

At a meeting of the Town Council holden in and for the Town of Gloucester on July 16, 2020:

Councilor G. Steere stated that pursuant to R.I. Executive Orders # 20-05 and # 20-25 executed by Governor Gina Raimondo on March 16th, April 15th, and June 20, 2020 this meeting is being teleconferenced by Zoom.

Councilor G. Steere stated the information to join this zoom meeting was included in our posting as required by the noted Executive Orders.

I. Call to Order

The meeting was called to order at 7:00 P.M.

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: Matt Floor, IT Director; Jean Fecteau, Town Clerk; Timothy Kane, Town Solicitor; Joseph DelPrete, Chief of Police; Christine Mathieu, Deputy Town Clerk; Ken Johnson, Bldg/Zoning Official; Karen Scott, Town Planner; Gerry Mosca, EMA Director

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Seek to Convene to Executive Session Pursuant to:

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

1. Job Interview - Town Solicitor

MOTION was made by Councilor Henry to Seek to Convene to Executive Session Pursuant to R.I.G.L. 42-46-5 (a) (1) Personnel, Job Interview - Town Solicitor - Discussion and/or Action; seconded by Councilor Forgue

Council Discussion: None

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE

Councilor Reichert -AYE

Councilor W. Steere -AYE

Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

Councilor G. Steere stated Attendees of this meeting will be moved into a waiting room until the Open Session is reconvened.

After Executive Session:

V. Reconvene Open Session

MOTION made by Councilor Henry to RECONVENE OPEN SESSION, SEAL the minutes of Closed Executive Session and DISCLOSE that no votes were taken in CLOSED Executive Session; seconded by Councilor Forgue

Council Discussion: None

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

Councilor G. Steere reminded the Council that there may be some people joining this meeting by telephone or without video capability so please identify yourself when speaking particularly when making or seconding a motion.

Councilor G. Steere went on to explain the procedure for the zoom meeting. Participants expressing inappropriate behavior or being disruptive may be removed from the meeting by the moderator.

VI. Open Forum - For Agenda Items

Councilor G. Steere stated those wishing to speak, should raise their hand and Karen Scott will recognize those that wish to speak in turn.

VII. Public Hearing

A. Gloucester Code of Ordinance - Discussion and/or Action

1. Proposed Amendment to Chapter 157, Disorderly Conduct and Indecency, Eliminate Section 2.E; Section 2. E. re-lettering e. - v. and Amend Text - Section 4 Violations and Penalties

Councilor G. Steere stated this Public Hearing was advertised in the Valley Breeze/Observer on July 2, 2020

Councilor G. Steere DECLARED the Public Hearing open.

Councilor G. Steere stated Council is considering this amendment due to a letter received from the

ACLU:

Dear Ms. Fecteau:

On behalf of the ACLU of Rhode Island and the R.I. Homeless Bill of Rights Defense Committee, I am writing to request that Glocester take prompt action to repeal Section § 157-2(E) of your municipal code, dealing with public intoxication, since that ordinance is in clear violation of state law.

The Homeless Bill of Rights Defense Committee is a coalition of individuals and groups working to combat the criminalization of homelessness and to advocate with and for people dealing with homelessness. In those roles, the Committee has been examining municipal ordinances across the state whose enforcement is most likely to affect the homeless.

As a result of that examination, we discovered that Glocester has on its books the ordinance cited above, banning public intoxication. However, Rhode Island state law unambiguously bars municipalities from legislating on this topic. Specifically, R.I.G.L. § 23-1.1 0-16(a) prohibits any municipality from adopting or enforcing any "law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction." There can be no question that Section § 157-2(E) of your municipal code is in direct conflict with this statute. While police may not have cited any individuals in the recent past under this ordinance, we believe it is incumbent upon the Town to repeal it promptly and thus ensure that no charges are unwittingly filed against a person for violating it.

We would appreciate your sharing this letter with your Town Solicitor and apprising us of any steps taken by the Town Council to address this issue. Thank you in advance for your attention to this matter, and I look forward to hearing back from you about it.

Steven Brown
Executive Director
(end of memo)

Councilor G. Steere stated that anyone wishing to speak raise your hand as we explained and you will be recognized to speak.

Discussion:

Councilor Henry stated that the Town Council received guidance from the Town Solicitor to proceed because the section goes against state law but added that the change does not impact the police from enforcing other alcohol related violations.

Councilor G. Steere declared the Public Hearing CLOSED

MOTION was made by Councilor Henry to ADOPT an amendment to the Glocester Code of Ordinance, Chapter 157, Disorderly Conduct and Indecency, by eliminating Section 2.E; re-lettering Section 2.e through v; and amend Section 4 Violations and Penalties to eliminate “provided, however, that no person shall be fined more than \$20 or imprisoned for more than 10 days for indecent intoxication.”; seconded by Councilor Forgee.

Council Discussion: None

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

B. Local Ballot Questions - 2020 Elections

1. Proposed Town Charter Amendments - Discussion and/or Action
 - a. Recommendations of 2020 Charter Review Commission

Councilor G. Steere stated this Public Hearing was advertised in the Valley Breeze/Observer and Bargain Buyer on July 9, 2020.

Councilor George Steere DECLARED the Public Hearing OPEN.

Councilor G. Steere stated that Council has received recommendations from the Charter Review Commission:

February 24, 2020

TO: The Honorable Town Council

The Gloucester Home Rule Charter Review Commission has completed its review of the Charter and attached are our recommendations for your review and consideration. Also, attached is a topics list of other changes discussed but not submitted as recommended changes.

Each recommendation has been referenced by Article and Section and if the recommendation is not self-evident a rationale has been provided.

We are recommending fifteen changes to the Charter with many being language changes or language additions. It was noted during our review that a Town Planner or Recreation Director are not mention and this has been addressed with sample language but not as recommendation. We felt this should be discussed by the Town Council and then addressed accordingly.

We believe that the recommendations put forward will strengthen the Charter and provide a stronger local government.

David J. Steere, Chairman
Gloucester Home Rule Charter Review Commission
(end of memo)

Councilor G. Steere thanked the Charter Commission and stated that the Council can go through the list one by one and decide which recommendations to vote on and then include in a Resolution at the end.

RECOMMENDATION 1: Passed (8-0) at meeting on February 18, 2020

Article I, Section C1-8, Contracts

Add: “All contracts or cooperative agreements must be reviewed by the Town Council and executed by the Town Council President or designee, by vote of Town Council”.

Discussion: Councilor W. Steere asked Attorney Kane if the Council already has to approve all town contracts and if not why. Attorney Kane responded that the Town Council signs all town contracts but if this is a concern then it can be put in the Charter. Councilor W. Steere stated as it states all contracts does this apply to all boards and commissions, especially, Land Trust. Attorney Kane stated this does not apply to Land Trust because their enabling legislation gives them permission to enter into contracts. Councilor Reichert asked if a consensus of the Town Council can still be reached, if it is necessary, and there is no time for a meeting. Atty. Kane said there are other implications because of the Open Meetings Act and if a consensus is necessary the practice is to then present the contract at the next Town Council meeting. Atty. Kane also stated that Gloucester Housing Authority has their own enabling legislation similar to the Land Trust.

Kathy Sorensen questioned whether all contracts, including renewals, are required by this change to be brought to the Town Council. K. Sorenson stated she would like guidance so as not to be in violation. Atty. Kane responded that all contracts would go to Council but routine renewals would not need to go to Council. Councilor W. Steere asked about the purchasing of software. Atty. Kane stated those purchases would follow the bidding process and everything still comes before the Town Council.

MOTION made by Councilor Henry to ADOPT FOR THE BALLOT:

Shall the Gloucester Town Charter be amended with the addition of language to Article I, Section C1-8, Contracts with other bodies: *to include that all contracts or cooperative agreements must be reviewed by the Town Council and executed by the Town Council President or designee, by vote of Town Council?*

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 2: Passed (8-0) at meeting on February 18, 2020

Article III Section C3-1

Add Language: Once the electors of the Town have voted for the expenditure of money at the Financial Town Referendum, no additional expenditures or increases to approved expenditures shall be added without the vote of the electors, subject to Article VIII Section C8-10.

Why: This will prohibit Town Councils from adding expenditures or increasing expenditures without the elector having a chance to vote on additional funding.

Discussion: Councilor G. Steere stated the Solicitor recommends if we add this question we propose a new section, C3-8. Restriction on Expenditure of Funds, and change the wording to read:

“Once the electors of the Town have voted for the expenditure of money at the Financial Town Referendum, no additional expenditures or increases to approved expenditures shall be added without the vote of the electors, with the exception of an emergency expenditure made pursuant to Article VIII Section C8-10”.

Councilor Henry thanked Atty. Kane for clarifying this recommendation as to the exception to handle emergency expenditures.

MOTION by Councilor Forgue to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended with the addition of language to Article III, Financial Town Referendum, Section C3-8, to include: Once the electors of the Town have voted on the expenditure of money at Financial Town Referendum, no additional expenditures or increases to approved expenditures shall be added without the vote of the electors, with the exception of emergency expenditures made pursuant to Article VIII Section C8-10?

Seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 3: Passed (8-0) at meeting on February 18, 2020

Article IV, Town Council Section C4-3, Forfeiture of Office

Add: “is absent from four consecutive months” be replaced with “is absent from two consecutive months” and add “After three consecutive months absent, the town council member shall be required to tender their resignation”.

Discussion: Councilor G. Steere stated the Solicitor recommends if this question is considered necessary the second part about tendering resignation is not necessary as the chapter starts by saying a “vacancy shall exist”, therefore, the member would automatically be gone unless excused by the members by a vote.

Councilor W. Steere is concerned about members who have a valid reason for their absence such as an illness, surgery, or a family issue. Councilor G. Steere stated he wants to ensure Town Council can excuse the absence. Atty. Kane stated that the vacancy exists by operation of law- if a member is not excused then they are gone. Atty. Kane stated that if you were to adopt anything in this recommendation then adopt the first part. Councilor W. Steere said the proposal makes sense but what is in place works and they have not had an issue .

MOTION was made by Councilor Henry to PASS and NOT ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include changes in language to Article IV, Town Council Section C4-3, Forfeiture of Office: Replace “is absent from four consecutive months” with “*is absent from two consecutive months*” ?

Seconded by Councilor Fergie

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Fergie -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 4: Passed (8-0) at meeting on February 18, 2020

Article VI Section C6-6, Building Committee

Add Language: The Chairman or representative shall update the Town Council on a monthly basis as to construction progress and funding adequacy.

WHY: This will keep the Town Council updated on construction progress and funding adequacy.

Discussion: Councilor Forgue questioned if this applies to the Regional School District. Atty. Kane responded that this does not apply to the Region. Councilor W. Steere stated that since the Town Council has to sign any contract, couldn't this be made part of that contract and not need to be in the charter. Atty. Kane responded that the updates could be made part of a building committee agreement or it could be made part of the charter. Councilor Reichert stated that as the only problems have been with the region and if the region is not effected then this is one we could pass on.

MOTION was made by Councilor Henry to not ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include changes to Article VI Section C6-6, Building Committee: the addition of "The Chairman or representative shall update the Town Council on a monthly basis as to construction progress and funding adequacy"?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE

Councilor Reichert -AYE

Councilor W. Steere -AYE

Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 5: Passed (8-0) at meeting on February 18, 2020

Article V, Section C5-4, Duties

Add: After Departments, Officers, or Agencies add "unless such Department, Officers, or Agencies contracts such professional services".

Discussion: Councilor G. Steere stated the Solicitor recommends not considering #5. Atty. Kane states that he is not sure of the intent. Atty. Kane stated that the Town Council hires a solicitor to handle all town matters and any assignments of duties and he feels this recommendation would give town boards and commissions the ability to hire their own attorney. Dave Steere, Charter Commission Chair, clarified the commission's intent to not have boards like the Land Trust and the Housing Authority, which have their own attorney, to not be able to come to the Town and ask to use the town solicitor.

D. Steere said the intent was not for every board or commission or department to be able to go out and get their own attorney.

MOTION was made by Councilor Henry to not ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include changes to Article V Town Solicitor, Section C5-4, Duties as follows: the addition of language to include “unless such Department, Officers, or Agencies contracts such professional services”?

Seconded by Councilor Reichert

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 6: Passed (8-0) at meeting on February 18, 2020

Article VI Section C6-7, Regionalization

Add Language: Any proposal for regionalization must be approved by the Town Council and placed on a referendum for elector approval.

WHY: To assure that the Town Council and electors have a say in any regionalization proposal.

Discussion: Councilor Henry stated she wants to make it clear that regionalization needs to be approved by the Town Council, and placed on the ballot by the Town Council for voter approval. Atty. Kane recommended including Councilor Henry’s addition to the amendment that the Town Council approve the placement of the proposal for regionalization on the referendum for voter approval.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include the following language to Article VI Section C6-7, Regionalization: “Any proposal for regionalization must be approved by the Town Council and placed on a referendum by the Town Council for elector approval”?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 7, Passed (8-0) at meeting on February 18, 2020

Article 6 Section C6-10, Over Spending of School Department

Add Language: After “shall advise the Town Council and the Director of Finance” add “within thirty (30) days of knowing that expenditures, encumbrances and accruals would result in excess of appropriations”.

WHY: This section is not specific as to when the School Committee will advise.

Discussion:

Atty. Kane recommended this question and clarified this would not apply to the Region.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include the following language to Article 6, Section C6-10, Over Spending of School Department: After “shall advise the Town Council and the Director of Finance” add “*within thirty (30) days of knowing that expenditures, encumbrances and accruals would result in excess of appropriations*”?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 8, Passed (8-0) at meeting on February 18, 2020

Article VII Section C7-11, Director of Human Resources

This section indicates that within the Department of Finance there shall be a position of Director of Human Resources and this position may be assigned as a collateral duty. This situation has now changed and there is now a Director of Human Resources separate from the Finance Department. This section needs to be reworded. See attachment 2.

Discussion: Councilor G. Steere stated the Clerk and the Solicitor recommend removing this position from Article VII which is the Finance article and instead either waiting to see how this position is handled or if done now, adding a new section: C13 Other Offices & Commissions, C13-10 Director of Human Resources. (Existing C13-10 & C13-11 would be renumbered)

Councilor Henry questions the title because when the human resource person was appointed the title used was human resource administrator and not director. Atty. Kane stated once the position is removed from finance that he/she would report to the Town Council. Councilor W. Steere commented that until the Council decides what the position is and who they report to that they should not entertain it at this time. Atty. Kane stated that they could create the position without putting it in the Charter. Dave Steere, Chairman of the Charter Commission, clarified that the intent of the commission in this recommendation was to make the Human Resource position separate from Finance and also to have it report to the Town Council.

David LaPlante, resident, stated that he felt the Human Resource position should not report to Finance but to the Town Council. Mr. LaPlante felt it was better to report to the five Town Council members as opposed to one Finance Director due to the importance of the Human Resource position as well as the fact that the person needs to be sensitive to all issues.

Kathy Sorensen, resident, would like to see the handling of benefits as to enrollment and management performed by the Human Resource Director instead of the Finance Department clerks.

Atty. Kane recommends eliminating C7-11 completely because the Town Council has the ability to create, amend, assign or eliminate positions by Charter. Atty Kane stated that repealing C7-11 gives the Town Council flexibility and creates a path for the Town Council to remove the Human Resource position from Finance without eliminating the position.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to REPEAL Article VII Section C7-11, Director of Human Resources to reflect the position *of Director of Human Resources shall be a separate department and not a collateral duty of the Finance Department?* (New Article XIII, Other Offices & Commissions, C13-10 Director of Human Resources)

Seconded by Councilor Fogue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 9, Passed (8-0) at meeting on February 18, 2020

Article VIII Section C8-2 Budget Board

Add Language: Under 1. Duties a. add “and non-profit organization serving the Town of Gloucester residents”

WHY: The Town has historically funded non-profits, such as libraries within the Town, and other non-profits without apparent authority within the Charter

Discussion: Atty. Kane stated that having this recommendation on the ballot clarifies that the Town can fund non profits.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include language in Article VIII Section C8-2 Budget Board: 1. Duties a. add “and non-profit organization serving the Town of Gloucester residents”?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 10, Passed (8-0) at meeting on February 18, 2020

Article VIII Section C8-3 Budget Board Item 3

This section states that sufficient copies of the budget shall be made available by the Town Clerk. Replace Town Clerk with Finance Director.

Article VIII Section C8-3 Budget Board, Item 5

This section states that sufficient copies of the adopted budget will be made available by the Town Clerk. Replace Town Clerk with Finance Director.

Discussion: none

MOTION was made by Councilor Forgue to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to change Article VIII Section C8-3 Budget Board Item 3 and Item 5 which states that sufficient copies of the budget, before and after adoption, *shall be made available by the Finance Director and not the Town Clerk?*

Seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE

Councilor Reichert -AYE

Councilor W. Steere -AYE

Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 11, Passed (8-0) at meeting of February 18, 2020

Article VIII Section C8-8, Capital Reserve Fund

Increase the amount appropriated from 2% to 3%. Currently, annual capital request significantly exceed the 2% appropriation and additional funding (fund balance) is required or the capital request go unfunded.

Discussion: Councilor G. Steere stated that this is a good recommendation but he had concerns about adopting it at this time. Councilor Henry inquired of Dave Steere, Chairperson of Charter Commission, as to the amounts of the 2% and the 3% regarding the town set aside. Dave Steere stated that using the fiscal year 2020 budget, that the 2% is about \$ 566,300 and the 3% is about \$849,450. Dave Steere also stated that the commission made this recommendation before the pandemic. Councilor G. Steere feels it might not be the time to go forward with this recommendation. Councilor Henry asked Dave Steere if he would recommend this change today

and Dave Steere responded he would not. Councilor W. Steere agrees with Dave Steere and the idea of keeping the set aside at 2% to be safe. Councilor G. Steere agreed.

MOTION was made by Councilor Henry to not ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended with a change to Article VIII Section C8-8, Capital Reserve Fund to increase the amount appropriated from 2% to 3%?

Seconded by Councilor Fogue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Fogue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 12, Passed (8-0) at meeting of February 18, 2020

Article VIII Section C8-9, Land Trust

Replace 75% with 45%. The Land Trust revenues for the past three fiscal years (16, 17 & 18) have greatly exceeded typical expenditures and those funds are being accumulated by the Land Trust. The reduced percentage would cover historical expenses and generate revenue to the Town help offset taxes.

Also add the following language: By January 2nd of each year the Land Trust shall submit a budget for the ensuing fiscal year, including revenue projections, operating expenses and capital expenditures, for review by the Finance Director and approval of the Town Council.

Discussion: The Solicitor indicated the budget requirement portion of this question may or may not be possible.

Atty. Kane stated that he feels there is no problem with part one of the recommendation but the problem with part two is because of the Land Trust Charter. Atty. Kane stated the Land Trust has their own enabling legislation which states what they can do including all things necessary to carry out their obligations. Atty. Kane explained that it might not be possible to require them to provide budget information to the Town. Atty. Kane recommends the first part but leave part two alone.

Kathy Sorensen, resident, raised concerns as to the 30% and if it would go into a restricted account which would cancel out the benefit of revenue to the taxpayers. Councilor W. Steere stated that was part of the discussion of the board had and not part of the final recommendation. Atty. Kane also

said it was a separate issue.

Councilor W. Steere asked as to why this recommendation was being made at this time when Land Trust has properties it needs to maintain and a dam to replace. Councilor W. Steere also said that he does not understand why we would cut the budget now when they have expenses and we know that revenues will be less in the future. Councilor Forgue asked how much the Land Trust has in their account and Councilor W. Steere responded about \$350,000 and that the dam could cost about a million dollars. Councilor Forgue asked if Land Trust was applying for grants and said that if the Council had more information about what Land Trust was doing that it would help. Councilor W. Steere said they are not asking for money and that the discussion is that we are being asked to cut the only funding to Land Trust. Councilor Henry asked if this funding from real estate tax stamps and Councilor W. Steere answered in the affirmative. Councilor Henry stated that due to the amount of growth going on that it may balance out the cut. Councilor W. Steere feels the money will decrease because we are entering a few bad years. Councilor Henry disagrees and feels that building and growth will continue. Councilor W. Steere questions why this recommendation is being made now. Councilor Forgue said that just looking at something that was overlooked in the past. Councilor Henry said they were just looking at the revenues coming into the Town, we don't want to have to raise taxes and this cut will result in more money in the budget which will help the taxpayers. Councilor W. Steere stated that Land Trust properties are the jewels of the town and historically about 60% of people have approved their funding.

Dave Steere, Charter Review Commission, clarified that this recommendation was brought up by a member and the commission looked at audits for 2016, 2017 and 2018 where the revenues exceeded unrestricted cash expenses.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to replace language in Article VIII Section C8-9, Land Trust to reduce the appropriated amount from 75% of revenue generated from the payment of Real Estate Conveyance Taxes to 45% ?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -NAY
Councilor W. Steere -NAY
Councilor G. Steere -AYE

MOTION PASSED

RECOMMENDATION 13, Passed (8-0) at meeting of February 18, 2020.

Article VIII Section C8-13, Minimum Cash Reserve

The current requirement is 12% and it is recommended to increase to 15%. This would be no expense to the Town as the unassigned fund balance as of June 30, 2019 was at 19.7%. This would increase the Town's financial health and possible bond rating.

Discussion: Councilor G. Steere feels it is a good recommendation to increase the cash reserve of the town but he is not sure the 15% is good due to the uncertain times . Councilor Henry agrees but she is not sure if this the time to make changes and she would not put to voters.

Dave Steere, Chairman of the Charter Commission, responded to Councilor Forgue's request for an explanation that this recommendation seemed like a good idea in February but he is not sure it is a good idea now.

Councilor W. Steere recommended that this amount be kept to 12% due to the uncertain times.

MOTION was made by Councilor Henry to not ADOPT FOR THE BALLOT RESOLUTION: Shall the Gloucester Town Charter be amended to include language in Article VIII Section C8-13, Minimum Cash Reserve, to increase the amount to be maintained from 12% of annual expenditures to 15%?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE

Councilor Reichert -AYE

Councilor W. Steere -AYE

Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 14, Passed (8-0) at meeting of February 18, 2020

Article IX, Town Clerk, Article XIII, Director of Human Services and Article XIII Section C13-4 Town Sergeant.

These positions are all elected positions and should be changed to appointed.

WHY: The position of Town Clerk as appointed would assure future clerks would have some qualifications other than votes. An appointed Director of Human Services would allow the Council more latitude in qualifications for the position and establish set hours etc. for this position.

Discussion:

The Solicitor feels this should be split into three separate questions.

Kathy Sorensen, resident, feels that the Town Clerk should be elected as being appointed would cause turmoil due to the Town Council changing every two years. K. Sorensen feels the voters have done an excellent job over the years and that the clerk works with all departments and communicates with them and she felt if it was appointed then it could result in a revolving door of clerks because of the Council change every two years. K. Sorensen feels there would be more consistency with voters electing a Town Clerk as opposed to being at the discretion of the Town Council. K. Sorensen stated in two hundred years we have only had nineteen clerks, therefore, the voters must be doing a good job.

David LaPlante, resident, feels it should remain with the voters. D. LaPlante stated the clerk is an everyday worker in the town and has a lot of contact with the voters so it should be left to the voters. David LaPlante also said that he is hearing that the reason behind this is to make sure there is a qualified clerk. D. LaPlante stated the voters can elect someone with no qualifications but the people will figure that out pretty quickly as to whether they should be there or not. D. LaPlante stated in his opinion as a taxpayer, the position should be left alone.

Councilor Forgue stated that the Town Council would have more of a finger on the pulse of the Town if it was appointed. Councilor G. Steere said that the town has been lucky with clerks but if appointed the Council could appoint a qualified person just like they do with the solicitor and other department heads. Councilor Forgue added that voters elect the Council to manage the Town and the clerk position is a very responsible job so the Council could be sure to have a qualified person. Councilor Reichert brought up that the clerk doing the Town Council meetings is totally separate, and in the past, the Council had their own separate assistant to do the meetings. Councilor Reichert stated that Jean Fecteau, Town Clerk, offered to do the Town Council meetings and she does an excellent job. Councilor Reichert stated the Council could hire someone. Councilor Forgue inquired as to who said there was a problem. Jean Fecteau, clarified that she offered to do the meetings because she was tired of training aides- she had trained five. Jean Fecteau stated she prefers to work for the taxpayers and does not really want to work for the Town Council. Councilor Forgue stated there is no problem and that it was a recommendation by the Charter Commission. Councilor Reichert questioned why this came up. Councilor W. Steere feels that the clerk works for the taxpayers so it should remain as it is- elected. Councilor W. Steere stated that other towns with appointed clerks have a Town Manager or mayor and the towns with elected town clerks have a Town Council. Councilor W. Steere also said that if we had a Town Manager that might be different but leave as status quo. Councilor Henry added that by leaving as elected, it insures a separation of powers and that the clerk working for the council can always be changed by future councils.

MOTION by Councilor Henry to not ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to change the position of, Article IX, Town Clerk, from an elected position to an appointed position?

Seconded by Councilor Reichert

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

MOTION by Councilor Forgue to not ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to change the position of, Article XIII, Section C13-1 Director of Human Services and Article XVIII , Section C13-4 Town Sergeant from an elected position to an appointed position?

Seconded by Councilor Henry

Council Discussion: Councilor G. Steere asked what would happen if no one ran for the offices. Jean Fecteau responded that they would then be appointed by the Council. Jean Fecteau added that the voters have faced this issue three times in the past and each time have voted to not change from elected to appointed.

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue - AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

RECOMMENDATION 15, Passed (8-0) at meeting of February 18, 2020

Article XIV Section C14-8, Item 1 Prohibition

Add Language: This section does not include all forms of discrimination and should include Sex, Sexual Orientation, Gender Identity, Marital Status, National Origin and Disability.

Discussion: Councilor W. Steere asked Tim Kane if this includes what we need to be correct. Tim

Kane responded that this includes language due to Supreme Court changes.

MOTION by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include language in Article XIV Section C14-8, Item 1 Prohibition, to include all forms of discrimination and should include Sex, Sexual Orientation, Gender Identity, Marital Status, National Origin and Disability?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

Councilor G. Steere stated there is a note from Charter Review Commission: During the review of the Charter we became aware that there were no mention of a Town Planner or of a Recreation Director, both of which the Town has. However, Ordinance 300-49 B indicates that a Planner be appointed by the Town Council pursuant to the Town of Gloucester Charter. Should those positions need to be included within the Charter sample language is shown on Attachments 3 and 4.

Discussion: Atty. Kane recommended to not put the job description in the Charter. Jean Fecteau, Town Clerk, stated that the position could be treated like we do the building and zoning. Councilor G. Steere stated it is important to have the position in the Charter. The Town Clerk said that she can show the adopted language next week at the special meeting before the ballot has to be given to the State.

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include language adding the position of an appointed Town Planner?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

MOTION was made by Councilor Henry to ADOPT FOR THE BALLOT RESOLUTION:

Shall the Gloucester Town Charter be amended to include language adding the position of an appointed Recreation Director?

Seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- b. Proposed amendment to form of government - creation of Town Manager/Administrator position

Discussion: Councilor W. Steere stated that the last three charter commissions have brought this before the Town Council and that the Council has not gone forward with it. Councilor W. Steere stated this Charter Commission did not bring it forward but he feels it is an important issue so he asked for this to be added for discussion. Councilor W. Steere stated that they are a five member part time Council who would benefit if they had a Town Manager/Administrator who would be able to help the Council. Councilor W. Steere stated the Town Manager's position is important because it would give the person the ability to handle day to day operations, work with the Council, and represent the Town at the State. Councilor W. Steere stated it would also take some of the responsibility from the Department Heads so they could do their jobs. Councilor W. Steere stated he felt it would make the Town's government more efficient because they could make decisions on the spot as opposed to the Council who has to call a meeting. Councilor W. Steere stated the Town can decide what the position is to be.

Jean Fecteau, Town Clerk, read a statement into the record:

Town Council Members:

As an employee of the Town I would like to add my opinion to the record of this hearing:

In 2014 at a public hearing of the Town Council, I submitted a letter in response to the recommendation of the Charter Review Commission to put forward a Town Council/Manager form of government.

At that time, I expressed our Department Heads were handling the day to day business of running the town hall very well and stated that I felt we did not need the position **at that time** but possibly in the future. I have been working in the Town Hall for twenty nine years and I have seen it all. Councils and employees have come and gone and up until 3-4 years ago I would have agreed that we may not need that position, yet. I firmly believe we need it now.

I make “catches” and fixes, daily, things that are not part of the Town Clerk’s job. I have done these things for the good of the town and our departments and to not do these things could have resulted in many serious misses as a town overall. Starting January 2020, I will go back to doing what a Town Clerk is suppose to do. I have spread myself out to far and need to focus on voters, elections, probate court, land evidence records, licensing, vital records, and preparing for town council meetings. This town needs a manager.

So far the only reason against the idea I have heard from a majority of this Council and the last has been because it costs money. I think the cost reason and the quick dismissal of the concept is irresponsible.

I, for one, want to go on record to say we need an appointed manager, with defined authorities, to work with the Town Council to keep our Town moving ahead. It is my opinion that it is not running smoothly as some would lead you to believe. A manager can also act as a Human Resource Director. I encourage the Council to include this on the ballet and if it gets there I encourage the voters to approve this question.

Jean Fecteau, Town Clerk
(end of memo)

Councilor Reichert stated he feels we need a town manager. Councilor Reichert stated he feels we miss out on a lot of opportunities and we need someone to take care of the day to day. Councilor Reichert stated he feels the Council does the best they can but residents really need someone full time at the Town Hall. Councilor G. Steere is not sure the town needs this position and it is an expense. Councilor G. Steere stated the elected town council and clerk have worked for a long time and that the town is not ready right now. Councilor G. Steere stated he does not feel we are missing out on grants and mentioned staff members and their efforts. Councilor Forgue stated that he feels the Council does not know what goes on daily at the town hall and that throwing money at a problem is not the answer. Councilor J. Forgue stated he wants to be more informed before making any decision. Councilor W. Steere said that he gave information to the other Council members several weeks before for them to research this issue so he does not know what Councilor

Forgue is unclear about. Councilor Forgue stated he knows what a manager does but wants to know what the problems are at the Town Hall. The Town Clerk added that the only reason for not having one in the past has been money. Councilor Reichert feels there is a need for a Town Manager. Councilor Forgue states that he does not fully know what goes on in the Town Hall on a day to day basis and feels the problems are all hearsay and does not feel well informed. Councilor W. Steere is not sure what Councilor Forgue is not clear on. Councilor W. Steere states that the world is too complicated for five part time people and that the Town needs someone who is professional, has municipal experience and Human resource experience in a Town Manager position. Councilor Forgue requests that this be continued for him to do more research. Atty. Kane suggested the Council look at other Town charters for descriptions of the town manager position. All Councilors weighed in with their opinions on this matter, at length.

Jason Sirois, resident, stated that as a former employee he feels the Town does need a Town Manager.

(The Solicitor and Mr. Sirois had an exchange regarding the Solicitors position. Conversation was ended because it was decided by Council, and the Solicitor, that this issue is not germane to the subject being addressed)

The Town Clerk added that D. Brennan, Finance Director, had concerns about the Council not having the right to levy a tax during an emergency and then adjusting that levy after the emergency and questioned if this should be in the Charter. Atty. Kane encouraged the Council to move forward with the change to the Charter and then send to the General Assembly.

Christine Mathieu, Deputy Town Clerk, reiterated that the Town Clerk's Office spends a lot of time assisting other departments in a normal day.

MOTION was made by Councilor Henry to continue the public hearing as to the Town Manager proposed amendment to Thursday, July 23, 2020

Seconded by Councilor Reichert

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

VIII. Consent Items - Discussion and/or Action

- A. Approval of Town Council Minutes: Regular meeting minutes of June 4,2020, June 18,2020 and Special Meetings of July 1st & July 8th, 2020
- B. Finance Director's Report - June 2020
- C. Tax Assessor's Additions & Abatements - June 2020

MOTION was made by Councilor Henry to APPROVE the Town Council meeting minutes of June 4th, 2020; to TABLE the Town Council meeting minutes of June 18th, July 1st, and July 8th, 2020; to ACCEPT the Finance Director's Report of June 2020; to APPROVE the ABATEMENTS to the 2011 Tax Roll in the amount of \$105.38; the 2012 Tax Roll in the amount of 31.80; the 2016 Tax Roll in the amount of \$73.60; the 2017 Tax Roll in the amount of \$98.65; the 2018 Tax Roll in the amount of \$120; the 2019 Tax Roll in the amount of \$313.96; and no ADDITIONS to the 2019 Tax Roll; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

IX. Unfinished Business

a. Policy for access to Town Security cameras - Discussion and/or Action
Councilor W. Steere stated he sent an email to the Town Clerk to send out information regarding the town camera policy to the Chief of Police , Atty. Kane and the Town Council in order to come up with a policy.

MOTION was made by Councilor W. Steere to table this item to the Town Council meeting on August 20, 2020 seconded by Councilor Reichert.

Council discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- b. Litter Control - Property Abutting Transfer Station - Discussion and/or Action

MOTION was made by Councilor Henry to table this item to the Town Council meeting on August 20, 2020 seconded by Councilor Forgue

Council discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- c. Boards & Commissions
 - 1. Appointment - Discussion and/or Action
 - a. Budget Board - One Three year term to Expire 1/2022

Councilor Henry stated she interviewed Cassandra Barone, resident, and that her experience as a realtor, former paralegal, former bank foreclosure expert will be appropriate for the Budget Board position.

MOTION was made by Councilor Henry to APPOINT Cassandra Barone to the Budget Board for a three year term to expire 1/2022; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- b. Conservation Commission - One Three year term to expire 1/2023

The Town Clerk stated that she has been receiving talent bank applications and that the Clerk who usually handles this job is out .The Clerk state she will update the talent bank to provide the Council with a fresh list for the next meeting.

MOTION was made by Councilor Henry to TABLE the appointment to the Conservation Commission for one three year term to expire 1/2023 to the Town Council meeting on August 20, 2020 ; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

X. New Business

A. Covid-19 Updates/Actions - Discussion and/or Action

1. EMA Update

Gerry Mosca, EMA director , updated the Council. G. Mosca stated that approximately 10% of people have been tested and there are currently 49 people in Gloucester infected. G. Mosca stated that people are continuing to wear masks; he is expecting an increase in the fall so he continues to replace the personal protective equipment on a regular basis; and he has the support of department heads to continue to act in accordance with the State Department of Health. G. Mosca stated he will schedule a meeting of volunteers to continue planning MED pods in case a mass vaccine drive is available. G. Mosca stated the FDA has recalled a type of hand sanitizer because it contains methanol and the FDA website has that information. G. Mosca stated that and he recommends that the Emergency Order be extended through August 20, 2020.

2. Emergency Declaration Status, Extension, and/or Amendment
(Currently in place until 7/16/2020)

MOTION was made by Councilor Henry to EXTEND the Gloucester **Declaration of a State of Emergency** to August 20, 2020; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

3. Senior Center Opening status - Discussion and/or Action

G. Mosca stated that Melissa Bouvier, Senior Center Director, has done a good job planning the re-opening of the Senior Center and he trusts her plans. G. Mosca stated she has conformed to Health Dept. guidelines. Atty. Kane stated that the Emergency Order can be amended to open the Senior Center when the Council decides. M. Bouvier stated that she wants to watch the trend as to the date to open, possibly, the end of August or beginning of September. G. Mosca responded to a question from Councilor Reichert regarding the air conditioning unit and stated that the ability for germs from people to be spread by the air conditioning unit depends on the placement of the air intake. G. Mosca stated if the intake is at a level where people are close to it then it can happen or it can occur if the area is really crowded. M. Bouvier added that there are no card games, bingo or eat in dining, in her Phase I Plan, and that boxed lunches will be continued. M. Bouvier stated that it will be a slow and gradual opening to give hope and offer some services.

B. Resolutions

1. Authorization of 2020 General Election Local Questions - Discussion and/or Action

No Action at this time.

2. Gloucester Community Septic System Loan Program

Councilor G. Steere stated in order to start the process of obtaining additional CSSLIP funding for the Gloucester Community Septic System Loan Program the Council must adopt the following resolution in support of that transaction:

RESOLUTION 2020-03

Community Septic System Loan Program

WHEREAS, the Town of Gloucester has entered into a Loan Agreement, since 2001, with the Rhode Island Clean Water Finance Agency, now known as *Rhode Island Infrastructure Bank*, under the Community Septic System Loan Program (CSSLP) to provide town residents loans greater than one thousand dollars (\$1,000) at an interest rate of zero percent (0%) to the Town, a one percent (1%) Service Fee on the outstanding balance of the homeowner's loan and a one-time Loan Origination Fee of three hundred dollars (\$300.000) payable to Rhode Island Housing and Finance Corporation (RIHMFC); and

WHEREAS, this loan program is administered through RIHMFC Finance Corporation and the Town of Gloucester in order to assist property owners in Gloucester who are required to either repair or replace failing or failed septic systems and cesspools in compliance with loan criteria to the program; and

WHEREAS, the Town is in the process of securing an additional reserve of \$500,000; and

WHEREAS, the Town of Gloucester has submitted an ONSITE WASTEWATER MANAGEMENT PLAN to the Department of Environmental Management and such a plan has been approved as such approval is a prerequisite for participation in CSSLP.

NOW THEREFORE, BE IT RESOLVED, that the following criteria, which is the original agreed upon criteria that has been amended over time, shall be applied to the loans administered by RIHMFC:

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

NOW THEREFORE, BE IT RESOLVED; The Town Council authorizes the Town Council President and the Finance Director to execute any and all documents necessary for application to participate in the Rhode Island Infrastructure Bank's Community Septic System Loan Program including the request for a non-restoring line of credit in the amount of \$500,000 for the operation of the program.

BE IT FURTHER RESOLVED, This Resolution shall become effective upon passage.

George O. Steere, Jr.
Gloucester Town Council President

Jean M. Fecteau, CMC, Town Clerk

Dated this 16th day of July, 2020

MOTION was made by Councilor Forgue to accept the Resolution as written; seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

C. Regional School District Budget Vote- Discussion and/or Action

Councilor W. Steere said all Town Council members received the information from Assistant Town Solicitor W. Bernstein and Council now needs to let the region know that we do not agree with the process they took in approving their budget. Councilor W. Steere stated that they did not get an opinion from RIDE as to the legality of their process. Councilor W. Steere continued that the Town found a way to have a meeting and pass a budget and the region did not. Councilor W. Steere feels their process is questionable legally and he would like to send a letter informing the region that the Council disagrees with the process they took approving their budget without voter approval. Councilor W. Steere stated he does not want something like this to happen again as he feels it is dangerous. Atty. Kane said his office can put something together for the Council to review at the next meeting.

D. Bds. and Commissions

1. Resignations - Discussion and/or Action

a. Parade Committee

Councilor G. Steere stated the Council has received the resignations from James and Kathleen Houghton from the Parade Committee, effective October 31, 2020

MOTION was made by Councilor Forgue to ACCEPT, with thanks, the resignations of James and Kathleen Houghton from the Parade Committee, effective October 31, 2020; seconded by Councilor Reichert

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

b. Conservation Commission

Councilor G. Steere stated the Council has received the resignation of Kathleen Houghton from the Conservation Commission, effective immediately.

MOTION was made by Councilor Forgue to ACCEPT, with thanks, the resignation of Kathleen Houghton from the Conservation Commission, effective immediate; seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

2. Appointments - Discussion and/or Action
 - a. Parade Committee

MOTION was made by Councilor Forgue to TABLE the pending vacancies on the Parade Committee until October, 2020; seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- b. Conservation Commission

MOTION was made by Councilor Forgue TABLE the appointment to the Conservation Commission until at which time the Commission can meet and review potential applicants; seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

E. Personnel

1. Resignation - Discussion and/or Action
 - a. Town Solicitor

Councilor G. Steere stated the Council has received the resignation of Timothy Kane from the position of Town Solicitor effective July 31, 2020.

Atty. Kane stated it has been a pleasure to serve the Town for the last 10 years but that he needs to dedicate more time to his family and his practice. T. Kane added that the department heads made it easy for him to do his job and that the Council has also been good. T. Kane stated it has been an honor and that he would help with the transition. Council members thanked T. Kane.

MOTION was made by Councilor Forgue to ACCEPT, with regrets, the resignation of Timothy Kane from the position of Town Solicitor effective July 31, 2020; seconded by Councilor Henry

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

2. Appointments
 - a. Town Solicitor- Discussion and/or Action

MOTION was made by Councilor Henry to TABLE the appointment of Town Solicitor to August 20, 2020 Town Council meeting; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- b. Public Works- Discussion and/or Action
 - 1. Full time - Building/Maintenance Worker

Councilor G. Steere stated the Council has received a recommendation from the Public Works Director

July 13, 2020

To: Honorable Town Council
From: Gary Treml
Director of Public Works
Re: Building Maintenance Worker

I am requesting that Gary Gras, of 192 Keach Dam Road, Chepachet be appointed to the position of Building Maintenance Worker. The rate of compensation will be \$28.00 per hour as advertised. This appointment will be effective Monday, August 3, 2020.

Respectfully submitted,
Gary Treml
(end of memo)

MOTION was made by Councilor Forgue to APPOINT Gary Gras to the position of Building Maintenance Worker at an hourly wage of \$28. Position includes the standard employee benefit package, per the We are Gloucester employee handbook and is subject to a six month probationary period. Appointment is contingent upon satisfactory references and BCI check and is effective August 3, 2020; seconded by Councilor Reichert

Council Discussion: Councilor Reichert spoke regarding the candidates experience.

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

- c. Recreation Appointments - Discussion and/or Action

Councilor G. Steere stated the Recreation Director is requesting a Tennis Aid appointment to complete his summer program roster.

MOTION was made by Councilor Henry to APPOINT Sarah Brouillard to the position of Tennis Aid for the 2020 Summer recreation season at the hourly rate of \$ 10.50 , effective immediately; seconded by Councilor Forgue

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -AYE
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

d. Finance Director - Discussion and/or Action

MOTION was made by Councilor Henry to APPOINT Adam Muccino to the position of Finance Director at an annual starting salary of \$88,000 with a full benefit package per the “We are Gloucester Handbook”. After the successful completion of the 2020 audit and 2022 budget the annual salary shall be increased to \$93,000. Said position shall not be eligible for any additional salary increases in 2021. The appointment is effective August 1, 2020 with a start date of August 3, 2020 and runs concurrent with the Town Council’s term to December 31, 2020; seconded by Councilor Forgue

Council Discussion: Councilor W. Steere recused himself

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -RECUSED
Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

F. Short term Rental Properties & Residents Correspondence stating concerns - Discussion and/or Action

Councilor Forgue wants to make sure something is being done about short term rentals. K. Scott, Town Planner, emailed the Council her research. K. Scott stated that the Town can’t prohibit short term rentals but can put in restrictions as there was recent RI legislation that stated if the short term rental registers with the RI Division of Taxation then the Town can’t prohibit. K. Scott provided copies of the legislation, what other communities are doing and what possible restrictions could be to the Council. K. Scott stated most of the current issues are noise and traffic. Councilor Forgue asked K. Scott to meet with him to discuss and to place this item on the next agenda.

G. Licensing:

1. Acoustic artists performing at establishments with outdoor service area - Discussion and/or Action

Councilor G. Steere stated he put this on the agenda because some establishments are calling for special event licenses for acoustic artists. G. Steere stated that he had the Town Clerk poll the

Council for a consensus regarding acoustic artists which is why he allowed them in the Emergency Order. G. Steere would like this item placed on the agenda for August or September. Councilor W. Steere asked what these artists were told they could do. Councilor G. Steere responded 4 hours of acoustics between 2 pm and 8 pm. Councilor W. Steere asked if this was in writing and Councilor G. Steere responded that he read the State allowance for this which allows this use. Councilor W. Steere said he asked Atty. Kane about this. W. Steere added that in the Nov. 21, 2019 licensing meeting outside entertainment was not allowed. Councilor W. Steere is unclear as to how acoustic music fits in with the emergency order that states the Town can take any actions necessary for the health and safety of the Town and that, in his opinion, changing the licensing without a vote of the Council is a problem. Councilor W. Steere further added that there have been problems with this establishment in the past and we have now given him what he did not have before. Councilor W. Steere asked if a plan was submitted to EMA Director. Councilor G. Steere asked if Councilor W. Steere received an email from the Clerk asking for a consensus. Councilor W. Steere stated he did and he responded in the negative. Councilor G. Steere stated that he had three Council members agree it was alright. Councilor W. Steere stated he realizes that acoustical music isn't too bad on its face, but that we had one establishment apply for a special event just to have acoustical music. W. Steere said this is a perfect example of why we need a town manager. Councilor G. Steere stated that the minutes from February state that acoustic does not counts as entertainment that needs to be licensed. Council discussed at length.

MOTION was made by Councilor Henry to ratify that acoustic artists performing at establishments with outdoor service area is considered to be business as usual in accordance with the Governor's guidelines; seconded by Councilor Forgue.

Council Discussion: G. Mosca stated he has not received any plans from any establishment but he did have a verbal plan from Hills Tavern. G. Mosca stated the Council can require establishments to submit the copies of their COVID plans. Councilor W. Steere feels Atty. Kane should send a letter to each establishment for them to send the Council their COVID plan. Atty. Kane responded that every business is required to have a COVID plan but he is not sure how it is enforced and, the problem is that the guidelines change so quickly and often.

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE
Councilor Henry -AYE
Councilor Reichert -AYE
Councilor W. Steere -NAY
Councilor G. Steere -AYE

MOTION PASSES

H. Providence Water Board/Acciardo Property re: Back Taxes - Discussion and/or Action

Councilor Henry stated she asked for this item to be placed on the agenda because the Tax Collector brought it to her attention. Councilor P. Henry gave copies of documents to all Town Council members. Councilor P. Henry stated Jane Steere, Tax Collector, does not want the amount

in question to be abated. Atty. Kane stated that this issue has been handled by Assistant Solicitor W. Bernstein and that it would be better for him to continue to handle as this issue pertains to what was in the agreement.

Councilor Reichert explained the history of this property.

MOTION by Councilor Henry to TABLE and request input or a memo from Bill Bernstein; seconded by Councilor Reichert

Council Discussion: none

Councilor President G. Steere requested the Clerk poll the council:

Councilor Forgue -AYE

Councilor Henry -AYE

Councilor Reichert -AYE

Councilor W. Steere -AYE

Councilor G. Steere -AYE

MOTION PASSED UNANIMOUSLY

I. Signage: Town & Land Trust Recreation Areas - Discussion and/or Action

Councilor Forgue requested this item to be placed on the agenda. Councilor Forgue is concerned about the enforcement of requirements at town areas because there are no signs stating the requirements. The Town Clerk added that they can't do anything with Land Trust. There was a discussion as to the need for signs to be in place stating what can and cannot be done in order to help with enforcement. Councilor J. Forgue asked if Councilor W. Steere could contact the Land Trust as the liaison. Councilor W. Steere asked what meeting this was discussed at. Councilor J. Forgue stated there was a meeting with a few department heads to discuss whether the town should consider a municipal court. Councilor W. Steere stated he would assist if Capt. Fague would send him a memo explaining what is needed.

XI. Town Council Correspondence/ Discussion

1. Councilor Henry stated she contacted Sen. Jessica de la Cruz and Rep. Michael Chippendale as to the vagueness of a support request received from the Smithfield School Department where the terms for measurable and adequate education used are subjective.
2. Councilor G. Steere stated a letter was received from DOT requesting consideration of the town working with them regarding EVPCS (Emergency Vehicle Priority Control Systems). Councilor G. Steere stated the DOT has agreed to pay for the additional signals if the Town agrees to pay for and be responsible for all facets of the system in emergency vehicles.
3. Letter from the Chepachet Union Church complaining about trash coming from the Dollar Store being blown onto their property.
4. Councilor G. Steere said there are complaints received about music coming from Glad Tidings Church every Sunday from 7 a.m. to 11 a.m. Councilor G. Steere also stated that

there is also a Del's lemonade truck at the outdoor service and a live band with amplified music. Discussion was held as to whether the church needs a license, the Solicitor stated, per our ordinance, they are not exempt from the ordinance.

5. Councilor W. Steere thanked all people who worked on the July 4th parade events as did Councilors Forgue and G. Steere.

XII. Department Head Reports/Discussion

Councilor G. Steere stated if any Dept. Heads would like to speak then you can raise your hand as previously explained and K. Scott will recognize those that wish to speak.

K. Scott stated that she was notified by Janine Pitocco that Rich Chmura, from FM Global was retiring and wanted to thank the Town Council and added that the new manager, Ron Hinthorn, is looking forward to working with the Council

XIII. Bds. and Commissions Reports/ Discussion

Councilor G. Steere stated if any Dept. Heads would like to speak then you can raise your hand as previously explained and K. Scott will recognize those that wish to speak.

None

XIV. Open Forum

Councilor G. Steere stated if anyone would like to speak then you can raise your hand as previously explained and K. Scott will recognize those that wish to speak.

None

XV. Adjourn

MOTION was made by Councilor Henry to ADJOURN at 12:45 am; seconded by Councilor Reichert

Discussion: none

VOTE: AYES: G. Steere, W. Steere, W. Reichert, J. Forgue, P. Henry

NAY: 0

MOTION PASSED UNANIMOUSLY