  
**Supporting House Bill 2018 - H 8120 Sub A &**  
**Senate Bill 2018 – S 2905**

**WHEREAS:** the Energy Facility Siting Act was enacted in 1986; and

**WHEREAS:** the legislative findings of the Act, that "... the evaluation of proposals must recognize and consider the need for these facilities in relation to the overall impact of the facilities upon public health and safety, the environment and the economy of the State" are more true today than ever, having significant impact on all Rhode Islanders; and

**WHEREAS:** the host community for a proposed energy facility is uniquely impacted by the law and related process; and

**WHEREAS:** after 30 years of utilization, the Energy Facility Siting Act requires global review and revision; and

**WHEREAS:** in 2017, the General Assembly convened a Special Commission to Review the Energy Facility Siting Act; and

**WHEREAS,** the resulting legislation, Senate Bill 2018 – S 2905 and H 8120 Sub A provides greater protection and consideration to the concerns of host communities; and

**WHEREAS,** the proposed amendments to the Energy Facility Siting Act also streamline the siting procedure and safeguards the need for reliable and affordable sources of energy while simultaneously protecting the State’s environmental resources.

**NOW THEREFORE BE IT RESOLVED** that we, the Town Council of Gloucester, respectfully request that the State Legislature and the Governor’s Office support Senate Bill 2018 – S 2905, An Act Relating To State Affairs And Government - Energy Facility Siting Act, and House Bill 2018 - H 8120 Sub A, Amendment to Chapter 42-98-Energy Facility Siting Act.

George O. Steere, Jr.  
Gloucester Town Council President

Jean M. Fecteau, CMC, Town Clerk

Dated this 21<sup>st</sup> day of June, 2018

seconded by Councilor Henry.

Discussion: None.

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

MOTION PASSED

- VI. Consent Items - Discussion and/or action
  - A. Approval of Minutes of Town Council Meeting of June 7, 2018
  - B. Tax Assessor’s Additions & Abatements for May, 2018
  - C. Finance Director’s Report for May, 2018

MOTION was made by Councilor Reichert to APPROVE the Town Council meeting minutes of June 7, 2018; to ACCEPT the Tax Assessor’s ADDITIONS to the 2011 Tax Roll in the amount of \$1,721.97; the 2012 Tax Roll in the amount of \$1,689.38, the 2013 Tax Roll in the amount of \$1,688.58, the 2014 Tax Roll in the amount of \$1,523.90, the 2015 Tax Roll in the amount of \$1,548.40, the 2016 Tax Roll in the amount of \$1,571.50, the 2017 Tax Roll in the amount of \$712.25; ABATEMENTS to the 2010 Tax Roll in the amount of \$164.15; and the 2009 Tax Roll in the amount of \$159.01; and to ACCEPT the Finance Director’s Report for May 2018; seconded by Councilor W. Steere.

Discussion: Councilor Burlingame stated that he will abstain because he was not present at the meeting of June 7th.

VOTE: AYES- G. Steere, W. Steere, Reichert and Henry  
NAYS-0  
ABSTAIN - Burlingame

MOTION PASSED

VII. Unfinished Business

A. Funding and implementation of salary analysis study - Discussion and/or action

Councilor W. Steere stated that all councilors are present so we can go over this. Councilor W. Steere stated that there is a funding source, the Council Contingency Account, that would support the study of non-union employees for which the Finance Director has obtained a quote. Councilor W. Steere stated that it is now a matter of deciding if we are going to do it. Councilor G. Steere asked Diane Brennan, Finance Director, for the balance in the contingency account. D. Brennan replied \$8,260.24. Councilor W. Steere asked if this does not include the expenditure for the signs at Town Hall. D. Brennan replied in the negative. Councilor G. Steere stated that the salary survey would cover DPW. Councilor W. Steere stated that he believes so, and the one that was included in next year's budget would be for department heads. Councilor G. Steere stated that in light of what has happened at DPW he would go along with that. Councilor Reichert agreed. Councilor Burlingame also agreed, stating that we would use \$5,000 from Contingency and \$5,000 for next year, which has already been set aside to do the study for all non-union employees and department heads.

MOTION was made by Councilor W. Steere to implement the salary survey analysis for non-union employees and to use funding from the Council Contingency Fund of no more than \$5,000, as soon as possible; seconded by Councilor Reichert.

Discussion: Jean Fecteau, Town Clerk, stated that we need something to hold the money over since it is so close to the end of the Fiscal Year. D. Brennan stated that we can do something called an "encumbrance" for services that have not been received as of June 30<sup>th</sup>. Councilor G. Steere asked D. Brennan if she could do that based on Councilor W. Steere's motion. D. Brennan replied that the motion should reference Fiscal Year 18.

Councilor W. Steere WITHDREW his motion and Councilor Reichert WITHDREW his second.

MOTION was made by Councilor W. Steere to initiate the salary analysis for non-union employees, using funds from Fiscal Year 2018 - Council Contingency Fund, and to encumber the quote received already; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

B. Boards & Commissions

1. Historic District Commission

a. Appointment- Discussion and/or action

1. One alternate - one year term to expire 11/2018

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for one alternate term to expire 11/2018; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

2. Gloucester Housing Authority
  - a. Appointment - Discussion and/or action
    1. One five year term to expire 7/2022

MOTION was made by Councilor W. Steere to TABLE the Appointment to the Gloucester Housing Authority for one five year term to expire 7/2022; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

- C. Personnel
  1. Job Description - Human Resources position - Discussion and/or action

Councilor Burlingame stated that he would like to table this to the next meeting because he has not had a chance to get into it yet. Councilor Henry concurred and stated that we might want to wait until the salary analysis is done before we go forward.

MOTION was made by Councilor Burlingame to TABLE Job Description - Human Resources position - Discussion and/or action until after the salary analysis is done; seconded by Councilor Henry.

Discussion: Councilor W. Steere stated that we could look at other options as well, such as Town Manager.

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

MOTION PASSED

#### VIII. New Business

- A. Gloucester Code of Ordinance - Discussion and/or action
  1. Proposed Amendment to Code, **1<sup>st</sup> Reading**  
Chapter 368 : Fee Schedule  
§ 368-1 Fees enumerated  
Building Permits & Zoning Fees

Councilor G. Steere stated that this first reading is to start the process of amending fees in the Code of Ordinance. Councilor H. Steere explained that State legislation was passed which mandates building permit fees for all cities and towns.

Discussion: Councilor G. Steere explained that the minimum fee is a little bit higher than it currently is but most fees are lower, until you get to a higher valuation of a building project. Councilor Burlingame asked what was the basis of setting new rates. Ken Johnson, Building/Zoning Official, stated that the Building Commissioner's office took information from each community and gave them basic numbers to go by with regard to building permits. K. Johnson stated that his office did a projection regarding the impact of the fees which indicated that we would come out slightly ahead. K. Johnson stated that the fees will be posted online to expedite e-permitting.

MOTION was made by Councilor Henry to SET a Public Hearing for the consideration of the proposed amendments to the Gloucester Code of Ordinance, Chapter 368, Fee Schedule, 1. Fees enumerated, Building Permits & Zoning Fees (language). Said Public Hearing to be held on August 2, 2018; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

B. Personnel

1. Public Works

- a. Request for employee carry-over of 2017-2018 Vacation allocation - Discussion and/or action

Councilor G. Steere read the following request from Gary Treml, Public Works Director:

I am respectfully requesting the vacation time for one of my personnel (Beth) be carried over to the next fiscal year due to an extended period of sick leave. The total time is thirty nine and three quarter hours (39 <sup>3</sup>/<sub>4</sub>).

Respectfully submitted,  
Gary Treml  
DPW Director  
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to GRANT the request for employee carry-over of 2017-2018 vacation allocation of 39.75 hours for Public Works employee, Beth DeCorte; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS-0  
MOTION PASSED

Councilor Henry stated that we have been doing some carry over lately with others and asked if we are okay or will we find ourselves in a situation. Councilor G. Steere replied that we should be okay and commented that the employee has extenuating circumstances. Councilor Henry stated that she is just thinking about the “big picture”.

2. Recreation

a. Lottery - Additional Appointments to 2018 Summer positions -  
Discussion and/or action

Councilor G. Steere stated that at the last meeting, summer recreation appointments were made, and the Council requested the remaining applicants for parking attendants be put into a lottery should additional workers be needed. Councilor G. Steere read the following correspondence from the Recreation Director:

To: Town Council  
From: Robert Shields  
Date: June 19 2018

RE: Supplementary Summer Recreation Employment

The following are my supplementary recommendations for the summer recreation positions. The **SUB/LOTTERY** individuals are all Gloucester residents. They applied after the deadline and sent applications for either parking attendant or swim aide.

**ASSISTANT RECREATION DIRECTOR**

Dave Chace

**start date June 20**

**WATER SAFETY AIDES/L.I.T**

Emaly Akkaoui \$10.10

**start date June 20**

**PARKING ATTENDANTS SUB/LOTTERY**

Abigail Belisle \$10.10

**start date June 20**

Jessica Filpo \$10.10

**start date June 20**

Brendan Falls \$10.10

**start date June 20**

Geneveve Provencial \$10.10

**start date June 20**

Victoria Wiggill \$10.10

**start date June 20**

(end of memo)

Discussion: Bob Shields, Recreation Director, explained that these are individuals that applied after the fact and responded that they are still interested in pursuing a job for the Town.

Councilor W. Steere questioned the position of Assistant Recreation Director, asking where that position was created and if it is a volunteer type of thing. B. Shields stated that this was an

oversight on his part and he wasn't sure if he was to include it in his last memo, and he had forgotten to add the other swim aide. Councilor W. Steere commented that we have never had an Assistant Recreation Director. B. Shields stated that D. Chace was on the rolls last year and assisted at the 4<sup>th</sup> of July road race and the concert series. Councilor G. Steere asked if this is just volunteer. G. Shields replied that, according to the records from previous years, D. Chace receives payment at the end of the summer at the rate of \$20.00 per hour, not to exceed \$600, similar to Carl Buckley of the basketball program.

Councilor G. Steere stated that he does not remember doing this before. Councilor W. Steere stated that D. Chace does a good job and he does not question the individual, but the title of Assistant Recreation Director may cause a problem in the future. B. Shields asked if the Council wishes to modify the title. Councilor W. Steere stated that the Council also has to do a lottery for the parking attendant position. (The names were then randomly chosen, by meeting attendees, as follows:

1. Victoria Wiggill
2. Abigail Belisle
3. Geneveve Provencial
4. Brendan Falls
5. Jessica Filpo

There was Council discussion regarding what to call Dave Chace's position. B. Shields stated that his primary duty is to help out with the concerts at the Chepachet Union Church. There was Council consensus to say "Special Events Coordinator".

MOTION was made by Councilor Henry to APPROVE the Special Events Coordinator, Dave Chace, be be paid at the rate of \$20.00 per hour not to exceed \$600 per fiscal year, to assist with the July 4<sup>th</sup> Road Race and the summer concert series (held at Chepachet Union Church); to APPOINT Water Safety Aide, Emaly Akkaoui, at the rate of \$10.10 per hour, with a start date June 20<sup>th</sup>; and to APPROVE the Parking Lot Attendant lottery as follows:

1. Victoria Wiggill
2. Abigail Belisle
3. Geneveve Provencial
4. Brendan Falls
5. Jessica Filpo

all at the rate of \$10.10 per hour with a start date of June 20, 2018; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS-0

MOTION PASSED

C. Ratification of Contract - Discussion and/or action

1. Senior Center Maintenance (Cleaning) Contract for 2018-2019

Councilor G. Steere stated that the contract between the Town of Gloucester and Simply Clean expired June 11, 2018. Councilor G. Steere read the following correspondence from the Senior Center Director:

Dear Council members,

I respectfully request that you approve the extension of the cleaning contract at the Senior Center with Simply Clean. Since Wendy-Lee has taken over the account, we have been very pleased with the job that is being done. The previous contract was to run for 12 months, June 12, 2017 – June 11, 2018 with additional 12 month extension if mutually agreed upon by both parties. We ask that it continue to run uninterrupted until June 11, 2019. The monthly cost will remain \$1,500.00 per month with additional costs for additional services as listed on contract. Thank you for your consideration.

Sincerely,

Melissa Bouvier, Director

(end of memo)

Discussion: Councilor Henry asked how many time per week the Senior Center was cleaned by this company. Councilor G. Steere replied that it is cleaned every day.

MOTION was made by Councilor Burlingame to RATIFY the contract between Simply Clean and the Town of Gloucester, Senior Center, for a period to run from June 12, 2018 to June 11, 2019, at a monthly cost of \$1,500; seconded by Councilor Reichert.

Discussion: None.

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

NAYS-0

MOTION PASSED

D. Town Council Summer Meeting Schedule - 2018 - Discussion and/or action

Councilor W. Steere asked the councilors if they want to have two (2) meetings in July and August, particularly July where the first meeting would be the day after the 4<sup>th</sup> of July. Councilor G. Steere stated that the Council could have one (1) meeting each month and if something comes up, we could have a special meeting. Nichole Carroll-Barnes, from the Solicitor's Office, noted that there is a Public Hearing scheduled for August 2<sup>nd</sup>. After discussion, there was Council agreement to cancel only the first meeting of July.

MOTION was made by Councilor W. Steere to AMEND the annual meeting schedule with the cancellation of the Town Council July 5<sup>th</sup>, 2018 meeting; seconded by Councilor Burlingame.

Discussion:

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

NAYS-0

MOTION PASSED

E. 2018 General Election - Ballot Questions - Discussion and/or action

Councilor W. Steere stated that it is the time of year for the Council to look at things that they want to put on the ballot. Councilor W. Steere stated that if we are going to do something, we should do it soon. Councilor W. Steere suggested that the Council look at Town management based on recommendations of the last Charter Review Commission, four (4) years ago, stating that they were unanimous with their guidelines of what a Town Manager should be. Councilor W. Steere stated that the Council rejected it, saying that it “wasn’t the right time”, but now would be a good time to revisit that.

Councilor G. Steere asked if we should ask the person that will be doing the compensation study for department heads to include that position so we can have something to talk about. Councilor Burlingame stated that we would also have to decide if we want a Town Manager appointed by the Council or an elected position. Councilor W. Steere stated that the Charter Review Commission recommendations from 2014 stated that the position would be appointed by the Council. Councilor Burlingame commented that we are one of a few communities that have an elected Town Clerk so we might want to put that question on too, whether we want an appointed Town Clerk. Councilor W. Steere stated that the Commission examined that possibility for the Human Services position and decided to keep it as elected.

Councilor W. Steere stated that whatever we want to do, we have to get the ball rolling because August will be here before we know it. Councilor G. Steere stated that we would have to find out the cost of adding a Town Manager to the salary analysis because it is not an existing position. Councilor Henry stated that every town has its own unique setup so we could get some scenarios about what falls underneath a Town Manager and who reports to what.

MOTION was made by Councilor W. Steere to inquire into the possibility of having the analysis of a Town Manager done in our salary analysis of non-union employees; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS-0

MOTION PASSED

Councilor W. Steere asked Jean Fecteau, Town Clerk, if there is a deadline when we would need to have something in writing. J. Fecteau replied usually the middle of August.

Councilor Burlingame stated that it would be a simple question; does the Town of Gloucester want to have a Town Manager, appointed by the Town Council. Councilor Henry stated that we would have to need to have a range of what the cost would be, so that the people could make a decision. Councilor Burlingame stated that it would not be on the ballot question. Councilor Henry asked how people would make an informed decision. Councilor Burlingame stated that we would put the question on in August, and come up with a salary between then and the Election in November. Councilor Henry asked how we would get that information to the voters. Councilor W. Steere stated that we could advertise it.

Walter Steere, Jr. stated that there will be many questions regarding a Town Manager, such as would it be an elected position, what is the job description and how much power would this person have. W. Steere, Jr. expressed his opinion that doing it this year would be rushing it and the voters will not know what they are voting on. Councilor Henry stated she will want to know how the Council and department heads will interface with a Town Manager, stating that it will be a big change on how our government runs. Councilor W. Steere stated that the Charter Review Commission addressed some of those questions in 2014. Councilor Henry stated that it is a great idea, but it is a lot to try to jam in to get it on the ballot and she is not sure we can do it.

Councilor Reichert pointed out that if we get the voters' approval, it doesn't mean it has to be implemented that year. Councilor Reichert stated his opinion that we need this because we are a \$30 million business and we need somebody to answer day to day questions and it would give us somebody to speak for us at the State House. Councilor Reichert further stated that when there are problems, like there were this year, it would give employees somebody to hash things out with. Councilor Henry stated that it is not that she disagrees, but all the questions that we just asked have to be answered. Councilor W. Steere asked if the Council wants to table this discussion until we get information from the salary survey. J. Fecteau stated that she can give the Council what the previous Charter Review Commission did in 2014.

MOTION was made by Councilor W. Steere to TABLE 2018 General Election - Ballot Questions - Discussion and/or action until the meeting of July 19, 2018; seconded by Councilor Henry.

Discussion: Councilor Henry asked what we want to accomplish between now and July 19<sup>th</sup> so we can decide how to move forward. Councilor W. Steere stated that he has already done research and we can look at how other towns work, and we will get feedback from the salary analysis regarding structure and possible responsibilities.

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

MOTION PASSED

- F.     Gloucester Community Septic Program - Discussion and/or Action
  - 1.     Exception Debt to Income Ratio

Councilor G. Steere read the following has received a request from the Finance Director:

To: Honorable Town Council Members  
From: Diane L. Brennan, Director of Finance  
Memo: Exception to Debt to Loan Ratio  
Date: June 18, 2018

The Town of Gloucester has been advised that a resident is seeking a loan from the Gloucester Community Septic Loan Program. The debt to income ratio has exceeded the town's criteria of 45%. The loan is coming to the council requesting an exception. The debt to income ratio is 53%. The Gloucester resident requesting the loan is Judith Waitt of 46 Tucker Street.

Ms. Waitt's has good credit according to Lee-Ann Gagnon the Rhode Island Housing community lending processor .

Mrs. Waitt sent an email regarding her situation. She is currently spending an excess of the monthly payment in mitigating the septic failure.

Her current cost of laundry and cesspool pumping would cover the monthly payments. Mrs Waitt has also indicated additional household income as her elderly Mother resides with her and could contribute to the payment if needed.

Your approval is required for the loan to be granted.

(End of memo)

Discussion: None.

MOTION was made by Councilor Burlingame to APPROVE the Exception of Debt to Income ratio required for a loan through the Gloucester Community Septic Loan Program for Judith Waitt for property located at 46 Tucker Street; seconded by Councilor Reichert.

Discussion: Councilor Henry asked who would be responsible if this person defaults on the loan. Councilor Reichert replied that what we have done before is the Town would place a lien on the property. Diane Brennan, Finance Director, explained the process, but was inaudible on the recording.

Councilor Henry commented that there is not a big difference between the guideline of 45% and the actual ratio of 53% and it sounds like the owner has a good work history. Councilor G. Steere stated that the septic has failed and the homeowner is paying \$220 per month to have it pumped, and is also doing her laundry at a laundromat. Councilor G. Steere stated that the loan payment is \$138, so she will be ahead of the game if she gets it fixed.

Councilor Henry asked what is the total loan amount. Diane Brennan replied that she did not have that information as the recipient has not provided all the information to RI Clean Water.

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

MOTION PASSED

G. Amendment to "Gloucester Cooperative Agreement" - between Town of Gloucester

& Grow Smart RI - Discussion and/or action

Councilor G. Steere stated that we have received a request from the Planner to amend the Cooperative Agreement between the Town and Grow Smart. Councilor G. Steere explained that the original agreement was for assistance with “the conservation development sections within the Zoning Ordinance and Subdivision Regulations” and would now be amended to include “solar facilities section within the Zoning Ordinance”. Councilor G. Steere stated that this amendment would authorize the town to receive assistance with their review of our solar ordinance.

Discussion: Karen Scott, Town Planner, stated that she has been working with Grow Smart for the past year and the Planning Board is in favor of this amendment. K. Scott explained that the request is to amend the agreement to remove the amendments to the Conservation Development section of the Zoning Ordinance and replace it with amendments to the solar facilities section of the Zoning Ordinance. K. Scott noted that this would also extend the life of the agreement from July 30, 2018 to October 31, 2018 and would not incur any cost to the Town.

MOTION was made by Councilor Henry to AMEND the agreement entitled “Cooperative Agreement between Grow Smart Rhode Island and the Town of Glocester, Rhode Island” dated February 2, 2017, to include “solar facilities” section of the Glocester Zoning Ordinance; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

H. Resident Complaint RE: neighboring In-law apartment- Discussion and/or action  
Ronald Johnson, 40-year resident of Glocester, stated that he was on the Providence Fire Department for 34 years, retiring with the rank of Superintendent. R. Johnson stated that he has been doing carpenter work since he was 14, so he knows a lot about building. R. Johnson stated that “he” came to his house, walked to the back, and asked what R. Johnson was doing. R. Johnson replied that he was building an outdoor kitchen. R. Johnson stated that “he” told him that he did not have a permit for the chimney, etc. R. Johnson stated that he asked “him” if the neighbor next door had called, because the neighbor had called DEM. R. Johnson stated that “he” then told him to forget the permit for the chimney and to go to Town Hall for a simple permit for the thing in the back. R. Johnson stated that he asked “him” why he came to his home and the response was “I was in the neighborhood”.

R. Johnson spoke about his neighbor, stating that he has an apartment in his house for which no permits were issued and is not on the tax rolls. R. Johnson stated that this should be addressed right away because it is a fire safety issue. R. Johnson stated that he filed a complaint regarding the in-law apartment. R. Johnson stated that when he went to the office the next day, he was told that the mother doesn’t live in the basement, the kids do. R. Johnson stated that he doesn’t care who lives

there, it is illegal.

Councilor Burlingame stated that he received a call on this too. Councilor Burlingame stated that state law says that somebody can have an in-law apartment for someone over 65 if application is made, so it is taxed accordingly and meets the code and requirements. Councilor Burlingame stated that the law was changed two (2) years ago to allow that. Councilor Burlingame stated that it is his understanding that the Building Inspector went and verified that the necessary process was followed for the elderly person to live in the newly configured in-law apartment. Councilor Burlingame asked R. Johnson if he objects to that, to which Mr. Johnson replied in the affirmative. R. Johnson stated that he objects because six (6) acres are required and the septic system is designed for three (3) bedrooms, not four (4). Councilor Burlingame asked R. Johnson if he has asked the Building Inspector if he has certified that the in-law apartment has met the necessary requirements. R. Johnson did not respond to the question. R. Johnson stated that he objects because the resident has a business and she goes to work every day. Councilor Burlingame asked if she is over 65. R. Johnson replied in the affirmative. Councilor Burlingame stated that this qualifies the owner of the building to have the in-law apartment.

Nichole Carroll-Barnes, representing the Town Solicitor, stated that state law now says you can have an in-law apartment as long as there is an occupant that is 62 years old or older; the size of the lot does not matter.

R. Johnson stated that the neighbor told him that he did not take out any permits for the apartment. R. Johnson stated that he put an addition on his house for his mother-in-law and asked if the Council is saying he could put a kitchen in for her. R. Johnson commented that when these people (in the in-law apartments) pass away, the owners will rent them out. N. Carroll-Barnes stated that they cannot do that.

Councilor G. Steere stated with all due respect, let's hear from Ken Johnson, Building Official.

Ken Johnson, Building Official, stated that working without a permit is illegal, which is exactly what R. Johnson did. K. Johnson explained that the in-law apartment was inspected and approved by his office as well as the Fire Department. K. Johnson stated that when he was driving down Huntinghouse Road, he noticed somebody constructing a large building behind his property. K. Johnson stated that when he sees that, he calls his office to inquire if a permit has been pulled, and if not, he advises the property owner to come to the office to pull a permit for what he has done. K. Johnson stated that Mr. Robitaille has had electrical and plumbing permits pulled for the basement, adding that the "illegal" apartment is not illegal and has been sanctioned by the Town and recorded in the Town Clerk's office. K. Johnson quoted state law, which allows an in-law apartment for a family member who is 62 or disabled, without having to go through Zoning or Planning.

Councilor W. Steere asked if this qualifies as an accessory dwelling unit. K. Johnson replied in the affirmative. Councilor W. Steere asked if, since the alleged occupant is 62 or older, state law supercedes anything we have in Zoning. K. Johnson stated that they are only required to record it

with the Town. K. Johnson noted that when the occupant passes away, the unit cannot be rented. K. Johnson reiterated that the apartment has been inspected and meets all requirements.

R. Johnson disputed K. Johnson's statement that he could see R. Johnson's backyard from the road. K. Johnson replied that he could see it perfectly and that is why he stopped.

Councilor G. Steere stated that the Building Inspector has told us that everything is up to code and that it is allowed by state law. Councilor G. Steere noted that R. Johnson could put something in for his mother-in-law. R. Johnson stated that he will do that and when his mother-in-law passes away, he will rent it out for \$1,500 a month. Councilor Burlingame stated that he would be in violation of state law because once that person passes or leaves, the right of the in-law apartment gets extinguished.

There was discussion regarding how many bedrooms the house contains. Councilor G. Steere stated that anything pertaining to the septic system is a DEM matter. R. Johnson stated that he has contacted DEM.

Councilor W. Steere asked K. Johnson if the homeowner still has to follow the Town's requirements regarding the size of the apartment. K. Johnson replied in the affirmative, stating that he would not have approved it if it did not comply.

Councilor G. Steere addressed R. Johnson, stating that we have to accept what K. Johnson has told us. R. Johnson stated that if the Council looks at the blueprints, they will say "Ronnie's right".

#### IX. Town Council Correspondence /Discussion

- A. Councilor G. Steere stated that we have a letter from Burrillville asking for support of Senate Bill 2018-S2371 pertaining to education. Councilor Henry asked that this be on the next agenda for discussion.
- B. Councilor G. Steere stated that the Council received a letter from the DMV regarding tax blocks. Councilor G. Steere stated that this was in response to a letter written by Councilor Burlingame. Councilor Burlingame stated that he got involved in this because his daughter received a notice from the DMV that her registration was suspended due to unpaid town taxes. Councilor Burlingame stated that anyone who had not paid their taxes did not receive their renewal notice from the DMV, but now they will receive a letter indicating that taxes are due.
- C. Councilor G. Steere stated that we received a letter from the Economic Progress Institute concerning Medicaid funds.
- D. Councilor G. Steere stated that a letter was received from Ponaganset High School regarding the Vietnam Memorial Moving Wall parade and escort Thursday, November 1, 2018.

- E. Councilor G. Steere stated that a letter was received from the Scituate School Committee asking for support of House Bill 2018-7200, which pertains to the \$250 million that the Governor wants to put toward school buildings.
  - F. Councilor G. Steere stated that a letter was received from the Smithfield School Committee opposing legislation that would mandate that expired teachers' contracts continue at the existing terms. Councilor Henry commented that this is a difficult situation in which to teach and there is no incentive for the union to negotiate with the School Committee because everything runs along the same as usual.
  - G. Councilor G. Steere stated that a letter was received from a resident regarding the condition of the road on Spring Place.
  - H. Councilor G. Steere stated that a letter was received from Burrillville regarding a Public Hearing on their updated Comp Plan.
  - I. Councilor G. Steere stated that correspondence was received from the RI State Planning Council regarding planned improvements at the Prudence Island Ferry Dock in Bristol.
  - J. Councilor G. Steere stated that a letter was received from DEM stating that they are now accepting comments regarding changes to the existing State water quality regulations.
- X. Department Head Reports/Discussion
- A. Diane Brennan, Finance Director, stated that at the last meeting, the Council had approved taking funds from the Contingency Account for a sign in front of Town Hall. D. Brennan stated that the price came in at a higher amount than was approved and asked if she could get a general consensus to approve the additional expense. Councilor Henry stated that the motion stated "not to exceed \$2,000". There was discussion regarding the piece that was added to the sign which contained the street number. Councilor Henry noted that "Putnam Pike" does not appear on the sign and suggested that it be added. There was Council consensus to allow up to \$2,300 for the purchase of the sign. Councilor G. Steere stated that this action will be ratified at the next meeting.
  - D. Brennan stated that she has spoken to the town's insurance company and the Town Solicitor and was advised to have the intern, she proposes, sign a waiver stating that he will not come back to the Town for Workers' Compensation. D. Brennan noted that the intern has since signed the waiver.
  - B. Joseph DelPrete, Chief of Police, stated that preparations are underway for the 4<sup>th</sup> of

July and the fireworks, noting that we are expecting approximately 25,000 people. Chief DelPrete spoke further (not at the microphone and was inaudible on the recording)

- C. Ken Johnson, Building/Zoning Official, stated that there were questions at the last meeting regarding Adler Brothers storage of soil on their property on Putnam Pike. K. Johnson stated that he met with Jeremiah Adler and was assured that the piles would be gone this week.

Regarding Spring Grove, K. Johnson stated that the developer has requested an extension and will be before the Planning Board on July 9<sup>th</sup>. K. Johnson stated that we may have a better idea of how long this process will take. Councilor W. Steere noted that the approval is good for one (1) year and they have to come back and request an extension if they want to continue.

Regarding the situation on Hartford Pike, K. Johnson stated that he sent a second letter notifying the owner that if he did not contact the office to arrange for an inspection, he would be contacted by legal.

Councilor W. Steere asked what is going on at the old Kenny's Kitchen location. K. Johnson replied that the demolition of the building has been delayed again but the owner has assured him that it would come down within the next month or so.

Councilor Henry stated that she saw two (2) campers and some cars parked behind the Purple Cat and asked K. Johnson if people are living in them. K. Johnson replied in the negative and stated that they are just being stored on the property. Councilor Henry commented that it is an eyesore and a safety issue.

- D. Councilor W. Steere thanked Bob Shields, Recreation Director, for the work he did to resolve issues at the beaches this week. Councilor W. Steere stated that he heard from the Little League regarding Leja Field. Councilor W. Steere stated that they asked about the progress and offered to help get the work accomplished. Councilor W. Steere commented that the summer is busy but the project is on the list.
- E. Councilor W. Steere asked Gary Treml, Director of Public Works, what is the status of the generator. G. Treml replied that he is in the process of trying to replace it. Councilor W. Steere questioned if Gerry Mosca, EMA Director, could help out with that with grant funding. G. Mosca replied but was not at the microphone and was inaudible on the recording.

#### XI. Bds. and Commissions Reports/Discussion

- A. Walter Steere, Jr., School Committee member, reported that there is a projected problem with a fifth grade class at Fogarty where there may be more kids than are

budgeted for. W. Steere, Jr. stated that the Superintendent and School Committee suggested several solutions, such as paying overages or sending some students to West Gloucester, where there is extra room. W. Steere, Jr. stated that another proposal was to hire an additional full-time teacher, which he does not feel is necessary. W. Steere, Jr. stated that it is not in our budget and Fund Balance would have to be used. Councilor W. Steere, Jr. noted that the Charter states that Fund Balance cannot be used to cover a deficit. Councilor Burlingame stated that to use the Town's Fund Balance, it requires voter approval, but he is not so sure about that when it pertains to the schools. Councilor Burlingame commented that if you have to hire a teacher because there are more kids, you have to do it. W. Steere, Jr. expressed disagreement regarding the money because when Dr. Cirillo was the Superintendent, he asked to use Fund Balance and was told he could not do so. W. Steere, Jr. stated that a Budget Subcommittee will be formed to talk it over.

Councilor Henry asked how many kids are over. Councilor Burlingame replied one (1) or two (2). Councilor Henry asked if a teacher can get overpay compensation for having more students than the law allows. W. Steere, Jr. replied that we can have one (1) over the amount and the teacher would get paid accordingly.

Councilor W. Steere asked if this would raise the Maintenance of Effort. W. Steere, Jr. replied that the Superintendent said it would. W. Steere, Jr. noted that there will be a special meeting in July to address this situation, and by then we will have a better idea of how many students we will have.

Councilor G. Steere stated that the money we have set aside for the schools is specifically labeled for the reduction of State Aid. Councilor W. Steere read from the Charter which states that "overspending of School Department appropriations are prohibited" and "remaining amounts in any unappropriated Fund Balance may not be used to cover over-expenditures without the approval by vote of the taxpayers of the Town of Gloucester at a Financial Town Referendum".

Russell Gross questioned whether a teacher would receive less if they had fewer than 25 students. Councilor G. Steere replied that he would not think so. R. Gross commented that "you are damned if you do and damned if you don't" and wondered who ever negotiated that into it.

## XII. Open Forum

- A. Councilor Burlingame stated that the lawyer for Providence Water will be giving the town a proposal for our consideration.
- B. Walter Steere, Jr. stated that he was told that no was allowed to go in the water at Spring Grove. B. Shields responded was that the beach was closed for a couple of days, but the water is now okay for swimming.

- C. Councilor Reichert stated that the Public Works Department has voted not to join the Union and he wished to thank them, stating that hopefully we can work together.

XIII. Adjourn

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

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

MOTION PASSED