

At a meeting of the Town Council holden in and for the Town of Gloucester on February 7, 2019:

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; Walter M. O. Steere, III, Vice-President; William E. Reichert; and Julian (Jay) Forgue.

Member Absent: Patricia Henry

Also Present: Jean Fecteau, Town Clerk; Tim Kane, Town Solicitor; Susan Harris, Deputy Town Clerk; Diane Brennan, Finance Director; Joseph DelPrete, Chief of Police; Karen Scott, Town Planner; Kenneth Johnson, Building/Zoning Official; Gary Treml, Director of Public Works; David Steere, Budget Board chair; and Melissa Bouvier, Senior Center Director.

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum - For Agenda Items

None.

V. Public Hearing **CONTINUATION OF PUBLIC HEARING  
OPENED NOVEMBER 15<sup>th</sup>, 2018**

A. ENTERTAINMENT LICENSE

REQUEST FOR OUTDOOR ENTERTAINMENT - Discussion and/or action

1. Hill's Tavern and Grill, LLC, d/b/a Hill's Tavern and Grill, 417 Putnam Pike

Councilor G. Steere stated that this Hearing was previously advertised and is a continuation of a Public Hearing opened on November 15, 2018.

Discussion: David D'Agostino of Gorham and Gorham, attorney for the applicant, thanked the Council for continuing this matter. D. D'Agostino stated that the applicant will be providing more definition to the Council this evening for consideration. D. D'Agostino stated that they are proposing no more than two (2) events per week, weather dependent, with a maximum four (4) hour block of time between 2:00 p.m. and 8:00 p.m. D. D'Agostino stated that the Hills would like to have the flexibility to maneuver their diversification of business around the weather and the scheduling of events such as birthday parties, etc. that are going on at the restaurant.

D. D'Agostino stated that on November 15<sup>th</sup>, there were some concerns that the Hills are cognizant of, adding that in the six (6) months that they have been operating the establishment, it has been a

very positive change from prior activity there.

D. D'Agostino stated that the applicants would like some consideration to not be limited to acoustic performances outside. D. D'Agostino stated that the Town's Noise Ordinance, Section 217-1 of the Code of Ordinances, would apply, adding that the outdoor entertainment they are proposing could be measured and "policed" by the existing Town Ordinances.

D. D'Agostino concluded his presentation and stated that he could answer any questions the Council or the public may have.

Councilor G. Steere asked if anybody from the public would like to speak for or against this application.

1. William Worthy, abutting neighbor to Hill's Tavern, stated that he is in favor of the entertainment license, adding that he has seen the hard work they have put into the property since they purchased it. W. Worthy stated that he has had several events there himself and would like to have more. W. Worthy commented that they are offering something different to the Town and he feels that the quality of entertainment, as well as the clientele, are a much better fit than what was there previously. W. Worthy again stated that, as a business owner and a neighbor, he is in favor of this application.
2. Bob DeRoche, of 60 Farnum Road, stated that he is a neighbor to the establishment, and he is also in favor of what they are trying to do. B. DeRoche stated that he was here in November when several people spoke against the application and felt that the applicant was being compared to what was there before. B. DeRoche stated that the applicants should be given an opportunity. B. DeRoche commented that he was there for a magic show recently and the place was full of families. B. DeRoche noted that they are trying to do what's right and if there are any violations, the Council could revoke the license.

Councilor W. Steere questioned having events twice a week and asked Tim Kane, Town Solicitor, if they would constitute "Special Events". T. Kane replied that it looks like they are just asking for outdoor entertainment, where a Special Event would be like a car show, bike run or sporting tournament.

3. John Segee, of Absalona Hill Road, stated that the last environment at this location was terrible but these people are totally different. J. Segee stated that it is an environment where you can bring your family and enjoy a positive environment. J. Segee stated that he feels very positive of what goes forward at the establishment.

There was Council discussion regarding Special Events. Councilor G. Steere stated that amplified music is what makes something a Special Event. Councilor W. Steere again questioned having events twice a week, stating that previous requests were for twice a month. Councilor G. Steere concurred and stated to the applicant that it has been twice a month, and not on consecutive days or

weekends.

T. Kane read the definition of Special Events as follows: “Special Events for establishments that hold liquor licenses are those events that are held outside the normal course of business and outside a licensed building at which outdoor entertainment is offered, including but not limited to sporting events, fund-raisers, car washes, car shows and bike runs that either commence or end at the licensed establishment”. T. Kane stated that if it is just music outside, it is not a Special Event. T. Kane noted that the applicant is asking for “outdoor entertainment”, not a special event.

Councilor Reichert asked if the request is for year-round or just in the summer. Albert Hill, Sr., applicant, replied that the cutoff would be October or November. Councilor G. Steere asked if the request is for May through October. Mr. Hill replied in the affirmative. Councilor G. Steere stated that if they are asking for Special Events, they would not be allowed two (2) per week. D. D’Agostino stated that the applicant is very cognizant of the requirements of a Special Event and if they were looking to have a music festival that would be more in line with a Special Event, they would file the appropriate application. D. D’Agostino stated that they are not requesting Special Events.

Councilor Forgue asked if the time frame requested is 2:00 p.m. to 8:00 p.m. D. D’Agostino replied in the affirmative and explained that this would be an appropriate time frame for a Friday night or a Sunday, and would be a component of the atmosphere of the food and beverage being served.

Councilor W. Steere stated his opinion that twice a week for amplified music outside, year-round, is a “big ask”. Councilor W. Steere further stated that the Council has already been more than fair by granting outside liquor sales, in good faith as we have new owners with no history. Councilor W. Steere stated that he has no problem with acoustic music outside and noted that they can have amplified music inside. Councilor W. Steere stated that a compromise might be to have something twice a month from May to October or November, but the neighbors would object to twice a week.

W. Worthy asked if anybody in Town has an entertainment license for outside. Jean Fecteau, Town Clerk, replied only for acoustic music. W. Worthy commented that he has been to Cady’s when they have had amplified music. Councilor G. Steere replied that Cady’s does have several Special Event licenses. Councilor W. Steere stated that right now, we are focused on this establishment. Councilor W. Steere commented that we have a good history with Cady’s and they have turned the residents from being against anything up there to being in favor of it. Councilor W. Steere again stated that twice a week is a “big ask”.

Councilor Forgue suggested that the applicants try it for one (1) year for one (1) day on a weekend, and if there are no complaints, the Council could reconsider two (2) days per week. Councilor W. Steere stated that he would be happy with two (2) per month and noted that some people have come to the Council and said different things, but those things turned out to be not what they said it was going to be.

Councilor Forgue again suggested a “feel out” time frame of two (2) weekends per month and if everything goes well, the applicant can come back for reconsideration.

Councilor G. Steere stated that he agrees with everybody that got up to speak and stated that it is a great family business that has turned the place around, but the Council must be careful regarding amplification because noise travels.

Councilor Reichert stated that this is changing the business plan around and asked if the applicant will also request 12 Special Events in addition to this application. D. D’Agostino replied that they do not anticipate asking for that number of Special Events. However, D. D’Agostino commented that the Council’s decision this evening may trigger an evaluation.

D. D’Agostino reiterated that this is outdoor entertainment; they are not submitting a Special Event request. D. D’Agostino further stated that depending on the Council’s decision this evening, they may look to submit a Special Event request in the future.

Councilor G. Steere stated if they do come forward for Special Events with outdoor entertainment, they would have to coincide with one of the two (2) per month, if granted, and not turn into four (4) per month. D. D’Agostino stated that they understand that.

William Worthy stated that he provided the sound data for the Chelo’s on the Waterfront lawsuit and asked what is the volume decibel the Council requires. Councilor G. Steere replied that W. Worthy is an expert at that because it is his business, however the Council is not. W. Worthy noted that you can have a small amplified guitar and be under the requirements, even though it is amplified. W. Worthy stated that once you find out what that ratio is, local law enforcement can have something to use to issue a citation if a band is too loud.

Councilor G. Steere stated that common sense and judgement go a long way and it’s not like the Chief will send somebody there every time there is a birthday party and try to figure out if it is too loud or not.

Councilor Reichert stated that some of the neighbors are not here tonight and he wondered if they are aware of the change in the plan.

W. Worthy stated that when he did Chelo’s, they had to find a number that was acceptable to everybody and it is easier to give a number of a ratio of what the volume can be, then you can act on it; if you’re within the ratio, everything is fine, but if you break that, you are in violation.

Councilor Forgue stated that unfortunately, we don’t have those technical numbers. Councilor Forgue stated that his suggestion would give the Hills the opportunity to control what noise they make knowing that they have two (2) days a month to do acoustical and two (2) days a month to do amplified. Councilor Forgue agreed that good judgement goes a long way and this is a trial period for them to go further with their business.

Councilor G. Steere stated that the Council will know if it is too loud because their phones are going to be ringing.

Councilor W. Steere mentioned that David Piccirillo, who is a professional musician, spoke at the prior meeting against the outdoor entertainment license for many of the reasons that were discussed. Councilor W. Steere stated that we have to balance this. Councilor W. Steere stated that the easy thing to do would be to say no, but we want to give people a chance to prove themselves, and Councilor Forgue's suggestion would give them a trial period.

Councilor G. Steere stated that the Council wants the applicants to use their judgement, adding that the Council can shut it down if it gets out of control.

Councilor W. Steere summarized that they can have acoustic any night of the week, amplified twice a month, not consecutive weekend days, May through November. Councilor Forgue noted that April sometimes has nice weather. Councilor W. Steere stated that the hours would be from 2:00 p.m. to 8:00 p.m., no more than four (4) hours at a time.

Councilor G. Steere asked if anyone else wished to be heard. Hearing none, Councilor G. Steere DECLARED the Public Hearing CLOSED.

Councilor W. Steere asked the applicants if they wished to wait until the next meeting for the Council to come up with the correct wording of the motion. Tim Kane, Town Solicitor, stated that he will formulate a motion now from his notes.

Councilor W. Steere asked Joseph DelPrete, Chief of Police, if he has any concerns. Chief DelPrete replied that they have a large capacity and will have to have crowd control if it is necessary to bring the people inside. Regarding parking on Route 44, Chief DelPrete stated that a parking plan would be submitted as in the past. Lastly, Chief DelPrete stated that they must also be more conscious of their closing time.

Councilor W. Steere asked if crowd size and coordination with Public Safety should be addressed in the motion. Councilor G. Steere replied that this would apply if they come back for a Special Event, which is more than normal business. Councilor W. Steere stated that he feels if large crowds are expected, the Town Clerk and the Police Chief should be contacted. T. Kane stated that this stipulation could be added if an incident occurs where there is a large crowd and the Police Department is not notified.

T. Kane stated that the motion is worded to state that amplified music is limited, so it is implied that they can have acoustical non-amplified any time. Councilor W. Steere asked if amplified music rises to the level of a Special Event. T. Kane replied that it is an eating and drinking establishment and they are going to have music. T. Kane stated that if they have other outside events, such as a bike run or fund-raiser, it will be a Special Event, over and above regular business. Councilor W. Steere asked if we are turning that into regular business, twice a month. T. Kane replied in the affirmative.

Councilor W. Steere expressed concern about turning that into a regular part of the business versus Special Event, which the Council regulates more. T. Kane stated that May through November is seven (7) months, with a total of 14 days of outdoor amplified music. Councilor G. Steere noted that if they come for a Special Event, it will have to fall on one of these 14 days and will not be an additional occurrence. T. Kane stated that Special Event requests are in November.

MOTION was made by Councilor Reichert to GRANT an Outdoor Entertainment License for Hill's Tavern and Grill, LLC, d/b/a Hill's Tavern and Grill, 417 Putnam Pike; amplified music shall be limited to two (2) times per month on non-consecutive days, from 2:00 to 8:00 p.m. not to exceed four (4) hours, limited to Friday through Sunday or holidays from April through November; seconded by Councilor Forgue.

Discussion: None.

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

MOTION PASSED

VI. Consent Items - Discussion and/or action

A. Approval of Town Council regular meeting minutes of January 17, 2019

B. Pole Grant- Propose New Joint Owned Pole, Location: Putnam Heights Road

MOTION was made by Councilor Reichert to APPROVE the Town Council meeting minutes of January 17, 2019 and to APPROVE the Pole Grant for a proposed new joint owned pole to be located on Putnam Heights Road; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

VII. Unfinished Business

A. Creation of Board and/or Adoption of charge relating to Economic Development - Discussion and/or Action

Discussion: Councilor G. Steere stated that we have a draft charge for Council consideration. Councilor G. Steere stated that after the Council adopts a charge, we need to adopt an ordinance to create the commission per the Charter.

Jean Fecteau, Town Clerk, stated that the charge she put together, with some help, was taken right from the Comprehensive Plan and is a broad-based idea for Economic Development. J. Fecteau stated that according to the Charter, the Council can create new boards and commissions by Ordinance. J. Fecteau stated that if the Council adopts the charge, she can schedule a First Reading on an Ordinance, then the following month, the Council would hold a Public Hearing for an

Ordinance to create the Gloucester Economic Development Commission.

Councilor G. Steere asked if this is the same charge we previously had. J. Fecteau replied in the negative, stating that the Comprehensive Plan was updated in 2018, and this charge is taken from the new Comp Plan.

MOTION was made by Councilor Reichert to ADOPT the charge, as presented, for an Economic Development Commission to be included in a proposed Ordinance, to be considered for passage after Public Hearing, pursuant to the Home Rule Charter C13-10; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

- B. Town Council Liaisons for Boards, Comm. & Depts.- Discussion and/or Action
  - 1. Economic Development

Councilor G. Steere stated that this item should be tabled until the Council adopts the Ordinance.

MOTION was made by Councilor Reichert to TABLE the appointment of a liaison to the Economic Development Commission until the Commission is established by ordinance; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

- C. Eagle Scout Project Request to Council - Discussion and/or Action

Tim Kane, Town Solicitor, stated that he contacted the Trust and they have provided a waiver which he has tailored to the situation. T. Kane stated that he has spoken to Patrick Shields' mother and father, who is a certified scuba diver. T. Kane stated that they will have several adult certified divers go into the water but no minors will be allowed to dive and will remain on the beach. T. Kane stated that all participants will be required to sign a waiver and minors' parent or legal guardian will sign a waiver. T. Kane stated that the cleanup is weather-permitting, so he proposes that the Council give them a Saturday and Sunday and the Town and Police Chief would be notified of the date of the project.

Discussion: None.

MOTION was made by Councilor Reichert to approve the Patrick Shields Eagle Scout Spring Grove

Beach Cleanup Project with the following conditions:

- the event shall take place on a Saturday in April with 48 hours advanced notice to the Town

-only adult certified scuba divers are allowed to dive

- all participants in the cleanup shall sign a waiver prepared by the Town Solicitor, a parent or legal guardian shall sign on behalf of any minors;

seconded by Councilor W. Steere.

Discussion: Councilor G. Steere asked Bob Shields, Recreation Director, if he had any comments. B. Shields stated that he has no concerns regarding this project.

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

MOTION PASSED

#### VIII. New Business

##### A. Compensation study report for (non-DPW) –non-union employees - Discussion and/or Action

Don Jacobs, principal of D. I. Jacobs Consulting Company, stated that three (3) months ago, he started the process to review the compensation of non-union general government positions and non-union Police positions. D. Jacobs stated that the Council has information relative to a proposed classification plan which was developed the same way as the classification plan for the Public Works Department.

Councilor G. Steere stated that tonight we are looking at the grade levels and we have the comparison of salaries of compatible towns. D. Jacobs stated that there are four (4) grade levels being recommended, each with its own salary range. D. Jacobs emphasized that once the Council approves a plan, the next thing that will come before them will be a set of administrative policies that describe how we have written job descriptions, surveyed the marketplace and how to determine how to pay employees, to hire and also retain them.

Tim Kane advised the Council to adopt the compensation study report and put on the next agenda to adopt a classification plan. T. Kane stated that this would give the Finance Director and the Budget Board enough to work with and allow the budget process to go forward.

T. Kane referred to Grade Level 1, minimum years of prior work experience of 3 to 5 years, and asked if this precludes hiring somebody right out of college. D. Jacobs replied in the negative, stating that there is a phrase in the job description that gives the Council flexibility regarding the qualifications of an applicant.

MOTION was made by Councilor Reichert to ACCEPT the Compensation study report for (non-DPW) –non-union employees as presented; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

Don Jacobs stated that he wished to publicly thank Diane Brennan, Finance Director, for her cooperation and support during the last three months.

Jean Fecteau, Town Clerk, stated that at the next meeting, the Council needs to adopt both the Classification Plan and the Compensation Plan.

B. Historic District Commission - Discussion and/or Action

1. Discussion re: Possible changes to current Ordinance and/or Rules and Regulations

Councilor Forgue stated that he put this on the agenda because he has spoken with members of the HDC and it was suggested that some changes be made to the Historic District Ordinance. Councilor Forgue expressed his opinion that it is an “uphill climb” for the HDC to direct homeowners to paint their houses, paint their fences, etc. Councilor Forgue suggested that we loosen up the rules for people who are living in those houses now, and if the properties are sold, put it in their deed restriction that the rules of the Historic District must be followed. Councilor Forgue commented that the committee is a good one, but when property owners have violations, nothing seems to get done.

Charlie Wilson, chair of the Historic District Commission, stated that the people that do follow the rules are trying to change the look of the Village in a good way to help bring in new business. Councilor G. Steere asked C. Wilson if there are grants available to help people in this regard. C. Wilson replied that there are Federal and State grants available for which he has given out applications to several homeowners. Councilor Forgue inquired if these grants must be paid back by the homeowner. C. Wilson responded that some do and some do not; it depends on what the applicant is doing and what they are asking for.

C. Wilson distributed packets to the Council members outlining what the Commission has done over the past year and a half. C. Wilson asked the Council to read through the material and he would like the Council members to attend a meeting of the HDC to discuss the reasons behind some of the proposed changes. C. Wilson noted that the Commission has been charged in the Comprehensive Plan to preserve and enhance this Village, adding that most towns have lost their villages. C. Wilson stated that he is willing to work with the Economic Development Commission to save what we have while at the same time go forward and promote business.

Councilor Forgue expressed his personal opinion that the Historic District is one of the biggest things

we need to get squared away in order to make the Economic Development Commission work. Councilor Forgue stated that he knows there are some folks in town who would be hard-pressed to fix their homes in the Historic District and maybe moving forward, if these people sell their home, the new buyer would understand what must be done due to some type of deed restriction.

C. Wilson stated that some of the realtors will give his name to prospective buyers so they can call and ask questions regarding the limitations of the Historic District so they have an idea of what they can do.

After further discussion, there was Council consensus to schedule a workshop with the Historic District Commission for March 27, 2019.

C. Wilson thanked the Council for their time.

C. Authorization of correspondence - Discussion and/or Action

1. To: Gloucester Business Association

Re: Request for volunteers to assist Parade Committee

Councilor G. Steere stated that Vinny Lepore from the GBA is present tonight but he suggested formally sending a letter reaching out to the GBA for volunteers to help the Parade Committee.

Discussion: Vin Lepore stated that he spoke of this at the GBA's last meeting and has asked for volunteers from the board. V. Lepore noted that there already is an online application which he has sent to the members. Councilor G. Steere stated that it sounds like a letter is not necessary. V. Lepore stated that the GBA is in favor of doing anything they can do to help.

D. Personnel - Discussion and/or Action

1. Finance Office - Seek to fill vacant position

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

To: Honorable Town Council

From: Diane L. Brennan, Finance, H/R Director

Memo: Vacant Accounting Position

Date: February 5, 2019

Once again there is a vacant position in the finance/treasurer's department. At this time, I would like to advertise for an accountant position in the office. As the recent attempts to fill the job have not worked out very well, I would like to advertise the position to attract a wide range of candidates. In the past, I have been most interested in an individual with work experience in the accounting field. While I feel this is important, I may have overlooked candidates with little actual experience in the accounting field but those with an educational background that demonstrate their ability to perform the job. This may be a degree from a institute of higher learning or related course work that indicate a level of competence in the profession.

Based on the most recent compensation evaluation, I would submit to a pay range commensurate with the candidates ability. The hiring salary range would start at \$46,000 to \$52,000. Based on

qualifications and experience this range should be adequate to fill the position.

I would ask the council for their approval to advertise for the position with the aforementioned comments.

(End of memo)

Discussion: None.

MOTION was made by Councilor Reichert to AUTHORIZE the Finance Director to begin the process to seek applicants to fill an accountant position in the Finance Office at a hiring salary range of \$46,000 to \$52,000 commensurate with candidates ability; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

2. Police Department - Appointment of part time Dispatcher

Councilor G. Steere read the following request from the Police Chief:

To: Honorable Town Council  
From: Chief Joseph DelPrete  
Date: February 1st, 2019  
Subject: Police Department Dispatcher Position

Dear Council Members,

I would respectfully request to appoint Bianca Borges, of Gloucester to a part-time dispatch position on the Gloucester Police Department. Ms. Borges is currently a full time police dispatcher with the Central Falls Police Department and former Harmony Department firefighter. She has extensive dispatch experience and familiarity with all Gloucester Fire Companies. Mrs. Borges required little training to start this position and has successfully passed a police department background investigation.

I further would request that this appointment be effective starting the week of February 3<sup>rd</sup>, 2019 at an **hourly rate of \$17.51**. This position is scheduled for up to 16 hours per week with no fringe benefits.

Respectfully Submitted,

Joseph DelPrete

(end of request)

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT Bianca Borges to the position of part-time dispatcher on the Gloucester Police Department, effective starting the week of February 3<sup>rd</sup>, 2019,

at an hourly rate of \$17.51. This position is scheduled for up to 16 hours per week with no fringe benefits; seconded by Councilor Forgue.

Discussion: Diane Brennan, Finance Director, stated that she sent an additional letter stating that the candidate has done 12 hours of training at \$10.10 per hour.

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

MOTION PASSED

E. Boards and Commissions - Discussion and/or Action

1. Appointments

a. Parade Committee

Request to move Alt. #3 to regular position #4

Councilor G. Steere stated that the Parade Committee is asking that Tanya Botelho, the Alternate #3 member, be moved up to the regular position #4 spot.

Discussion: None.

MOTION was made by Councilor W. Steere to APPOINT Tanya Botelho to the Parade Committee position #4; seconded by Councilor Forgue.

Discussion: Councilor W. Steere noted that the reason for this is because she was willing to be the Chair of the Parade Committee.

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

MOTION PASSED

b. Conservation Commission

One Alternate 1-year term

Councilor G. Steere stated that this item is for the expired term of Stephen Clifford. The Chair has indicated that Mr. Clifford wishes to be reappointed.

MOTION was made by Councilor W. Steere to REAPPOINT Stephen Clifford to the Conservation Commission for the one year Alternate position to expire 2/2020; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

- c. Land Trust
  - Two At-Large members
  - Conservation & Planning Board designees

Councilor G. Steere stated that this item is for the expired terms of Roy Najecki, Conservation Commission designee to Land Trust and Janine Pitocco, Planning Board designee to Land Trust.

Councilor G. Steere stated that the Conservation Commission has voted to forward Roy Najecki's name to the Council and the Planning Board will vote on their designee at their next regular meeting.

MOTION was made by Councilor W. Steere to REAPPOINT Roy Najecki to the Land Trust to serve as the Conservation Commission designee to Land Trust for a one year term to expire 2/2020; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

MOTION was made by Councilor W. Steere to TABLE the appointment of a Planning Board designee to the Land Trust to the Council meeting of March 7, 2019; seconded by Councilor Fergie.

Discussion: None.

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

MOTION PASSED

F. Earth Day 2019 Project - Discussion and/or Action

Councilor G. Steere stated that Councilor Henry had put this on but was unable to be here tonight and has asked that it be tabled until the next meeting.

MOTION was made by Councilor W. Steere to TABLE Earth Day 2019 Project - Discussion and/or action until the next regularly scheduled Town Council meeting; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

G. Town Buildings - Electric supply procurement options - Discussion and/or Action

Councilor G. Steere stated that the Council has received a copy of a National Grid Rhode Island Interval Data Request Form that needs to be signed in order for our use of energy information to go to Constellation NewEnergy, Inc. Once they get the Town's information they can send information on rates and fluctuations over time to better prepare the Town to decide whether to enter into a future REAP agreement.

MOTION was made by Councilor W. Steere to AUTHORIZE Diane Brennan, Finance Director, to sign the Data Request and begin the process of receiving future pricing information from Constellation NewEnergy, Inc.; seconded by Councilor Reichert.

Discussion: Councilor Reichert asked if this will affect a possible solar agreement. Tim Kane, Town Solicitor, replied that this does not lock us in to anything. Diane Brennan stated that this is just an exploratory thing and there is no cost to the Town.

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

MOTION PASSED

H. Authorization for signature: D.E.M. 2019 Phase II Storm Water Annual Report regarding Rhode Island Pollution Discharge Elimination System (RIPDES) Discussion and/or Action

Councilor G. Steere stated that Karen Scott, Planner has requested the Council President signature on the Phase II Storm Water Annual Report prepared in accordance with the Rhode Island Pollution Discharge Elimination System (RIPDES) program. Councilor G. Steere stated that this report will be forwarded to RIDEM after the period for public comment has passed.

Karen Scott explained that there will be a 2-week period for public comment, beginning next Thursday, and if anything major comes out of the public comments, she will report back to the Council. Councilor G. Steere thanked K. Scott for completing the report. K. Scott stated that she received a lot of help from the Public Works Department and the Zoning Official.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the RIPDES Small MS4 Annual Report for 2018 to be submitted to DEM at the close of the required public comment period; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

I. Foster/Glocester High School - Permitting of construction projects - Discussion and/or Action

Ken Johnson, Building/Zoning Official, stated that he met with the architect on Monday at the construction site of the addition to the agricultural building at the high school. K. Johnson stated that the architect sent him a letter indicating that they were good with what was installed, however, K. Johnson told him that we really need the engineers to send him something. K. Johnson stated that he met with the engineering firm on Wednesday and toured the site. K. Johnson stated that he was not able to do the inspection when the job was halfway completed but the engineering firm has certified that the walls are good to go. K. Johnson stated that he sees no need to take the walls down even though the contractor proceeded without the proper permitting. K. Johnson stated that he feels that imposing a fine to the contractor is sufficient.

Councilor W. Steere stated that if the engineer signs off and something happens, it will fall on them. Councilor W. Steere asked how long the engineering firm has been in business. K. Johnson replied that they are an established firm that has been around for a long time.

K. Johnson stated that the site was locked down by us but when he went back on Monday, they had taken down the stop work orders and were working. Councilor W. Steere commented that we can't trust them and asked if Dr. Barnes understands this. K. Johnson replied that he hasn't had a conversation with Dr. Barnes as of yet, but he is sure that he understands. Councilor W. Steere stated this is the third offense that we know of. Councilor W. Steere stated the Building Official shouldn't be the last person to know when there is building.

Councilor Reichert stated that when companies bid on a project, it is spelled out in the bid specs what they need to do. Councilor Reichert stated that the contractor is responsible for it. K. Johnson stated the Fire Department had to wait two months for the necessary information.

Councilor G. Steere asked if we, as the Town, are all set now that the engineer has signed off. T. Kane replied in the affirmative.

Councilor W. Steere expressed concern that a half-million tax dollars are being spent and nobody is watching what is going on. Councilor Reichert stated that they should have a Clerk of the Works who makes sure that they get it all.

K. Johnson stated that when they came into the office initially, their plans had been submitted to the Fire Department, but the contractor pleaded with him to allow the foundation to be put in before the cold weather. K. Johnson stated that he issued a foundation-only permit and told the contractor that he could not go any further. Councilor G. Steere stated that K. Johnson trusted them, but now he knows he can't.

Councilor G. Steere stated that another project at the school was the gas tank which was done last year. Councilor G. Steere stated that at the School Committee meeting this week, Dr. Barnes showed him and School Committeeman Burlingame signed permits dated October of last year.

Councilor G. Steere asked if that was all after the fact. K. Johnson explained that there was some confusion and the trenching electrical permit was obtained and the trenches were inspected, but the mechanical permit was not pulled until after the tank was installed. Councilor G. Steere stated that Dr. Barnes believes those permits were all pulled in a timely manner and asked Walter Steere, Jr. and John to let him know that the permits were not pulled until after the tanks were installed.

Councilor W. Steere stated that it is incumbent upon the contractors to come to us when they do work. Councilor W. Steere mentioned the light posts that were put in without the Council's knowledge. K. Johnson stated that he knows what his responsibilities are and he wants the school to know what their responsibilities are.

Councilor Fogue stated that this has happened three (3) times and will continue if we don't come up with some sort of plan to prevent this from ever happening again. Councilor G. Steere stated the contractor is going to be fined and should catch his attention. Councilor Fogue suggested that when the contractors come into town to work on a public building, K. Johnson could meet with them to reiterate what the procedure is. K. Johnson stated that it is the contractor's responsibility.

Councilor W. Steere stated his opinion that we should go to the person who is there day to day, Dr. Barnes, and hold him accountable. Councilor W. Steere pointed out that this has happened several times and these are not small projects. Councilor G. Steere noted that it is not a warehouse; it is a school building for the children. K. Johnson stated that all we are trying to do is make sure that the buildings that go up are safe, but he cannot do his job if they don't inform him. Councilor W. Reichert reiterated the contractors are responsible and risk losing their license if they don't conform.

IX. Town Council Correspondence and/or Discussion

- A. Councilor G. Steere stated that correspondence was received from the Blackstone Valley Tourism Council regarding \$27,000 for technical support for activity and attractions in local areas and \$23,000 for marketing and awareness programs for the Blackstone Valley, asking if the Town wants to participate. Councilor W. Steere suggested that this be sent to several departments for their consideration. Jean Fecteau, Town Clerk, stated that she will forward the correspondence.
- B. Councilor G. Steere stated that a letter was received from the City of Central Falls asking for a Resolution of Support regarding municipal tobacco licensing.
- C. Councilor G. Steere stated that a letter was received from the Police Dispatchers Union 1322 requesting to begin negotiations for the next contract.
- D. Councilor G. Steere stated that an invitation was received from the GBA for the Council to attend their meeting on April 25<sup>th</sup> at the Senior Center.

- E. Councilor G. Steere stated that correspondence was received from Lt. Gov. Dan McKee, stating that he plans to re-introduce the Utility Emergency Response Bill, which is designed to set performance standards for response and communications from the utilities to the municipalities during emergencies. Councilor G. Steere stated that any and all fines collected would be credited back to the Rhode Island ratepayers.
  - F. Councilor G. Steere stated that a Resolution was received from the Smithfield School Committee regarding the State Education Funding Formula. Councilor G. Steere explained that the request is for the State to stabilize the level of education aid provided to cities and towns, at the 2018/2019 level, for the next two (2) years. Councilor G. Steere stated that the Smithfield School Committee is looking for our support of the Resolution to the State.
  - G. Councilor G. Steere stated that correspondence was received from PowerOptions and Constellation which was discussed earlier. Councilor G. Steere stated that agreement will be signed to get further information.
- X. Department Head Reports/Discussion
- A. Karen Scott, Town Planner, spoke regarding a State project request for improvements to Reynolds Road from the Foster town line to Route 44. K. Scott stated a major amendment to the plan is being proposed and there is a scheduled public comment period. K. Scott noted that this project has been a number one priority for the town. K. Scott stated the repaving was scheduled for FY 19 but was bumped to FY 22/23 and has again been bumped to FY 23/24/25. K. Scott stated that if the Council wishes, she will prepare a letter asking DOT to reconsider. Councilor Reichert stated that with Factory Mutual, there is a lot of truck traffic on Route 94 which is tearing the road up. Councilor W. Reichert stated it is embarrassing what a mess it has become and asked K. Scott to stress the number of trucks on that route. Councilor G. Steere commented that it is a global company with visitors from all over the world. Councilor G. Steere suggested including all of our Representatives in the correspondence.
  - B. Councilor W. Steere congratulated Joseph DelPrete, Chief of Police and his department on a recent drug bust.
- XI. Bds. and Commissions Reports/ Discussion
- A. David Steere, Budget Board chair, gave the Council an update on the budget process. D. Steere stated the Budget Board has met with all parties requesting funds and will be ready to meet with Council on Feb. 25<sup>th</sup>. D. Steere commented that we are restricted to a 4% cap on the levy, which is roughly \$800,000, and stated that the Region's budget, which the Council has little or no control over, has come in at \$550,000. D. Steere stated that leaves \$250,000 to be used by the local schools, three

union contracts, non-union salaries, and town operations. D. Steere recommended budgeting wisely. Councilor W. Steere asked if that includes the proration of students. D. Steere replied in the affirmative, stating that the proration was only \$36,000. D. Steere stated that Foster's contribution is being decreased by \$115,000. Councilor W. Steere stated that hopefully, the School Committee heard us when we said that whatever money is spent at the Region is not going to get spent at the elementary schools. D. Steere stated that when the Budget Board met with the Gloucester Schools, there was little interest from the Gloucester School Committee regarding the Gloucester School budget.

- B. Walter Steere, Jr., School Committee member, stated that the budget at the Region indicates that they are going to take some of Gloucester's pass-through money. W. Steere, Jr. stated the budget at the region will be the 2.5. Councilor G. Steere thanked W. Steere and Jon for standing up against that at the meeting. W. Steere, Jr. stated that one Gloucester School Committee member recommend that they take the whole \$300,000 of the pass-through money away. W. Steere, Jr. stated that he asked the Gloucester School Committee's legal representative to look at this. Councilor G. Steere stated that it is discouraging to see people from Gloucester on the School Committee stabbing their own town in the back. W. Steere, Jr. stated that now that "he" knows "he" can take that money out of the pass-through "he" will add more buses (for busing out of town pathway students) at will.

There was discussion concerning the "Pathways" program. Councilor W. Steere commented that we are paying more per student than people that are coming in from other towns. Councilor G. Steere stated that we are subsidizing those students by a couple of thousand dollars each. Councilor W. Steere expressed hope that people attend the Regional Financial Meeting and voice their opinions.

## XII. Open Forum

- A. Jean Fecteau asked the Council to continue to try to do something about the situation at the schools of work being done without permits. J. Fecteau stated that she understands that the contractor is responsible and probably won't do it again, but the school will continue to do it. J. Fecteau stated that as taxpayers, we give the school a lot of money, and she expects them to be responsible and oversee these projects. J. Fecteau stated she would expect the school to care that they were mispending tax dollars.

J. Fecteau pointed out that the Town has wasted more time and resources chasing them down trying to get permits completed. J. Fecteau expressed her displeasure at paying an inspector to work on Saturdays because of the schools actions.

J. Fecteau stated that she would like to know if the contractor has included the cost of permits, that he didn't pull, in his bill to the schools. J. Fecteau stated that she believes the contractor was reimbursed for permits that were not pulled.

- B. Will Worthy asked the Council for two (2) citations to acknowledge the Police and Fire Departments to acknowledge Glocester being voted one of the safest towns in the State of Rhode Island. W. Worthy stated that the awards will be given out on St. Patrick's Day at an event at Hill's Tavern. W. Worthy stated that this would be something to bring the community together. There was Council consensus to prepare citations from the Town Council.

### XIII. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 9:37 p.m.; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED