

At a meeting of the Town Council holden in and for the Town of Gloucester on July 1, 2021:

Councilor Forgue stated that pursuant to current R.I. Executive Orders this meeting is being teleconferenced via Zoom.

I. Call to Order

The meeting was Called to Order at 7:30 P.M.

II. Roll Call

Members present: Julian (Jay ) Forgue, President; William E. Reichert, Vice President; Walter M.O. Steere III; Stephen Arnold; and William Worthy , Jr.

Also Present: Jean Fecteau, Town Clerk; David Igliazzi, Town Solicitor; Joseph Delprete, Chief of Police; Christine Mathieu, Deputy Town Clerk; Ken Johnson, Bldg/Zoning Official; Adam Muccino, Finance Director; Gary Trembl, Director of Public Works, Robert Shields, Recreation Director; Karen Scott, ( came late) Town Planner; Gerry Mosca, EMA Director; and John Luszc, Human Services Director

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

Councilor Arnold reminded the Council that there may be some people joining this meeting by telephone or without video capability, therefore, Council members should identify themselves when speaking, particularly when making or seconding a motion.

Councilor Arnold went on to explain the procedure for the zoom meeting, how participants can be recognized when requesting to speak, and further stated that participants expressing inappropriate behavior or being disruptive may be removed from the meeting by the Council.

IV. Open Forum - For Agenda Items

Councilor Forgue stated that those wishing to speak on agenda items and the public hearing would be able to do so at such time as it is open to the public.

None

V. Public Hearing - Discussion and/or Action

- A. Applicant: Laurel Grange #40, c/o John Luszc
- Location: 347 & 365 Snake Hill Road
- Request for **Weekly** Classic Car Show with DJ for July & August  
(Current Special Event License expires July 6, 2021)

Councilor Forgue stated that this public hearing was advertised in the Valley Breeze Observer on June 17, 2021 and abutters were notified.

Councilor Forgue DECLARED the Public Hearing OPEN

Councilor Forgue asked if the applicant would like to speak and update the Council on the events to

date.

Discussion: J. Luszc, applicant, stated that they have held two events and everything went well. L. Luszc stated that several of the people who had originally been opposed to the event attended and liked it. J. Luszc stated that he appreciates the council's effort.

Councilor Forgue stated that anyone else wishing to speak should raise their hand and they will be recognized. Councilor Forgue stated that when it is your turn to speak, please unmute yourself and state your name and address for the record please.

Councilor Worthy stated that he has talked to people and it seems to be a grass roots event and he would like to see it continue. Councilor Steere asked the number of exhibitors. J. Luszc stated that there were ten (10) for the first event and twelve to fifteen (12-15) for the second event. Councilor Steere asked about the parking. J. Luszc stated that there were no problems with parking.

Councilor Forgue asked if anyone else wanted to speak.

None

Councilor Forgue DECLARED the Public Hearing Closed

Discussion: None

MOTION was made by Councilor Worthy to GRANT the request, for **weekly** Classic Car Shows, with a DJ, for July & August 2021, as requested by Applicant: Laurel Grange #40, c/o John Luszc, Location: 347 & 365 Snake Hill Road with the following stipulations:

1. No food preparation at the Laurel Grange
2. Applicant will notify Police & Fire of new time line and continue to work with local officials, as needed
3. The Council will waive the \$50 license fee
4. Time of events will be from 5:00 pm to 8:00 pm (Mondays only)
5. Events will be non smoking and non alcoholic events

seconded by Councilor Arnold

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

VI. Consent Items- Discussion and/or Action

- A. Approval of Town Council Minutes: Regular meeting of June 17, 2021
- B. Additions and Abatements - June 2021
- C. Finance Directors Report - June 2021

MOTION was made by Councilor Arnold to APPROVE the Town Council minutes of June 17, 2021; to APPROVE the ABATEMENTS to the 2020 Tax Roll in the amount of \$14.72; the 2019 Tax Roll in the amount of \$270.43 ; No ADDITIONS to the 2020 Tax Roll; and to TABLE the Finance Directors Report for June 2021; seconded by Councilor Reichert

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

VII. Unfinished Business

- A. Boards and Commissions
  - 1. Appointments - Discussion and/or Action
    - a. Parade Committee
      - 1. Alternate position # 1
      - 2. Alternate position # 2
      - 3. Positions #7,8,and 9

Councilor Forgue stated there are no recommendations from the Chair at this time.

MOTION was made by Councilor Reichert to TABLE the appointments to the Parade Committee to the September 16<sup>th</sup> Town Council meeting; seconded by Councilor Worthy

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

- b. Recreation Commission
  - 1. Position # 2- term to expire 1/2023

Councilor Forgue stated that there are no recommendations from the Recreation Commission at this

time. Councilor Forgue asked if Council had any recommendations. None given.

MOTION was made to TABLE the appointment to the Recreation Commission for a term to expire 1/2023; seconded by Councilor Arnold

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

- c. Historic District Commission-
  - 1. Position # 1- Term to expire 11/1/2023

Councilor Forgue stated that there are no recommendation from the Chair of the Historic District Commission.

MOTION was made by Councilor Worthy to TABLE the appointment to the Historic District Commission for a term to expire 11/2023; seconded by Councilor W. Reichert

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

B. Town Council - (Proposed) Rules of Conduct - Discussion and/or Action

Councilor Forgue stated that the proposed rules were read into the record at the last Council meeting and tabled. Councilor Forgue suggested Council members read the proposed rules for further discussion, if needed.

Discussion: Councilor Reichert asked D. Igliazzi, Town Solicitor, if these rules could apply to both residents and the council or if they were for the council only. Councilor Reichert asked if these rules could be used to stop someone from talking. Attorney Igliazzi stated that the rules apply to both council members and residents and that council members currently may stop a resident from speaking. Attorney Igliazzi stated that the democratic tenets always prevail in that president presides, maintains order and that decisions are made by vote of the council with the ability to appeal. Councilor Reichert

stated that he will always speak if he needs to but is concerned that these proposed rules could be used to silence someone. Councilor Reichert added that there have never been rules in all his years on the council. Attorney Iglizzi stated each council when inaugurated would revisit the rules and adopt or not adopt. Councilor Worthy agreed with Councilor Reichert that he feels less government and less rules are better. Councilor Worthy stated that he feels that a lot of these rules are easier to understand. Councilor Steere stated that the issue is not a code of conduct but how to run a meeting. Councilor Steere stated that for 290 years there have not been problems running a meeting although at times it might have been contentious. Councilor Steere is concerned that free speech can be stymied if these proposed rules are passed. Councilor Steere stated his opinion that these proposed rules are not needed and that if passed then they should apply only to the present council. Councilor Steere suggested that maybe the Council would agree to wait to take action until after the Council returns to a live environment as things may improve. Councilor Worthy stated that he can understand how all not being together can lead to problems and hopes that returning to one room will help. Councilor Worthy stated that everyone needs to have respect. Councilor Steere stated he agrees with Councilor Worthy that it is a zoom issue and not a code of conduct issue. Councilor Forgue stated that the proposed rules are about decorum and not because of Councilor Steere. Councilor Forgue stated that he suggested the proposed rules as a way to bring decorum to a zoom meeting. Councilor Reichert agrees that zoom “stinks” and stated his opinion that in person would be a lot better. Councilor Forgue stated he agrees that the circumstances have been difficult and perhaps tabling the decision until after in person meetings have resumed would be better. Councilor Forgue stated that the Council owes it to the voters. Councilor Steere echoed Councilor Forgue’s sentiments but stated that he became upset when he felt that as a sitting Council member he couldn’t speak as well as the Town Solicitor who had to wait to speak. Councilor Forgue stated he wants to move forward and do the work for the people. D. LaPlante, resident, stated that he thinks things are smoothing out even though zoom is difficult. D. LaPlante stated that it is a wise idea in his opinion that the Council should wait until after the in person meetings resume.

MOTION was made by Councilor Worthy to TABLE the Town Council - (Proposed) Rules of Conduct; seconded by Councilor Reichert.

Discussion: Councilor Arnold asked if the matter was being tabled until after the Council returns to meetings in chambers. Councilor Worthy and Forgue stated in the affirmative.

Councilor Worthy RESCINDED his motion, Councilor W. Reichert RESCINDED his second.

MOTION was made by Councilor Worthy to TABLE the Town Council - (Proposed) Rules of Conduct until the September Town Council meeting; seconded by Councilor Arnold

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

C. Historical Cemetery (#G031) Repairs - Council to Discuss and/or Approve proposed options - Discussion and/or Action

Councilor Forgue stated that Rep. Chippendale has been corresponding with Council about a historical cemetery that abuts Route 44, (located near the day care in Chepachet) that is in need of repair. Councilor Forgue stated that the state has agreed to handle the repairs needed before an erosion problem causes the cemetery to wash onto Route 44. Councilor Forgue stated that a meeting was set up with representatives from the town, DOT, & Bill Brown.

Councilor Forgue asked Gary Treml if he had anything to report. G. Treml, Director of Public Works, stated that he spoke with Bob (no last name given) at Department of Transportation (DOT) who stated that DOT is hiring the appropriate people to eventually fix the situation. G. Treml stated he has no time frame.

No action taken by council.

VIII. New Business

A. Sound/Noise Ordinance - Discussion regarding possible amendments to Code - Discussion and/or Action

Councilor Worthy stated that he requested this item as Gloucester does not have a measurable sound ordinance. Councilor Worthy stated that it is a balancing act to keep Gloucester rural, the neighbors happy and also promote businesses with live entertainment. Councilor Worthy stated he looked at some other towns with sound ordinances that are measurable by either the homeowner or local law enforcement who can say the sound is okay or impose a fine if it is not. Councilor Worthy feels that a happy medium can be found as outdoor entertainment is not going away.

Chief Delprete, Gloucester Police, spoke about the possible exploratory action with the solicitor to look at different ordinances throughout the state that use decimeters. Chief Delprete cautioned that the use of decibels may inadvertently place people in violation with an activity that is not outdoor entertainment and gave the example of people shooting firearms.

Attorney Igliazzi stated that he spoke with Chief Delprete and cautioned that in effectuating an ordinance the Council needs to look at policy which is the council responsibility. Attorney Igliazzi stated that it seems the concern for council is not noise but "concert" venues and that outdoor concert venues are a different policy than noise. Attorney Igliazzi stated he was willing to work with the Chief on the decimeter issue but is not sure that it will solve the council's problem. Attorney Igliazzi stated that the Council would have to decide the policy of the specific decibel levels. Councilor Worthy spoke of the need to be careful with terminology when talking about concert venues and music venues. Councilor Worthy also added that Burrillville has separated the guns from the music/sound in their noise ordinance. Councilor Worthy read definitions regarding music.

Chief Delprete discussed the frequency of events that could be held under decibel limits. Chief Delprete stated that it is going to be a difficult task due to all the varying factors but he is willing to work on it.

Councilor Reichert stated that a noise ordinance was considered years ago, unsuccessfully, resulting in problems between neighbors. Councilor Reichert stated that if a noise ordinance was passed that it could actually cause problems for other establishments due to the way sound travels.

Councilor Steere stated that if a noise ordinance is passed it will have a lot of unintended consequences and could pit neighbor against neighbor and the police will be all over town trying to handle the noise issues. Councilor Steere stated that overall the town has not had a problem except with one establishment in town. Councilor Steere stated that although Gloucester is changing a little bit, people move here for quiet. Councilor Steere stated that there are too many unintended consequences if we pass a noise ordinance and if we do it has to cover everything.

D. LaPlante, resident, agrees with Attorney Igliozi and Chief Delprete. D. LaPlante accounted past experience dealing with noise issues between neighbors. D. LaPlante stated he agrees that the noise ordinance is separate from the outdoor entertainment license. D. LaPlante stated that vagueness in a noise ordinance can be beneficial and that it is an outdoor entertainment venue problem and not a noise problem. D. LaPlante discussed the questions and problems that could be associated with measuring decibels. J. Fecteau, Town Clerk, suggested that the Council could look at possibly amending the outdoor entertainment license to add outdoor entertainment and then add language that limits outdoor noise and create some sort of decibel levels. Councilor Forgue agrees with J. Fecteau and suggested that Chief Delprete and Attorney Igliozi could look into this for the Council to revisit. Councilor Worthy stated that he wants it to be clear that it is the outdoor decibel levels that need to be addressed and not indoor ones.

L. Gaddis-Barret stated her opinion that the Council set objective criteria that can be measured for decibel levels in order to balance the economic development side of live outdoor entertainment with the people who live in the neighborhood.

D. Piccirillo, resident, stated that the the topic is a slippery slope and that he has played in many different bands so he knows what is loud or soft; amplified or not amplified. D. Piccirillo stated that he agrees with D. LaPlante as to how the decibels will be measured because different readings will be obtained depending on distance and the music at the time the reading is taken so it is very subjective to regulate. D. Piccirillo stated that when entertainment licenses are given it is usually for a day or two but Council has problems trying to regulate an establishment every time they want more days.

L. Gaddis-Barrett stated that she recognizes it is difficult situation for the Council to regulate and suggested Council look at objective criteria as to decibel levels and also the frequency, duration and time of sound. L. Gaddis-Barrett encouraged the Council to foster economic development.

MOTION was made by Councilor Worthy to TABLE the sound/noise ordinance ; to work with Chief Delprete and Attorney Igliozi and return in September with a possible plan; seconded by Councilor Arnold

Discussion: Councilor Steere asked who would be working on the possible plan. Councilor Forgue confirmed that it would be Chief Delprete and Attorney Igliazzi.

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

B. D.O.T. & Town of Gloucester - Future plans for Route 44 curve at approximate location of Absalona Hill Road - Discussion and/or Action

Councilor Forgue stated that in November, of 2020, DOT proposed work to the area of Route 44 located near the curve at Absalona Hill Road. Councilor Forgue stated that the work proposed was per DOT quote: “striping plan for what we are recommending for the area around Absalona Hill and, in addition to the striping, we would install delineators on the westbound side of the curve”.

Councilor Forgue stated that no work was done at that time, and the question has come up again. Councilor Forgue stated that DOT is now asking the Council to decide which option they prefer. Councilor Forgue stated that Council has three options in their packet.

Discussion: Councilor Forgue asked G. Treml, Director of Public Works if he could advise. G. Treml stated that he has not spoken with D.O.T. G. Treml described the proposed options submitted by D.O.T. in general. G. Treml stated that the line of sight has been an issue forever and it stays unless the road is lowered. G. Treml stated that he feels having a turning lane eastbound is good as are the hash marks. G. Treml stated that his remarks describe option 2 in response to Councilor Arnold’s question as to which he recommends.

Councilor Steere stated that the original concern was the line of sight which does not seem to be addressed in any of these 3 options. Councilor Steere suggested that the state traffic engineer could come in and explain the pros of each option in order for the council to make its decision.

D. LaPlante, resident, stated that the line of sight is an issue traveling east to west when vehicles are traveling above the speed limit. D. LaPlante gave examples.

D. Piccirillo, resident, suggested that the telephone pole on the corner be moved. D. Piccirillo stated that his driveway is opposite to Absalona Hill Road and that the line of sight is so bad that he never turns left out of his driveway but instead turns with the traffic and then turns around at the marketplace down the road in order to then go west on the Route 44.

Chief Delprete stated that Route 44 was redesigned a few years ago with turning lanes and that behavior can't be controlled. Chief Delprete stated that there have been many accidents at this curve over the years. Chief Delprete recommended to not take away any turning lanes and to be careful selecting an option.

J. Fecteau, Town Clerk, stated that past practice has been for the state people to come in and explain in person any suggested changes to Route 44 so she suggested the same to council.

Councilor Forgue asked who would be the contact. Chief Delprete stated that he has been in contact with Steve (name?), Chief Traffic Engineer for the state and would ask him to set up a meeting in August or September.

MOTION was made by Councilor Arnold to extend the Town Council recommendation to D.O.T. until after the August or September Town Council meeting pending arrangements for D.O.T. to attend a Town Council meeting to explain the options proposed; seconded by Councilor Reichert

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

- C. Boards & Commissions - Discussion and/or Action
  - 1. Conservation Commission - One (1) Alternate One year term to expire 2/2022

Councilor Forgue stated that there was no recommendation from the Chair at this time.

C. Mathieu, Deputy Town Clerk, stated that the Clerk's office received a recommendation from the Chair. C. Mathieu stated that the Chair recommends Jonathan Smith who is on the talent bank list and is a registered voter.

MOTION was made by Councilor Worthy to APPOINT Jonathan Smith to the Conservation Commission; seconded by Councilor Reichert.

Councilor Worthy RESCINDED his motion; Councilor W. Reichert RESCINDED the second.

MOTION was made by Councilor Worthy to APPOINT Jonathan Smith to the Conservation Commission for a one (1) year alternate- term to expire 2/2022 ; seconded by Councilor Reichert.

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

2. Housing Authority - One (1) Five year term to expire 7/2026

Councilor Forgue stated that this appointment is for the expired term of David Palmisicano, who currently serves as Chairman of the Housing Authority. Councilor Forgue stated that Mr. Palmisicano has indicated to the Clerk's Office that he would like to be reappointed.

MOTION was made by Councilor Reichert to REAPPOINT David Palmisicano to the Housing Authority for a five year term to expire 7/2026; seconded by Councilor Worthy

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

D. Media Policy proposal - Discussion and/or Action

Councilor Forgue stated that Councilor Steere has prepared a Media policy for consideration by Council which Councilor Arnold read as follows:

Town of Gloucester Town Council Policy for  
Media Contacts

The purpose of this policy is to protect the Town and it's Council Members by having a media

policy and establishing a **designated media contact** — in this case the Town of Gloucester Solicitor. This policy will help to prevent potential story inaccuracies, press leaks, or conflicting messages.

1. No Member of the Town Council may comment on any subject relating to Town of Gloucester matters unless a majority vote of the Council at regularly scheduled meeting approves a designated member to comment on a specific subject.
2. A member of the Town Council may not make mention that they are a Member of the Town Council in any personal media story without consent of a majority vote of the Council at a regularly scheduled meeting. This will avoid the possibility of the perception of a conflict of interest or bias towards a situation.
3. If any media inquiry involves an allegation of wrongdoing by the Town or any of its employees, directors, or Town Council Members, the Town of Gloucester’s legal counsel will respond to any media requests for comment when it is appropriate to comment.

(end of proposed policy)

Discussion: Councilor Steere stated he put this policy out for consideration as there have been a couple of items in the newspaper that could cause concern for a Council. Councilor W. Steere stated that these concerns could apply in any town. Councilor Steere stated that he drafted the policy after researching on the internet as well as other reviewing policies in other municipalities. Councilor Steere stated that as the town does not have a manager or public information officer that the town’s attorney is best able to handle certain matters. Councilor Steere suggested that the Council could discuss and then make any decisions in September or October. Councilor Arnold stated he understands the intention behind the policy, particularly item #3, and that each Council member should make sure they are speaking for themselves individually and no one else. Councilor Worthy stated he agrees with Councilor Arnold and he agrees with item #3. Councilor Worthy stated that he can’t stop people from putting his title in the paper but he would always be careful and speak for himself. Councilor Worthy stated that items 1 & 2 have issues that may happen to a Councilor from time to time. Councilor W. Steere stated it appears there is a consensus for Council to work on a policy going forward.

MOTION was made by Councilor Steere to TABLE the Town Council Policy for Media Contacts to the second meeting in September, ( September 16, 2021) ; seconded by Councilor Worthy

Discussion: None

Councilor Forgue requested the Clerk poll the council:

- Councilor Arnold -Aye
- Councilor Worthy -Aye
- Councilor Steere -Aye
- Councilor Reichert -Aye

Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

- E. Personnel
  - 1. Appointments - Discussion and/or Action
    - a. Recreation positions - Summer 2021
      - 1. Parking Lot Attendant(s)
      - 2. Lifeguard(s)
      - 3. Water Safety Aide(s)

Councilor Forgue stated that the Recreation Director is requesting Council appoint additional summer workers:

MOTION was made by Councilor Worthy to APPOINT:

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

Nate Akkaoui	\$11.50	start date July 1
Riley Morin	\$11.50	start date July 1
Tswvyim Xiong	\$11.50	start date July 1

**LIFEGUARDS**

Romeo Akkaoui	\$13.00	start date July 1
Emily Brown	\$13.00	start date July 1
Nathan Tessier	\$13.00	start date July 1

**PARKING ATTENDANTS**

Christian Campenella	\$11.50	start date July 1
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seconded by Councilor Arnold

Discussion: Councilor Steere asked if the appointees were all from Gloucester. R. Shields, Recreation Director, stated that all were from Gloucester.

Councilor Forgue requested the Clerk poll the Council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

2 Gloucester Police Department - Promotion date adjustment - Discussion and/or Action (promotion approved 6/17/2021 Town Council Mtg)

Councilor Forgue stated that Council has received a memo from Don Zimmerman, HR Director, regarding a recent promotion on the Police Department which he read as follows:

June 30, 2021

To: Town Council

Re: Police Department promotion date

At its June 17, 2021, meeting, Council approved the promotion of Senior Patrol Officer Donald Sousa to the rank of Sargent in the Gloucester Police Department effective June 27, 2021. Chief DelPrete, Finance Director Adam Muccino and Sargent Sousa have discussed this date and agreed that to simplify payroll and budget issues, the effective date should be July 1, 2021.

I respectfully request that Council vote to amend Sargent Sousa's promotion date to July 1, 2021. Thank you.

Don Zimmerman  
Acting Director of Human Resources  
(end of memo)

MOTION was made by Councilor Worthy to AMEND the effective date for the promotion, approved by a unanimous vote of the Town Council on June 17, 2021, of Officer Donald Sousa to the rank of Sargent; said effective date hereby amended from June 27, 2021 to July 1, 2021; seconded by Councilor Arnold

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

3. Planning Board Clerk - Contract between Town of Gloucester & proposed contractor - Discussion and/or Action

Councilor Forgue stated that Council has received a recommendation from the Town Planner which is in Council's packet and the following memo from the Human Resource Director, supporting the Planner's recommendation, to fill this position which he read as follows:

Date: June 30, 2021

From: Don Zimmerman  
Subject: Memo to accompany Independent Contractor Agreement for Barbara Tessier

Tonight Council receives a request to approve an independent contractor agreement for Barbara Tessier of Conway, S.C., to perform the role of the clerk for the Planning Board.

As this is an unusual action for the Town, I thought I would provide a little background on the Planning Board clerk, the distinction between an independent contractor and an employee, and the reason we have decided to fill the role with an independent contractor.

Karen Scott has experienced a lot of turnover in the planning board clerk position and was aware of an former colleague in South Carolina who is extremely familiar with the role and terminology of planning board. The colleague, Ms. Tessier, has recently retired as the City Clerk in Conway, S. C.

We wanted to be sure there were not more qualified local candidates for the position, so it was posted and advertised in the Bargain Buyer. We had one applicant, a resident of Foster. She met the basic qualifications for the job, but Ms. Tessier had much more experience recording minutes in municipal meetings and dealing with planning board issues and terminology.

Hiring an employee in South Carolina, however, presents some challenges for an employer that otherwise has only employees who work in Rhode Island. This includes withholding and submitting applicable state and local taxes and arranging for workers' compensation and unemployment compensation insurance.

A solution is to adopt a contract with the worker as an independent contractor. Employers, however, can't do this simply to avoid the inconvenience of having an employee in another state. Unfortunately, there is no single set of criteria that defines an independent contractor, but rather characteristics that various agencies (such as IRS, NLRB, Department of Labor, worker's compensation commissions) use to decide if a worker is an "employee" or an "independent contractor". The IRS considers behavioral control, financial control and the relationship between the parties as the important factors.

I think this specific role qualifies as an independent contractor, and Solicitor David Iglizzi has reviewed and agreed. Unlike some other board or commission clerks, the Planning Board clerk's sole responsibility is taking minutes for Board meetings. The clerk is not required to attend meetings and is not responsible for creating an agenda or posting public meeting notices. Ms. Tessier will work from her home or other place of her choosing, use her own equipment, provide her own Internet connection to monitor meetings via Zoom (or receive a voice recording of the meetings, as she chooses), and may compile the minutes on her own schedule, provided she meets the Board's 20-day deadline. She is not an employee, and she is not eligible for any employee benefits.

Ms. Tessier's rate of pay (billing rate) is the same as the per-meeting rate for past Planning Board clerks and for other clerks for Town Boards and Commissions. Consequently, it is within the budget.

As an independent contractor, no taxes will be withheld from Ms. Tessier's payment, and she will be solely responsible for making any appropriate income and self-employment tax payments. Her earnings will be reported to the IRS, and Ms. Tessier will receive a Form 1099 rather than a Form W-2 at the end of the year.

Don Zimmerman  
Acting Director of Human Resources  
(end of memo)

MOTION was made by Councilor Reichert to enter into a contract agreement with Barbara Tessier for the fulfillment of duties required by the position of Planning Board Clerk to the Gloucester Planning Board, and **Authorize** the Town Council President to sign said contract. The terms of contract are effective July 1, 2021 until the termination of contract. Ms. Tessier shall be paid as an independent contractor at the rate of \$150 per meeting upon approval of the minutes with an additional stipend of \$50 for meetings that exceed two (2) hours; said independent contractor is not eligible for benefits provided in the Town's Employee handbook; additional terms may be defined in a contract signed, and dated July 1, 2021, by both the Town of Gloucester and Barbara Tessier; subsequent terms shall warrant an addendum to the original contract approved and signed by both parties to the original agreement; seconded by Councilor Arnold

Discussion: Councilor Steere asked as to how the contract could be signed within the time frame. J. Fecteau, Town Clerk stated that the contract has already been signed by B. Tessier. Councilor Worthy stated he is excited to have someone of her expertise but asked if the town would continue looking for a local person. J. Fecteau stated she does not feel that is the intent.

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

IX. Town Council Correspondence/ Discussion

1. Councilor Forgue stated that Council has received three emails from resident, Al Aubin, regarding some concerns he has with town beaches, which he read as follows:

TO: Town Clerk

- 1) Marion Irons Beach today. June 29, 2021, had over 100 swimmers at the beach area. Upon arrival at 2:30 pm, I noted that only one(1) Porto-John was being moved into place. I had recommended at least two(2) units. One Porto-John equals NO Porto-John. A crowd of over fifteen people lined-up to use the facility. I again advised Mr. Shields, who was with me, that one is not enough.
- 2) Spring Grove Beach added their ropes today. The lifeguards had to wait until past 3pm to get a Porto-John.
- 3) Schedules for guards is wrong. They start at 9am until 4pm. Many people arrive after work for a swim with their families. It is a better part of the day. Mr. Shields states that the guards teach swimming at 9am. I do not think that we need two lifeguards to teach

5 kids how to swim at 9 am. The timing is off. I did advised Mr. Shields that I would inform the town officials of the matter.

- 4) The area must be kept clean. The area was needing some work.
- 5) The last topic I discussed with the director was the last two weeks in August, especially the weekends. Some staff should be made available to the final days before the end of summer vacation
- 6) I am not looking for a job, but I was a certified Water Safety Instructor and First Aid Instructor and CPR instructor during my college years. I trained lifeguards. I am a certified teacher even today with two master degrees. I was trained by the ARC and Harold Anderson. At 83 years, I just want to enjoy life and teach a little.

**Email #2:**

All teenage staff must work together in pairs for safety reasons. Remember Molly Bish.

**Email #3:**

To: Town Clerk

Request that our local swimming areas have the following:

- 1) If possible, two certified lifeguards per area and paid at a rate of \$ \$18 per hour for 40 hours per week from June 15 until Labor Day. Time would be from 11 an until 6 pm. A life is too important. Supervise the area. Keep your eyes on the water.
- 2) One parking/maintenance staff pay at \$12 per hour from 11 am to 5pm. Each area must have two workers in attendance throughout the day. It could be 1 guard and 1 parking worker, if short. The first 15 minutes of every day must be devoted to cleaning the area by guards and maintenance staff. No fires or cooking in the parking lot and beach area.
- 3) Two Porto-Johns per area from May 15th until September 15 and maintained weekly for "public health" purposes. It is noted that the baseball field on Putnam Pike has two Port-Johns. I will be watching. Porto-Johns must be present all summer for reason of disease prevention. This is a must.
- 4) In the future, advertise in January for lifeguards. Massachusetts has lost nearly 20 people to drowning. They are paying the staff an additional \$500 if stay on until Labor Day. Weekends should have staff until end of season which is Labor Day.

End of correspondence

Councilor Forgue stated that Council cannot take action as this is not an agenda item, but it could be referred to the Recreation Director and the Town Council liaison to Recreation.

Councilor Reichert stated that the emails should be forwarded to Bob ( R. Shields, Recreation Director). Councilor Forgue stated that the matter is to be referred to R. Shields and as he is present at this zoom meeting , he was informed that if he needed copies of the emails he could get them from the clerk's office.

X. Department Head Reports/Discussion

1. J. Fecteau, Town Clerk, stated that she has recently been contacted by RI Housing. J. Fecteau stated that RI Housing is starting a new program to assist renters who may be in arrears with rent and /or utilities as well as an assistance program for homeowners with mortgage payment problems. J. Fecteau stated that RI Housing is asking her to set up a meeting with the towns of Scituate, Foster and Gloucester in order for RI Housing to describe the programs to all three towns. J. Fecteau stated she would bring the information back to the council. J. Fecteau asked for a Council member to attend the meeting. J. Fecteau stated she will let the Council attendee know of the date and time when it is scheduled. Councilors Forgue, Reichert and Steere all offered to attend depending, depending on schedules.
2. Councilor Steere wanted to offer his thanks to all who have been involved in planning the 4<sup>th</sup> of July festivities. Councilor Reichert stated that Kathy (Sorensen, Parade Committee Chair) has done an outstanding job. Councilor Forgue also offered his thanks and appreciation to Kathy (Sorensen).

XI. Bds. and Commissions Reports/ Discussion

1. A. Sarje, EDC Chair, shared the proposed EDC website that is still a work in progress. Councilor Forgue stated that the website looks great. Councilor Worthy asked when the website would be live. A. Sarje stated that the website needs to be reviewed by EDC and that it is not yet complete but is hoping to have it ready for the August Town Council meeting. Councilor Steere thanked all who have worked on the website and asked Attorney Iglizzi, Town Solicitor, about Facebook and any guidelines that should be in place if it is going to be part of the website. A. Sarje stated that no Facebook component has been added to the website and that a conversation would need to be had with EDC before it was brought back to the Council.

XII. Open Forum

Councilor Forgue asked if there was anyone wishing to speak on any issue to please raise your hand and unmute yourself when called on.

1. J. Pattison-Schmidt, 48 Sandy Brook Road, stated that he spoke last meeting about his attempts to obtain a concealed carry permit for firearms and stated that he wanted to review his actions, in that regard, further.  
After discussion, Councilor Forgue stated Mr. Pattison-Schmidt's comments will be passed on to the Gloucester Chief of Police.
2. Councilor Arnold stated that he has correspondence about an employees freedom of choice as to the vaccine and that he is requesting it be put on the next agenda.
3. Councilor Arnold stated that he has correspondence about a possible flea market type event in town.

XIII. Seek to Convene to Executive Session Pursuant to:

- A. R.I.G.L. § 42-46-5(a)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.  
Discussion by Council, Vote or Other Action
  1. Collective Bargaining Agreement between Town of Gloucester and

National Association of Government Employees (NAGE) re:  
Department of Public Works Employees

MOTION was made by Councilor Arnold to Seek to Convene to Executive Session Pursuant to: A. R.I.G.L. § 42-46-5(a)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation. Discussion by Council, Vote or Other Action, 1. Collective Bargaining Agreement between Town of Gloucester and National Association of Government Employees (NAGE) re: Department of Public Works Employees; seconded by Councilor Worthy

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

After Executive Session:

XIV Reconvene Open Session - Disclosure of votes take in Executive Session

MOTION was made by Councilor Worthy to Reconvene Open Session; Disclose Zero (0) votes were taken in Closed Session and to SEAL the minutes of Closed Session pursuant to R.I.G.L. RIGL 42-46-7.c; seconded by Councilor Arnold

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold - Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY

XV. Adjourn

MOTION was made by Councilor Worthy to ADJOURN at 10:00 p.m.; seconded by Councilor Reichert

Discussion: None

Councilor Forgue requested the Clerk poll the council:

Councilor Arnold -Aye  
Councilor Worthy -Aye  
Councilor Steere -Aye  
Councilor Reichert -Aye  
Councilor Forgue-Aye

MOTION PASSED UNANIMOUSLY