

At a meeting of the Town Council holden in and for the Town of Glocester on September 19, 2019:

I. Call to Order

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

II. Roll Call

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

Also Present: Jean Fecteau, Town Clerk; Tim Kane, Town Solicitor; Susan Harris, Deputy Town Clerk; Joseph DelPrete, Chief of Police; Diane Brennan, Finance Director; Gary Treml, Director of Public Works; Ken Johnson, Building/Zoning Official; Karen Scott, Town Planner; Judith Branch, Director of Human Services; Jane Steere, Tax Collector; Lori DeSantis, Tax Assessor; Gerald Mosca, EMA Director; and Bob Shields, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Samantha Lepore.

IV. Open Forum - For Agenda Items

None.

V. Resolution #2019-05: Joseph Tilton Peters, III

Councilor G. Steere stated that the Council has a resolution for Joe Peters, a long time resident and volunteer. Councilor G. Steere noted that Joe will be moving out of our town and we want to thank him and wish him well.

Councilor W. Steere read the following Resolution into the record:

The State of Rhode Island and Providence Plantations
Town of Glocester
RESOLUTION 2019-05
Joseph Tilton Peters, III

WHEREAS: Joseph “Joe” Peters has been a beloved part of our community for over fifty years serving and caring for the Town of Glocester in many ways; and

WHEREAS: Joe volunteered tirelessly and in doing so: was appointed to the first Community Center Task Force in 2001 brainstorming new ideas for a community center for our residents and once the Task Force was done, in 2002, he went on to serve on the original Senior Center Task Force taking part in the oversight of all phases of site work, design, and building our Senior Center which is now enjoyed by many; and once the Center was built, Joe continued to serve, for the next four years, with the

first Gloucester Senior Center Board of Directors working to oversee the opening and operation of our center with Dave Fecteau, Ernie LaFazia, Karen Emond, Marie Plante, and Deb Rogala; and

WHEREAS: through it all Joe never rested going on to work diligently helping his beloved wife, Virginia, maintain and run the Gloucester Food Pantry, for the next eight years, where Joe would often be seen carrying bags of groceries to residents' vehicles or doing whatever Ginny and the girls at Town Hall needed; and

WHEREAS: in 2002, Joe went on to serve the community and continues to serve as a valued member of the Foster/Glocester Juvenile Hearing Board; and

NOW THEREFORE BE IT RESOLVED that we, the Town Council and Town Clerk, extend to Joe Peters our gratitude for your many years of service and dedication to our community. Your hard work, dedication to Gloucester and our country have served this community well as you lived and worked always by the words "Semper Fi" and we wish you the best in all the years to come.

George O. Steere, Jr., President
Walter M.O. Steere, III, Vice. Pres.
William E. Reichert
Julian P. Forgue
Patricia Jean Henry

Jean M. Fecteau, CMC, Town Clerk

Adopted this 19th day of Sept. 2019

seconded by Councilor Forgue.

Discussion: .Council congratulated Mr. Peters and wished him all the best in his future endeavors.

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

MOTION PASSED

VI. Public Hearing

- A. Special Event - Discussion and/or action
Applicant: Hootowl Scramblers MC
Location: 104 Bungy Road, Gloucester

Off Road Motor Cycle Event- Oct. 12 & 13, 2019

Councilor G. Steere stated that this application represents a change in event location from previous years.

Councilor G. Steere stated that this Public Hearing was advertised in the Observer on Sept. 5, 2019 and all abutters were notified.

Councilor G. Steere DECLARED the Public Hearing OPEN.

Discussion: Ken Law, representative of the Hootowl Scramblers, explained that they are looking to relocate their event from Barnes Way to a new location in Town. K. Law noted that they have been doing these events for 25 years at different locations throughout southern New England.

Councilor G. Steere asked if there have been any incidents at the events held at Barnes Way. K. Law replied that nothing major has ever occurred. Councilor G. Steere asked if there is a particular reason for the change in venue. K. Law responded that they like to rotate their tracks and there is currently some logging taking place in the area of Barnes Way. K. Law stated that the new location has not been ridden on at all yet and should hold up well. K. Law commented that there is adequate parking to get everyone off the road and there should not be any liability issues because of the usual insurance policies.

Councilor Reichert stated that he has sponsored the event for many years and there has never been a problem. Councilor Reichert commented that the organizers are very responsible people and if there are any issues, they will address them.

Councilor Henry asked for clarification regarding the hours of the event. K. Law replied approximately 9:00 a.m. to 3:00 p.m. on Saturday, and 9:00 a.m. to 4:00 p.m. on Sunday.

Councilor W. Steere pointed out that their flyer states that the event will start at 10:00 on Saturday, and on Sunday, in a residential area, they are starting at 9:00 a.m. K. Law concurred and stated that there are more events on Sunday. Councilor W. Steere asked how many times they have had a 2-day event. K. Law explained that Saturday is for kids, age 5 through 13, on tiny bikes, and Sunday is the championship, kids in the morning and the pros in the afternoon.

Councilor W. Steere asked K. Law to define “primitive camping”. K. Law replied that means no plug-ins, no sewer, people come in campers with their own sewerage. K. Law noted that there will be porta-johns available for the amount of people expected.

Councilor W. Steere expressed concern regarding the parking situation, stating that it is a residential road and we can't have cars parked on it. K. Law stated that there will be no parking on the road whatsoever.

Joseph DelPrete, Chief of Police, stated that Police and rescue vehicles have to be able to go through there and he is also concerned about noise complaints. Chief DelPrete stated that the Fire Chief will require two (2) EMT's onsite both days because there have been injuries in the past. K. Law stated that the New England Trail Riders Association require a minimum of two (2) EMT's per day and they prefer to use local people, if possible. Chief DelPrete asked how many people are expected. K. Law replied approximately 250 riders. Chief DelPrete stated that we never had a problem at Barnes Way, but this is a different venue, close to 102 and with many neighbors. K. Law stated that there definitely is noise, however it is not all day long; they go for an hour then stop until another class is ready to go. Regarding the campers, K. Law stated that quiet time is at 10:00 when everything, such as generators, are shut down. Councilor G. Steere asked if the races are over at 3:00 and 4:00, Saturday and Sunday. K. Law replied in the affirmative.

Chief DelPrete stated that the traffic will be an issue, unlike on Barnes Way, which comes out onto a State highway. K. Law stated that people will be coming in from Route 102 and Route 101 and there will be traffic on Friday afternoon and Saturday, but Sunday should not be too bad. Councilor Henry noted that this is the same weekend as the Scituate Art Festival, so traffic will be pretty heavy.

Councilor W. Steere asked Chief DelPrete if he feels the need for a Police detail at the event. Chief DelPrete replied that it may be difficult to fill on those two (2) days, but he thinks there should be an officer there. K. Law stated that they have had an officer in the past, but not in the last 6 or 7 years. K. Law stated that if it is deemed necessary, he does not have a problem with it. Councilor W. Steere stated that he anticipates that somebody will get a call at some point regarding the noise. Councilor G. Steere stated that it will be the Chief's call regarding the Police detail.

George Palmisciano, of 80 Bungy Road, stated that he has lived there for 20 years and didn't know about this until he received his registered letter in the mail. G. Palmisciano stated that he would prefer that the event did not happen because the area is residential, unlike the Barnes Way area. G. Palmisciano stated that he is a practicing professional civil and environmental engineer and has spent a lot of time, effort and money in maintaining his property. G. Palmisciano stated that it is a very environmentally sensitive area and not an ideal spot for this event.

G. Palmisciano stated that another concern is liability as one of the main trails abuts his property. G. Palmisciano stated that the trails are marked, but not all that well, and if somebody gets hurt on his property, he could be sued. G. Palmisciano stated that his attorney recommended that he ask to be indemnified regarding liability. G. Palmisciano also expressed concern about the riders camping overnight and becoming drunk and unruly. G. Palmisciano further stated that if it is once a year, that is fine, but he is afraid that some of the riders may come back every weekend to ride. G. Palmisciano noted that he has discussed these concerns with the landowner. G. Palmisciano requested that he be given a phone number of an organizer so that if something happens he can call them.

Councilor Reichert stated that they have to have a million dollars of insurance and the Town Solicitor will work out the details. Councilor Reichert stated that he understands G. Palmisciano's concern, but stated that the organization has professionals that take measures to protect the wetlands and they clean it up when they are done. Councilor Reichert noted that it is a family event that he has attended with his grandchildren and everybody enjoys it.

Councilor G. Steere asked Tim Kane, Town Solicitor, if we can include G. Palmisciano as an additional insured. T. Kane stated that he will answer after K. Law has addressed G. Palmisciano's concerns.

K. Law thanked G. Palmisciano for showing his concern, stating that he is a logger who is also concerned for the environment. Regarding the liability insurance, K. Law stated that they have a million dollar bond, per incident, and all the abutters have been added and are fully covered. K. Law stated that nobody will be trespassing on G. Palmisciano's property at all, people will have adequate maps, they stay on the track and do not wander off. K. Law stated that this is a professionally run event with no alcohol allowed. G. Palmisciano asked if K. Law will be present. K. Law replied that

he will be there 24/7, both days. K. Law noted that they have been doing these events for 30 years and have a very good record.

T. Kane stated that the Council can add to the conditions that abutters be added to the insurance policy. K. Law stated that they already have that covered and he will provide the Town Clerk's office with a copy of the policy.

Councilor Henry asked why they are changing their location. K. Law again explained that they like to switch their tracks to give people a new venue, and also noted that there is logging still going on at the previous location, which would interfere with the event. Councilor Henry asked if they go back in after the event to repair the environment. K. Law replied in the affirmative, stating that they re-seed sensitive areas and put down mulch hay. K. Law stated that there will not be people riding every weekend after the event.

Councilor G. Steere stated that the Town Solicitor will check the insurance policy to make sure G. Palmisciano's name is on it. G. Palmisciano stated his opinion that a million dollars is not nearly enough. Councilor Reichert noted that it is a million dollars per incident. G. Palmisciano stated that if somebody dies, it is not enough.

Councilor Henry stated that G. Palmisciano indicated that he does not want to stop the event, however he is very upset and concerned. Councilor Henry asked, if he had his way, would he want it or not. G. Palmisciano replied that he would rather not have it there, but he doesn't want to be the one that (inaudible).

Bruce Barnes stated that he owns the property where the event usually is held and noted that there has never been an issue. B. Barnes stated that it is a good group of people. B. Barnes stated that when they first did it, there were people who were concerned, but now they usually come and enjoy the event. B. Barnes stated that they have never had a problem in 16 years.

Councilor W. Steere asked what happens if there is a violation regarding alcohol. T. Kane replied that the event organizer can seize the alcohol and a Police report of alcohol consumption can be considered by the Council when they come back the next time.

T. Kane referred to stipulation #6 of the proposed motion, which states "an ambulance or rescue vehicle, in addition to two (2) Emergency Medical Technicians, shall be available on the premises" and stated that the applicant has said there would be two (2) EMT's, but no ambulance. K. Law stated that an ambulance is not required. Dennis Huestis, Chepachet Fire Chief, stated that there will be two (2) EMT's on site, but it is up to the Town Council if they want an ambulance also. Councilor W. Steere asked for Chief Huestis's professional opinion if there should be one. Chief Huestis replied in the affirmative, stating that they have all the equipment on the truck; air splints, backboards, etc. Chief Huestis noted that the truck will not transport because the event would have to be stopped due to the EMT's not being there. Chief Huestis stated that another truck would have to be called for transport. Chief Huestis stated that there will be a fee for the truck and the two (2) EMT's for the day.

Councilor W. Steere stated that when you look at the aerial map it shows 30 to 40 houses within a half-mile. Councilor W. Steere noted that at the previous location, there is nothing and you wouldn't even know they were there. K. Law commented that there were many houses in the Echo Lake area. Councilor W. Steere stated his opinion that this is a site we would not want to see every year. Councilor G. Steere stated that we will know more after they have it once.

G. Palmisciano asked if some thought could be given to the main trail that abuts his property. G. Palmisciano stated that it is a straightaway and asked that a turn be put in to keep the noise down.

Councilor G. Steere asked if anybody else wished to speak regarding this application. Hearing none, Councilor G. Steere DECLARED the Public Hearing CLOSED.

Discussion: Councilor Henry stated that she is perplexed on this; she believes that landowners have the right to use their land, but at the same time, she is not sure that this is the best location.

MOTION was made by Councilor Reichert to GRANT the Special Event license to Applicant: Hootowl Scramblers MC, Location: 104 Bungy Road, Gloucester for an Off Road Motor Cycle Event- Oct. 12 & 13, 2019 with the following stipulations:

- 1) The race shall be conducted between the hours of 9:00 a.m. and 3:00 p.m. on Saturday and 9:00 a.m. and 4:00 p.m. on Sunday.
- 2) No alcoholic beverages of any kind shall be consumed or allowed on the premises.
- 3) No overnight camping shall be allowed on the premises other than primitive camping for race participants.
- 4) Anyone selling non-alcoholic beverages or food on the premises shall obtain necessary licensing from the Town, with approval from the Rhode Island Department of Health when necessary.
- 5) Adequate portable comfort stations shall be available.
- 6) An ambulance or rescue vehicle, in addition to two (2) Emergency Medical Technicians, shall be available on the premises at the applicant's expense.
- 7) An area on the premises to accommodate the parking of all vehicles of visitors and participants, etc. shall be available, such as to avoid the parking of such vehicles on nearby roads.
- 8) At least one Gloucester Police officer, at the Police Chief's discretion, shall be assigned to the premises for the 2 day period, at the applicant's expense, to assist in traffic control, the maintenance of good order, and compliance with these conditions.
- 9) Adequate liability insurance coverage, at applicant's expense, of at least \$1,000,000 shall be provided with the Town of Gloucester, its functionaries and all abutting property owners included as named insured. Such policies, or certification thereof, shall be submitted to the Town Solicitor for approval.
- 10) The Town of Gloucester and its functionaries shall be included among those individuals and entities released in any release, waiver of liability and indemnity agreements secured by the applicants.
- 11) Applicant shall comply with applicable requirements and rules of the A.M.A., N.E.T.R.A., and insurance carriers.
- 12) Applicant shall consult with appropriate Town officials to insure an orderly and safe event

and shall comply with recommendations of said officials toward that end.

seconded by Councilor W. Steere.

Discussion: Councilor G. Steere noted that he is voting on this based on the past history of the event which took place on Barnes Way.

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

MOTION PASSED

VII. Consent Items - Discussion and/or Action

- A. Approval of Town Council Regular meeting minutes of September 5, 2019
- B. Tax Assessor's Additions and Abatements - August 2019
- C. Finance Director's Report - August 2019

MOTION was made by Councilor Reichert to TABLE the Town Council Regular meeting minutes of September 5, 2019; to APPROVE the Additions to the 2019 Tax Roll in the amount of \$6,399.12; the 2019 Tax Roll in the amount of \$1,820.85; the 2018 Tax Roll in the amount of \$454.00; the 2017 Tax Roll in the amount of \$434.06; the 2016 Tax Roll in the amount of \$383.90; the 2015 Tax Roll in the amount of \$378.25; the 2014 Tax Roll in the amount of \$372.27; the 2013 Tax Roll in the amount of \$467.28 and the Abatements to 2019 Tax Roll in the amount of \$9,454.78; the 2019 Tax Roll in the amount of \$2,516.16; the 2019 Supplemental Tax Roll in the amount of \$1,440.61; and the 2017 Tax Roll in the amount of \$31.61; and to ACCEPT the Finance Director's Report for August, 2019; seconded by Councilor Forgeue.

Discussion: None.

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

MOTION PASSED

VIII. Unfinished Business

- A. Historic District Commission
 - a. One unexpired term Alternate #1 to expire 11/2019 - Discussion and/or action

MOTION was made by Councilor Forgeue to TABLE the appointment to the Historic District Commission, Alternate #1 position; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

IX. New Business

- A. Special Events - Annual Town Events
 - 1. Gloucester Business Association
 - "Trick or Treat on Main Street" Proposed date: October 26, 2019
 - a. Discussion and/or Action: Details of event

Discussion: Vincent Lepore, president of the GBA, explained that the event will be pretty much the same as previous years. V. Lepore stated that the only thing that will be added is that a tent will be set up at the end of one driveway for sign-ups so the kids don't get confused regarding where to go. The trucks for the food pantry items will still be in the back and will deliver the items the following day. V. Lepore stated that he has left it up to the Chief's discretion with regard to how many Police officers will be required. Councilor Henry asked if the GBA is requesting that the Town help with the cost of one of the Police officers. V. Lepore stated that he spoke to the Chief about that, adding that it is one of their largest costs. V. Lepore noted that this is not a fund-raiser, but an event put forth by the members of the GBA for the community and the elementary school kids.

V. Lepore stated that last year, there was a noreaster that changed the date to the following day, and 800 kids still showed up. V. Lepore commented that it is growing every year. Councilor Henry pointed out that there are people from other communities that come. V. Lepore stated that we don't advertise it and do it locally through flyers at the schools. V. Lepore stated that we don't want this to be a commercial event; it is for our kids and our community. V. Lepore stated that we do include Isaac Paine Elementary School in Foster and the food is divided between the Gloucester Food Pantry and the Foster Food Pantry.

Councilor Henry asked Joseph DelPrete, Chief of Police, if the department could help out with the cost of a Police detail. Chief DelPrete replied in the affirmative.

Councilor W. Steere asked the Fire Chief if the tent must be inspected. Dennis Huestis, Chepachet Fire Chief, replied that an inspection is not necessary as there will be no cooking under the tent.

Councilor Henry asked if the Recreation Director has given the necessary permission. V. Lepore replied that they have all the required paperwork.

b. Discussion and/or Action: Proposed use of pavilion with requested waivers of Pavilion Use policy

Councilor G. Steere stated that Vin Lepore has submitted a field app to Bob Shields, Recreation Director, which has been approved.

Councilor G. Steere stated that per the letter attached to the application, the following waivers are requested:

Chapter 221-18 I. We request permission to display our 8'x2' "Trick or Treat on Main Street" banner on the pavilion grounds.

Chapter 221-18 N: We request permission to distribute local business coupons and other promotional items to the parents during the event.

We request that the entrance to and exit from the Pavilion parking lot be blocked off for pedestrian safety.

We request permission to set up an EZ-Up canopy at the exit point of the Pavilion parking lot (northern location).

We request permission to set up two table and two chairs under the canopy.

Discussion: Councilor W. Steere spoke regarding the sign and asked if all tape will be removed when the sign is taken down. V. Lepore replied that the sign is self-standing.

MOTION was made by Councilor Forgue to APPROVE the Special Event for the Gloucester Business Association's "Trick or Treat on Main Street" to be held on October 26, 2019 and to GRANT the following waivers for the use of the Pavilion: Code of Ordinance, Chapter. 221-18, Sections I & N as requested; to allow the parking lot to be blocked off; and to allow a pop up canopy at exit point with tables and chairs; seconded by Councilor W. Steere.

Discussion: Councilor G. Steere asked Tim Kane, Town Solicitor, if Councilors who are members of the GBA can vote on this matter. T. Kane replied in the affirmative, stating that there is no financial impact or money involved.

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

MOTION PASSED

2. Chepachet Grange
"Gloucester Scarecrow Festival" Proposed date: October 19, 2019
 - a. Discussion and/or Action: Details of event

Discussion: Mark Rechter, of the Chepachet Grange, stated that since they submitted the field permit application, they have added face-painting to the list of activities and there will be a couple of additional local musicians performing.

Councilor G. Steere asked what are the basic changes from last year. M. Rechter replied that there are no changes other than a 10' by 10' pop-up tent and whatever the local farmers are going to bring. Councilor G. Steere asked the Fire Chief, if they are not cooking under the tents, does it warrant an inspection. Dennis Huestis, Chepachet Fire Chief, replied that inspection is not necessary if there is no cooking involved. M. Rechter stated that they are asking for the same exceptions they asked for last year. M. Rechter noted that they will have a grill in the same location as it was last year.

Councilor Henry stated that last year, reusable shopping bags were given out and she hopes they will be available again. Councilor Henry stated that point #8 states that there will be no political statements allowed and last year, some people were asked to adjust their displays. Councilor Henry mentioned that there was one that she hopes we will not see again, which was used as a vehicle for advertising their septic company. Councilor Henry stated that she was offended by it. M. Rechter stated that they ask the applicants to be appropriate, but everybody's humor is different and they try not to censor.

M. Rechter requested the use of the sign from the Police Department a week in advance as they have done the last two (2) years. M. Rechter stated that last year they had two (2) officers and will do the same this year. M. Rechter noted that the prime concern is safety as the participants go onto the road to place their entries. M. Rechter stated that there will also be a concert until 3:00.

Councilor Henry asked where applications can be found. M. Rechter replied that they are online at gloucesterscarecrowfestival.org. M. Rechter stated that many non-profit organizations have been invited to participate. M. Rechter commented that he hopes this event will continue for many years as it brings recognition to the Town.

- b. Discussion and/or Action: Proposed use of pavilion with requested waivers of Pavilion Use policy

Councilor G. Steere stated that a field app was submitted to Bob Shields for Pavilion use and was approved.

Councilor G. Steere noted that there is no request for waivers attached to the application, but Mr. Rechter indicated he would like the same waivers as last year.

Councilor G. Steere read the following into the record:

2018 waivers granted:

1. Relief from Subsection E: granting permission to set up a grill, a minimum of 50 feet from the Pavilion, subject to applicant receiving a Department of Health permit.
2. Relief from Subsection I: granting permission to set up signage outside of the wall.
3. Relief from Subsection K: granting permission to close the parking area to traffic the day of the event.
4. Relief from Subsection O: granting permission to sell grilled food, under the stipulation a Department of Health permit shall be received by applicant, and there shall be a fire extinguisher on premise.
5. Cleanup and trash removal will be the responsibility of the Applicant, Chepachet Grange #38.
6. The applicant, Chepachet Grange #38, will work with the Chief of Police regarding a Police presence for safety. The hours and number of officers needed will be at the Chief's discretion.
7. Subject to Fire Department requirements, to include a hose on site.
8. No political statements are allowed on Town property.

Discussion: None.

MOTION was made by Councilor Henry to APPROVE the Special Event for the Chepachet Grange #38 for the Gloucester Scarecrow Festival to be held on Saturday, October 19, 2019 with a rain date of Sunday, October 20, 2019 and to grant relief from the following regulations for the use of the Pavilion in the Code of Ordinance, Chapter. 221-18:

1. Relief from Subsection E: granting permission to set up a grill, a minimum of 50 feet from the Pavilion, subject to applicant receiving a Department of Health permit.
2. Relief from Subsection I: granting permission to set up signage outside of the wall.
3. Relief from Subsection K: granting permission to close the parking area to traffic the day of the event.
4. Relief from Subsection O: granting permission to sell grilled food, under the stipulation a Department of Health permit shall be received by applicant, and there shall be a fire extinguisher on premise.
5. Cleanup and trash removal will be the responsibility of the Applicant, Chepachet Grange #38.
6. The applicant, Chepachet Grange #38, will work with the Chief of Police regarding a Police

presence for safety. The hours and number of officers needed will be at the Chief's discretion.

7. Subject to Fire Department requirements, to include a hose on site.
8. No political statements are allowed on Town property.

seconded by Councilor Reichert.

Discussion:

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

MOTION PASSED

B. Residential Day Care - Discussion and/or Action regarding terms of use allowed and/or potential ordinance amendment

Councilor Reichert stated that he requested this item and asked Ken Johnson, Building/Zoning Official, to answer questions regarding a residential day care business that was granted by the Town.

Councilor Reichert explained that there is a trend with day cares with regard to long hours, 5:30 a.m. to 7:00 p.m. and weekends also, they gave them seven (7) days a week. Councilor Reichert stated that somebody living out here and working in the city, such as a nurse, may get held over and need their kids to sleep over at the day care. Councilor Reichert stated that there are 12 residents that are upset that this has gone through. Councilor Reichert suggested that a workshop be held to discuss this type of business. Councilor Reichert noted that the area, in question, is a dead end with no parking.

Ken Johnson, Building/Zoning Official, stated that there was an agreement when approval came from the Zoning Board with a stipulation concerning hours. K. Johnson stated that he does not have the decision in front of him, but he thinks the hours granted were 6:30 a.m. to 5:00 p.m.. K. Johnson stated that the sleep over matter was not discussed. Councilor Reichert stated that the Zoning Board gave them weekends also to operate a limited daycare on Saturday and Sunday. Councilor Reichert stated that it is done but he is looking to the future. K. Johnson stated that he also thinks it was a very limited number of children allowed, and if they go above that, it is a violation of the decision.

Councilor Reichert stated that the neighbors had an attorney but were told that once something is approved by Zoning, it is hard to overturn it in court. K. Johnson stated that a lot of notifications went out to the neighbors, but only one (1) or two (2) showed up. K. Johnson stated that, going forward, this matter could be addressed with the Zoning Board and noted that the Planning Board also gave a positive recommendation. K. Johnson stated that for the overnight child care, the applicant would have to come back to modify the stipulations. T. Kane, Town Solicitor, concurred and stated that if they did come back, the neighbors would probably show up. T. Kane further stated that the Ordinance could be modified to address these concerns.

C. Bds. & Commissions

1. Land Trust - Set date and subject(s) for proposed workshops - Discussion and/or Action

Councilor W. Steere stated that the Council received a response from the Land Trust regarding the Council's request to meet earlier than originally planned to discuss Hawkins Pond. Councilor W. Steere stated that the Land Trust was not amenable to it and wished to stick with the originally

proposed date of the end of October.

Councilor W. Steere stated that the Council also wanted to discuss policies and procedures, particularly with maintenance of the properties and the vetting process for volunteers. Councilor W. Steere commented that he was taken aback by the Chair's response because it didn't seem like they cared about the opinion of the Council. Councilor W. Steere expressed concern that we can't get answers from the board. Councilor W. Steere stated that the Land Trust is a quasi Town board, however the Council does appoint and remove members to that board.

Councilor G. Steere stated that the Land Trust had suggested later in the month originally for the Hawkins Pond, and noted that he was at their meeting for the presentation and it is going to take a while because it is pretty in depth.

Councilor Henry stated that she read the response and thought it was inappropriate and disrespectful. Councilor Henry stated that the Council appoints and unappoints, and she is fully aware that they are a quasi organization and how they operate. Councilor Henry stated that in the past, the Land Trust worked closely with the Council, but she feels that does not go on now at all. Councilor Henry stated that the Council just wanted to talk to them about the condition of the trails because we hear from the public, and their response was inappropriate. Councilor Henry stated they are a quasi organization with respect to how they spend money and negotiate on property, but they report to the Council in the end. Councilor Henry further stated that it was unnecessary for them to say that Councilor W. Steere was absent from their meetings because as the liaison, if they need him there, all they have to do is ask. Councilor Henry stated that there is no room for that attitude.

Councilor W. Steere stated that we just want resolutions to a couple of serious issues and it didn't come from the liaison, it came from the whole Council, based on conversations with residents. Councilor Henry agreed that we hear from residents all the time about the conditions at the properties.

Councilor G. Steere stated that we could just agree to a workshop with both subject matters on the agenda, stating that if we are meeting with the same people, we can do both on the same night.

Councilor W. Steere stated that it sounded like they expect him, as liaison, to attend the next meeting, but he has a previous commitment. Councilor W. Steere noted that the Council as a whole had questions.

Councilor Forgue stated that combining the two (2) and having them come in is the simplest thing to do. There was Council consensus to offer the Land Trust three (3) dates to choose from.

MOTION was made by Councilor W. Steere to schedule a joint workshop with the Gloucester Land Trust on October 22, 23 or 24, to discuss the Hawkins Pond Dam, maintenance of Land Trust properties and Volunteer Policy; seconded by Councilor Forgue.

Discussion: None.

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

MOTION PASSED

D. State Recreation Grant Applications/Opportunities - Discussion and/or Action
Councilor W. Steere stated that the State has advertised their latest round of recreation grants and this is an opportunity for us to look at all of our Town facilities to see if we can get funding for improvements. Councilor W. Steere stated that we talked about Gloucester Memorial Park but suggested that we include all of our facilities. Councilor W. Steere noted that the matching grant for maintenance is 20% rather than 50% so we may want to look into it. Karen Scott, Town Planner, stated that we included grant money in the current budget for Gloucester Memorial Park.

Councilor W. Steere stated that the Recreation Director could work with the Town Planner and the DPW Director to itemize what needs to be done at each park. K. Scott stated that when the release came out, she forwarded it to Councilor Henry, the Recreation Director and the Public Works Director to try to determine what the priority areas are and make a rough outline of how we could use this money. K. Scott noted that the Senior Center Director will also be involved in the discussion to come up with ideas. Councilor W. Steere suggested that they look at the needs of Winsor Park and Heritage Park. Councilor G. Steere noted that the beaches would also be considered recreation.

E. Authorization of Town Council President to Sign- Discussion and/or Action

1. Historic Revitalization Subgrant Program (HRSP), Grant Agreement Number P19AP00430: Between the United States Department of Interior National Park Service and the Town of Gloucester

Karen Scott, Town Planner, reported that we received a \$250,000 grant from the National Park Service to upgrade the facades of commercial and mixed-use buildings in the Village. K. Scott noted that there were over 250 applicants nationwide and nine (9) were awarded, and of those, only two (2) are municipalities, so it is very exciting. K. Scott stated that she gave the agreement to the Town Solicitor for review, but it is pretty basic. Tim Kane, Town Solicitor, stated that there is no match other than staff time.

MOTION was made by Councilor Fogue to AUTHORIZE the Town Council President to sign the Historic Revitalization Subgrant Program (HRSP), Grant Agreement Number P19AP00430: Between the United States Department of Interior National Park Service and the Town of Gloucester; seconded by Councilor Henry.

Discussion: None.

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

MOTION PASSED

2. Office of Attorney General - Certificate of Compliance, Access to Public Records - Town Records Officer: Town Clerk, Jean Fecteau

Councilor G. Steere stated that the Town Clerk, as a Town Record Officer, has completed a current training session and a new certification is to be signed to keep current.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Office of Attorney General - Certificate of Compliance, Access to Public Records, dated September 19, 2019, for Town Clerk, Jean Fecteau; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

F. Personnel

1. Public Works Employee

- a. Discussion and/or Action re: Employee status options after all sick time exhausted

Councilor G. Steere read the following memo from the Personnel Director:

To: The Honorable Town Council Members
From: Diane L. Brennan, Finance, H/R Director
RE: Employee Time Off- Leave no pay
Date: September 16, 2019

I am writing to inform you of a town employee, that will be running out of paid time off. The employee has exhausted all sick and vacation time. Due to a non-work injury, the employee is unable to return to work at this time. The town has received a doctor's note with a return to the doctor visit scheduled for September 19, 2019. The council may consider granting the time as leave no pay for this employee. I would recommend the council do so on a temporary basis in order to assess the situation once the medical disposition is determined. I would ask the council to allow this status until October 5, 2019 pending an update at the next scheduled town council meeting. During the leave no pay period, the employee will be responsible for co-pay on benefits. I have spoken with Gary Treml, the department director, and we agree the leave no pay option is a temporary solution to handle the time off for this individual.

I recommend the council concur with this request and provide for leave no pay for this public works employee until October 5, 2019 when additional information should be available.
(End of memo)

Discussion: None.

MOTION was made by Councilor Forgue to AUTHORIZE Leave no-pay status for a Public Works employee out on a non job related sick leave effective as needed until October 5, 2019 with further review at that time; seconded by Councilor W. Steere.

Discussion: None.

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

MOTION PASSED

2. DPW Director

- a. Consideration, discussion and action - Job Performance

Discussion: Councilor G. Steere stated that it was the request of Gary Treml, Director of Public Works, to have this conversation in open session.

Councilor G. Steere stated that we are not here to criticize all the good things G. Treml has done,

projects such as Hawkins Dam, Oil Mill and Tanyard Lane projects, Transfer Station, Pavilion, etc., and stated that we could not ask for more. However, Councilor G. Steere stated that it was brought to the Council's attention that when G. Treml and Diane Brennan, Finance Director, were on vacation, the DPW administrative aide showed up at the Town Hall to speak to Jean Fecteau, Town Clerk, regarding an employee's pay raise.

Councilor G. Steere stated that he assumes that G. Treml directed the administrative aide to do so. G. Treml stated that he does not recall that. Councilor G. Steere stated that there was a lot of discussion about this certain employee's pay raise that day. Councilor G. Steere stated that D. Brennan had left instructions to her clerk about payroll, and the administrative aide had discussion with J. Fecteau and later with Jane Steere, that the raise should not go out as D. Brennan had instructed. Councilor G. Steere again stated that he is assuming that G. Treml asked the aide to come in to town hall because he was on vacation. Councilor G. Steere stated that if he did, it was totally out of line for him to try to interrupt a direct instruction from the Finance Director to one of her clerks. Councilor G. Steere stated that it upset the Town Hall and staff spent an hour or two over a \$12.31 increase in somebody's check. G. Treml stated that it is his department and he will take responsibility. Councilor G. Steere stated that the Council thinks this was out of line and should not happen again. G. Treml again stated that he will take responsibility for his department.

3. Employee Handbook

a. Discussion and/or Action on amendment proposal regarding oversight during supervisor's/department head absence

Councilor G. Steere stated that we have a Draft, which has been reviewed by the Town Solicitor, for consideration by the Town Council.

Discussion: Councilor Forgue referred to the paragraph in red, stating that he would like to add that a letter be given to the employees to sign to have on file, because not everyone that is hired reads the entire handbook. Councilor Henry agreed that somebody could not say they were unaware.

Tim Kane, Town Solicitor, read the proposed amendment into the record as follows:

“During the absence of your supervisor, all instructions previously given or in place shall be followed. If a situation arises where you feel these instructions cannot or should not be followed, you must contact the Town Council liaison to your office for further instruction. Failure to follow your supervisor's and/or liaison's instructions may result in disciplinary action.”

T. Kane stated that if the employee contacts the liaison, he would expect the liaison to contact the supervisor, via email or cell phone, and the liaison can bring it back to the Council, if necessary. T. Kane noted that a liaison cannot order an employee or department head to do anything. Councilor Forgue stated that the reason we propose this change so the liaison could be a vehicle, no more, no less.

Councilor G. Steere asked the Council members if they wished to think about this and tweak it. Councilor W. Steere stated that where he works, if his supervisor tells him to do something, that is his opportunity to question it and talk about it so he understands. Councilor W. Steere stated that he understands the intent here, but years from now somebody may not.

T. Kane suggested that the last sentence, “Failure to follow your supervisor's and/or liaison's instructions” be changed by taking out “and/or liaison”, because a liaison cannot instruct. T. Kane

stated that a liaison can try to reach the department head and if it is an emergency situation, the Council can call a special meeting. Councilor W. Steere commented that if we had a day-to-day Town Manager or Administrator, they would take that role.

T. Kane stated that the second sentence should be changed to read “you must contact the Town Council liaison to your office for further guidance” instead of instruction.

Councilor W. Steere questioned the inclusion of “disciplinary action”. Councilor Forgue stated that it is not a given and should be stated.

MOTION was made by Councilor W. Steere to TABLE until the next meeting Employee Handbook Discussion and/or Action on amendment proposal regarding oversight during supervisor’s/department head absence; seconded by Councilor Reichert.

Discussion: None.

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

NAYS-0

MOTION PASSED

G. Consideration of reinstatement of mobile home park sites for RLM II, LLC, d/b/a Village on Chopmist Hill - Discussion and/or Action

Rick Meffert, partner in RLM II, of 137 Cain Ave., Middletown, and Kevin Kitson , 673 Putnam Pike, manager, appeared before the Town Council. Councilor G. Steere stated that they are here to request Council reinstate the park to the number they were approved for years ago, before there was a DEM issue regarding the septic system, and a court order that nobody could find for years. R. Meffert replied in the affirmative and stated that it started back in 1983, when they were reduced from 87 to 78.

R. Meffert stated that he bought the park in 2003 when it was in bad condition and put in a new treatment system to alleviate the problem. R. Meffert stated that they are now in the process of putting in a complete system up to 105 units, which is a 20% increase over the 87. R. Meffert noted that they have done a lot of work there and have brought in 22 new units.

Councilor Henry asked how many mobile homes are in the park. R. Meffert replied that they are licensed for 78 and have 74 rented, adding that two (2) units were knocked down because of their condition. Councilor Henry asked if any of them have other septic systems. R. Meffert replied that 33 units are on the new system and they are in the process of installing a sand filtration system that can handle up to 105 units.

Councilor Henry asked how many units are there now, total. K. Kitson, manager, replied that there are 74 tenants and they are licensed for 78, but they are looking to reinstate to 87. K. Kitson noted that the capacity of the septic system more than supercedes the 87.

Councilor G. Steere stated that there was a court order and there was a lot of effort to get it rescinded. T. Kane stated that they went to Superior Court to file a motion and that court order limiting them to 78 units is essentially dissolved. Councilor G. Steere stated that they came to the Council a year or two ago with this and the answer was somebody has to take care of that court

order. T. Kane stated that it has been taken care of.

K. Kitson stated that they have gone a long way to make it a nice park, far better than it was years ago. K. Kitson noted that his mother lives there, which speaks volumes about how he feels about it personally. K. Kitson commended the owners of the park. Councilor Reichert agreed that the place was despicable in the past and is now 1000% better. K. Kitson pointed out that the number of Police calls has decreased dramatically.

Councilor G. Steere spoke regarding the State mandates for affordable housing, stating that we are at 2% of the required 10%. Councilor G. Steere stated that we require subdivisions to have at least 10%, including the over 55 projects. Councilor G. Steere stated that there is more of a problem meeting the criteria with a single family home than a mobile home because the prices are so close; people don't want the deed restriction and would rather pay \$10,000 more for a house with no restrictions. Councilor G. Steere stated that the prices of mobile homes are lower and it might be easier to meet the criteria and work toward our quota.

K. Kitson stated that part of the problem is that the State of Rhode Island does not recognize mobile homes parks as affordable housing throughout the state, because towns that have what we have would automatically qualify. K. Kitson stated that it would require our senators and representatives to get behind it and fight for that. K. Kitson noted that it really is affordable housing. Councilor G. Steere asked if there are 4 or 5 that are in that program. K. Kitson replied that there are 3 right now.

K. Kitson stated that another problem is that some people don't pay their bills properly. R. Meffert stated that they have had that problem and are restricted as to what they can do and really do not have any recourse. K. Kitson stated that the Tax Collector is challenged because the mobile homes are on leased land and it is difficult to go after the taxes. K. Kitson stated that they have enacted in their rules and regulations that it is important to pay their taxes, adding that they are currently bringing some people to court because their taxes are behind.

Councilor Reichert questioned if all mobile homes are low-income. K. Scott, Town Planner, stated that the State's definition of low and moderate income housing has to meet two (2) things; it must be subsidized and deed-restricted. K. Scott stated that we are at about 2½% and the argument we keep having with the State is that mobile homes should, due to their price point, count by right without having to meet those two (2) criteria. K. Scott noted that the ones that went through Home Repair do count because they are subsidized and deed restricted.

K. Scott explained that the difference in price between mobile homes and houses is not enough to make the affordable unit attractive to a buyer and noted that the appreciation of a manufactured home does not go up the way that a single-family house does. Councilor Reichert asked how much a manufactured home costs. K. Kitson replied that a single wide is about \$80,000 to \$85,000.

K. Kitson stated that we have to try to get the mobile home parks to qualify as affordable housing. Councilor G. Steere stated that we have tried. Councilor G. Steere stated that it is a State mandate, not ours, but we have to get there somehow or at least make an effort. K. Scott noted that we, along with representatives from other towns, brought 13 resolutions and testified at the State House.

Councilor W. Steere stated that, in his opinion, the Affordable Housing Act has nothing to do with

affordable housing; it is about circumventing local zoning to increase density in building.

Councilor Henry asked if we are asking them, as we would ask any builder or developer, to consider trying to work with our Planner to make some of these sites meet the affordable housing criteria. Councilor G. Steere stated that we need to move in that direction and do not want to add nine (9) more to the park that are not affordable. K. Scott stated that she could get a meeting with a housing monitor to explain the price point and deed restrictions.

Councilor G. Steere asked Tim Kane, Town Solicitor, if it would be an action of the Council to reinstate the sites. T. Kane replied in the affirmative. There was Council consensus for the park owners to have discussion with the Town Planner and to come back to the next Town Council meeting on October 3rd.

MOTION was made by Councilor W. Steere to CONTINUE the Consideration of reinstatement of mobile home park sites for RLM II, LLC, d/b/a Village on Chopmist Hill until the first Council meeting in October; seconded by Councilor Forgue.

Discussion: None.

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

MOTION PASSED

X. Town Council Correspondence/ Discussion

- A. Councilor G. Steere stated that the Council received a note from the chair of the Planning Board stating that October 15th is the final day for submission of Capital Improvement projects for the next six year budget period.
- B. Councilor G. Steere stated that a letter was received from the high school regarding the Food Truck Kickoff Homecoming celebration on Saturday, September 21st from 11:00 a.m. to 2:00 p.m.
- C. Councilor G. Steere stated that a letter was received from FEMA regarding a Flood Risk Review Meeting on Wednesday, September 25th in Dayville, CT. Councilor G. Steere asked Gerald Mosca, EMA Director, if he attends any of these meetings. G. Mosca replied from his seat and was not audible on the recording.
- D. Councilor G. Steere stated that he received a call from Norbert Therien of National Land Surveyors, stating that he is ready to submit the plan to DEM for the septic repairs at the Police Station and needs somebody to sign it. In the interest of getting it submitted, Councilor G. Steere asked for a consensus which could be ratified at the next meeting. Council consensus was reached.
- E. Councilor Henry stated that she attended the Alzheimer's Association meeting in Scituate and brought back material for Judy Branch, Director of Human Services. Councilor Henry stated that it is a major concern throughout the State and noted that one (1) in every five (5) people die from Alzheimer's. Councilor G. Steere noted that the Lt. Governor plans to speak about it at the Senior Center.

XI. Department Head Reports/Discussion

- A. Jean Fecteau, Town Clerk, stated that Gerald Mosca, EMA Director, has been working with Scituate and Foster's EMA's to put together a Memorandum of Understanding pertaining to a shelter at Ponaganset High School. J. Fecteau noted that it is a non-binding agreement, just to get the ball rolling.

G. Mosca stated that he gave the memorandum to the Town Solicitor for review and had made changes per the Solicitor's recommendation. G. Mosca stated that Foster and Scituate are in agreement that it is a non-binding mutual assistance act that identifies Ponaganset High School as a shelter for this area. G. Mosca stated that he received notice that we received a grant from the State for \$20,000 to hire a contractor to write a shelter management plan. G. Mosca stated that there is a match to the grant, which will be the volunteers as they allow \$24.00 per hour of work. G. Mosca noted that Scituate and Foster volunteers will also be included.

There was Council consensus for G. Mosca to sign the Memorandum of Understanding, to be ratified by the Town Council at a later date.

- B. Joseph DelPrete, Chief of Police, stated that his department is in the middle of the recruit selection process. Chief DelPrete stated that four (4) candidates were interviewed and he will move forward with the selection of two (2) candidates to attend the Municipal Police Academy in January. Chief DelPrete noted that it is a 15 or 16 month process.

Chief DelPrete reported that the Rhode Island Accreditation Team came in to the Police Department to finish their review and we are in good shape to get re-accredited by the association in October.

- C. Gerald Mosca, EMA Director, spoke regarding the generator at the Police Station, stating that he received the approval for the Environmental and Historic Preservation screening process, which means we can go forward. G. Mosca stated that he has been working with an electrical contractor to come up with a scope of work, adding that the contractor is on the State MPA. G. Mosca stated that we can use that contractor without bidding, if we choose. G. Mosca stated that the company has given him a price which is under the grant amount of \$113,000. Councilor G. Steere asked if this is just for installation. G. Mosca replied that it is for the whole job, including putting the old generator on the DPW truck for transport to the school. Jean Fecteau, Town Clerk, stated that we don't have to go out to bid, but for that amount of money, we still need to get multiple prices, according to the Procurement Policy.

G. Mosca stated that there will be spraying this weekend for mosquitos due to EEE but right now, Glocester is not in the target area. G. Mosca stated that if that changes, he will put out a notice on Code Red to let the residents know.

- D. Karen Scott, Town Planner, reported that she has released an RFP for the Chepachet River Revitalization Plan for which some of the CDBG program income will be used. K. Scott stated that responses are due in October.

Councilor Forgue asked K. Scott if anything is moving forward with regard to Blackstone Valley Grant. K. Scott replied that just reached out to them and they want to wait until the Spring.

XII. Bds. and Commissions Reports/Discussion

None.

XIII. Open Forum

None.

MOTION was made by Councilor W. Steere to Seek to Convene to Executive Session Pursuant to:

- A. R.I.G.L. 42-46-5 (a)(2) Collective Bargaining - Contract Negotiations - Local Union #638 - International Brotherhood of Police Officers - Discussion and/or action
- B. R.I.G.L. 42-46-5 (a)(2) Collective Bargaining - Contract Negotiations - Local Union #1322 - Town of Gloucester Clerks - Discussion and/or action
- C. R.I.G.L. 42-46-5 (a)(2) Collective Bargaining - Contract Negotiations - Local Union #1322 - Police Department Civilian Employees - Discussion and/or action

seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

XIV. Reconvene Open Session

Disclosure of votes taken or # of votes taken in Executive Session - Discussion and/or Action

Councilor G. Steere stated for the record that no votes were taken in Executive Session.

MOTION was made by Councilor W. Steere to seal the minutes of Executive Session; seconded by Councilor Reichert.

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

MOTION PASSED

XV. MOTION was made by Councilor W. Steere to Adjourn at 10:45 p.m.; seconded by Councilor Reichert.

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

MOTION PASSED