

At a Workshop of the Town Council & the Gloucester Land Trust holden in and for the Town of Gloucester on October 22, 2019:

I. Call to Order

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

II. Roll Call

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

Also Present: Jean Fecteau, Town Clerk; Atty. T. Kane
Gloucester Land Trust members: Mitchell; Pitocco; Najecki; St. Pierre; Piccirillo; Atty. Bevilacqua; Secretary Rix
State Reps.: Chippendale, Hawkins and Place
State Sen.: de la Cruz

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Workshop with Land Trust

A. Hawkins Pond Dam Project

Councilor G. Steere introduced Gloucester's legislators to all present and thanked them for attending.

Troop 44 Master M. Beltram explained Troop 44 was present at tonight's workshop to observe government in action, a requirement towards receiving a Citizenship badge. M. Beltram thanked Council.

Councilor G. Steere turned this portion of the meeting over to the Land Trust Chair, Steve Mitchell.

S. Mitchell gave an overview and explanation of the issues and repairs to be made at the Hawkins Pond property and the direction they feel should be taken.

S. Mitchell introduced Matthew Bellisle, P.E., from Pare Corporation, who explained with a power point presentation the research they have done and the proposed plan going forward. Mr. Bellisle explained he was a Dam Engineer, and that he feels the Land Trust has been proactive in caring for the property, but that the dam is over 100 years old and now it must meet current day standards. Mr. Bellisle introduced David Matheson, a Senior Project Engineer, also with Pare Corporation.

Mr. Bellisle explained the research they have done and the facts relative to the spillway at the Hawkins Pond. Mr. Bellisle explained the dam has to meet the standards for Rhode Island, which are a bit in flux because regulations are going to be changing. M. Bellisle explained the high hazard classification, which means that if the dam fails, there will be loss of life and property damage. M.

Bellisle noted that this dam will always be a high hazard dam, even after repairs are done, but that doesn't mean that it is unsafe. M. Bellisle stated that we will be up to current standards but still have the potential for loss of life if the dam were to fail. M. Bellisle stated that we are trying to improve the condition of the dam itself to decrease the likelihood of failure.

M. Bellisle referred to the work done at this location in 2012, repairing the lower level outlet, stating the town did the first step which was very helpful and was the first phase of repair. Mr. Bellisle stated that the town implemented a good design and the work was well done.

David Matheson gave an overview of the components of the dam and its deficiencies, as indicated on the power point handouts. D. Matheson stated that the trees were removed in 2012 which was good but now the stumps need to be addressed. D. Matheson noted that the spillway is in decent shape, except for the walls on either side, which are tilting and cracked. D. Matheson stated that to address the seepage, they are proposing a toe drain along the backside of the dam. Councilor G. Steere asked if this is to stop the seepage or just contain it in the trench. D. Matheson replied that we need to control it.

There was discussion concerning the potential cost of the repairs. M. Bellisle stated that we are still in the early stages of design and are using information from projects which have been bid out this year to develop an opinion of probable cost. D. Matheson stated that half of the cost is for the new spillway and the other half is the dam itself. D. Matheson and M. Bellisle reviewed the work to be done and noted that they will be reusing existing materials when possible. M. Bellisle stated that we are looking at approximately \$1,000,000 with about \$30,000 in performance bonds that we will want the contractor to hold. M. Bellisle noted that some contingencies have been included.

Councilor Henry asked where the water will go when the pond is emptied. M. Bellisle replied that we will be able to draw down the water in a controlled fashion and it will be sent downstream. Councilor Henry asked if there is concern that anyone will be affected by that draw down. M. Bellisle replied that it will be monitored during the draw down so no one will be washed out.

Councilor W. Steere asked if this includes studies by DEM, since we would be disturbing a lot of habitat. M. Bellisle replied that an owner of a high or significant hazard dam only has to file one (1) permit with the Dam Safety Program. M. Bellisle stated that the typical wetlands procedures do not apply here, however where we are impacting some of the wetlands, we will have to show our best management practices.

Councilor W. Steere stated that in 2010 or 2011, we had a 500-year event where we had between 12 and 14 inches of rain within 48 hours. Councilor W. Steere asked if the design would change if we were grandfathered in. M. Bellisle responded that we are not grandfathered in. Councilor W. Steere asked if we were grandfathered in, based on previous regulations, how different would the project be. M. Bellisle stated that the spillway would be smaller. Councilor W. Steere asked if the version presented is the "Cadillac" version or just to get us by. M. Bellisle replied that this would bring us into compliance with what DEM is telling us is coming. M. Bellisle stated that we don't want to just improve the current spillway, then when DEM promulgates the new regulations in two (2) or three (3) years, they tell us it doesn't meet standards and must be rebuilt.

Councilor W. Steere asked what other options are available to the Land Trust for this project. M. Bellisle replied that we could look at full dam removal, but his opinion is that would not be a viable option. M. Bellisle stated that other scenarios with different spillway configurations were evaluated, but they would be quite costly.

The Council members had further questions. Councilor Forgue stated that there is contamination at the bottom of this pond and we don't want to disturb it at all. M. Bellisle concurred and stated that we don't want to send the sediment to the downstream area. D. Matherson spoke but was inaudible on the recording.

Councilor W. Steere spoke regarding the ½ PMF (probable maximum flood) and stated that in 2010 we had nearly a ½ PMF when we had 12 inches of rain in less than 48 hours. Councilor W. Steere stated that the dam was 100 years old and held it before any improvements.

Councilor Henry stated that in M. Bellisle's opening statement, he said that we were not grandfathered in. Councilor Henry asked if we have a legal opinion in writing to that effect. M. Bellisle replied that it has not been received in a legal opinion but that information has come directly from the Director from the Office of Compliance and Inspection. John Bevilacqua, attorney for the Land Trust, stated that the regulatory agency has the authority to invoke what Councilor Henry is concerned about.

S. Mitchell stated that the Land Trust has made the determination to go forward with the project at the ½ PMF regulations so that future Land Trust trustees would not have to revisit this for many years. S. Mitchell further noted that we are on the border of another state and we wanted to be sure that what we were doing would not have an adverse affect on the regulations of another state.

Roy Najecki, Conservation Commission and Land Trust member, stated that we know we will have to do this eventually, so we should do it right the first time. R. Najecki stated that we do not have a Notice of Violation from DEM right now and are not required to do anything, but we should do something sooner rather than later.

Steven St. Pierre, Land Trust member, stated that the Land Trust has discussed removing the dam as a viable option, but the engineers indicated that it would probably be more costly. S. St. Pierre further stated that since that property was bought from DEM, we cannot remove the dam or alter the pond at all. R. Najecki stated that the Land Trust acquired a grant to buy the property as open space. R. Najecki noted that if the dam were removed, it would expose contaminated soil and we would be dealing with a hazardous waste situation which would cost millions to remedy.

Councilor W. Steere stated that with the current regulations, the scope of the project would be much smaller, which means the cost would be much smaller. M. Bellisle stated that the spillway would be smaller but all of the embankment work would still have to be done. M. Bellisle stated that there would be savings, but it would not cut the spillway cost in half; the savings would only be approximately \$100,000.

Councilor W. Steere expressed his opinion that we are in a no-win situation because there is no real

option. M. Bellisle stated that we could do those other approaches, but when those regulations come forward, we would spend more money at that time. M. Bellisle further stated that there is the issue of risk and liability to consider.

S. Mitchell stated that this is the most cost-effective way to address the issue of the restoration of the dam. S. Mitchell stated that \$1.3 million is not a significant amount for the Town, but what would be significant is if we did nothing and had a major problem. S. Mitchell stated that they looked at all the scenarios and feel that this is the best approach at this time.

Councilor G. Steere disagreed and stated that this is a significant amount for the Town, however expressed agreement that this is probably the correct way to do it. Councilor G. Steere stated that these regulations are not 25 years off; they are a year or two down the road at most.

R. Najecki stated that the money aspect has been discussed and there are some possibilities of grant funding to reduce our out-of-pocket costs. Councilor G. Steere stated that DEM talked us into buying this property years ago and they should consider giving us a grant to fix the dam.

Councilor Henry asked about the timing of this project. M. Bellisle replied that we are in the design process and expect the design and permitting to wrap up in the next six (6) months. Councilor W. Steere asked hypothetically if a five-year plan is too long. M. Bellisle stated that the dam has deficiencies and will continue to deteriorate, but he does not know at what rate. Councilor W. Steere stated that if we have time, we could put funds aside every year and not have to go to the voters.

Councilor G. Steere asked if half of the project could be done now and the other half in two (2) years. M. Bellisle replied in the negative, stating that the repairs are all integral to each other and this would not be a good cost-effective approach. M. Bellisle stated that the project would take about 18 months, start to finish. Councilor Henry stated that if we have to go to bond, it would be on the 2020 ballot or a special vote would have to be held, as well as public hearings to educate the taxpayers.

Atty. Bevilacqua spoke regarding the assistance that municipalities can ask for and receive from their legislative delegations. J. Bevilacqua stated that funding whether through the state budgeting, bonds or grants can be done with the help of these legislators. J. Bevilacqua stated the Land Trust painstakingly reviewed the options available to address this liability.

There was discussion regarding the process of asking for help from the State. Representative Mike Chippendale stated that we can specifically legislate for this, adding that he feels the only way to go is with the \$1.3 million project. Rep. Chippendale stated that Gloucester's delegation in the legislature will do everything they can in conjunction with the Land Trust and the Town Council. Rep. Chippendale stated that this is not potholes and chatter strips, it is loss of life and habitat, and won't be ignored. Rep. Chippendale again stated that they will work as hard as they can to make sure this issue is on the forefront.

Councilor G. Steere referred to several funding sources for dams and levies that are owned by governmental entities. There was discussion regarding a Hazard Mitigation Plan grant program.

Councilor G. Steere stated that our EMA Director is in constant contact with FEMA.

S. Mitchell thanked the engineers from Pare Corporation for their presentation as well as our State Representatives for their attendance and for offering their assistance. S. Mitchell stated that there are still several steps to be finalized before the Land Trust gets back to the Council. Councilor G. Steere asked S. Mitchell if they have paid for the plan to be finalized. S. Mitchell replied that they are getting very close. M. Bellisle stated that at the end of their contract, we will be shovel-ready.

Rep. Chippendale suggested that the Council pass a Resolution now asking for legislation to fund this project while everyone works on alternative funding sources. Councilor G. Steere stated that it is not on the agenda tonight but will be on the next agenda.

The Council members thanked all for their attendance. M. Bellisle thanked the Council, Land Trust and distinguished guests for their time.

B. Maintenance of Land Trust Properties

C. Land Trust Volunteer Policy

Steve Mitchell, Land Trust chair, stated that both of these issues are ongoing and are standard items on the Land Trust's agendas. S. Mitchell stated that they have a maintenance plan and asked what the issue was.

Councilor G. Steere stated that this got put on the agenda because we received complaints about some of the trails, not just Land Trust trails but Town trails as well. Councilor G. Steere stated that the DPW crew has cleaned up some of the ones at Heritage Park. S. Mitchell noted that when these matters are brought to their attention, they are addressed immediately.

Steven St. Pierre, Land Trust member, stated that a Trail Inspection Policy was adopted in February of 2015 and has been followed ever since, adding that no issues have been brought to their attention until now. S. St. Pierre noted that in the spring of this year, he removed 42 downed trees from Steere Hill by himself. Regarding Phillips Farm, S. St. Pierre stated that it was devastated due to gypsy moths. S. St. Pierre stated that inspections were performed on 9/28 and 10/1 and noted that 23 trees were removed. S. St. Pierre commented that it is an ongoing thing. S. St. Pierre stated that the beginning 100 to 150 feet of Steere Hill is starting to get overgrown and the DPW has helped in the past by going in with their tractor to cut that back. S. St. Pierre stated that they have requested assistance but the DPW can't do it because they are short-handed. Regarding the fields, S. St. Pierre stated that it has been two (2) years since they have been mowed because Russell Gross was ill.

Councilor Forgue stated that he can attest to the work that R. Gross has done there, and unfortunately it has gotten to the point that a mower will not be sufficient to cut the brush. S. Mitchell stated that they have funds in their budget and will probably trade in their tractor for a larger one.

S. Mitchell stated that it is an ongoing project and the Land Trust members do what they can, but they are not laborers. S. Mitchell stated that the person with the concern could have come directly to the Land Trust or the liaison could have contacted them.

Councilor W. Steere, Council liaison to the Land Trust, asked S. Mitchell if he understands what the liaison is. S. Mitchell replied that if that person brought the concerns to the Land Trust, it would have been addressed immediately, but if they don't know what the issue is, they cannot address it.

Councilor W. Steere stated that it has been more than two (2) years since the fields have been cut and there are trees that are more than 12 feet tall at Steere Hill. Regarding liaisons, Councilor W. Steere noted that S. Mitchell stated he received an email from him about this, but it was from the Town Clerk on behalf of the Council as a whole. Councilor W. Steere stated that four (4) people complained about the conditions of the trails. Councilor W. Steere suggested, if the trustees cannot handle it as a group, they should pay people to do the work. Councilor W. Steere commented that plans are great, but at some point they have to be executed.

Councilor W. Steere expressed concern that his name was called out regarding the email but the information was not correct, and it was also stated that he had been invited to several GLT meetings, when he was invited to two (2) that he knows of. Councilor W. Steere stated that this was a shot at him which he did not appreciate. S. Mitchell stated that it was not a shot at Councilor W. Steere and asked him to bring any concerns to him and they will be dealt with immediately. Councilor W. Steere stated that this is an extraordinary situation because typically the Council does not get complaints.

Councilor Henry stated that the Land Trust plans to purchase a big tractor and asked if there is any consideration for hiring a tree service company in the meantime. Councilor Henry stated that it may behoove the Land Trust to spend some of their funds for this purpose. S. Mitchell replied that Northern Landscape just did all around the Clarkville School so some work can be done inside the building. S. Mitchell stated that Northern Landscape also did some work at Hawkins Pond.

Roy Najecki, Land Trust member, stated that next week, weather permitting, he will be at Steere Hill mowing the trails, then the fields. R. Najecki further stated that he will also do other Land Trust properties before winter. R. Najecki stated that he will send an email to the GLT volunteers to ask for assistance with trail work.

S. Mitchell stated that there is a process for volunteers to complete a form from the GLT's website which is sent electronically to him. S. Mitchell stated that after he reviews it, it goes to the trustees for discussion. S. Mitchell stated that there have not been many that were not approved. S. Mitchell noted that they are not going to add any additional volunteers at this time because they need to reorganize what they are going to do with the volunteers, but in the near future they will start accepting applications again. S. Mitchell explained that once a volunteer is accepted to work with the Land Trust, they then fall under the Land Trust's liability coverage. Councilor W. Steere asked if any applications have been denied. S. Mitchell replied that he does not think so, since the new process was implemented.

Councilor Forgue stated that Bay State Trail Riders came in last year and wanted to do some work to fix the bridge. S. Mitchell stated that it became cost prohibitive, in terms of the bridge. Councilor Forgue stated that horses are allowed on the bridge and asked if this was a liability. S. St. Pierre stated that the only bridge he is aware of is a pedestrian bridge which was removed by the Land Trust three (3) times, but somebody keeps putting it back.

Councilor Henry commented that she appreciates what the Land Trust does and that she uses the properties often, as do many other people in Town. Councilor Henry asked how the Land Trust is currently interacting with the public, specifically Gloucester residents. Councilor Henry referred to a time when the Land Trust would host educational walks several times a year and the community felt that they could get involved with the Land Trust, but she is not sure that perception is currently out there. S. Mitchell replied that every time he goes by Steere Farm, there are many cars in the parking lot. R. Najecki stated that he will be leading a walk at Sprague Farm the day after Thanksgiving. R. Najecki noted that over the years, the attendance at the walks went way down, because people began visiting the properties on their own.

Councilor Forgue noted that the Bay State Trail Riders have stated how wonderful Steere Hill is and how much they enjoy the many aspects of nature they see there.

V. Adjourn - Each Board entertained a Motion to Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 9:24 p.m.; seconded by Councilor Reichert.

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

MOTION PASSED