

At a Town Council Meeting holden in and for
the Town of Gloucester on **January 2, 2009**

I. Call to Order

The Town Clerk called the organizational meeting of the Gloucester Town Council to order at 7:00 p.m.

II Roll call:

Members present: Kevin P. Walsh; Walter M. O. Steere, III; George O. Steere, Jr.; and Edward C. Burlingame

Also present: Jean M. Fecteau, Town Clerk

Member absent: Patrick J. Carroll

III. Organization of Officers

The Clerk asked for a motion to nominate the President of the 2009/2010 Town Council.

MOTION was made by Councilor Burlingame to NOMINATE Councilor Kevin P. Walsh to serve as President of the Gloucester Town Council to serve a two year term effective immediately, January 2, 2009; seconded by Councilor Walter Steere, III.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, Steere, Jr., and Burlingame.

NAYS: 0

MOTION PASSED

The meeting was turned over to Council President Walsh and a motion for Vice-president was sought.

MOTION was made by Councilor George Steere to NOMINATE Councilor Walter Steere, III to serve as Vice-President of the Gloucester Town Council to serve a two year term effective immediately, January 2, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, III, G. Steere, Jr., and Burlingame.

NAYS: 0

MOTION PASSED

Council President Walsh thanked all in attendance and expressed his thoughts on the up coming years.

IV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN; seconded by Councilor Walter Steere, Discussion: None.

VOTE: AYES: Walsh, Steere, III, Steere, Jr., and Burlingame.

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 15, 2009 Town Council Meeting.

At a Town Council meeting holden in and for
the Town of Gloucester on **January 15, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas
Mainville, Finance Director; Lawrence Desormier, Building/Zoning
Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police;
Gary Treml, Public Works Director; Anthony Parillo, Recreation Director;
Susan Harris, Deputy Town Clerk; Walter Steere, Jr., School Committee
member; and Virginia Peters, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by John Bevilacqua.

A moment of silence was observed for Glenn Bolwell who, recently, passed away.

IV. Open Forum for Agenda Items

None

V. Resolution

A. Eagle Scout
Peter Previte

Councilor Burlingame read the following resolution for a young man that will be achieving the
position of Eagle Scout later this month:

RESOLUTION

WHEREAS, on January 25th, 2009 Peter Previte, a Scout from Troop 1 in North Scituate,
will receive the highest ranking honor of Eagle Scout in the Boy Scouts of
America; and

WHEREAS, to achieve this honor Peter did work diligently and consistently for several
years, has been a leader of other young men and a follower of good example
in Scouting; and

WHEREAS, Peter's Eagle Scout project was to fix and paint the dumpster area at the
Gloucester Senior Center, as well as to repair the landscaping along that end
of the property; and

WHEREAS, Peter did complete his project at the Gloucester Senior Center to the Town's delight. It was a very professional job which must have taken much time, thought and energy; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk would like to congratulate Peter Previte for achieving the highest ranking honor of Eagle Scout in the Boy Scouts of America. The Town of Gloucester and its citizens appreciate the enthusiasm; hard work and dedication Peter gave to complete his Eagle Scout project at our Senior Center and will be enjoying the outcome for many years to come.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, Town Clerk

Seconded by: Councilor W. Steere.

Discussion: Councilor Walsh explained that Peter is from Smithfield, but did his Eagle Scout project in Gloucester. Councilor Walsh commented on how much hard work is required to achieve the honor of Eagle Scout. Councilor Burlingame stated that he will attend the ceremony and present the Resolution to Peter.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Entertainment Licenses

Tyo-Ristaino Corp. d/b/a Cady's Tavern

Location of Business: 2168 Putnam Pike further described as AP 4, Lot 24

Councilor Walsh stated that this Public Hearing was opened on December 4, 2008 and was continued, after discussion, to this evening.

Councilor Walsh noted that this Hearing is still open.

Discussion: John Bevilacqua, Town Solicitor, read from the original deed as it pertains to this issue:

"This conveyance is made subject to the following restrictions which shall be a covenant running with the premises and shall be binding on the grantees, their heirs, executors, administrators and assigns. The premises shall be used for no business other than for victualing purposes under the victualer's license and for the retail sale of alcoholic beverages under Class B license or as an inn under proper license. There shall be no livestock, animal or poultry kept on or maintained on the premises other than household pets."

J. Bevilacqua stated that the question was whether this would restrict entertainment. J. Bevilacqua added that in view of the fact that the only businesses which could be conducted are

victualing and the sale of alcoholic beverages, it is an ancillary business in which entertainment follows through. J. Bevilacqua further stated that this piece of property has had entertainment licenses in the past over a number of years, therefore it his opinion that the Town Council has the authority to grant an entertainment license to this applicant.

Councilor Walsh asked if anyone wished to be heard regarding this application.

Bruce Payton, 26 Lake Washington Drive, stated that when a band plays at Cady's Tavern (building), he can hear the music in his living room. B. Payton requested that if a license is granted, the applicants are required to keep the noise contained to the inside of the building.

Steve Tyo, applicant, stated that he is willing to work with Mr. Payton regarding decibel levels and any other issues which may come up. S. Tyo noted that he will be on the premises at all times and will give his phone number to Mr. Payton.

Councilor W. Steere asked the applicant if it would hurt business to stop entertainment at midnight as opposed to 1:00 a.m. S. Tyo replied that he is unsure, but would be willing to try it. Councilor Walsh asked J. Bevilacqua if this were stipulated in the motion and the applicants later realize that it is detrimental to their business, how would they go about changing the hours? J. Bevilacqua stated that they would have to reapply and request the change. J. Bevilacqua suggested that if the owner is willing to cease entertainment at midnight, he could do so voluntarily.

Councilor Walsh asked if anyone else wished to be heard. Hearing none, Councilor Walsh DECLARED the Public Hearing Closed .

MOTION was made by Councilor G. Steere to GRANT an Entertainment License to Tyo-Ristaino Corp. d/b/a Cady's Tavern Location of Business: 2168 Putnam Pike further described as AP 4, Lot 24 contingent upon:

1) Payment of all Town taxes; 2) Building Official approval as needed; 3) Fire Inspector approval as needed; 4) Police Chief approval as needed; this license shall be for the interior of the premise only and is valid from date of issue to November 30, 2009 and is subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.
2. That all windows on the premises are kept closed, but not permanently, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of Gloucester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time promulgate.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

Seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Town Council Minutes of January 2, 2009

B. Tax Assessors Additions & Abatements

C. Finance Director's Report, November 2008 & December 2008

MOTION was made by Councilor W. Steere to APPROVE the Town Council minutes of January 2, 2009; to Approve the November Tax Assessors Additions to the 2008 Tax Roll in the amount of \$1,134.45; (no additions or abatements for December, 2008; and to ACCEPT the Finance Director's Reports for November & December 2008; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

VIII. New Business

A. Drainage Easement: Lakeview Drive

Councilor Walsh explained that this item is in regards to a property on Lakeview Drive. Councilor Walsh stated the Town has drains that direct water to flow over the owners' vacant lot, and that the owners have approached the town over the years but have not been able to resolve this issue. Councilor Walsh stated the owners have indicated they have no problem with the town using the property but would like, in return, the taxes on that vacant property removed from the tax roll.

The Public Works Director has visited the site and has indicated that there is water being directed across their property. It was noted that the previous Public Works Director also agreed that the Town is utilizing the property.

The Clerk has informed the Council that the property owners' attorney, Brad Steere, has been in contact with the Town Solicitor, and a draft easement document has been done.

Discussion: John Bevilacqua, Town Solicitor, stated that the drafting of the easement is still in progress and there are questions regarding who is responsible for putting the property back into its original condition. J. Bevilacqua suggested that this item be tabled until he has had an opportunity to confer with Attorney Steere to resolve this issue.

There was discussion regarding the classification of the lot. J. Fecteau, Town Clerk, stated that the Tax Assessor has reduced the assessment as much as possible, but the property owners feel that the taxes should be abated entirely.

MOTION was made by Councilor W. Steere to TABLE this item; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

B. Senior Services Inc. & Town of Gloucester
Annual Agreement: Jan. 1, 2009 through Dec. 31, 2009

Councilor Walsh stated that each year the Council receives for signing an agreement from Senior Services Inc. out of Woonsocket as they supply the food for our Senior Center lunches.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the annual contract, January 1, 2009 to December 31, 2009, between Senior Services, Inc. & the Town of Gloucester for the provision of congregate meals for Gloucester's clients; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

C. Request for Use of Senior Center

Councilor Walsh stated that the Town Council has received a request from the American Cancer Society for use of the Senior Center.

Discussion: Councilor Walsh stated that the Town Council must work together with the Senior Center Board of Directors to devise a policy for this type of request. Councilor Burlingame recommended that the Council consult the town of Smithfield regarding how this is handled for their Senior Center. David Fecteau, former member of the Board of Directors, stated that guidelines were set up by the previous Town Council, specifically, that any non-profit from Gloucester is handled by the Senior Center Board, but out-of-town non-profit requests must be brought before the Town Council for approval.

There was discussion regarding maintenance and security of the building and it was noted that there should not be any cost incurred to the Town for these services. J. Fecteau, Town Clerk, stated that the applicants are required to name a person from their organization who will be responsible for cleaning up, but that the building must still be locked up by the janitor. Gary Treml, Director of Public Works, stated that the request is for a Friday evening and asked if the facility would need to be cleaned before the Senior Center opens the following Monday morning. Councilor G. Steere suggested that a security deposit be required which would be returned if the facility is left in good condition.

J. Bevilacqua stated that the application indicates “potluck refreshments” and asked for clarification. It was stated that the kitchen area at the Senior Center would be locked. J. Bevilacqua also questioned whether there would be live music at the event as the application does not specify what type of music is planned.

Councilor Walsh suggested that the Council approve the request with the stipulation that a maximum of \$120.00 be paid for cleaning and maintenance. J. Bevilacqua also recommended that alcohol be prohibited. Councilor Walsh inquired as to the capacity of the building. D. Fecteau stated, he believes, that the capacity of the dining room is 231 and the smaller area holds 141.

MOTION was made by Councilor Carroll to AUTHORIZE the use of the Gloucester Senior Center to the American Cancer Society for Friday, March 13, 2009 from 5:00 p.m. to 9:00 p.m., subject to the possibility of a maximum fee of \$120.00 for cleaning and maintenance; the authorized capacity is not exceed and that no alcohol be present or consumed at the event; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

D. Appointments - Terms to run concurrent with Town Council

Councilor Walsh stated that the following positions are to be filled:

1. Town Sergeant (vacant seat to be filled by Council)
2. Deputy Town Clerk
3. Tax Collector/Deputy Treasurer
4. Finance Director
5. Building/Zoning Official
6. Electrical Inspector
7. Plumbing Inspector
8. Mechanical Inspector
9. Animal Control Officer and
Appraiser of Dog Damage
10. Assistant Animal Control Officers
11. Director of Public Works
12. Chief of Police
13. Emergency Management Coordinator
14. Probate Judge
15. Recreation Director
16. Deputy Tree Warden
17. Sealer of Weights and Measures
18. Town Solicitor
19. Town Planner
20. Honorary Town Historian

MOTION was made by Councilor Burlingame to APPOINT:

- | | |
|--|--------------------|
| 1. Town Sergeant | John Devine |
| 2. Deputy Town Clerk | Susan Harris |
| 3. Tax Collector/Deputy Treasurer | Jane Steere |
| 4. Finance Director | Thomas Mainville |
| 5. Building/Zoning Official | Lawrence Desormier |
| 6. Electrical Inspector | James Clarke |
| 7. Plumbing Inspector | Gary M. Coyne |
| 8. Mechanical Inspector | Albert Danti |
| 9. Animal Control Officer and
Appraiser of Dog Damage | Michael Merchant |
| 10. Director of Public Works | Gary Treml |
| 11. Chief of Police | Jamie Hainsworth |
| 12. Emergency Management Coordinator | Charles Miller |
| 14. Recreation Director | Anthony Parrillo |
| 15. Deputy Tree Warden | Robert Balme |
| 16. Sealer of Weights and Measures | Robert Salley |
| 18. Town Planner | Raymond Goff |
| 19. Honorary Town Historian | Edna Kent |

for two year terms to expire 1/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to TABLE the appointment of Probate Judge and Town Solicitor; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

E. Town Council Liaisons for Boards, Commissions & Departments

Councilor Walsh stated that liaisons are to be appointed for the following:

Affordable Housing Advisory Board
Budget Board
Chepachet Village Planning Commission
Conservation Commission

Economic Development
Finance Department
Harmony Hill School
Historic District Commission
Housing Authority
Land Trust Trustees
Parade Committee
Personnel Board
Planning Office & Planning Board
Public Safety to include
 Police, Fire Safety Commission, Animal Control, Emergency Management
Public Works
Recreation
Road Sub-Committee
School Department
Senior Center
Town Hall/Town Clerk
Wastewater Management Commission
Western Rhode Island Home Repair
Zoning Office & Zoning Board

Discussion: None.

MOTION was made by Councilor W. Steere to APPOINT the following liaisons:

Councilor Walsh:

 Chepachet Village Planning Commission
 Personnel Board
 Public Safety to include
 Police, Fire Safety Commission, Animal Control, Emergency Management
 Senior Center
 Town Hall/Town Clerk

Councilor W. Steere:

 Economic Development
 Land Trust Trustees
 Planning Office and Planning Board
 Road Sub-Committee
 Wastewater Management Commission

Councilor G. Steere:

 Conservation Commission
 Housing Authority
 Parade Committee
 Public Works
 Road Sub-Committee

Councilor Burlingame:
Budget Board
Finance Department
Historic District Commission
School Department
Human Services

Councilor Carroll
Affordable Housing Advisory Board
Harmony Hill School
Recreation
Western Rhode Island Home Repair
Zoning Office and Zoning Board

Seconded by: Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.
NAYS: 0

MOTION PASSED

- F. Appointments - Boards & Commissions - Terms concurrent with Town Council
1. Board of Contracts & Purchases to 01/2011
 - Two (2) expired terms
 - One (1) expired Ad Hoc term

MOTION was made by Councilor W. Steere to APPOINT Thomas Mainville, Finance Director; Jean Fecteau, Town Clerk; and as ad hoc member a Town of Gloucester Department Head (not soliciting bid); to the Board of Contracts & Purchases for a two term to expire 01/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.
NAYS: 0

MOTION PASSED

2. Personnel Board to 01/2011
Three (3) expired terms

It was noted that Shawn Harwood does not wish to be reappointed to the Personnel Board.

MOTION was made by Councilor Carroll to APPOINT Michael Recorvits and Russell Gross to the Personnel Board for a two year term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to TABLE the appointment to the Personnel Board for a two year term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

3. Recreation Commission to 01/2011
Five (5) expired terms

MOTION was made by Councilor W. Steere to APPOINT Gary Martinelli; Sally Ryan; Edward Burns Jr.; Joan Steere; & Martha Houston to the Recreation Commission for a two year term to expire 01/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

4. Safety Commission to 01/2011
Seven (7) expired terms
One (1) expired School Bus Coordinator
Three (3) expired At Large Members

MOTION was made by Councilor W. Steere to APPOINT Police Chief Jamie Hainsworth; Charles Miller, Emergency Management Director; Gary Treml, Public Works Director; Harmony Fire Chief Stuart Pearson; Chepachet Fire Chief Robert Dauphinais; West Gloucester Fire Chief Lawrence Goodnough; Denise Plaza-Martin, School Bus Coordinator; Members at Large: Earl Newman Jr.; Ruth Cole; & Russell Gross for a term to expire 1/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

5. Scituate Watershed Commission to 01/2011
Two (2) expired terms

MOTION was made by Councilor Burlingame to APPOINT Raymond Goff and Roy Najecki to the Scituate Watershed Commission for a term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

6. Blackstone Valley Watershed Commission to 01/2011
One (1) expired term.

MOTION was made by Councilor W. Steere to TABLE the appointment to the Blackstone Valley Watershed Commission for a term to expire 01/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

7. Woonasquatucket River Committee to 01/2011
One (1) expired term

MOTION was made by Councilor Burlingame to APPOINT Raymond Goff to the Woonasquatucket River Committee for a term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

G. Annual Appointments

1. Tree Warden 2009

MOTION was made by Councilor W. Steere to APPOINT Bruce Payton as Tree Warden for the Town of Gloucester for 2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

H. Board & Commission Appointments

1. Zoning Board of Review
Two (2) expired one-year Alternate terms
Terms to expire 1/2010

MOTION was made by Councilor Carroll to APPOINT Alfred DeCorte and Sharon Lambert to the Zoning Board of Review to fill two expired Alternate terms to expire 1/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

2. Conservation Commission
Three (3) expired three-year terms
Terms to expire 1/2012

MOTION was made by Councilor G. Steere to APPOINT Roy Najecki, Albert Aubin and Daniel Pearson to the Conservation Commission for three year terms to expire 1/2012; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

- I. Personnel

1. Request for Family Medical Leave

Building/Zoning Office

Councilor Walsh read the following memo from the Building/Zoning Official:

January 12, 2009

TO: Town Council
Kevin Walsh, President
FROM: Lawrence G. Desormier, Jr., Building/Zoning Official
RE : Family Medical Leave

I am requesting a Family Medical Leave, effective January 21, 2009, for a period of two (2) to 12 weeks after I have exhausted all my sick, vacation, and personal time accumulated as of that date.

Thank you in advance for your consideration in this matter. If you have any questions, please do not hesitate to contact me at the Building/Zoning Office.

(end of memo)

Discussion: Lawrence Desormier, Building/Zoning Official, explained that he is scheduled to have surgery to treat a herniated disc in his back. L. Desormier stated that he will be available via telephone or e-mail during his recuperation. L. Desormier stated that his assistant, Peter Scorpio, has been well-informed regarding any ongoing projects, particularly the school renovation. L. Desormier noted that he is confident that Mr. Scorpio and Karen Emond, Administrative Aide, are capable of running the office in his absence.

MOTION was made by Councilor Carroll to AUTHORIZE Family Medical Leave for Lawrence Desormier, Building Zoning Official effective January 21, 2009; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- A. Larry Desormier, Building/Zoning Official, gave a report concerning the high school renovations. L. Desormier stated that the wrong appeal form was filed with the State Fire Marshall and this directly affects the issuance of the Certificate of Occupancy. L. Desormier also stated that there were discrepancies in the Fire Department's report to Ahronian and H.V. Collins regarding issues that would not allow the school to be open. L. Desormier stated that if the proper appeal is filed, he will issue the Certificate of Occupancy. L. Desormier noted that the appeal hearing was scheduled for February 12th, but did not know if it would be delayed due to the wrong form having been filed. J. Bevilacqua, Town Solicitor, stated that if the correct form is filed, they will probably be allowed to stay on the same schedule.

Councilor Walsh asked how the wood-chip boiler is operating. L. Desormier replied that the boiler at the middle school has been fine, but the one at the high school still has issues to be worked out.

- L. Desormier brought to the Council's attention that Catalano is the new site contractor.

- B. Walter Steere, Jr., School Committee member, stated that he was in attendance at the Building Committee meeting and was informed that the biomass boiler at the middle school is running fine, however, one load of wood chips did not meet specifications. W. Steere, Jr. added that even on the coldest days, the system only needed to run at 40% capacity. W. Steere, Jr. expressed his concern that the system is only used for part of the school year which means that fuel will be used for the remaining months. W. Steere, Jr. also stated that a sump pump which was installed to remove water from the pit was not working, causing the water level to continue to rise. W. Steere, Jr. expressed concern regarding the oversight of this project.

Councilor Burlingame asked if anyone is monitoring the fuel and energy consumption compared to what was projected. W. Steere, Jr. replied that there has been an increase in the cost of electricity, but noted that the rates have gone up. Councilor Burlingame commented that the voters approved the Esco based on projections which showed a cost savings. Councilor Burlingame stated that somebody should be monitoring the figures to show what the savings are. W. Steere, Jr. stated that it would be difficult at the high school because the biomass is not working, but at the new middle school, there

has already been one year of use, which would allow comparison. W. Steere, Jr. noted that although savings were guaranteed by ConEd, they have not accepted either building and will not guarantee savings until they have done so.

Councilor Burlingame stated that the prior Council made agreements regarding how the \$150,000 reduction would be split up between the Town and the School Department. Councilor Burlingame asked if the School Committee has recast their expense budget to reflect the \$90,000 reduction. T. Mainville, Finance Director, replied in the affirmative.

- C. Virginia Peters, Human Services Director, presented her quarterly report to the Town Council. Councilor W. Steere stated that a lot of people were helped and commended Mrs. Peters for her work. Councilor W. Steere asked where the money comes from which is used to purchase food. V. Peters replied that there is \$6,500 in her annual food budget and the remainder comes from donations or grants. V. Peters noted that there is approximately \$19,000 in the food pantry account and at least \$9,000 in the emergency energy fund at this time. Councilor W. Steere asked what is meant by “voucher”.

V. Peters replied that they are like gift certificates and are in twenty-dollar increments. V. Peters noted that she distributes approximately 50 vouchers in the first two weeks of each month. Councilor W. Steere asked where the vouchers are purchased. V. Peters replied that they are purchased from the IGA in Slatersville, adding that she receives a generous discount on food from the IGA. V. Peters noted that she used to deal with Dino’s, but found that the food was much less expensive at IGA. Regarding the vouchers, V. Peters stated that she writes on them what they can be used for. They cannot be used to purchase tobacco, magazines, etc.

Councilor Burlingame commented that we are sending people out of town to shop instead of supporting our own businesses. Councilor Burlingame stated that unless there is an overwhelming difference in price, we should try to deal with Dino’s. V. Peters noted that many of her clients prefer not to go to Dino’s because it is more expensive. Councilor Carroll recommended that V. Peters attempt to negotiate with Dino’s. V. Peters replied that when she purchased food from Dino’s, if any of the items were on sale, she did not receive the additional 15% discount. V. Peters did state that all gift certificates that were given out for Thanksgiving and Christmas were for Dino’s. V. Peters stated that if the Council members ever have any questions, they can call her any time.

- D. Jean Fecteau, Town Clerk, stated that the Burrillville and Gloucester Town Councils had come to a consensus to support the establishment of the Pascoag Reservoir Echo Lake Dam Management District. J. Fecteau stated that Burrillville has scheduled a Public Hearing to get their Ordinance in place. J. Fecteau stated that she will forward the proposed Ordinance to the new Council members for their review prior to scheduling a Public Hearing. Councilor Walsh pointed out that the residents who are proposing this Ordinance have given a presentation to the Council and will do so again for the new members. Councilor Walsh went on to explain that the District would consist of

properties in Burrillville and Glocester that are on the Pascoag Reservoir and would ensure that the reservoir and dam are preserved.

J. Fecteau stated that with the new administration in place, there are two (2) new Council members serving on the Road Sub-Committee. J. Fecteau pointed out that a Public Hearing on the Road Policy was to be scheduled for February 5th and asked if the hearing should take place later in February to allow more time for the new members to become familiar with the policy. There was consensus to schedule the Public Hearing for February 19th. J. Fecteau stated that she will schedule a meeting with the new members prior to the Public Hearing.

- E. Gary Treml, Director of Public Works, stated that he attended a meeting at RI Resource Recovery at which he was told there would be no grant money given out during the next couple of years.

G. Treml stated that over the years, the Town has offered salt and sand mix to the residents. G. Treml noted that the cost is approximately \$200.00 per bucket, adding that last weekend almost seven (7) buckets were used. Councilor Walsh asked if there are trucks coming and taking the material. G. Treml replied that during the day, people are taking it by the pailful, but the material is out in the open, therefore, there is no way to know what happens at night and on weekends. Councilor Burlingame stated that he witnessed somebody shoveling the sand into the back of a pickup truck and suggested that the material be stored inside the gate where it would be visible, but a truck could not be driven in.

G. Treml stated that he has received correspondence from the Department of Environmental Management regarding stimulus money which could be used to increase the capacity of our salt storage shed. G. Treml stated that he does not know if this will be a match or full-funded, but he applied for it anyway in the event that it is fully funded.

G. Treml stated that Resource Recovery will begin taking TV's at no charge beginning in February, however, there are regulations that TV's and computer monitors cannot be stored together in the same storage trailer.

- X. Boards/Commissions
None.

- XI. Council Correspondence/Discussion

- A. Councilor Walsh read the following into the record:

DATE: December 9, 2008
TO: Town Council
FROM: Russell K. Gross, Planning Board member

As a member of the Gloucester Planning Board, I would like to thank Mr. Gary Trembl, our Public Works Director, for his participation at a site visit on 12/6/08 at Coniston Street in Harmony.

Gary attended this site visit of the Planning Board on his personal time and in his own vehicle. As it turned out Gary's attendance proved to be very helpful and informative.

Thanking you again.
Russell K. Gross

(End of correspondence)

- B. There was Council discussion concerning repairs to Route 44. It was decided to draft a letter to the Department of Transportation expressing appreciation for the repairs to the Chepachet River Bridge and requesting further road repairs in Chepachet.

XII. Open Forum

- A. Bob Lyons spoke regarding the roads in the Waterman Lake Shores area. B. Lyons stated that the roads were taken off the Town Road List in 1984. B. Lyons stated that Chapter 48 of the Code Book indicates that RI General Laws must be followed regarding mapped streets. B. Lyons stated that in that General Law it is stated that before any roads can be removed from a road list, there must be at least ten (10) days notice of a Public Hearing published in the newspaper.

In researching the Town Council records, B. Lyons stated that there is no indication that any notice was ever given. On behalf of the Property Owners' Association, B. Lyons requested that the roads be reinstated on the Town Road List. B. Lyons noted that they are not asking for the roads to be repaved, but would like to be considered when repairs are needed. B. Lyons commented that when he purchased his property in 1981, the Town would sand and oil the roads as needed. This continued until 1994 when the roads were removed from the list and the roads have been deteriorating ever since.

Councilor Walsh stated that this is Open Forum and a decision cannot be made at this time, however, this information will be reviewed by the Town Solicitor and placed on the next Town Council agenda for discussion. B. Lyons thanked the Council for their consideration.

- B. Bruce Payton spoke regarding the biomass system at the schools. B. Payton stated that he visited twenty schools in Vermont and the systems work great. B. Payton stated that the problem is the builder that we have working on our schools, noting that nothing gets done on time.
- C. Walter Steere, Jr., School Committee member, stated that the Superintendent and Business Manager attended a seminar at Bryant University regarding President Obama's stimulus package. W. Steere, Jr. stated that states will receive funding for

projects such as road paving. W. Steere, Jr. recommended that somebody from the Town put together a list of projects to submit for consideration.

W. Steere, Jr. spoke regarding the situation with the salt and sand, stating that he sometimes puts the mixture in the back of his pickup truck. W. Steere, Jr. explained that he never takes more than the limit and noted that he does several driveways for family members in addition to his own. W. Steere, Jr. expressed his opinion that Gloucester residents do not get much for their taxes and feels that the sand should be left where it is for people to use.

XIII. Executive Session

- A. Pursuant to R.I.G.L. 42-46-5(a)2 Litigation
- B. Pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session pursuant to R.I.G.L. 2-46-5(a)2 Litigation and R.I.G.L. 42-46-5(a) Collective Bargaining; seconded by Councilor Carroll.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll.
NAYS: 0
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:58 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame; and Carroll.
NAYS: 0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 5, 2009 Town Council Meeting.

At a Special Meeting of the Gloucester Town Council holden in and for
the Town of Gloucester on **February 2, 2009**

I. Call to Order

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

II. Roll Call

Present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President; George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk

III. Pledge of Allegiance

IV. Executive Session

A. Pursuant to R.I.G.L. 42-46-5 (a)1 Personnel

MOTION was made by Councilor Walsh to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Burlingame

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS 0

MOTION PASSED

V. Reconvene Open Session

MOTION was made by Councilor W. Steere to RECONVENE to Open Session; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS 0

MOTION PASSED

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

MOTION was made by Councilor burlingame to ADD, for discussion only; 1. Providence Water Supply Board & 2. Request for information (punch list) regarding the construction at the middle school; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Appointments

A. Town Solicitor

MOTION was made by Councilor W. Steere to APPOINT William Bernstein & Timothy Kane to the positions of Town Solicitors; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: Burlingame

MOTION PASSED

B. Probate Judge

MOTION was made by Councilor P. Carroll to TABLE the appointment of Probate Judge; seconded by Councilor W. Steere;

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Discussion (ADDITION by motion)

1. Providence Water Supply

Discussion followed regarding on-going appeals of tax assessments regarding property values by Providence Water Supply. Councilor Burlingame explained that Atty. William Goss, on behalf of the Town of Gloucester, will be holding meetings with the parties involved.

2. Punch List for School Construction

Councilor Walsh questioned the status of the work being done at the middle school and questioned if any ESCO savings have been recognized as of yet. After discussion, it was agreed to forward correspondence to the School Committee regarding updates.

VIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:45 p.m.; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 7, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **February 5, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy F. Kane, Assistant Town
Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town
Planner; Gary Treml, Director of Public Works; and Walter Steere, Jr.,
Ronald Cervasio, and Peter Skeffington, School Committee members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Timothy Kane.

IV. Open Forum for Agenda Items

None.

V. Consent Items

A. Town Council Minutes of January 15, 2009

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of
January 15, 2009; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Old Business

A. Drainage Easement: Lakeview Drive

Councilor Walsh stated that this was tabled last meeting to allow further work on the easement
document. Timothy Kane, Assistant Town Solicitor, stated that he has reviewed the easement
and has spoken with Attorney Brad Steere. T. Kane stated that after minor modifications are
made to the easement, he believes it will be acceptable to the Town.

MOTION was made by Councilor Burlingame to APPROVE the Drainage Easement: Caniff to
Town of Gloucester subject to approval by the Town Solicitor; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0
MOTION PASSED

B. Appointments

1. Personnel Board
One expired term

Councilor Walsh stated that this item was tabled last meeting for consideration of talent bank applications.

Discussion: Councilor Walsh stated that the talent bank will be updated and forwarded to the Town Council before the next meeting.

MOTION was made by Councilor Carroll to TABLE the appointment to the Personnel Board to fill a two year term to expire 01/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

2. Blackstone Valley Watershed Commission
One (1) expired term

Councilor Walsh stated that he is attempting to contact the person that holds this position to determine if she would like to be reappointed.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Blackstone Valley Watershed Commission to fill a term to expire 01/2011; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0
MOTION PASSED

3. Appointment
Probate Judge

MOTION was made by Councilor Burlingame to APPOINT Jane Gurzenda Gloucester Probate Judge for a term to run concurrent with the Town Council to expire 01/2011; seconded by Councilor W. Steere.

Discussion: Councilor Burlingame stated that he made the motion based upon Ms. Gurzenda's past experience in probate matters. Councilor Burlingame stated that with this level of expertise, there would be a smooth transition. Councilor Burlingame added that Ms. Gurzenda makes sure that probate cases are handled in such a way as not to drain the estate financially.

Councilor Carroll stated that there were six or seven applicants for Town Solicitor and suggested that the position of Probate Judge be advertised to determine if any of those individuals would be interested. Councilor Carroll expressed that this is nothing against Ms. Gurzenda, but he feels that the Council should open the pool and see what happens.

Councilor G. Steere, Jr. expressed his agreement with Councilor Carroll's opinion. Councilor G. Steere suggested that others be considered before making the appointment.

Councilor W. Steere, III stated that there was open competition for Town Solicitor, adding that he would not be opposed to considering more candidates for Probate Judge.

Councilor Walsh stated that he is in agreement with Councilor Burlingame, adding that Town Solicitor William Bernstein can no longer serve as Probate Judge, per the Town Charter.

Councilor Burlingame stated that the Town Council faces many other tasks and urged the Council members to give approval on this matter.

VOTE: AYES: Burlingame, W. Steere and Walsh
NAYS: Carroll and G. Steere

MOTION PASSED

VII. New Business

A. Gloucester Code of Ordinance

1. 1st Reading Proposed Amendment & set hearing date
Chapter 350-55 Special Flood Hazard Area and Flood Fringe Lands

MOTION was made by Councilor Burlingame to WAIVE a reading of the proposed amendment to the Gloucester Code of Ordinance, Chapter 350-55 Special Flood Hazard Area and Flood Fringe Lands; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0

MOTION PASSED

Discussion: Raymond Goff, Town Planner, explained that this ordinance is required by FEMA due to changes in their regulations and the adoption of new flood plain maps. R. Goff noted that the intent is to take a more active role in protecting flood plains and keeping development out of those areas. R. Goff pointed out that here in Gloucester, we do not have that problem because the Building Department does a good job keeping development out of the flood plains, but there are

specific criteria which must be set in place, such as the requirement that the elevation of a development be higher than the actual flood elevation. Councilor Burlingame asked where flood plains are located in Gloucester. R. Goff replied that wherever there is a river, the banks could be considered a flood plain, depending on the amount of water flowing through the area. R. Goff stated that as of March 2th, we will be using the new flood maps developed by FEMA. Councilor Walsh asked how this ordinance would affect a homeowner in a flood plain area if their house burned down and they wished to rebuild. R. Goff replied that the home would have to be elevated due to the new requirements.

Timothy Kane, Assistant Town Solicitor, stated that he has reviewed the proposed amendment, adding that all of the surrounding communities are doing the same thing because it is mandated. There was discussion regarding the deadline of March 2nd, which poses a problem concerning advertising the Public Hearing. T. Kane stated that he has had discussions with Michael Buckley at FEMA and was told that it could be done shortly thereafter, if necessary. However, T. Kane stated that FEMA will not put that in writing which causes him concern. T. Kane added that he would not advise the Council to amend the ordinance after the deadline of March 2nd and subsequently find out that we could not participate in the National Flood Insurance Program.

Councilor Walsh asked Jean Fecteau, Town Clerk, how much time is needed to provide public notice. J. Fecteau replied that because it concerns a chapter in the Zoning Ordinance, the Public Hearing must be advertised three (3) times. There was consensus to schedule a special meeting to accommodate the FEMA deadline.

Councilor Burlingame asked how we got into this timing situation. R. Goff replied that his office was only notified back in November and the amendment had to go before the Planning Board prior to the Council. R. Goff added that we are usually given more lead time. T. Kane noted that every town is experiencing the same problem.

MOTION was made by Councilor W. Steere to set a Public Hearing on 2/24/09 with a back up date of 2/25/09 for the proposed Code of Ordinance amendment Chapter 350-55 Special Flood Hazard Area and Flood Fringe Lands; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Resignations:

1. Land Trust

5 year term to expire 02/2012

Councilor Walsh stated that the Council has received the resignation of Bruce Peterson from the Land Trust and it is on file in the office of the Town Clerk.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Bruce Peterson from the Land Trust for a five year term to expire 02/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll
NAYS: 0
MOTION PASSED

- C. Appointments:
1. Land Trust
5 year term to expire 02/2012

MOTION was made by Councilor G. Steere to TABLE the appointment to the Land Trust for a 5 year unexpired term to expire 02/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

D. Discussion: Waterman Lake Plat area - private roads

Councilor Walsh stated that Bob Lyons would like to discuss the status of his road and the manner in which it was removed from the town road list.

Discussion: Bob Lyons stated that the official road list which was adopted in 1988 was duly advertised and included all of the side roads within the Waterman Lake Shores plat. B. Lyons stated that in 1994, those roads were removed from the list without proper public notification. B. Lyons stated that the members of the Association feel that this was illegal and wish to have the roads reinstated on the present road list.

Councilor Walsh stated that there is a new Town Council in place and asked B. Lyons for his patience in allowing the Council members more time to review the information. Councilor Walsh further stated that the Town Clerk has researched the records and has not found any indication that there was proper advertising.

Councilor W. Steere, III stated that the Council would appreciate the extra time because they know that this has been an ongoing issue and he wishes to do due diligence. B. Lyons stated that this matter was brought to the Council's attention two (2) years ago. B. Lyons asked if the new Solicitor has received the materials which were handed out at the last meeting. Councilor Walsh replied that all documents have been forwarded to the Solicitor.

E. Discussion: Fuel Oil and/or Diesel- potential futures contract

Councilor Burlingame stated that at a budget meeting with the Regional Schools and the Gloucester Schools, the subject of fuel oil was brought up. Councilor Burlingame explained that up to \$1.65 per gallon, the bus contractors absorb the cost, but any amount beyond that gets billed to the Gloucester School Department. Councilor Burlingame pointed out that the Public Works Department also uses a fair amount of fuel for plowing, etc. Councilor Burlingame asked if it would be worthwhile to buy futures on diesel fuel. Councilor Burlingame stated that he feels that time is of the essence since fuel prices are rising again. Councilor Burlingame suggested that the Finance Director, the School Department and the Director of Public Works get together to determine what can be done to solicit bids on a futures contract.

Councilor Walsh stated that four (4) months ago, we locked in our fuel oil costs at \$3.29 per gallon, thinking that it was a good deal at the time. Councilor Walsh expressed his opinion that we should lock into a contract, but recommended that we wait until the end of the heating season, when the prices come down. There was consensus to place this on the agenda for the second meeting in March.

F. Authorization:

Correspondence to F/G Regional School Committee

RE: School Building Committee and progress status re: ESCO

Discussion: Councilor Walsh stated that the Council wishes to send correspondence to the Building Committee asking the status of the Esco at the Middle School and if the punch list is complete so that Con Edison can accept the system. Walter Steere, Jr., School Committee member, stated that Con Ed must be satisfied that the building was built to their specifications so it will be as energy efficient as planned, but it is just a formality. W. Steere, Jr. expressed his opinion that Con Ed will never give us any money because the thresholds which were set were in their favor.

Councilor Burlingame stated that there were engineering requirements that Con Ed had to certify, adding that it is his understanding that some of the construction was not done per spec and Con Ed will not certify it. W. Steere, Jr. stated that the School Committee has not been kept well-informed by the Building Committee regarding these issues. Ronald Cervasio, School Committee member, stated that there is the potential for litigation, so the punch list will probably not be brought forward. R. Cervasio stated that this will be brought up at the School Committee meeting Tuesday night, adding that the Building Committee will appear in person at School Committee meetings to address these issues.

MOTION was made by Councilor Burlingame to send a letter to the Foster-Glocester Regional School Committee requesting that they obtain an update from the Building Committee regarding the certification status of the Middle School and progress on the High School; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Discussion: Outdoor wood furnaces

Councilor Burlingame stated that some communities are implementing ordinances concerning outdoor wood furnaces. Councilor Burlingame stated that the smoke generated from these furnaces can cause problems with visibility. Councilor Burlingame recommended that the Council begin the process of coming up with something that is reasonable and fair, but will not create a problem in the future. Councilor Burlingame stated that he has obtained a copy of Smithfield's ordinance which takes effect this month and suggested that the Planner and the Building Official review the document and make recommendations.

Councilor Walsh stated that there are areas in Glocester where regulations would be necessary, such as the center of Chepachet, but added that he does not like making ordinances which would cause one neighbor to fight with another. There was consensus that Glocester does not need an ordinance as strict as Smithfield's, but there should be something in place.

H. Discussion: Set meeting dates

1. Budget discussions w/school

Councilor Walsh asked Jean Fecteau, Town Clerk, to check the calendar for available dates to meet with the School Department concerning budget matters. Councilor Walsh stated that correspondence will be sent to Chris Hebert, chair of the School Committee, listing several dates from which to choose.

2. Special Public Hearing
Dam Management District

Councilor Walsh stated that the town of Burrillville is in the process of establishing a dam management district in the Echo Lake area which includes properties in Glocester. Jean Fecteau, Town Clerk, asked Timothy Kane, Assistant Town Solicitor, how soon a Public Hearing should be held. T. Kane replied that Burrillville opened their Public Hearing with a Power Point presentation, followed by discussion which lasted approximately two (2) hours. T. Kane noted that the Burrillville Public Hearing has been continued until March 11th. There was consensus to schedule Glocester's Public Hearing for February 24th.

VIII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, reminded the Town Council that the Foster-Glocester Regional Financial Meeting is scheduled for Tuesday, March 17th at 8:00 p.m. J. Fecteau stated that the Public Hearing for the Budget will be on March 26th, adding that the goal is to have the Budget adopted by April 2nd.
- B. Councilor Walsh asked Ray Goff, Town Planner, about correspondence received from DEM regarding non-compliance with Phase II Storm Water Regulations. R. Goff replied that he is working on it and will respond prior to the deadline of March 10, 2009. R. Goff explained that there is an education program at URI which Glocester had opted not to participate in due to the cost involved.

Councilor Walsh asked R. Goff if he has submitted his proposal regarding the economic stimulus initiatives. R. Goff replied in the affirmative.

- C. Gary Treml, Director of Public Works, stated that the snow removal budget is becoming depleted, adding that if there are any more substantial storms, there will be some problems. G. Treml reported that he had approximately \$115,000 in the budget on January 21st and it now stands at \$20,000. Additionally, G. Treml pointed out that the price of salt has increased from \$49.00 to \$89.00 per ton. G. Treml was commended for the excellent job plowing the roads.
- D. Tom Mainville, Finance Director, asked if the Council would like the auditors to appear at the next meeting to speak about the audit. Councilor Walsh replied that they normally provide a short presentation. T. Mainville stated that he will ask the auditors to attend the next Council meeting.

Regarding the current financial situation, Councilor Burlingame asked T. Mainville if, in his opinion, we should be alarmed. T. Mainville replied that we should be prepared for certain things that we may need to do. T. Mainville suggested meeting with the chair of the School Committee to discuss “what if” types of situations. Councilor Burlingame pointed out that according to the spreadsheets he has reviewed, the net effect for Glocester would be a \$511,000 problem if the Governor’s recommendations go through.

T. Mainville stated that Glocester’s bond rating was increased from AA- to a solid AA. T. Mainville noted that the only community in the State with a better rating is East Greenwich, and the only others with equivalent ratings are Barrington, Middletown, New Shoreham and South Kingstown. Councilor Walsh stated that this is a testimony on how well the Finance Department keeps things in order. T. Mainville replied that it is a group effort by his staff, the Assessor’s Office and the Collector’s Office.

IX. Boards/Commissions

None.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that he has spoken with Robert Balme, Assistant Tree Warden, who indicated that he is no longer able to fulfill the position.
- B. Councilor Walsh stated that correspondence was received from the Gloucester Heritage Society regarding an event scheduled for April 29th at which Rose LaVoie will receive recognition for her work. Councilor Walsh commented that this is a well-deserved award.
- C. Councilor Walsh stated that a letter was received from the Senior Center Board of Directors regarding the operation of the facility and the use of the building by other organizations. Councilor Walsh stated that if the Board wishes to establish rules and regulations, the Town Council will review them and give the Board the authority to make decisions.
- D. Councilor Walsh stated that a request was received from the town of Burrillville concerning the support of several Resolutions. Councilor Walsh stated that this will be on the agenda for the next meeting.
- E. Councilor Walsh suggested that a Resolution be prepared for Rose LaVoie for her upcoming award.
- F. Councilor W. Steere, III stated that he feels that the Town Council should meet with the Regional School Committee and the Gloucester School Committee in a public forum to discuss the status of the budget. Councilor Walsh agreed that this should be done prior to the Regional Financial Meeting on March 17th. Councilor W. Steere, III strongly recommended that everyone attend the Financial Meeting because this is where the big decisions are made.

There was discussion concerning whether to meet with the Regional School Committee at the same time as the Gloucester School Committee. Councilor Burlingame stated that the Council should meet with the Regional Committee separately because there are certain issues which pertain only to the region. Councilor G. Steere, Jr. suggested that the Foster Town Council also be notified of the meeting. After discussion, tentative dates of February 16th and February 23rd were set.

XI. Open Forum

- A. Bob Lyons addressed T. Kane, Assistant Town Solicitor, stating that he has researched the roads in the Waterman Lake area over the last several years and would be happy to help Mr. Kane with any questions he may have. T. Kane expressed his appreciation.

XII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:43 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, Steere, III, G. Steere, Jr., Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 19, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **February 19, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy F. Kane, Assistant Town
Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of
Public Works; Jamie Hainsworth, Chief of Police; and Susan Harris,
Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

A. Paul Anderton, of Saunders Brook Road, spoke regarding Indian Trail. P. Anderton stated that he owns that land and has requested several times that the Town accept Indian Trail as a Town road. P. Anderton stated that his request was rejected. P. Anderton explained that he purchased the property from Mr. Ebbets with an easement which allowed the road to be built, after which it was hoped that the road would eventually be taken over by the Town.

P. Anderton pointed out that there is a State boat landing as well as 50 or 60 houses which generate use of the road. P. Anderton noted that when these houses were built, most of them were summer residences which generated tax revenue without the Town having to provide student education. P. Anderton expressed his opinion that the Town has a responsibility to accept the road.

B. Edna Kent spoke regarding the agenda item which concerns the proposed Cemetery Ordinance. E. Kent stated that she is one of the Historical Cemetery Commissioners for the State of Rhode Island and had not heard anything about this ordinance. Councilor Walsh stated that this item is on the agenda for discussion only.

C. Lorraine O'Connors stated that she would like to reserve her right to speak when the Waterman Lake matter is addressed.

D. Kevin Viveiros stated that he would like to speak during the Public Hearing regarding the Gloucester Road Policy.

MOTION was made by Councilor Walsh to move Item IX. New Business, C. Audit Presentation to first on the agenda; seconded by Councilor Carroll.

Discussion: Councilor Walsh stated that the auditors are present and the Council would like to go over the numbers before the regular agenda.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Cheryl Langevin, of Bacon and Co., stated that the Town received an unqualified opinion on its financial statements, meaning that they were materially correct. C. Langevin noted that the Town's assets exceeded its liabilities by \$17,881,000 during the last fiscal year, adding that of that amount, \$5.5 million was unrestricted. C. Langevin further stated that the Land Trust's assets exceeded their liabilities by \$6.1 million, \$460,000.00 of which was unrestricted. C. Langevin stated that during FY 2007-2008, for governmental activities, the Town increased its net assets by \$557,802, and the Land Trust increased their net assets by \$81,854. C. Langevin asked if anyone had any questions at this time. Hearing none, C. Langevin continued her review of the audit.

C. Langevin spoke regarding the Governmental Fund Financial Statements, stating that the General Fund ended the year with a fund balance of \$4.2 million, \$3.8 million of which was undesignated and \$380,000 which was designated for use in the FY 2009 budget. C. Langevin stated that the School Unrestricted Fund ended the year with a balance of \$348,000; of that amount \$245,000 was unrestricted and undesignated, and \$100,000 was budgeted to be used in FY 2009. C. Langevin stated that the Capital Reserve Fund ended the year with \$715,000 in fund balance, and the remaining funds of the Town ended the year with \$2.2 million fund balance.

Councilor Walsh asked if the School was just Gloucester schools. C. Langevin replied in the affirmative, adding that the Regional School is a separate entity.

Regarding the statement of revenues, expenditures and changes in fund balance, C. Langevin stated that the General Fund had a net decrease of \$98,000, the School Unrestricted Fund had a net decrease of \$67,000, Capital Reserve had a net decrease of \$33,000, and all other funds had a net decrease of \$507,000.

C. Langevin reviewed the portion of the audit report which addresses the Budgetary Statements. C. Langevin noted that there was a favorable budget variance on the Town's revenues of \$144,000. However, C. Langevin pointed out that there was an unfavorable budget variance in the General Fund expenditures of \$43,000. C. Langevin stated that the School Unrestricted Fund had a positive budget variance of \$8,800 in revenues as well as a positive budget variance of \$130,000 on their expenditures.

C. Langevin stated that the Management Letter is in the process of being completed, adding that there are no comments related to the Town, but is basically an update of last year's school comments. In closing, C. Langevin noted that things have much improved regarding the schools.

V. Public Hearing
A. Gloucester Road Policy

Councilor Walsh stated that this Public Hearing is regarding the policy submitted to the Council by the Town Council Sub-Committee on roads in December, 2008. Councilor Walsh further stated that the first reading has been held and this Public Hearing has been duly advertised in the Providence Journal legal ads, the Observer and the Bargain Buyer.

Councilor Walsh DECLARED the Public Hearing open and asked Tim Kane, Assistant Town Solicitor, to explain the proposed policy. T. Kane stated that he has reviewed the road policy and has done research regarding the Waterman Lake Shores issue, noting that the two subjects tie together. T. Kane stated that, under State law, there are three ways by which roads can become accepted Town roads: first, is if someone deeds the road to the Town, the Town then accepts the deed and authorizes maintenance; second, is if there is public use for 20 years and the Town follows a very specific procedure, the road can be declared a public highway; and the third option is condemnation of the road.

T. Kane stated that Gloucester has a separate Ordinance called "Mapped Streets". T. Kane noted that just because a road is indicated on the Mapped Street Ordinance does not mean that the Town is obligated to maintain the road. T. Kane stated that he has spent considerable time working on this policy, but asked for a little more time to allow him to give the Town a detailed memo advising them how to proceed in the future.

Councilor Walsh expressed his agreement that we are not yet ready to adopt a road policy because there are too many questions. Councilor Walsh stated that residents may get up and speak regarding the matter, but feels that the Council should table this until a future meeting to obtain more information.

- A. Christine Hopkins-Spidell stated that she served on the committee about five years ago and had done some research during which it was determined that in 1988, a list of roads was adopted by the Town. C. Hopkins-Spidell noted that prior to that, there was a list adopted just after World War II. C. Hopkins-Spidell stated that in 1994, another official road list was adopted by the Town, adding that none of these three lists match up with each other. T. Kane stated that he has the lists from 1988 and 1994, but not the one from 1942.

Councilor Walsh pointed out that in August of 1994, roads were added to the list and on October 20th of the same year, some were removed. Councilor Walsh stated that the concern is whether this was done legally, with advertised notices. C. Hopkins-Spidell also stated that a classification of "suitably improved road" was adopted by the Town, adding that before a new ordinance can be adopted, the Town should go back and "clean up" what was already done to give the landowners an opportunity to discuss the matter.

- B. Chris Kowal, Gold Mine Road, stated that many people took the time to attend this Public Hearing and asked the Council to explain how a Road Policy ultimately

becomes an Ordinance. C. Kowal stated that this would allow people to leave this evening with some idea of how much time is involved. Councilor Walsh stated that there are many questions, one of which is Gold Mine Road.

Councilor Walsh explained that the procedure is to have the citizens review the policy, submit their comments and views, and return it to the Town Council to decide whether to make it a Town law, which would be added to the Town Code of Ordinance. Councilor Walsh stated that this would eliminate questions concerning whether a road is a Town road or a private road, and would spell out what must be done for the Town to accept a road.

- C. Mark Palazio, Gold Mine Road, stated that State law requires that when a subdivision is created, it must be accessible by a public road. M. Palazio stated that this has been ignored and subdivisions were put in anyway. T. Kane replied that many of these roads predated planning and zoning requirements. M. Palazio expressed his concern regarding the language in the Road Policy which states that property owners who abut the road would be liable for maintenance. M. Palazio stated that he has a document on Town letterhead from 1986 which states that the Town will maintain the road.

Councilor Walsh stated that he has never seen that document and cannot comment on it. T. Kane explained that when a lot is not on a mapped street, there is a mechanism called an Exception to the Ordinance Regulating the Issuance of Building Permits by which the applicant appears before the Planning Board, who provides an advisory opinion to the Town Council, who would then approve or deny. T. Kane added that it is not uncommon in rural communities such as Gloucester that private roads exist which were not accepted by the Town.

(Mr. Palazio submitted a copy of said document to the Council, on file in Clerk's Office)

Councilor W. Steere stated that the whole reasoning for a Public Hearing is to hear what people have to say, after which the Town Council can make an informed decision. Councilor W. Steere added that there have been committees working on this for the past 20 years, and this Council is trying to get this done so that when there are new developments, we can deal with it consistently. Mark Palazio stated that he agrees with the concept, but still objects to some of the language in the proposed Ordinance.

M. Palazio stated that Gold Mine Road is a mess and is dangerous. Councilor W. Steere asked Mr. Palazio if he was aware that the road was private when he purchased his property. M. Palazio replied in the affirmative, but was told that the Town plows and maintains the road. M. Palazio commented that he applauds the effort of the Council, but noted that he objects to the language in the policy which he feels puts the residents at risk for liability issues. Councilor Walsh replied that the Council wants to make it right, which is why they will not vote on it this evening.

- D. Max Wistow stated that he lives off of Gold Mine Road. M. Wistow stated that he is unclear about the process which is being proposed. M. Wistow asked if this is the Ordinance which is proposed after the determinations are made regarding whether a road is State, Town, or private. M. Wistow expressed his opinion that there are many things wrong with this proposed Ordinance. T. Kane replied that this is a 2-step process by which more research must be done after which the Town Council must take another look at the proposed Ordinance.

M. Wistow asked if the Ordinance is changed, would it be readvertised to allow further public comment. M. Wistow stated that the document referred to by Mr. Palazzo is a binding contract between the Town and the successors-in-interest along Gold Mine Road which obligates the Town to maintain that section of Gold Mine Road. M. Wistow further stated that the Ordinance has open issues and ambiguities. For example, M. Wistow stated that he does not understand what it means when someone goes in and plows the road, then says that there will be a lien placed. M. Wistow asked if the property owner would first be given an opportunity to pay the bill before the lien is executed.

T. Kane, Assistant Town Solicitor, stated that he has reviewed the draft and has made changes, but has not gotten it to the Council yet. T. Kane explained that the intent is that if the Town had to make substantial repairs on a private road, they would seek reimbursement from the abutting property owners, adding that there would be a process for that. M. Wistow noted that the Ordinance is not worded as such.

- E. Dennis Slattery, Indian Trail, stated that he has just read the proposed Ordinance and asked if there is an e-mail address to which he could submit comments and questions. D. Slattery also suggested that comments be posted online for other residents to read. Councilor Walsh stated that the Council will look into his suggestion.
- F. Paul Anderton stated that in the past, when a road was fixed, the residents would take up a collection voluntarily, adding that most people participated. P. Anderton stated that this should be considered instead of placing liens on property.
- G. Roy Najecki stated that he lives on Reynolds Road, which is a State road. R. Najecki spoke regarding the letter given to Mr. Palazzo, stating that he questions that the letter holds any validity. R. Najecki referred to the lengthy and expensive court fight in the early 1990's regarding Cook Estate Way, also known as the "Driftway". T. Kane stated that the Driftway was regarding whether the Town followed the proper procedure to abandon the road.
- H. Lorraine O'Connors of Tucker Street stated that she is happy that action will not be taken on this matter tonight. L. O'Connors agreed that there are a number of problems with this policy. L. O'Connors stated that there are many plats which were developed before there were regulations. L. O'Connors stated that to require those areas to be brought up to current standards when that is now physically impossible is making unfair demands. L. O'Connors stated that the focus of previous road studies was to attempt to find a way

to bring into the Town road system as many of these private roads as feasible. L. O'Connors urged the Council to act in a way which will not work to the detriment of the property owners, the Town and ultimately everyone else.

- I. Kevin Viveiros , Gold Mine Road, stated that when he purchased his property thirteen years ago, it was under the premise that there was a binding agreement that the Town would maintain and plow the road. K. Viveiros asked if the public would have enough time to review the changes to the Ordinance before the Council votes on it. Councilor Walsh responded in the affirmative. Jean Fecteau, Town Clerk, added that in a case such as this where there is so much interest, there will be ads placed in the Bargain Buyer and Observer, as well as the legal advertisement required by law.
- J. Bob Lyons, Harmony, stated that the subject of Building Permits is mentioned several times in the proposed Road Policy, adding that he would like to see a separation made. Also, B. Lyons stated that in 1900, Gloucester consolidated the remaining highway districts into one district with the Town assuming the duty to maintain all rights-of-way within its borders. B. Lyons noted that all of the roads are rights-of-way, which is another issue that the Council may have to contend with.
- K. Anita Sundelin, Centre Road, stated that she previously served as Human Services Director for the Town and asked if any provisions have been given for the many elderly residents who live on these roads. A. Sundelin pointed out that some of these people have lived there for decades and may not have the means to contribute to road maintenance. A. Sundelin expressed concern that if these residents do not pay their bills, the Town may take their property.
- L. Joanne Hallberg, Gold Mine Road, pointed out that many of these roads have school children walking to the bus stops because the buses do not travel on the road. J. Hallberg stated that this poses a dangerous situation when it snows and the roads do not get plowed. J. Hallberg noted that in the case of children with special needs, they need to be picked up at their homes.
- M. Bonaventure Homs, resident of Gold Mine Road, stated that he bought his property two years ago and was unaware that it was a private road. B. Homs pointed out that his property ends at Gold Mine Road and stated that he does not understand how a lien could be placed on his property since he does not own the road. B. Homs feels that he should not be responsible for a road he does not own.
- N. Mark Bonn, Durfee Hill Road, expressed concern that if a private road is converted to a public road, it will encourage development off that road. M. Bonn stated that he has no objection to the Town working with residents of Gold Mine Road or any other road in Gloucester to make the roads safer, but is concerned about the impact it would have on development if private roads were made public.
- O. Mike Karmozyn, of Angell Road, stated that he does his best to maintain the road and suggested that the Town have material such as asphalt or gravel available to taxpayers

to pick up for that purpose. M. Karmozyn stated that this would be a good start. Councilor Walsh explained that the Town worked with the residents of Phillips Lane by providing labor to repair the road with asphalt purchased by the residents at the Town rate. M. Karmozyn stated that it would help if the residents could obtain the supplies to at least patch up the roads before spring. M. Karmozyn commented that this problem has been going on for years and will not be solved overnight.

- P. George Charette, of 312 Chopmist Hill Road, thanked the residents for attending this Public Hearing. G. Charette stated that he is a member of the Road Sub-Committee and noted that all of the points brought up tonight were discussed thoroughly by the Sub-Committee. G. Charette stated that he is the Vice-Chair of the Planning Board and explained the process of obtaining an Exception to the Ordinance Regulating the Issuance of Building Permits.

G. Charette spoke regarding the differences in how things were done years ago compared to the present. G. Charette mentioned White Oak Estates, which was required by the Planning Board to have a certain standard of roads within the subdivision. G. Charette further stated that when the lots in White Oak Estates are purchased, the owners receive documentation indicating that the road is owned by the Town and services will be given.

- Q. Bonaventure Homs again spoke regarding Gold Mine Road, stating that there are approximately 75 houses on the road. B. Homs pointed out that the Town collects tax revenue from these homeowners. B. Homs also stated that his home was built only 6 years ago, noting that the Town issued the Building Permit.
- R. Anita Sundelin voiced her concern regarding emergency vehicles accessing Centre Road where she resides. A. Sundelin stated that the road has gotten narrower at the end over the years. A. Sundelin reported that she was plowed in for five days last winter and there was no access to her house by any vehicle. A. Sundelin further stated that a fence was erected to the edge of the pavement enclosing a telephone pole. A. Sundelin expressed her opinion that a Road Policy is desperately needed.
- S. Barbara Kilcup stated that she owns property on Gold Mine Road but her primary residence is Wakefield. B. Kilcup commented that she has no vote in this Town even though she pays the same taxes, and further stated that her taxes are actually higher in Gloucester than they are in South Kingstown. B. Kilcup spoke regarding environmental issues, such as runoff from Gold Mine Road into the reservoir, noting that this could cause contamination. B. Kilcup also stated that she would not have known about his hearing if one of her neighbors had not placed a notice in her mailbox.
- T. Charles Vallor, of Briarwood Road, stated that when his road was paved recently, two culverts were placed which causes water to run onto his property. C. Vallor stated that he reported this problem several months ago, but has not heard back from anyone. C. Vallor also issued a complaint regarding the softball field, stating that he requested to use the field on a Sunday and was told that it was being used by people from Attleboro.

- U. Mike Devolve, of Gold Mine Road, stated that when he built his home two years ago, he was required to have language in the deed which stated that the Town would not be responsible for maintenance of the road. M. Devolve asked why he had to do that if no policy exists. T. Kane, Assistant Town Solicitor, stated that this was a condition specific to the Exception to the Ordinance Regarding the Issuance of Building Permits.
- V. Mike DeSantis, of Gold Mine Road, stated that when he purchased his home two years ago, the real estate agent did not disclose that the road was private. M. DeSantis stated that he did some research at the Town Hall prior to purchasing the property and discovered that Gold Mine Road was a private road. M. DeSantis further stated that the Public Works Director at the time assured him that the Town had always maintained the road and would continue to do so.
- W. Gary Martin asked for clarification regarding how the determination would be made concerning which private roads would be accepted by the Town. Councilor Walsh replied that it is not the Council's intent to make every private road a Town road, adding that not all property owners want their roads to be Town roads. Councilor Walsh explained that they wish to have rules and regulations in place.

Councilor Walsh asked if anyone else wished to speak. Hearing none, Councilor Walsh declared the Public Hearing CLOSED.

MOTION was made by Councilor W. Steere to TABLE the 2008 Road Policy; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor W. Steere to RECONSIDER the previous vote; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Carroll to REMOVE the Road Policy from the agenda until a future date; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- VI. Resolutions
 - A. Request from Burrillville:
 - 1. Support H-5019 (Misc. Articles)

2. Support H-5019 (Misc. Articles & Action)

Tim Kane, Assistant Town Solicitor, asked that the Town Council table this item until he has had an opportunity to review the bills and resolutions.

MOTION was made by Councilor Carroll to TABLE the Request for Support of H-5019 (Misc. Articles) and H-5019 (Misc. Articles & Action); seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Town Council Minutes of February 5, 2009

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of February 5, 2009; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Appointments

1. Personnel Board to 01/2011

One expired term

MOTION was made by Councilor W. Steere to TABLE the appointment to the Personnel Board for a term to expire 01/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Blackstone Valley Watershed Commission to 01/2011

One (1) expired term

MOTION was made by Councilor Burlingame to TABLE the appointment to the Blackstone Valley Watershed Commission for a term to expire 01/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Land Trust

5 year term to expire 02/2012

MOTION was made by Councilor W. Steere to TABLE the appointment to the Land Trust for a term to expire 02/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Discussion: Waterman Lake Plat area - private roads

Councilor Walsh stated that our legal counsel is in the process of reviewing the information submitted by Bob Lyons. B. Lyons stated that the 1988 Road List was advertised and unanimously accepted by the Town Council. B. Lyons pointed out that neither the 1990 nor the 1994 Road Lists were publicly advertised. B. Lyons stated that because of this, the 1988 Road List is the only true road list that was properly accepted by the Town. B. Lyons expressed his feeling that the residents of Waterman Lake Plat have been shortchanged. Tim Kane, Assistant Town Solicitor, pointed out that even if a road is on an official Town road map, it does not necessarily mean that the Town must maintain the road. There was discussion regarding State Law Chapter 45 as it pertains to Town accepted roads.

Christine Hopkins-Spidell spoke regarding how some towns have revenue to support infrastructure. Tim Kane pointed out that the town of Burrillville has a PILOT agreement with Ocean State Power which allow the town to dedicate a large amount of money to road repairs. C. Hopkins-Spidell noted that other cities and states utilize their resources to maintain their communities. C. Hopkins- Spidell added that Gloucester is sitting on a lot of water and should try to sell the rights for this purpose. Councilor Walsh pointed out that some of the bodies of water in Gloucester are owned by the City of Providence.

Lorraine O'Connors stated that in 1974 when the Town Council agreed to take over the roads, the Association met all of the requirements at that time. L. O'Connors stated that the initial motion was that the Town would accept the main roads, which was interpreted to mean any road within Waterman Lake Shores that fed to another road.

IX. New Business

A. Resignation

1. Deputy Tree Warden

Councilor Walsh stated that the Council has received correspondence, which is on file in the Clerk's Office, from Bruce Payton, Tree Warden, stating that the current Deputy Tree Warden has not received his license and no longer wishes to hold that position.

MOTION was made by G. Steere to ACCEPT the resignation of Robert Balme from the position of Deputy Tree Warden; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Deputy Tree Warden

MOTION was made by Councilor W. Steere to TABLE the appointment of Deputy Tree Warden for a term to run concurrent with the Town Council; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Audit Presentation

This item was moved to the beginning of the agenda.

D. Authorization:

1. Western Rhode Island Home Repair
CDBG Completion Certification

Councilor Walsh stated that the Council has received a request from Elinor Tetreault for the signing of the Completion Certification for Block Grant #07/13/21. Councilor Walsh pointed out that this is a routine request.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Community Development Block Grant Completion Certification #07/13/21; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Comprehensive Community Plan

1. Five Year Plan/Discussion

Councilor Walsh explained that every five (5) years, the Comprehensive Community Plan must be reviewed and updated. There was consensus to request input from all Town Boards and Commissions regarding this update.

F. Proposed Cemetery Ordinance

1. Discussion and/or action

Councilor Walsh stated that the proposed Cemetery Ordinance was received from the Planning Board. Jean Fecteau, Town Clerk, stated that she will ask the Planners office to send copies to all interested parties.

2. Set first reading date & Public Hearing date

There was consensus to wait until the Town Planner is present to discuss this Ordinance prior to setting a date for First Reading and Public Hearing.

X. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that George Charette has offered to plant and maintain flowers, at no charge, at both the Town Hall and at the mini-park next to the Fire Station. Mr. Charette is seeking Council permission to do so. There was Council consensus to allow the planting.

XI. Boards/Commissions

1. Roy Najecki, Conservation Commission chair, stated that the prior Town Council had given their permission for the Conservation Commission to use a parcel of land on Reynolds Road for a tree nursery. R. Najecki reported that as of last summer 140 American chestnut trees had been planted. R. Najecki pointed out that this project was done at no cost to the Town as the seed stock was donated by the American Chestnut Foundation. R. Najecki stated that the long-term goal is to eventually relocate the trees to other areas in Town.

XII. Council Correspondence/Discussion

1. Councilor Walsh stated that correspondence was received from Ronald Cervasio, Co-chair of the Foster-Glocester Regional School Committee, regarding upcoming budget meetings.
2. Councilor Walsh stated that a letter was received from the Town Solicitor regarding the manner in which the Town will be billed for services.
3. Councilor Burlingame stated that as a result of recent budget meetings, a number has been determined to be the problem for next year's budget. Councilor Burlingame noted that the Town will be able to handle the remainder of this fiscal year without any problems, but next year we will have a \$530,000 deficit. Councilor Burlingame stated that decisions must be made, but the Town Council wishes to involve the people in the process. Councilor Burlingame stated that a letter will go out to all department heads and the municipal union leaders requesting their input.

It was noted that the deficit should be shared equally among the Town, the local schools, and the region. Councilor Burlingame mentioned several cost-cutting measures, such as reducing buy-backs and increasing co-shares for health insurance, as well as concessions on wages. Councilor Walsh pointed out that the Town Hall does not have extra employees, so the Council is not interested in laying off any individuals. Councilor Walsh also stated that if the Region works with us, it will be much less painful.

4. Jean Fecteau, Town Clerk, reminded the Council members that there are two (2) meetings scheduled for next week; on the 24th there is a Public Hearing regarding the Flood Plain Ordinance and on the 26th there is a meeting of the Foster Town Council to be held in Foster.

XIII. Open Forum

1. Tom Sanzi, of Dorr Drive, expressed concern regarding the crosswalk in front of Town Hall, stating that pedestrians must walk in the road to access the crosswalk. Councilor Walsh agreed that this is a problem which has been reported to the State. T. Sanzi also mentioned the poor drainage in the Village. Councilor Walsh stated that additional correspondence will be sent to the State regarding the unacceptable condition that our streets have been left in.

XIV. Seek to Convene into Executive Session Pursuant to: R.I.G.L. 42-46-5 (a)1 Personnel

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

MOTION was made by Councilor W. Steere to RECONVENE into Open Session; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

No Votes were taken in Closed Session.

XVI. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 10:12 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 19, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **February 24, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; William Bernstein, Town Solicitor; Ray
Goff, Town Planner

Absent: Edward C. Burlingame

III. Pledge of Allegiance

The Pledge of Allegiance was led by William Bernstein.

IV. Public Hearings

A. Proposed Amendment to Gloucester Code of Ordinance

1. Replacement of Chapter 350-55 Special Flood Hazard Areas
and Flood Fringe Lands

Councilor Walsh stated this Public Hearing was duly advertised in the Providence Journal and Declared the Public Hearing Open.

Ray Goff, Planner explained the proposed amendment. Mr. Goff stated the intention of this hearing is to replace the current Flood Hazard Area and Flood Fringe Lands ordinance and is a mandate of F.E.M.A.

Mr. Goff stated Rhode Island Emergency Management has provided a draft copy of an ordinance that meets the requirements and this was utilized. R. Goff stated the differences in this proposed ordinance and our current ordinance is that penalties are outlined, definitions and the overall ordinance have been refined. R. Goff stated that essentially the ordinance states that building in a flood zone, while not encouraged, involves minimum requirements and penalties for not meeting these requirements. R. Goff also stated the ordinance also states if you do build in a flood zone you must place the structure above the flood zone and submit a plan to the Building Official to ensure minimum requirements are met, said minimum requirements are now outlined within this proposed ordinance.

Mr. Goff explained the time line imposed by F.E.M.A. and stressed the importance of passing this ordinance as soon as possible.

Councilors Walsh and G. Steere both stated there was a lot of language in this proposed ordinance that did not pertain to Gloucester. Solicitor Bernstein stated this was a “model/cookie cutter” ordinance but in order to avoid dis-qualification from the program the Solicitor

recommended passage at this time. The Solicitor noted that amendments could be looked at after passage.

Russell Gross, Putnam Pike, asked the Council to be sure this ordinance can be amended once adopted.

Solicitor Bernstein noted two grammatical errors:

Page 1, C. Definitions: 1st sentence amend as follows: “this ordinance **its** most reasonable application”. (remove apostrophe)

Page 2, C. Definitions, Finished Living Space: 2nd sentence amend as follows: “These spaces can only be used for parking” (remove “to”)

MOTION was made by Councilor W. Steere to APPROVE the amendment to Gloucester Code of Ordinance with the replacement of Chapter 350-55 Special Flood Hazard Areas and Flood Fringe Lands, effective immediately, subject to grammatical changes; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

V. Unfinished Business

A. Appointments

1. Personnel Board to 01/2011

One expired term

MOTION was made by Councilor P. Carroll to APPOINT David J. Piccirillo to the Personnel Board for an expired term two year term to expire 01/2011; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

VI. New Business
A. Public Works Reallocation of Funds

Councilor Walsh stated there is a memo from the Director of Public Works:

From: Gary Trembl
Sent: Tuesday, February 24, 2009 1:39 PM
To: Jean Fecteau

I would like to put a couple of things on the agenda for the March 5, 2009 meeting.

I need to replace two heaters in one of the buildings, I have money appropriated for a waste oil heater for the wash bay. I am not going to use this money which is \$4,330.00 account # 04-051-2900-2008. I would like to use approximately \$1,700.00 of that money to purchase the heaters.

The second thing is the money for the roll-off. I have money left over from the "forklift." I would like to take approximately \$12,000.00 from that money to work on the roll-off. I received a quote of \$7,500.00 from Palmer. That is for a complete suspension in the rear, brakes, drums, slack adjusters, cams, bushings, front springs, power steering piston, hangers for the front springs, "U" joints for the steering shaft. We will do the rods, mains, and oil pump here at the shop.

There should be approximately \$24,500.00 left in the forklift account.

Any questions please feel free to call
(end of memo)

Councilor Walsh questioned if these items were considered "capital improvements." T. Mainville was asked to address this issue.

T. Mainville stated the funds for the heater, which is part of the building, can be taken out of Capital Improvements. Councilor Walsh also questioned if work on trucks can also be taken out of that fund. T. Mainville felt the source of these funds and the amount of the request would allow for this use.

MOTION was made by Councilor W. Steere to AUTHORIZE the Public Works Reallocation of Funds request in regards to the memo of record from the Director of Public Works (2/24/09) for the use of approx. \$1,700 for building heaters and approx. \$12,000 for repairs/upgrades to a "roll-off" truck; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

VII. Adjourn

MOTION was made by Councilor G. Steere at 7:54 p.m.; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 19, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **March 19, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy F. Kane, Assistant Town
Solicitor; Thomas Mainville, Finance Director; Raymond Goff, Town
Planner; Gary Treml, Director of Public Works; and Jamie Hainsworth,
Police Chief.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

- A. Western RI Home Repair
Community Development Block Grant 2009
1st of two hearings

Councilor Walsh stated that this Public Hearing was advertised in the Valley Breeze/Observer on
February 19, 2009.

Councilor Walsh DECLARED the Public Hearing Open and read the following memo from
Elinor Tetreault, Program Director, into the record:

RE: Community Development Block Grant 2009 Program Performance

Dear Council Members,

The Town of Gloucester received \$216,600.00 in Community Development Block Grant
funding for FY 08. The Town applied for the maximum amount of \$250,000.00.

\$194,100 was awarded to continue the Housing Rehabilitation Program and Mobile Home
Replacement Program. Other awards include Food Bank-\$3,000.00, Community Housing
Land Trust-\$4,000.00, Echo Lake Water District-\$14,000.00, Community Housing Land
Trust- \$1,500.00.

To date the Western RI Home Repair Housing Rehabilitation Program has completed 35
projects in FY 08. The projects to date are new septic systems, new roofs, new heating

systems, pest control, new windows, new siding, electrical repairs, plumbing repairs, new wells, chimney repairs, oil tank removal, install new oil tank, insulation, hot water tank, new floors, corrections of miscellaneous code violations for Section 8 housing.

The Home Repair Program has completed 2 Mobile home replacement projects at The Village on Chopmist Hill.

We are currently in the process of replacing two more units at the Davis Park location. One unit is almost complete and will be advertised within the next month in a local newspaper as an Affordable Housing Unit. The other is expected to be complete in the spring.

The Western RI Home Repair Program is working with The Community Housing Land Trust who will monitor the units for affordability. The Program's goal is to have all four units count toward the Towns 10% Affordable Housing. The paperwork is currently being worked on by Jean Tracy at the Land Trust. She will then forward it to RI Housing for approval.

The Western RI Home Repair Program will be applying for approx. \$218,000.00 again this year through The Community Development Block Grant to continue the Housing Rehabilitation and Mobile Home Replacement Program.

The second Public hearing for the Community Development Block Grant is scheduled for April 16, 2009. The Grant will be complete at that time for the Town Council signature.

The application is due at The State of Rhode Island on Friday May 8, 2009.

Sincerely,
Elinor C. Tetreault
Program Manager

(end of memo)

Councilor Walsh stated that the Council has also received the following requests:

Senior Center Board of Directors in the amount of \$5,000 for activities and programs to benefit our seniors.

Human Services Director in the amount of \$5,000. for the Gloucester Food Pantry.

Community Housing Land Trust of RI Inc in the amount of \$3,000 to provide continued technical assistance to local communities for implementing their Affordable Housing Plans and the newly developed statewide Foreclosure Property Recapture Program.

Echo Lake Water District in the amount of \$36,000. for the following:

New Water Storage Tank	12,000
Facility Improvement	9,000
Operating Expense	6,000
Facility Manager	9,000

Councilor Walsh asked if there was anyone present to discuss these requests or requests which the Council has not received.

Discussion: None.

Councilor Walsh stated that the Council will consider the Planning Board opinion on consistency of the requests with the Comprehensive Plan and the Program Manager's opinions when prioritizing these requests. Councilor Walsh added that when the application is completed, a second Public Hearing will be held to review the final application. Jean Fecteau, Town Clerk, noted that the Planning Board does not meet until after the next Town Council meeting. J. Fecteau recommended that the Town Council prioritize the items on the application at the April 2nd meeting contingent upon the opinion of the Planning Board.

Councilor Walsh asked if anyone wished to be heard regarding the Community Development Block Grant application. Hearing none, Councilor Walsh declared the Public Hearing Closed.

VI. Resolutions

A. Ratification: Recognition to Citizen - Phyllis Steger

Councilor Walsh stated that a resolution was presented to Phyllis Steger on Sunday, March 15, 2009 at the celebration of her retirement of many years of service to Gloucester's libraries.

Councilor W. Steere, III read the following resolution into the record:

RESOLUTION

WHEREAS, the Town Council of the Town of Gloucester would like to congratulate Phyllis Steger for her many years of volunteer service to the Town of Gloucester; and

WHEREAS, for the past 26 years Phyllis has served as an officer of the Gloucester Manton Library's Board of Trustees, has volunteered for the 4th of July Parade as well as chairing the Chepachet Union Church's May Breakfast. She has had leadership roles in the Church's Harvest and Strawberry Suppers and has been, and still is, a member of the Rho Delta Club at the Chepachet Union Church and she currently serves as President of the Gloucester Senior Citizens Group where she plans the month's programs and arranges entertainment and refreshments; and

WHEREAS, these years of service have been marked by exemplary dedication to the best interest of our Town; and

WHEREAS, volunteering one's time and resources has traditionally been, and continues to be, an elemental part of the essence and tradition of our Town and is essential to its spirit and vitality; and

WHEREAS, volunteerism is important, fulfilling and enriching to the participants, as well as to the recipients of the service, and should be encouraged for the benefits to all and the Town at large; and

WHEREAS, citizen volunteer action is vital to the future of a caring and productive Town and the willingness of Phyllis and other citizens to give of their time and talents in assisting charitable, social services, and religious organizations on behalf of Gloucester is a significant factor in uplifting the quality of life in our Town.

NOW THEREFORE BE IT RESOLVED that the Town Council, Town Clerk and citizens of Gloucester would like to honor and thank Phyllis Steger who gives so freely of her valuable time, energy and abilities.

Kevin P. Walsh, President
Gloucester Town Council

Presented this 15th day of March, 2009.

Seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Finance Director's Report January & February, 2009
- B. Attorney Invoice
- C. Tax Assessor's Additions & Abatements
- D. 1998 Tax Roll Receivable Abatement
- E. Town Council Minutes of February 19 & 24, 2009

MOTION was made by Councilor Burlingame to ACCEPT the Finance Director's Report of January & February 2009; to AUTHORIZE the payment of the former Town Solicitor's final bill; to APPROVE the Additions & Abatements as of January 31, 2009 as follows: Additions to the 2008 Tax Roll in the amount of \$1,330.21 & Abatements to the 2008 Tax Roll in the amount of \$567.10; to APPROVE the Additions & Abatements as of February 28, 2009 as follows: to Abatements to the 2008 Tax Roll in the amount of \$436.24 & No Additions; to APPROVE the Abatement of the 1998 Receivable Tax Roll in the amount of \$19,845.78; and to APPROVE the

Town Council minutes of the meetings of February 19th & 24th 2009; seconded by Councilor G. Steere.

Discussion: Councilor Burlingame asked if we have received all of the necessary reports and information from the prior solicitor before we authorize payment of the final invoice. Timothy Kane, Assistant Town Solicitor, replied that all files have been turned over to him, with the exception of two matters which are still being worked on by the former solicitor's office.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Appointments

1. Deputy Tree Warden

MOTION was made by Councilor W. Steere to APPOINT Todd Anderson to the position of Deputy Tree Warden for a term to expire December 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Blackstone Valley Watershed Commission to 01/2011

One (1) expired term

MOTION was made by Councilor Burlingame to APPOINT Beth Tetreault to the Blackstone Valley Watershed Commission for a term to expire 01/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Land Trust
5 year term to expire 02/2012

MOTION was made by Councilor W. Steere to APPOINT Daniel Pearson to the Land Trust for a 5 year term to expire 02/2012; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. New Business

A. 2009/2010 Budget Discussion and/or Action

1. Gloucester School Budget, Regional School Budget, & Municipal Budget

David Steere, Budget Board chair, stated that the Council has received the recommended 2009-2010 budget as well as a letter from the Budget Board. D. Steere stated that all budget requests submitted by Department Heads, Boards, Commissions, and other agencies of Town Government were examined and reviewed, adding that an opportunity was provided for Town Officials to appear before the Budget Board to justify their requests. D. Steere explained that the amounts were calculated by considering past and current expenses and anticipating future needs.

D. Steere stated that the budget reflects a wage freeze at the 2008/2009 level for all employees except the Police Department, which is currently under contract. D. Steere further stated that the co-pay for health and dental insurance has been increased to 10% to 20% for all employees, based on employees' salaries. D. Steere stated that the amount of buy-back for health and dental insurance has been reduced from a high of \$8,243 to \$3,500. D. Steere also stated that longevity will be frozen at the 2008/2009 level for all employees except Police.

D. Steere stated that municipal operating expenses reflect a decrease of \$135,947 or 2.07% from the current budget year. Expenses for the financial administration division are projected to increase by \$17,870, primarily due to an increase of the auditing expense of \$5,000 and the increased funding of the revaluation reserve account in the amount of \$30,000. D. Steere stated that the Public Works increase is due to storm and snow related services. D. Steere noted that he mentioned these items because they are the only departments with increases; all other departments have decreases.

D. Steere stated that the Town of Gloucester's share of the Foster-Glocester Regional School District operating budget is \$8,163,681, which represents an increase of \$368,626. D. Steere stated that debt service for the Regional School District is estimated at \$1,164,695, which represents a decrease of \$385,013 from the current budget year. The net decrease to Gloucester is \$16,387. D. Steere noted that Gloucester schools are level-funded at the 2008/2009 level.

The projected operating costs are \$9,839,933 with projected revenues of \$3,435,337 for a net cost of \$6,404,596. D. Steere stated that the Town's debt service for Gloucester Schools is

expected to decrease by \$21,820, and non-school debt service is expected to increase by \$21,813, due mainly to the Land Trust bond issue approved by the voters last November. It is anticipated that the Land Trust will pay the bond issuance cost of approximately \$26,000.

D. Steere stated that the Capital Reserve Fund, which is set at 2% of the operating budget according to the Home Rule Charter, is \$488,927, and there are additional funds from F. M. Global in the amount of \$435,825 with a restricted use for infrastructure. Under revenues, based on collections to date, D. Steere stated that the municipal department revenues are projected at \$399,000, a decrease of \$77,918 from the current year projections. State aid revenue is projected to decrease by \$568,558 with the largest decrease being the elimination of general revenue sharing in the amount of \$495,177. D. Steere noted that these projections are based on the best information available at this time, as the State budget has not been finalized. D. Steere stated that the projected amount of interest earned on investments has been reduced by \$44,200.

Regarding the Capital Budget, D. Steere stated that the Budget Board has made recommendations based on various requests submitted. The expenditures total \$684,900 which will utilize the entire 2% set-aside of \$488,927 and \$195,973 from the F. M. Global phase 2 funding. The remaining F. M. Global phase 2 funding, \$239,852, will remain in a restricted account for use for future infrastructure projects. D. Steere stated that a total of \$81,300 in Capital Funding will be used to offset capital projects for the Gloucester schools.

Following D. Steere's presentation, there was discussion among Council members regarding how the budget cuts will affect Town employees as well as the residents. Councilors W. Steere, III and Burlingame both commented that the employees should not absorb the brunt of the impact. Councilor Walsh pointed out that the proposed budget also contains reductions in Town aid to certain organizations. Councilor W. Steere, III noted that Gloucester has been run very well fiscally and will be in a better situation than many other communities in the State, however, any decision made will impact people, both taxpayers and employees.

Councilor Burlingame stated that there is still a debate regarding whether the Regional School Committee is correct in looking at the total number of debt service and operations as the baseline for the increase. Councilor Burlingame noted that the two figures are calculated differently and should be voted on separately. Tim Kane, Assistant Town Solicitor, stated that he will pursue the matter.

- B. Appointments
 - 1. Planning Board
 - One Expired 5-year term

MOTION was made by Councilor W. Steere to REAPPOINT Janine Pitocco to the Planning Board for a 5-year term to expire 3/20/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- 2. Police Department
 - Part-time Dispatcher (as needed)

Councilor Walsh read the following request into the record:

To: Honorable Town Council
From: Jamie A. Hainsworth, Chief of Police
Date: March 16, 2009
Re: Appointment Dispatcher Part Time as Needed

I am requesting the appointment of Keith Brown as a part time as needed dispatcher.

This position is necessary when a permanent dispatcher position needs to be filled.

Keith Brown is a resident of Gloucester, he is also a seventeen year firefighter for the City of Warwick and has previous dispatch experience with the Town of Scituate.

His rate of pay will be \$14.00 per hour while in training and \$16.00 per hour once he is trained. His start date will be upon your appointment.

Thank you for your attention to this matter. If you have any questions please don't hesitate to contact me.

(End of memo)

Discussion: Councilor Burlingame asked if the candidate would follow the normal rotation of current dispatchers. Jamie Hainsworth, Chief of Police, replied that the individual would fill in if a regular dispatcher is out.

MOTION was made by Councilor Carroll to APPOINT Keith Brown as part time, as needed, dispatcher for the Gloucester Police Department at the hourly rate of \$14 while training, and \$16 thereafter, effective March 19, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS:0

MOTION PASSED

C. Contract Renewal

1. Information Technology

Councilor Walsh read the following memo into the record:

March 19, 2009

To: Town Council

Re: Extension of agreement originating from award of
"RFP 2005-1 - Information Systems Services for the Town of Gloucester"

RFP 2005-1 was awarded to E & PJ Enterprises Inc. for information services for the Town for the period October 22, 2004 through June 30, 2005 and Fiscal year July 1, 2005 through June 30, 2006 with an option to extend annually.

At the September 7, 2006 Town Council meeting, the Town Council approved appointing Matthew Floor to the position of IT Specialist who worked in conjunction with E & PJ Enterprises to resolve onsite issues. The minutes of that meeting are attached.

We have spent the following amounts with both parties since the inception of this arrangement:

Fiscal year	E & PJ Enterprises	Matthew Floor	Total per year
2004-05	\$21,736 +	\$0	\$21,736
2005-06	21,423 +	0	21,423
2006-07	8,324 +	13,842	22,166
2007-08	15,758 +	12,474	28,232
2008-09	5,994 +	7,024	13,021 (y-t-d as of 3/19/09)

The per hour rates agreed to are/have been:

E & PJ Enterprises

\$70 per hour for all services except for consulting and services rendered by telephone.

\$35 per hour for consulting services and services rendered by telephone.

\$35 per hour and IRS mileage rate for travel beyond primary office to municipal building.

No charge for first 10 minutes for services provided via remote terminal access and services rendered via telephone.

IT Specialist Matthew Floor
\$45 per hour paid thru the Town's payroll.

The value of services received via the arrangements with both E & PJ Enterprises and Matthew Floor have been operationally and financially very favorable to the Town and I am recommending that the Council approve their continuance through December 31, 2010. The agreed upon rates have not changed.

Tom Mainville
(End of memo)

Councilor Walsh noted that the Town Clerk has also recommended that this arrangement continue.

Discussion: Councilor W. Steere, III inquired if we have any figures regarding what neighboring towns pay for this type of service. Tom Mainville replied that Burrillville, for example, has two full-time IT employees on their payroll, adding that Gloucester's arrangement is less costly.

MOTION was made by Councilor Burlingame to AUTHORIZE the extension of agreement originating from award of "RFP 2005-1 - Information Systems Services for the Town of Gloucester" through December 31, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Carroll to CONTINUE the services of IT Specialist Matthew Floor at the rate of \$45.00 per hour paid through the Town's payroll through December 31, 2010; seconded by Councilor G. Steere, Jr.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- D. Bid Award
 - 1. RFP #2009-01 Audit Services

Councilor Walsh read the following recommendation from the Board of Contracts and Purchases:

March 19, 2009
To: Town Council

From: Board of Contracts & Purchase

Re: Award of RFP 2009-01 - "Audit of financial statements" of the Town of Glocester and Glocester Public Schools for fiscal year ended June 30, 2009 with option to extend annually for two additional years.

- I. RFP 2009-01 was advertised in accordance with the current rules and procedures.
- II. Six proposals were received and evaluated by the Board. All were from qualified firms with varying amounts of experience performing government and school audits.
- III. The Board, contingent upon the approval of the Auditor General for the State of RI, recommends the bid be awarded to the low bidder:

Cayer Caccia, LLP
405 Promenade Street
Providence, RI 02908

For the bid amounts:

\$20,500 Fiscal Year Ending June 30, 2009
20,500 " " " June 30, 2010 (optional)
20,500 " " " June 30, 2011 (optional)

The Board also recommends that, in the event that the Auditor General does not approve the firm of Cayer Caccia LLP, the bid be awarded to the second lowest bidder:

Bacon & Company, CPA's, LLC
875 Centerville Road, Bldg. 3, Unit 10
Warwick, RI 02886

For the bid amounts:

\$24,975 Fiscal Year Ending June 30, 2009
25,475 " " " June 30, 2010 (optional)
25,975 " " " June 30, 2011 (optional)

also contingent upon approval by the Auditor General.

Respectfully submitted,
Jean Fecteau - Town Clerk
Ray Goff - Town Planner
Jamie Hainsworth - Chief of Police

(end of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to AWARD RFP #2009-01 Audit Services to Cayer Caccia, LLP for the bid price of: \$20,500 Fiscal Year Ending June 30, 2009
20,500 " " " June 30, 2010 (optional)
20,500 " " " June 30, 2011 (optional)

contingent upon approval by the Auditor General, and if not approved to: Bacon & Company, CPA's, LLC, for the bid amount of: \$24,975 Fiscal Year Ending June 30, 2009

25,475 “ ” “ June 30, 2010 (optional)

25,975 “ ” “ June 30, 2011 (optional)

also contingent upon approval by the Auditor General; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Public Works

1. Reallocation of funds

Councilor Walsh stated that the Public Works Director has asked for approval to reallocate \$4,000.00 from well testing to the purchase of new tires for the backhoe. This would allow the request for additional money for tires in next year's budget to be taken out.

Gary Treml, Director of Public Works, explained that after conferring with the Finance Director, it was decided to wait on the allocation of funds for the 2009/2010 budget and leave the well testing as it stands. G. Treml explained that there is a substantial snow removal item which needs to be taken care of and he may need that funding at that time.

MOTION was made by Councilor Carroll to REMOVE FROM THE TABLE the reallocation of funds in the amount of \$4000.00 as requested by Gary Treml, Public Works Director; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. Gloucester Code of Ordinances

1. Proposed amendments

Set or hold 1st reading

a. Addition

Chapter 195 Historical & Archaeological Burial Sites

Ray Goff, Town Planner, explained that this ordinance was written with the Planning Board after realizing that the State is the overseeing authority with respect to cemeteries. R. Goff noted that the city of Cranston made amendments to their ordinance which would give them some local control, adding that this proposed ordinance mirrors what Cranston did with some minor changes pertaining to Gloucester. R. Goff further explained that, with this ordinance in place, if somebody wished to move a cemetery for development purposes, permission would be granted

by the Town Council if certain requirements are met. Councilor Walsh asked if Edna Kent has received a copy of the proposed ordinance. R. Goff replied in the affirmative, but added that Mrs. Kent has not contacted him. Tim Kane, Assistant Town Solicitor, stated that he has reviewed the ordinance and commented that it is well-drafted and straightforward.

MOTION was made by Councilor Burlingame to WAIVE the First Reading of the proposed amendment to the Gloucester Code of Ordinances, addition of Chapter 195 Historical & Archaeological Burial Sites; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

Jean Fecteau, Town Clerk, stated that there isn't enough time to advertise the Public Hearing for April 2nd, so there was consensus to schedule the Public Hearing for April 16th.

- b. Addition
 - Chapter 243 Stormwater Management
 - Article 1. Prohibitions of Illicit Discharges

Ray Goff, Town Planner, stated that this is part of the Phase 2 Stormwater Requirements which states that we have a local ordinance that does not allow people to dump into storm drains.

MOTION was made by Councilor Burlingame to WAIVE the First Reading of the proposed amendment to the Gloucester Code of Ordinances, addition of Chapter 243, Article 1. Prohibitions of Illicit Discharges; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

The Public Hearing was scheduled for April 16th.

- G. Use of Town Property
 - 1. Marion Irons Beach (parking lot)
 - Recycling Drop Off program

Councilor Walsh read the following request from Tysh McGrail:

“We would like to have Fogarty Memorial School parents drop off metals at the start of the school day for a recycling drive as part of a fund-raising effort at FMS. We would NOT

leave any metal there unattended of for any length of time. We'd just be collecting into our own pickups whatever parents can offer for recycling.

“Our principal was rightly concerned about congestion and child safety during the 8:45 am crunch to get kids off buses and out of cars at the school itself. This way parents could drop off kids and then swing by Marion Irons with their recyclable metals...”

(End of memo)

Councilor Walsh noted that the Public Works and Recreation Directors have both been notified and do not object to this use of Town property.

Discussion: Deb Garneau explained that the PTO wishes to conduct the metal drive on Monday and Tuesday, April 27th and 28th. D. Garneau further stated that on both days there will be parents present from 8:00 am to 11:00 am to collect the metals. The PTO is planning to advertise to Fogarty School families and added that the proceeds from the drive will be for bus transportation for the 4th graders to attend RI Resource Recovery for recycling education. D. Garneau also noted that they hope to collect recyclable metals at Fogarty School on Saturday April 25th, and asked if they could use the beach parking lot if the Principal objects to using school property.

MOTION was made by Councilor G. Steere to AUTHORIZE the request from the Fogarty Memorial Recycling Team to use the Marion Irons Beach parking lot for a recycling drop off program on April 25th, 27th & 28th, following any and all restrictions or guidelines set for this use; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

H. Chepachet Village Sidewalk/Bridge Condition

Councilor W. Steere, III spoke regarding the condition of the bridge and the sidewalks in the village. Councilor W. Steere, III stated that one of the proposals for stimulus funds is to repave the section of Route 44 between Tourtellot Hill Road and the State Highway Garage, adding that improvements are more needed in the village. Councilor Walsh stated that there is a meeting scheduled for March 26th at 3:00 p.m. in room 210 at the State House at which time Council members and the Department of Transportation will discuss the bridge and the sidewalks.

X. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, stated that he attended a meeting at the Department of Transportation at which time it was stated that between 12 million and 20 million dollars of stimulus funds will be released to the local cities and towns. G.

Treml commented that the allocations will be used without restrictions for road use only. G. Treml noted that there is another meeting scheduled for April 14th.

- B. Walter Steere, Jr., School Committee member, stated that both the Regional and Gloucester schools have approved an oil contract. W. Steere, Jr. stated that the Region will either have to go out to bid or piggyback onto the Gloucester schools. W. Steere, Jr. added that two weeks ago, they were quoted a price of \$1.95 per gallon, but the price of oil has been rising and the \$1.95 price is no longer available. W. Steere, Jr. asked when the Town will take action and wondered if it would be better for the schools to put it out to bid. Councilor Walsh replied that April is the time frame that the Council is looking at and this item will be on the agenda for April 2nd. Tom Mainville, Finance Director, explained that the laws on the bid process are very specific and added that the Town's current contract could be extended.

XI. Boards/Commissions
None.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter was received from Paul Anderton regarding the Road Policy.
- B. Councilor Walsh stated that correspondence was received from Northwest Special Education Region School Collaborative. Tim Kane, Town Solicitor, explained that this was the School Committee's attorney's opinion that they are not a public body subject to the Access to Public Records Act.
- C. Councilor Walsh stated that there was a letter from Edward Day regarding trash being discarded along his road. Councilor Walsh recommended that a reply be sent to Mr. Day informing him of the Litter Corps program which picks up litter in the summer months.
- D. Councilor Walsh stated that correspondence was received from FEMA regarding the National Flood Insurance Program. The letter encourages the Town to notify residents concerning recent revisions to the Program.
- E. Councilor Walsh stated that an informational bulletin was received from the Board of Registered Professional Surveyors. The bulletin states that it is unlawful to submit plans which have not been signed, stamped and dated by a Registered Land Surveyor.
- F. Councilor Walsh stated that a Resolution was received from West Warwick regarding support for the end of the Caruolo Act. There was Council consensus to place this on the next agenda.
- G. Councilor Walsh stated that correspondence was received from the RI Interlocal Trust regarding the Tenant Use Liability Insurance Program (TULIP). Councilor Walsh explained that this program pertains to the use of Town properties. Jean Fecteau, Town

Clerk, pointed out that this may be important as there have been several questions regarding the use of the Senior Center. Councilor Burlingame asked if any of our policies or procedures should be updated to include this. J. Fecteau replied that she will forward the Council a copy of our current "Use of Town Property" policy to determine if changes are necessary.

- H. Councilor Walsh stated that there are several Public Hearings coming up; Pascoag Lake Dam Management, Community Development Block Grant, and Amendments to the Code of Ordinance.
- I. Councilor W. Steere, III stated that as a result of the Regional Financial Meeting, the Foster Town Council has expressed an interest in meeting with the Glocester Town Council to go through the regional budget, line by line. There was consensus to reply in the affirmative.

XIII. Open Forum

- A. Bob Lyons spoke regarding the on-going road issue in the Waterman Lake area. B. Lyons stated that he has spoken to an attorney who feels that the Association has an open-and-shut case, adding that there is no reason that the roads are not listed as official Town roads. B. Lyons commented that this matter has been before the Town Council for 2½ years without an answer. B. Lyons requested that this item be placed back on the agenda continually until the matter is resolved. There was consensus to address the issue at the April 2nd Town Council meeting.

XIV. Seek to Convene into Executive Session Pursuant to:

- A. R.I.G.L. 42-46-5(a)2 Potential Litigation:
To include - Adelaide Road
Providence Water Supply Board
- B. R.I.G.L. 42-46-5(a)2 Collective Bargaining

MOTION was made by Councilor W. Steere to CONVENE into Executive Session pursuant to:

- A. R.I.G.L. 42-46-5(a)2 Potential Litigation: To include - Adelaide Road
and Providence Water Supply Board
- B. R.I.G.L. 42-46-5(a)2 Collective Bargaining

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:50 p.m.; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 16, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **March 26, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Thomas Mainville, Finance Director;
David Steere, Budget Board chair; Christopher Hebert, Gloucester School
Committee chair; Dr. Robert Wallace, Gloucester School Superintendent;
Susan Harris, Deputy Town Clerk; Connie Leathers, Parade Committee
chair; Raymond Goff, Town Planner; and Gary Treml, Director of
Public Works.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Public Hearing

A. Budget 2009/2010, Operating & Capital Improvement Budgets.

Councilor Walsh stated that this Public Hearing is to consider the Gloucester Budget for the fiscal year 2009/2010. Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal, North Section, March 11, 2009 and Bargain Buyer, Burrillville Section, March 10, 2009.

Councilor Walsh DECLARED the Public Hearing Open and asked David Steere, Budget Board chair, to present the proposed budget.

David Steere, Budget Board chair, explained that the Budget is driven by the loss of Municipal and State revenues. D. Steere stated that in order to remain at or below the State mandated cap of 4.75%, it was necessary to reduce or eliminate many expenses which were funded in the past. D. Steere noted that one area throughout the budget that is affected is municipal employees' salaries and benefits as follows:

1. Wages would be frozen at the 08/09 level for all employees except the Police Department, which is currently under contract.
2. The co-pay for health and dental insurance would be increased for all employees. The amount of co-pay would be stratified based on employees' salary, from 10% to 20% of the health/dental cost.

3. The amount of the buyback for health and dental insurance has been reduced from \$8243 for municipal employees and \$8206 for policemen to a proposed amount of \$3500. Mr. Steere explained the intent of the buyback program was to give an employee an incentive not to purchase health and dental insurance through the Town if it was available through other means and not another source of income.

D. Steere added that the proposed buyback of \$3500 would also bring the amount in line with the current certified employees in the Gloucester School System. D. Steere stated that the non-certified employees within the school system will receive \$2000 as a buyback incentive for the year 09/10. The total savings for the Town with this reduced incentive would be \$79,500.

4. Longevity has been frozen at the 09/10 budgeted level.

D. Steere stated that the 09/10 budget does ask for employees to make some financial concessions, but does not include any layoffs of municipal employees.

D. Steere reviewed page 1 of the recommended budget, stating that under "Central Administration", it is being proposed that it be funded at \$813,155, which is a reduction of \$72,283 from the previous year. D. Steere stated that under "Financial Administration" the proposed amount is \$660,517, which indicates an increase of \$17,870. D. Steere explained that this is the net result of cuts on certain line items and increases on others, such as auditing expenses and the revaluation account.

Under "Public Safety", D. Steere noted that the funding will be \$1,905,798 for a reduction of \$85,133 from the previous year. D. Steere stated that most of that is the result of the reduction of one police officer, a vacant slot which will not be filled this year. Also, D. Steere noted that there was a reduction in the Assistant Animal Control Officer's hours. Regarding Recreation and the Senior Center, D. Steere stated that the budgeted amount is \$247,346, a decrease of \$28,126. D. Steere noted that there were numerous cuts to the Recreation Department which total \$7,160 and cuts of \$20,750 in various line items for the Senior Center. D. Steere stated that there is a small increase to Social Services, in the amount of \$395.

D. Steere stated that under "Other Operational Expenses", there is a proposed budgeted amount of \$437,374, which reflects an increase of \$14,202. D. Steere explained that, again, this is the result of items which had to be increased, such as the costs of utilities at the Town Hall and retired employee benefits. D. Steere stated that Aid Requests has been decreased by the amount of \$8,330, for a proposed budget of \$348,786, adding that the two libraries would be funded at last year's level.

D. Steere stated that the total for Municipal Expenses is \$6,447,728, for a decrease of \$130,947 from the current budget year.

D. Steere stated that the figures for the Foster-Glocester Region are the numbers which were presented at the Regional Financial meeting, adding that they could change or they could stay the same.

D. Steere noted that there are no Special Appropriations in this year's budget. D. Steere pointed out that the Capital Reserve Fund by Charter is 2%, for an amount of \$489,027, which is a \$3,201 increase. Debt Service for Glocester Schools is \$413,356, which is a decrease of \$21,820, and the Non-School Debt Service is budgeted at \$514,485, for an increase of \$21,813, which is based on the Land Trust bond issue which was approved by the voters in November. D. Steere stated that the total Debt Service is \$927,841 and the total expenditure is \$27,032,905, which is \$303,035 less than the current year.

D. Steere reviewed Revenues on page 2, pointing out that most of the items are negative or level-funded. D. Steere stated that the amount of revenue projected is \$399,000, which is a decrease of \$77,918 from the current year. D. Steere stated that under "General Revenue Sharing", there is a decrease of \$495,177. D. Steere explained that there is expected to be revenue of \$435,825 from FM Global as payment in lieu of taxes, adding that the Town Council has earmarked those funds for infrastructure repairs. D. Steere stated that the total revenues projected are \$7,124,576, for a decrease of \$385,746.

D. Steere stated that the amount to be raised by taxes before adjustments would be \$19,908,329. D. Steere noted that there are three adjustments; abatements/allowances for uncollected taxes in the amount of \$110,000, transfer from surplus in the amount of \$70,000, and transfer to Capital FM Global Phase II in the amount of \$435,825. D. Steere stated that this would result in an amount to be raised by taxes of \$20,384,154, which is an increase of \$848,536, or 4.34%. D. Steere asked Chris Hebert, Glocester School Committee chair, to present the proposed budget for the Glocester Public Schools.

Christopher Hebert, Glocester School Committee chair, explained that the budget we have tonight is the most recent budget approved by the Glocester School Committee and projects a 4.75% increase. C. Hebert stated that the Budget Sub-Committee is still working on the budget, therefore this will not be the budget submitted at the Town Financial Meeting. C. Hebert asked Tom Mainville, Finance Director, to review the broad financial aspects, after which C. Hebert will speak about how it impacts the schools.

Tom Mainville pointed out that the schools also have a revenue problem, which is projected to be a decrease of 7.5%. T. Mainville pointed out that there will be increases in Blue Cross as well as fuel for the buses. T. Mainville also stated that there is a new principal which was a shift in positions; as an instructional coach was moved to the principal position. T. Mainville further stated that there was a retirement which was replaced with a Step 1 position. T. Mainville reiterated that the proposed budget has been worked on since this copy was distributed.

Chris Hebert, School Committee chair, spoke but was inaudible on the audio tape as he did not step to the microphone.

David Steere, Budget Board chair, directed the audience to page 19, Capital Budget Expenditures, which includes Town Hall repairs in the amount of \$43,000, two (2) police vehicles in the amount of \$55,600, a number of items under Public Works which total \$505,000, and requests from the Gloucester Schools in the amount of \$81,300, for a total Capital Expenditures of \$684,900. D. Steere noted that the 2% set aside per Town Charter is \$489,027 and the remaining \$195,873 will be taken from the Infrastructure Reserve Fund.

Discussion: Councilor Burlingame questioned the line item in the School Budget for Instructional Coaches, stating that this item was added in 2006-2007 because letters to the teachers did not go out in time. Councilor Burlingame suggested that the School Committee take a look at that, adding that this may be an opportunity to reduce the budget. C. Hebert replied that one of the coach positions is to be eliminated this year, adding that part of the salary for the other position is paid by federal money and eliminating the position would put the person back into the classroom as a lower step teacher, which would result in a wash.

Councilor Burlingame commented that “once you hire somebody, you own him for life.” Councilor Burlingame added that it is so important to understand the long-term consequences when adding positions. Councilor Burlingame noted that the government will not be covering the pension costs of the employee and urged the School Committee to look at it in that context.

Councilor Walsh asked if anyone wished to speak, to step to the microphone and state his or her name and address.

1. Gary Treml, Director of Public Works, stated that his comments tonight are echoed by the sixteen members of the Department of Public Works. G. Treml pointed out that when the budget process first began, all departments, including teachers, were asked to step up and assist this Council with the budget shortfall, each taking one-third. G. Treml stated that as this budget process continues to a final outcome, it appears that a very select group of Town employees will be bearing the brunt of the 09/10 budget shortfalls. G. Treml stated that members of his department will be receiving an overall reduction of approximately \$29,520, which reflects fourteen hikes in co-pays and two reductions in buy-backs as it stands right now.

G. Treml stated that, as stated by members of this Council, it is time for members of this community to realize that members of Town government should not bear all the burden of this budget. As in any household or government, when money gets tight, certain activities have to end. G. Treml expressed his opinion that there are areas in the budget, such as Aid Requests and Recreation, which could be cut. G. Treml recommended possibly closing one library or curtailing services, and removing the aid for the Independence Day Parade, which only lasts two hours and is viewed mostly by people who do not live in Town.

G. Treml also stated that swim, tennis and arts & crafts, budgeted at \$71,000 should also be considered, adding that these activities are not critical to Town operation. G. Treml reiterated that these are just some examples of areas which should be explored to relieve some of the burden on the people who make this Town run every day, in good or bad

weather. G. Trembl thanked the Council for the opportunity to voice these views and expressed hope that this budget process is resolved in a fair and equitable manner.

2. Connie Leathers, Parade Committee Chair, stated that the parade funding has been cut to approximately \$10,000, but the Committee is not complaining because they understand. C. Leathers commented that the bulk of the money that they will be given will go towards Police protection; the rest of the money will be raised by volunteers. C. Leathers pointed out that an 84-year tradition is something that most people seem to want. C. Leathers stated that she does not want to see anyone lose their job, but noted that their \$10,000 will not make much of a difference. C. Leathers also stated that there will be no fireworks this year.
3. Walter Steere, Jr., School Committee member, stated that it was explained that the Police Department will not be taking any cuts because they are under contract. W. Steere, Jr. stated that he is assuming that the Police will be asked to take cuts since everyone else is. W. Steere, Jr. questioned several of the projects under "Capital" which involve the schools, adding that he was under the impression that these projects were in the Gloucester School capital budget.

D. Steere, Budget Board chair, explained that the budget originally presented by the School Committee is a stale budget which was given to the Budget Board back on January 26th. C. Hebert, School Committee chair, stated that this was addressed by the Budget Sub-Committee. W. Steere, Jr. stated that the School budget indicates an increase of 4.75%, but feels that this will end up as a 0% increase, adding that by State law, they cannot go any lower.

4. Steven Sette, member of the School Committee and the Budget Sub-Committee, stated that this is a difficult year regarding budgets. S. Sette reported that the School Budget Sub-Committee was formed by the last School Committee, noting that two members were not re-elected. S. Sette stated these members were not replaced on the Sub-Committee until February of this year, adding that the Sub-Committee has been working on this budget through the last month.

S. Sette pointed out a revenue line item in the amount of \$61,000 in the School Budget which is a rental fee to the Region for the space the Region currently occupies in the Town Hall building. S. Sette stated that it is unknown if the Region will decide to stay there, adding that it is possible that they may move to one of the new buildings in the future. S. Sette stated that there are charge-backs from the Region to the local schools for services provided by the Region. S. Sette stated that the Sub-Committee looked at those items and have eliminated some of the costs which will be done in-house.

S. Sette reiterated C. Hebert's statement that there are no increases in personnel; in fact, there is a reduction of one of the instructional coach's positions. S. Sette stated that the Sub-Committee is looking at reductions in health care costs. Councilor Burlingame asked if HSA's are being considered, to which S. Sette replied in the affirmative. S. Sette stated that the cost of oil has increased from \$35.00 per barrel to today's price of \$54.00 per barrel, adding that the earlier we take action, the better.

Councilor W. Steere, III asked if it has been taken into consideration that the Town provides services to the schools, such as plowing, without charge. S. Sette stated that this was considered when the rental agreement was worked out. S. Sette also stated that contract negotiations are taking place and the School Committee is being mindful of the economic climate across the State.

Regarding the rent paid by the Region, D. Steere, Budget Board chair, stated that the Town owns the building and asked if the School Department has the authority to lease the space. Tom Mainville, Finance Director, stated that, it is his opinion that, if the Town leased to the Region, the Region could challenge the rental agreement, but if the School leases the space, the Region cannot challenge. T. Mainville added that the Town leases to the Gloucester School Department for \$1.00, and the School Department, in turn, leases to the Region.

Councilor Burlingame spoke regarding the consolidation of services among communities, adding that school systems are the most logical place to share costs. Councilor Burlingame stated that Foster and Gloucester shared a superintendent in the past, but now each Town has its own position. S. Sette explained that we had someone in the position of regional superintendent who was not a good mix with others. S. Sette commented that it is unfortunate that whenever there is are meetings concerning the budget, our State Representatives are not in attendance.

S. Sette stated that there are things that our representatives could do at the State House to help us. For instance, S. Sette stated that the Region pays \$297,000 for vocational/technical education at Cranston Regional School, while Smithfield, Pawtucket, and Central Falls pay nothing to send their students to Davies Vocational/Technical School. S. Sette noted that other communities pay a minimum of \$170,000 to send students to Woonsocket Regional School. Steven Sette also spoke about technology costs and ways that the schools could reduce those costs.

5. Chris Hebert, School Committee member, spoke regarding regionalization of the elementary schools in Foster and Gloucester, stating that it should be placed back on the ballot. Councilor Burlingame stated that until three years ago, we did not have an Assistant Superintendent at the Region; one superintendent took care of the Region plus the Gloucester schools. Councilor Burlingame stated that when he served on the School Committee many years ago, the position of Business Manager was created to assist the Superintendent with financial matters.
6. Ray Goff, Town Planner, stated that the Budget Board did a good job putting this budget together, but added that he still feels that there are some places which could be cut. One of the things that R. Goff feels should not be happening is to take from the loyal employees of the Town to balance the budget. R. Goff stated that the people who work at the Town Hall and Public Works have done a great job with moderate means and do not ask for much. R. Goff commented that the budget which has been proposed balances on the employees' backs.

R. Goff asked what is the number which we need to reach to take the balancing of the budget off the staff. David Steere, Budget Board chair, replied \$132,000. R. Goff stated that it is a lot of money, but there are still places in the budget which could be cut. R. Goff noted that the Police Department budget reflects no cuts at all and wondered why. R. Goff stated that his department, as well as other departments, propose a moderate budget with very few expenses and the budgets get cut anyway. R. Goff stated that he realizes that the School Department is level-funded, but would ask that they do what they can to reduce the budget further. R. Goff asked the Town Council to take another look at this budget before it goes further.

Councilor Walsh responded that all these cuts are based on loss of revenue and have nothing to do with the employees. Councilor Walsh stated that there is no intention of laying anybody off. D. Steere explained that there is a loss of revenue from the State in the amount of \$568,000 and another \$124,000 from municipal revenues. D. Steere further stated that if you add the \$310,000 from the fund balance which cannot be put in this year, the total is \$1,000,000.

R. Goff stated that frills should be cut, adding that if this were a personal budget at home, there would not be a summer vacation or other things that they would normally have. R. Goff suggested that if the Town employees are hurt, we should make the Town hurt also and cut some of the services we are providing now.

Councilor Burlingame stated that he agrees with R. Goff's concept that people outside this room need to understand the problem, pointing out how many people do not attend the Financial Town Meeting. Councilor Burlingame stated that we will be able to weather the storm between now and June, noting that some other communities will not be able to do so. Councilor Burlingame pointed out the rising cost of co-pays for health insurance for municipal employees and the health care buy-back. Councilor Burlingame stated that this is not part of the original contract that the employee went to work for. Councilor Burlingame stated that it is structural things such as these that need to be corrected. R. Goff stated that cuts could be made by eliminating the frills and not by trying to correct these structural issues.

Councilor Carroll stated that as he has listened to Gary Trembl and Ray Goff, he can feel their frustration. Councilor Carroll stated that if the budget deficit was reduced from \$132,000 to \$100,000, the difference should be divided up by the number of employees so that they all don't get hit so hard. Councilor Carroll stated that it is easy to reply that there will be no layoffs, but it still stings to lose several thousand dollars from your pocket. Councilor Carroll recommended that instead of cutting from the employees first, perhaps other things should be looked at beforehand. R. Goff expressed agreement.

7. Karen Emond, Administrative Aide, stated that the amount of co-pay that Town employees have been paying was based on what the School Department was paying. K. Emond pointed out that most school employees make twice what municipal employees make. K. Emond also expressed her agreement with her co-workers that it is totally unfair to balance the budget on the backs of a certain number of municipal employees, not all of the

municipal employees. K. Emond pointed out that the Police Department is not being touched the way the rest of the employees are.

8. Chris Hebert, speaking as a taxpayer, asked if there is any reason why the two libraries cannot be consolidated into one. Councilor Burlingame replied that the libraries are private entities and both libraries would have to agree to it. Chris Hebert also suggested that a nominal fee be charged for the recreation programs, adding that he, as a parent, would be willing to pay five, ten or up to twenty dollars per child for these programs.
9. Councilor Walsh asked David Steere, Budget Board chair, to review the Police Department portion of the budget, noting that there is a 3.4% decrease indicated. D. Steere stated that there is a decrease in wages and fringe benefits due to the one officer who will not be replaced this year. D. Steere pointed out that the Police Department employees are also subject to the increase in co-pays and the reduction in buy-backs.

Councilor Walsh pointed out that several weeks ago, it was proposed to cut salaries by 5% in addition to the other concessions.

R. Goff stated that if you look at the Police Department expenses, there is an increase of 1.6%, not a decrease as all other departments have. D. Steere pointed out that the amount of the increase is \$1,200, adding that most of the items are level-funded. R. Goff replied that the Police Department is a big department and they could find places to make cuts.

10. Councilor W. Steere, III stated that since he has been interacting with the employees, he has a better understanding of the work that they do. Councilor W. Steere, III stated that the Town runs seamlessly. Councilor W. Steere, III stated that the Council is “attempting to be equitable, not fair, because life is not fair.” Councilor W. Steere, III stated that where he works, people who have been tenured for 15 to 20 years have been let go. Regarding the parade, Councilor W. Steere, III expressed his opinion that it should remain, adding that the budget has been cut by over half, from \$21,000 to \$10,000.

Councilor W. Steere, III stated that there are recreation programs that he would like to see stay; however, he feels that some cuts could be made, such as the tennis program and arts and crafts. Regarding the Police budget, Councilor W. Steere, III asked if it is contractual to purchase two police vehicles every year. Councilor Walsh replied that the vehicles are coming out of the Capital Budget. Councilor W. Steere, III mentioned the GIS Consultant under Planning Office, stating that although he would hate to see that happen, it would cut \$16,000 from the budget. Councilor W. Steere, III stated that any decision made will affect people, adding that the Town Council members do not make much but are willing to take a cut also.

11. Barbara Norris, Budget Board member, stated that she teaches accounting, and she always teaches her students that when your expenses are more than your revenue, there is a problem. B. Norris commented that she has not heard any discussion about how the Town could raise more revenue, other than through taxes. B. Norris stated that there is very low tax base because the people wanted to keep the Town rural, but now we are paying for that.

Councilor Burlingame stated that there are several vacant buildings in the center of the village, adding that some people feel that if we had municipal water and sewers, that problem would not exist. However, Councilor Burlingame stated that we do have the multi-million FM Global project which took place several years ago which took us from about \$300,000 per year in tax revenue to over a million dollars. Councilor Burlingame also expressed his hope that the Economic Development Commission will be reactivated.

12. Jean Fecteau, Town Clerk, stated that her fellow employees have voiced most of her concerns, but she asked the Council to consider, before passing the budget as proposed, that the Town employees are taking the largest burden of the budget on their backs. J. Fecteau stated that she understands that pay raises are not a possibility because of the economy, but stated that in addition to salary freezes, there is a reduction in compensation in the form of a larger contribution to our medical coverage. Regarding the amount being cut from the buy-back, J. Fecteau questioned the logic as it was explained to her, "it was cut as much as possible that would still keep employees from taking the Town medical coverage." J. Fecteau was also told that this is not income and expressed her disagreement, stating that she took that income into consideration before she came to work for the Town.

Also, J. Fecteau stated that it is considered taxable income by the IRS. J. Fecteau pointed out that of the 39 cities and towns, Gloucester is one of five which do not have a manager, mayor or administrator. J. Fecteau stated that it is the Town employees that keep this Town running the way it runs on a daily basis. J. Fecteau asked why the libraries were not asked to take a cut instead of being level-funded. J. Fecteau stated that the taxpayers know that the Governor is cutting cities and towns and asked what will be their share of this burden? J. Fecteau asked the Council to look at the budget again and consider cutting some of the frills.

Councilor W. Steere, III questioned if Town services were cut to allow the Town employees to remain status quo, how would the taxpayers feel toward the employees?

13. Ron Bachman, Budget Board member, stated that the State is in rough shape and he would not be surprised if we were back here next year asking the Town employees to do the same thing. R. Bachman stated that he works for a very large organization which lost 55 million dollars this year, adding that they will be asked to do some things which will not be comfortable. R. Bachman stated that he understands that reductions in pay will hurt families, including his own. R. Bachman stated that the reason the Town Council and the Town employees exist is because of the taxpayers.

R. Bachman stated that the employees are here to serve the taxpayers. R. Bachman asked if we leave nothing for the taxpayers, why would they stay here. R. Bachman agreed that if there are things in the budget which could be cut, he feels that we should go back and look at it. However, R. Bachman expressed his opinion that Town employees, including School Committee members, exist for the taxpayers. R. Bachman stated that we should take a close look at that before we cut things like the swimming program and the parade. R.

Bachman pointed out that with the economy as it is, people will be staying in Gloucester this year, adding that if you give them absolutely nothing, the taxpayers won't be very happy.

14. Susan Harris, Deputy Town Clerk, pointed out that the Town employees are taxpayers as well.
15. Chris Hebert spoke about the condition of the bridge and sidewalks in the village, stating that if repairs are done, businesses might wish to locate there. Councilor Walsh stated that he and other Town officials met with people from the Department of Transportation at the State House to discuss this issue. Councilor Walsh stated that, in 2010, DOT is planning to redo the road from the Texaco station down to CVS as well as repair the bridge, sidewalks, and infrastructure. Councilor Walsh stated that DOT's goal is to put it out to bid by January of next year in order to begin work in April.

Councilor W. Steere, III asked if the Public Hearing should be kept open until the Council meets to go over the budget again. Councilor Walsh replied that even if the Public Hearing is closed, the Council does not have to vote on the budget right away. Councilor Walsh asked Tom Mainville when the budget must be adopted. T. Mainville replied that the budget must be adopted a certain number of days prior to the Financial Town Meeting and recommended that the adoption of the budget be placed on the next Town Council agenda. Councilor Burlingame pointed out that because the Region will have their meeting after the Financial Town Meeting, another Financial Town Meeting will have to be held to set the tax rate after the Regional meeting.

Councilor Walsh asked if anyone else wished to speak regarding the proposed budget for Fiscal Year 2009/2010. Hearing none, Councilor Walsh DECLARED the Public Hearing closed.

Discussion: There was consensus to schedule a workshop for March 31st at 7:00 p.m. Councilor W. Steere, III strongly recommended that any additional ideas that anyone may have should be submitted to the Council prior to the workshop.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS:0

MOTION PASSED

V. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8: 30 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 16, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **April 2, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Thomas Mainville, Finance Director;
Susan Harris, Deputy Town Clerk; David Steere, Budget Board chair;
Lawrence Desormier, Building/Zoning Official; and former Town
Council members Steven Sette, William Reichert, Charles Poirier and
Michael Joyce.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Steven Sette.

IV. Open Forum for Agenda Items

A. Doris Villandry spoke regarding the appointment of a kitchen aide for the Senior
Center. D. Villandry asked if the candidate has obtained a Rhode Island State Food
Service License. Councilor Walsh stated that this will be addressed when the
appointment comes up on the agenda.

V. Council Recognition

Councilor Walsh stated that the Council has invited Steven Sette, William Reichert, Charles
Poirier and Michael Joyce, former Town Council members, to be present this evening. On behalf
of the Town Council, Councilor Walsh presented each individual with a plaque and expressed
his appreciation for their past service.

VI. Resolutions

A. Support of Repeal

1. R.I.G.L. 16-2-21.4
"Caruolo Act"

Councilor W. Steere read the following Resolution which supports the repeal of Rhode Island
General Law known as the "Caruolo Act":

RESOLUTION

WHEREAS, the Town Council of the Town of Gloucester supports Rhode Island cities
and towns in their efforts to repeal the Caruolo Act; and

WHEREAS, RIGL 16-2 School Committees and Superintendents, Section 16-2-21.4 better known as the Caruolo Act was enacted in July, 1995; and

WHEREAS, this act enables School Committees to file suit against local Town government when budgetary disputes arise; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester hereby supports all bills submitted by the General Assembly relating to ending the filing of Caruolo Actions against cities and towns.

Kevin P. Walsh, President
Gloucester Town Council

seconded by Councilor Burlingame.

Discussion: Councilor Walsh explained that the repeal of the Caruolo Act would prevent School Committees and Superintendents from taking legal action to obtain funds if they have exceeded their budget.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0

MOTION PASSED

VII. New Business

A. 2009/2010 Budget Discussion and/or Action

1. Gloucester School Budget, Regional School Budget and Municipal Budget
2. Adoption of Budget for FY 2009/2010

Councilor Walsh stated that, after a Public Hearing which was held on March 26, 2009, the Town Council needs to adopt a budget to be voted on at the Town Financial Meeting to be held on May 2, 2009.

Discussion: Councilor Walsh stated that an additional \$14,040.00 has been cut from the Budget. Councilor Burlingame spoke regarding a reduction of \$2,000.00 under salaries for the Recreation Department, stating that he would like to see that amount put back in the budget. Councilor Carroll asked what is the absolute deadline by which the budget must be adopted. Councilor Walsh replied that until a budget is adopted and a bottom line figure is determined, discussion cannot take place with the unions. Councilor Walsh added that if the Council approves this budget, they are approving the bottom line, and things can still be moved within the budget.

Councilor Carroll stated that the School Department was asked to wait until more definite figures were received from the State, adding that there will be State aid coming which was not anticipated when this budget was prepared. Councilor Walsh replied that any money from the State will go into the current year's budget, not next year's. David Steere, Budget Board chair, concurred and stated that if we are fortunate enough to receive the \$199,000.00 that we see in

print, it will only reduce the \$485,000.00 which we are not going to receive. D. Steere added that we will still need some of the fund balance just to get us through this fiscal year.

Councilor Burlingame suggested that a meeting of the Town Council be advertised to take place immediately prior to the Financial Town Meeting for the adoption of a revised budget in the event that the budget changes between now and then. Councilor Burlingame also pointed out that with the Regional Financial Meeting taking place after the Town's, another Financial Town Meeting will have to be held to set the tax rate. Tom Mainville, Finance Director, noted that whatever is adopted tonight is what will be printed and distributed at the Financial Town Meeting,

Councilor W. Steere inquired about the status of the \$65,000 for the Senior Center which was left over in the Capital Budget. Tim Kane, Assistant Town Solicitor, stated that he has reviewed the Charter regarding Capital Reserve Fund and expressed his opinion that once money goes into the Capital Reserve Fund, it must stay there and can only be appropriated at another Financial Town Meeting. Councilor Walsh added that the money can be taken from the Senior Center capital funds and placed in General capital funds to be used for roads or other capital projects. Steven Sette, member of the Senior Center Board of Directors, explained that the funds were in the Senior Center capital budget in case there was work done on the septic system at the Senior Center, but the work was not necessary.

Councilor Walsh stated that he has spoken with both union and non-union employees, and by setting the budget tonight, it gives a chance to give them dollar values. Councilor Walsh stated that, right now, the budget cuts are based on co-pays of between 10% and 20%, cutting buy-backs to \$3500 and 0% increase in salaries for next year.

MOTION was made by Councilor Burlingame to ADOPT the Proposed Operating Budget, including debt service, in the amount of \$27,019,777 for Fiscal Year 2009-10 for presentation at the Town Financial Meeting on May 2, 2009; seconded by Councilor W. Steere.

Discussion: Councilor Carroll stated that he has two points he wishes to make. Councilor Carroll stated that, even if he votes against the adoption of the budget, it is no reflection on the work done by Tom Mainville, David Steere, and the Budget Board. Councilor Carroll expresses concern regarding the uncertainty of the budget future. Councilor Carroll also stated that he is not in favor of putting a bottom line in a budget and then getting the money from the Unions, adding that if the Unions say no to making concessions, he has fears regarding where we will end up.

Councilor Carroll stated that he is apprehensive about adopting this budget tonight. Tom Mainville, Finance Director, stated that if the Council waits until the next meeting to adopt, it will only allow one business day to have the budget submitted and approved by the Auditor General. Councilor W. Steere stated that he agrees with some of Councilor Carroll's comments and nobody in this room is happy with the situation, but added that this is where we are. Councilor Walsh stated that he does not see where we have a choice and noted that, at least, if we have a bottom line, there is room for discussion between now and May 2nd regarding line items.

VOTE: AYES: Walsh, W. Steere, G. Steere and Burlingame
NAYS: Carroll
MOTION PASSED

Regarding the Capital Budget, Councilor Walsh explained that capital improvement items are for infrastructure in the Town. Councilor Walsh commented that \$81,300 is budgeted for capital improvements at the Gloucester elementary schools, adding that when the schools are reimbursed, the money goes back into capital. Councilor Walsh noted that there are two new police vehicles as well as improvements at Town Hall.

Councilor G. Steere asked if it is necessary to acquire two new vehicles for the Police Department. Councilor Walsh replied that over the last ten years, we have rotated the Police vehicles, taking the two with the highest mileage, usually over 100,000 miles. Councilor Walsh commented that it is less expensive in the long run to replace vehicles than it is to provide the necessary maintenance on these older vehicles. David Steere stated that there was one new vehicle in the Capital Budget last year. Councilor G. Steere pointed out that we gave a vehicle to the town of Foster last year. Councilor Walsh commented that the vehicle had 95,000 miles on it.

MOTION was made by Councilor W. Steere to ADOPT the Proposed Capital Improvement Budget in the amount of \$684,900 for Fiscal Year 2009/10 for presentation at the Town Financial Meeting on May 2, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- B. Community Development Block Grant 2009
 - 1. Prioritize requests to date

Councilor Walsh read the following request from Elinor Tetreault on behalf of Western RI Home Repair:

RE: 2009 CDBG Proposed Activities (Prioritize)

The Western RI Home Repair Program has made the following recommendations for the FY 09 Community Development Block Grant.

The proposed activities are as follows:

Housing Rehabilitation	\$80,000
Mobile Home Replacement Program	91,000
Operations	45,000
Administration	5,000
Food Bank	4,500
Echo Lake Water District	20,000

Glocester Senior Center	3,000
Community Housing Land Trust	1,500

Total Proposed Activities **\$250,000**

If the Town Council would please prioritize the proposed activities as part of the CDBG requirement.

The Town of Glocester's application cap is \$250,000.00 for the CDBG grant application. Please note that some activities were leveled funded at last year's amount due to the \$250,000.00 cap.

I will start the application process, once the activities are prioritized.

The activities will be reviewed by the Planning Board on 4/6/09. The Planning Board will issue an advisory opinion to the Council on whether the proposed activities are consistent with Glocester's Comprehensive Community Plan.

The 2nd Public Hearing is scheduled for April 16, 2009. At that time the application will be complete and available for public review.

The application is due to the State of Rhode Island on May 8, 2009.

If you have any questions or concerns, please feel free to call me at 568-6206, ext 6.

Sincerely,
 Elinor C. Tetreault
 Program Manager

(end of memo)

Discussion: Councilor W. Steere asked Elinor Tetreault, Program Manager, if the Mobile Home Replacement is credited toward our Affordable Housing quotient. E. Tetreault replied that it is hoped that it will qualify, but she has not received the final approval.

MOTION was made by Councilor Carroll to prioritize the proposed activities for funding as a requirement of the Community Development Block Grant program 2009 as follows:

Housing Rehabilitation	\$80,000
Mobile Home Replacement Program	91,000
Operations	45,000
Administration	5,000
Food Bank	4,500
Echo Lake Water District	20,000
Glocester Senior Center	3,000
Community Housing Land Trust	1,500

Total Proposed Activities

\$250,000

contingent upon the Planning Board's opinion of Comprehensive Plan consistency; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. IFB 2009-02 ~ Fuel Oil #2

1. Extension of Bid Award

Councilor Walsh read the following memo from Reichert Oil:

March 31, 2009
Town of Gloucester
Attn: Town Finance Office

Reichert and Sons Fuel Oil are prepared to offer a lock-in price for the 2009-2010 heating season. Based on a known usage, from prior years, the approximate gallons are 90,000 for 2009-2010. The contract is for the Gloucester Senior Center, Gloucester Town Hall, West Gloucester Elementary and Fogarty Elementary. If more fuel is required the remainder will be billed at the \$.025 over the current market rate. The contract price per gallon is 1.999.

Any forward contract with Reichert and Sons requires a 15% deposit due upon a signed contract. The deposit is required by our suppliers to guarantee that the contract will be there come next year. The contract total for the 2009-2010 is: $90,000 \times 1.999 = \$179,910 \times .15 = \$26,986.50$ deposit. The down payment will be credited at the beginning of the heating season contract, November 1, 2009, to the Town of Gloucester.

Sincerely,
William E. Reichert, Sr.

(end of memo)

Discussion: Councilor Walsh stated that he feels it is important to lock in at the current price because there is no way to know if prices will increase in the future. Councilor Walsh further stated that Mr. Reichert will monitor prices for the year 2010/2011 in order to possibly lock in at a reasonable rate.

MOTION was made by Councilor G. Steere to extend the award of IFB 2009-02 “#2 fuel oil” to Reichert & Sons for the 2009-2010 heating season. The price to be paid is \$1.999 per gallon. The amount of fuel contracted for is 90,000 gallons to be used at the Gloucester Town Hall, Gloucester Senior Center, Fogarty Elementary School and West Gloucester Elementary School. Fuel purchased in excess of the 90,000 gallons will be billed and paid for at \$0.025 per gallon over the market price at the time of purchase; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Roads

1. Waterman Lake Shore Association

a. Discussion and/or Action

Councilor Walsh noted that this was requested by Bob Lyons and the following correspondence was read into the record by Councilor W. Steere:

TO: Gloucester Town Council
CC: Jean Fecteau, Timothy Kane
FROM: Bob Lyons
DATE: March 30, 2009
RE: Town Roads

It has always been the contention of the Waterman Lake Shore Association (WLSA) that there was an agreement with the town of Gloucester that the Waterman Lake Shore (WLS) roads in question were conveyed to the town following guideline #2 as outlined in the solicitor’s letter to the Council regarding town roads.

The WLSA does not agree with the solicitor that the 1988 Town Council was using the “OFFICIAL TOWN ROAD LIST” for mapping purposes only as not all of the roads in Gloucester were on that list. A minimum of 58 roads that are on the official town map were not on the “OFFICIAL TOWN ROAD LIST”.

WLS was recorded as a plat with the town and accepted by the town in 1934. A judgement in 1968 by Mr. Justice Fanning ruled, “All streets in WLS are public ways” which set the WLSA on a quest to turn over all improved roads to the town. Starting in 1970, working with then Council member Anthony Caluori, the requirements set by the town were met over the next several years and the first set of roads were deeded over to the town in 1976. The remainder of the roads in WLS would be taken at the rate of one per year. This was accomplished prior to the 1988 “OFFICIAL TOWN ROAD LIST” which listed all of the improved WLS roads.

At no time since the acceptance of the "OFFICIAL TOWN ROAD LIST" was a public hearing advertised or held, as required by RIGL 45-23.1-2, to remove any of the WLS roads from the "OFFICIAL TOWN ROAD LIST".

The WLSA is asking the Town Council to return to the "OFFICIAL TOWN ROAD LIST" the roads in WLS that were taken off illegally by the 1994 Town Council.

Thank you for addressing this matter.

Sincerely,
Bob Lyons
WLSA Liaison

(end of memo)

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, to respond to the memo. T. Kane stated that he respectfully disagrees with Mr. Lyons and the Association. T. Kane expressed his opinion that there has been confusion over the years regarding the Mapped Street Ordinance and what it takes for a road to become town-accepted. T. Kane noted that the Town can continue to provide emergency maintenance, but the Town is not legally obligated to do so.

T. Kane further stated that it appears that the roads were taken off a list which was not approved in 1988; adding that it was a map which was approved in 1988. T. Kane stated that the roads can be put on the Official Town Road Map, but this would not mean that they are Town-accepted roads. T. Kane stated that he is comfortable in his opinion that regardless of what happened in 1988 and 1994, these are not town-accepted roads.

Bob Lyons stated that it is ultimately up to the Council regarding how they wish to act on this matter. B. Lyons stated that this has been discussed for several years and an answer is due from the Council. B. Lyons stated that the Official Town Map lists all the roads in Gloucester, and a Road Policy draft was published around 1994 which consisted of three distinct lists; State-owned roads, Town-owned roads and non-Town roads. B. Lyons noted that the roads within Waterman Lake Shores were on the list of Town-owned roads. B. Lyons stated that a deed was never filed from the Association to the Town for the side roads as was done with the main road, which was, in his opinion, an oversight on the Association's part.

T. Kane responded that simply by virtue of, in his opinion, being mistakenly placed on an Official Town Road list, it does not make a road Town-accepted.

Bob Lyons stated that item #2 of the procedure to have a road accepted by the Town states that "the second means is for a road to be conveyed to the Town and the Town accepts the conveyance and decrees that the highway be repaired at the expense of the Town." B. Lyons stated that the Association contends that they followed this criteria in the 1970's, adding that they worked with then-Council member Caluori. T. Kane responded that if this was done, he would need to see deeds to the Town and a decree from the Town accepting the road and authorizing maintenance. B. Lyons questioned what is meant by "decree."

T. Kane replied that it is the motion by the Town Council to accept the road and authorize maintenance. B. Lyons remarked that it would be interesting to see how many roads in Town have had decrees filed over the years.

Councilor Walsh asked the Council members if they had any opinions to express. Councilor W. Steere stated that he would need more information in order to make a decision. Councilor Walsh stated that this could be addressed at an Executive Session at a future date, since it is not presently on an agenda. T. Kane stated that it would be appropriate to discuss at Executive Session because there is the potential for litigation.

Bob Lyons stated that the Department of Public Works was formed in 1900 and was required to maintain all roads within the borders of Glocester. Tim Kane replied that much has changed since that time.

Councilor Burlingame asked if the Association is considering cost sharing to bring the roads up to a standard which would allow acceptance. Councilor Burlingame mentioned a similar situation on Phillips Lane where the residents shared the cost of improving the road. B. Lyons noted that in the early 1970's, the residents put money forward for drainage, piping to the lake, etc. B. Lyons also stated that several years ago, the Association indicated that they would prefer to spend money on a lawyer than on asphalt.

Councilor Burlingame stated that one extreme would be for the Town to take the roads and rebuild them at the taxpayers' expense and the other extreme would be to do nothing. Councilor Burlingame expressed that the parties could meet somewhere in the middle so that the residents who would benefit from the roads would give some consideration. B. Lyons stated that he is willing to contribute his share but cannot speak for the other property owners, some of whom are struggling financially.

Lorraine O'Connors, resident of Waterman Lake Shores, asked if the residents did cost share or contribute in any way, would they have jurisdiction regarding development in the area. Tim Kane replied that by improving the roads, there would be more opportunity to build on some of the vacant lots. T. Kane explained that, as it stands, developers must apply for an Exception to the Ordinance Regulating the Issuance of Building Permits. Councilor Walsh pointed out that in the case of Phillips Lane, the Town did not take over the road but only assisted in the repairs. L. O'Connors expressed her concern that any development will cause more damage to the roads.

E. Licensing Board Discussion

1. Sticks Tavern

a. Entertainment License

Councilor Burlingame read the following request from Sticks Tavern:

Putnam Properties, Inc.
DBA Sticks Tavern
417 Putnam Pike
Glocester, RI 02814

March 24, 2009

RE: Outdoor Entertainment

Dear Council members:

I purchased Sticks Tavern several years ago. Since that time, I purchased additional land and fenced the backyard. I also have expanded the building several times changing both the appearance and the clientele. My next venture requires a permit/license to allow me to have outdoor entertainment. I would like to have small bands or a DJ play outside during the weekends, holidays during daylight hours. If the outdoor entertainment does well, I will build a gazebo or a post and beam barn for the following spring.

I spoke to my neighbors and neither had any objections. I will submit their letters and any other information during the meeting.

Thank you for your time and consideration.

Sincerely,
Vincent Iannuzzi
President, Putnam Properties Inc.

(end of memo)

Vincent Iannuzzi, President of Putnam Properties, spoke regarding his request. V. Iannuzzi explained that he chose to purchase Sticks because of the location, which is in a commercial area. V. Iannuzzi stated that he purchased land from Mr. Peterson with the intention of improving the property. V. Iannuzzi stated that he has also spent over \$100,000 on a new septic system. V. Iannuzzi stated that several years ago he was granted an outdoor alcohol license for the fenced-in area and has had no problems. V. Iannuzzi stated that many functions for charitable organizations have been held at Sticks.

V. Iannuzzi stated that he would like to utilize the backyard for functions which would include live bands, adding that there are fourteen picnic tables and ample room for people to place blankets on the ground for seating. V. Iannuzzi stated that he would like his establishment to be known as more than a tavern, but a place to meet and "hang out". V. Iannuzzi pointed out that he objects to loud music and has on occasion told DJ's inside the bar to lower the volume. V. Iannuzzi commented that the music would be mostly country music and perhaps older style rock and roll.

Councilor Walsh stated that Gloucester does not currently have any type of ordinance for outdoor entertainment. Councilor Walsh stated that he is not opposed to outdoor entertainment, but has several questions concerning hours of operation. V. Iannuzzi stated that the music would end by 9:00 p.m. because, even in the summer months, people begin to go inside about that time. Also, V. Iannuzzi pointed out that his only neighbor is Peterson Farm and the owner supports the idea.

April 2, 2009

10 of 17

Councilor Walsh pointed out that by law, Mr. Iannuzzi has one abutter, but there are other neighbors along Absalona Hill Road. V. Iannuzzi stated that he is only interested in daylight hours on Saturdays and Sundays and perhaps holidays like July 4th.

Councilor Walsh stated that he would not be opposed to these things if the Council had something more specific than what was in V. Iannuzzi's letter. Councilor W. Steere recommended that Mr. Iannuzzi submit a business plan with details such as hours of operation, number of people expected, etc. Councilor W. Steere asked about the parking situation. V. Iannuzzi replied that the parking area can accommodate approximately 43 vehicles, adding that he is in the process of purchasing more land for that purpose.

Councilor W. Steere asked Mr. Iannuzzi if either the Fire Chief or Police Chief have been consulted. V. Iannuzzi replied that he has spoken to the Fire Chief, but not the Police Chief. V. Iannuzzi pointed out that the Police Chief was opposed to the outdoor alcohol license, but there has not been a single problem in the three years since it was issued.

Councilor Carroll asked if patrons would be charged for the entertainment. V. Iannuzzi replied that there would be no charge because this would require a separate license from the State.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if this would have to go before Planning or Zoning. T. Kane replied that the Zoning Board can render an advisory opinion, but they can only act on three things; variances, special use permits and use variances. It was recommended that once Mr. Iannuzzi has a plan prepared, he should present it to the Zoning Office first to determine whether Zoning Board approval is required.

Russell Gross stated that there are more neighbors than the Petersons and asked if there would be a Public Hearing. Councilor Walsh replied in the affirmative. Jean Fecteau, Town Clerk, asked what the next step would be for Mr. Iannuzzi if he is told by the Zoning Office that this type of entertainment is not allowed. T. Kane replied that he would have to apply for a Use Variance.

- b. Liquor License
 1. Expansion of Service Area

Councilor W. Steere stated that Mr. Iannuzzi has expanded the floor plan of his establishment which, by State law, requires a new license hearing. Because Mr. Iannuzzi has stated that he is working on further expansion in the next few months, he is asking if the Council can wait until additional work is done before a Public Hearing is held. Councilor W. Steere stated that the Clerk has asked for communication from the Fire Chief and Building Inspector to be sure that the establishment meets all code requirements and is safe to accommodate additional patrons.

Jean Fecteau, Town Clerk, stated that liquor license holders are required to submit a diagram of their service area in the Town Clerk's Office and to keep it up to date. J. Fecteau added that, per State law, if there is any expansion of the service area, a Public Hearing must be held. Tim Kane stated that when the license was renewed in November, a Public Hearing was held, therefore it is the opinion of the Solicitor's Office that the State requirement has been satisfied and another

hearing is not necessary, provided that an updated drawing of the service area and correspondence from the Building Official and Fire Chief are filed in the Clerk's Office.

F. Appointment

1. Boards & Commissions

a. Conservation Commission

One Alternate for 1 year expired term

MOTION was made by Councilor Carroll to REAPPOINT Gregg Ponte to the Conservation Commission for a one-year Alternate term to expire 4/2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Municipal Employee

a. Gloucester Senior Center

Kitchen Aide (to replace current aide as needed)

Councilor Carroll read the following request from the Senior Center Manager:

March 5, 2009

Dear Town Council:

I am submitting the following application for Patricia Tondreau for consideration as a per diem employee.

This person will be hired on an as-needed basis to take the place of my kitchen aide when she is absent. No additional expense will be needed, as the kitchen aide does not get paid when she is absent, so her salary for the day will be paid to the per diem person.

Sincerely,

Fran Ballou

Senior Center Director

(end of memo)

Discussion: Tom Mainville, Finance Director, stated that in order to serve food at the Senior Center, at least one person must have a license to do so. T. Mainville explained that both the Director and her assistant have a license. T. Mainville stated the new person would be part of a "pool" of several employees who would be called in when either the Director or her assistant are absent, therefore, a license is not necessary because either the Director or her assistant would be present.

MOTION was made by Councilor Carroll to APPOINT Patricia Tondreau to the position of Gloucester Senior Center Kitchen Aide, on an as-needed basis, at an hourly rate of \$8.50; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Policies & Procedures

1. Amend Policy

a. Department of Public Works "White Goods Policy"

Councilor Walsh stated that the Public Works Director has asked for this amendment. Councilor G. Steere read the following into the record:

Section A currently reads: "A. On the fourth Saturday each month, the Transfer Station accepts appliances, etc. (e.g.; air conditioners, refrigerators, freezers, stoves, dishwashers, washing machines, dryers, and other similar items). In order to defray the cost of disposing of items containing freon, it is desired that a fee should be charged for each unit containing freon disposed of."

Change to: "A. The Transfer Station accepts appliances (e.g.; air conditioners, refrigerators, freezers, stoves, dishwashers, washing machines, dryers, and other similar items). In order to defray the cost of disposing of items containing freon or any other so-called "white goods" should there be a cost to the Town, a fee shall be charged for each unit."

Currently Section B., C. and D. Refer to the amount of a fee and how that payment shall be paid.

Currently reads: B. The recommended disposal fee (which may be increased to meet increased costs) is \$25.00 per unit containing freon.

Currently reads: C. Individuals wishing to dispose of an item containing freon may take it to the Transfer Station and pay the fee by check or money order (made payable to the "Town of Gloucester") only. The individual's driver's license number and phone number must be written on the check.

Currently reads: D. Checks received will be forwarded to the Tax Collector's office.

Section II currently reads: The above addresses only those units containing freon. As the revenue item in the budget is listed as "White Goods Disposal" the Council could consider charging a fee for other white goods such as stoves, dishwashers, washing machines, dryers, or other similar items. Said Policy to become effective October 1, 2003.

Gary Trembl, Director of Public Works, explained that the Town is not currently being charged by Resource Recovery for the disposal of items containing freon, and that consequently, residents are not charged by the Town. G. Trembl suggested that, in the event that the Town gets charged, the cost is passed on to the resident disposing of the item and requested that the White Goods Policy be amended to reflect this.

Councilor G. Steere pointed out that the wording should also be changed to reflect that these items are now accepted any time instead of every fourth Saturday. Tim Kane, Assistant Town Solicitor, stated that he will review and reword the policy and have it ready for the next Town Council meeting.

Councilor Burlingame asked if the Transfer Station accepts commercial recyclable materials. G. Trembl replied that it has been suggested that commercial trash would not be accepted, but we would take their recyclables. Councilor Burlingame pointed out that this would allow the Town to get additional credit from the State and asked that this be addressed at the next meeting.

Marie Plante, resident of Pine Meadow, reported that the private hauler who picks up the trash at the complex combines the recyclables with the regular refuse. G. Trembl stated that there may be money in his budget for recycling containers to be placed at Pine Meadow.

VIII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that an invitation was received from the Little League for the Council members to march in the Opening Day Parade on April 19th at 12:00 noon.

IX. Boards/Commissions

- A. Roy Najecki, Conservation Commission chair, spoke regarding the proposed “Scenic Loop”, requesting that this be on the next agenda for discussion. R. Najecki stated that this matter has been before the Council in the past, in 2001 and again in 2005, and was tabled each time. J. Fecteau, Town Clerk, stated that she recalled when this was first brought up eight years ago, it was stated that the Scenic Loop would result in additional maintenance costs to the Town.

R. Najecki replied that the law allows for State reimbursement to the municipality for scenic roads. R. Najecki stated that benefits of the Scenic Route would be two-fold; it would increase appreciation of our cultural and scenic areas in Town and may increase business activity at establishments along the route. There was Council consensus to place this on the agenda for the next Town Council meeting.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that correspondence was received from Arc of Blackstone Valley regarding recycling at the schools.

- B. Councilor Walsh stated that the Council received correspondence from Blackstone Valley Tourism regarding their web site.
- C. Councilor Walsh stated that there is a termination of agreement with Branca Brothers, Inc. with regard to metals discarded at the Transfer Station.
- D. Councilor Walsh stated that a letter was received from Local 1322 concerning the budget situation. Councilor Walsh pointed out that the Unions are willing to meet with the Council to work on the budget. Jean Fecteau, Town Clerk, asked for two Council members to serve as a negotiating team for the upcoming contract negotiations with the Clerk's Union. Councilors Walter Steere and George Steere volunteered.
- E. Councilor Walsh stated that an e-mail was received from James Laird regarding hunting on undeveloped Town property. Councilor Walsh pointed out that the only Land Trust property on which hunting is allowed is Sprague Farm. There was discussion concerning the 132-acre parcel which the Town acquired from FM Global. Roy Najecki, Conservation Commission chair, stated that there is no deed restriction against hunting on the property. Tim Kane, Assistant Town Solicitor, was asked to review the deed.
- F. Councilor Walsh stated that correspondence was received regarding a Resolution to Eliminate Straight Party Vote. This will be placed on the agenda for the next meeting.
- G. There was Council discussion regarding the Regional School budget and the fact that Debt Service and Operations are voted on together under one motion. Councilor Burlingame stated that this is a problem which must be addressed.
- H. Councilor Walsh stated that a letter was received from Jay Fogue and Bill Forte, regarding their business, Affordable Self Storage, on Putnam Pike. The letter was read into the record as follows:

Dear Honorable Town Council President and Members of the Town Council;

This letter is in reference to the business operations for Affordable Self Storage of Gloucester, LLC, located at 596 Putnam Pike, Plat 17, Lot 213. We are requesting clarification of the B2 zoning regulations of which this property is zoned. It states in the zoning regulations:

B-2 Highway Commercial. This district is intended for commercial uses that serve Town-wide or regional market needs for retail, services and professional office establishments.

Use Classification B-2
 SECTION 7. SERVICE BUSINESS
 8. Vehicle rental agency: YES
 SECTION 8. RETAIL BUSINESS

5. Trailer sales and services: YES
SECTION 9. TRANSPORTATION USES
3. Commercial off-street parking facility: YES

A verbal complaint was submitted to the Town Planner stating we are in violation of the B2 zoning regulations by providing a U-Haul service to our customers. At the time of the Planning Board's decision, it was deemed that we could not provide outdoor storage. We believe the U-Haul portion of this business is not outdoor storage but falls under the regulations for Vehicle Rental Agency under the B2 zoning regulations and is an integral part of the self storage industry.

In addition to this clarification, we are also requesting the decision made by the Planning Board to not allow outdoor storage be removed. Outdoor storage is also an integral part of this industry. It was suggested to us that once the building was up and the business was running we request the ability to provide this service. With the downturn in the economy it is necessary for us to provide these services in order to run a full service Self Storage Facility that benefits both our tenants and the Town of Gloucester.

If it is not possible to provide all services that are conducive to the self storage industry, statistics are showing a potential failure of this business.

Please feel free to come and visit our facility and see for yourselves the efforts and high quality that have been put into this project to benefit our town. We truly appreciate your time and consideration with our concerns.

Respectfully,
William D. Forte (l.s.)
Julian P. Forgue (l.s.)

(end of memo)

Councilor Walsh stated that since this is not an agenda item, no action can be taken. Councilor Walsh asked if this request should be addressed by the Planning Board before the Council. T. Kane replied that the Building/Zoning Official's office has conferred with William Bernstein, Town Solicitor, regarding this request. T. Kane noted that there are several things which must be reviewed, such as the Zoning application, the Town Council's Zone Change decision, and Planning Board restrictions. After discussion, it was decided that a written opinion will be submitted by the Town Solicitor before the next meeting.

XI. Open Forum

- A. Lorraine O'Connors stated that we are in a "catch-22" regarding the local and regional school budgets. L. O'Connors explained that when there was no restriction regarding how much taxes could be increased each year, the Region could set their budget, it would come down to the Town, and the Town could either raise or lower whatever they

were going to ask for. L. O'Connors stated that now, since everything is capped, it seems to be a power struggle. L. O'Connors suggested that, in the future, the budget be built around a certain dollar amount rather than the reverse. Councilor Walsh replied that the Council has always sent correspondence to the Region asking them to meet with the Council to discuss budget issues, but it has not happened.

XII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:41 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS:0
MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 7, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **April 16, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of
Police; Gary Treml, Public Works Director; Viviane Valentine, Tax
Assessor; and David Calderara, Planning Board chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor G. Steere, Jr.

IV. Open Forum for Agenda Items

None.

V. Resolutions

A. Recognition:

Thomas Wilson Dorr Award
Rose LaVoie

Councilor Walsh stated that Mrs. Rose LaVoie will be granted an award on April 29th for her service to her community. Councilor Walsh stated that this resolution, which was read into the record by Councilor W. Steere, III will be awarded to Mrs. LaVoie from the Gloucester Town Council at that time.

**RESOLUTION
2009-08**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Rose M. LaVoie, "Citizen Extraordinaire", for being chosen by the Gloucester Heritage Society to receive the Thomas Wilson Dorr Award, on April 29, 2009, at the Dorr Rebellion Gala Dinner and Silent Auction to benefit the Dorr Rebellion Museum; and

WHEREAS, this award is presented to Rose LaVoie for her on-going contributions and service to our Town, particularly her "perseverance and gentle persuasions" in her role to restore the Evans Schoolhouse and Reuben Mason House; and

WHEREAS, Rose LaVoie and her husband Skip, along with their sons, ran the Purple Cat Restaurant, "a Gloucester icon", for more than 40 years before deciding

to retire from the restaurant business, but by no means her civic involvement; and

WHEREAS, Rose has served on the Gloucester Bi-Centennial Committee; Chepachet Village Planning Committee; the Economic Development Commission; the Wastewater Management District Board, as well as being a long-time member of the Gloucester Business Association; and

WHEREAS, Rose has also been a long-time member of the Heritage Society serving Gloucester and its residents and has had a large role, over the years, in the preservation of keeping Gloucester's rural nature. Rose has worked long and hard to protect Gloucester's character and quality of life, not only for herself but for everyone who calls Gloucester their home; and

NOW THEREFORE BE IT RESOLVED that the Town Council, Town Clerk and citizens of Gloucester are proud to have Rose M. LaVoie as a part of their Community and congratulate her on receiving the 2009 Thomas Wilson Dorr Award as "Citizen Extraordinaire."

Kevin P. Walsh, President
Gloucester Town Council

Jean M. Fecteau, Town Clerk

Approved at the April 16, 2009 Town Council Meeting.

Seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Earth Day- April 22, 2009

Councilor Walsh stated that this year Earth Day falls on April 22. Councilor Walsh noted that the Council annually acknowledges this day and the events planned by our Boards and Commissions. Councilor Carroll read the following into the record:

**PROCLAMATION
2009-10**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester recognize that the First Earth Day in 1970 was the beginning of the modern environmental

movement which helped shape the values and priorities of a whole generation. As a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and superfund legislation putting a lasting framework for the future into place; and

WHEREAS, Rhode Islanders in general, and Glocester residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected environmental action from their leaders; and

WHEREAS, for Earth Day and Arbor Day, on May 2nd the Conservation Commission will be distributing, free of charge, 750 trees to the public, including White Flowering Dogwood, Maple Sugar, and Blue Spruce tree seedlings to Glocester residents and pre-school children. The Conservation Commission will also be working with the American Chestnut Foundation and US Forest Service to expand the Glocester Tree Nursery to grow one hundred more chestnut trees. The Conservation Commission, working together with the RI DOT, Woonasquatucket River Watershed Council and Glocester community groups are planting native grasses and shrubs at the traffic island junction of Putnam Pike and Farnum Road. The Land Trust plans on cleaning up several Land Trust properties, primarily Sprague Farm; and

WHEREAS, in 2009 Earth Day is on April 22nd and in Rhode Island Earth Day activities will take place in the days and weeks around that date. The Town Council supports the activities of the 39th year of Earth Day in Glocester and on a statewide, national, and global level and we encourage our youth and adults alike to take the Pledge to keep Rhode Island Clean and Green; and

NOW THEREFORE BE IT RESOLVED: that the Town Council and Town Clerk encourages Glocester residents to participate in neighborhood cleanups, our Conservation Commission and Land Trust's efforts and celebrations of Earth Day.

Kevin P. Walsh, President
Glocester Town Council

Dated this 16th Day of April, 2009.

Jean M. Fecteau, Town Clerk

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Arbor Day- April 24, 2009

Councilor Walsh stated that the Council also annually acknowledges Arbor Day. The following was read into the record by Councilor G. Steere:

**PROCLAMATION
2009-11**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, clean the air, produce oxygen and provide habitat for wildlife. Trees are also a renewable resource of wood for our homes, and fuel for our fires. Trees in our Town enhance our property, beautify our community and are a source of joy and spiritual renewal, and

WHEREAS, for Earth Day and Arbor Day, on May 2nd the Conservation Commission will be distributing, free of charge, 750 trees to the public, including White Flowering Dogwood, Maple Sugar, and Blue Spruce tree seedlings to Gloucester residents and pre-school children. The Conservation Commission will also be working with the American Chestnut Foundation and US Forest Service to expand the Gloucester Tree Nursery to grow one hundred more chestnut trees. The Conservation Commission, working together with the RI DOT, Woonasquatucket River Watershed Council and Gloucester community groups are planting native grasses and shrubs at the traffic island junction of Putnam Pike and Farnum Road; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 24th as Arbor Day in the Town of Gloucester, and urge all citizens to celebrate by supporting efforts to protect our trees and woodlands, and Further, we urge all citizens to plant trees and promote this celebration of nature to future generations.

Kevin P. Walsh, President
Gloucester Town Council

Dated this 16th Day of April, 2009

Jean M. Fecteau, Town Clerk

Seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

D. Municipality Support
Resolution to Eliminate Straight Vote

Councilor Walsh stated that the Council has received a request from Representative Brian Newberry, District #48, at their last meeting. Rep. Newberry is asking for support of the move to eliminate a straight election ballot vote. There was consensus by the Council to support with a resolution which was read into the record by Councilor Burlingame as follows:

**RESOLUTION
2009-09**

- WHEREAS, the Town Council of the Town of Gloucester would like to support the elimination of Straight Party Vote; and
- WHEREAS, Rhode Island converted to an up-to-date optical election system a decade ago, but retained the Straight Party Vote option. The retention of the Straight Party Vote option results in confusion at the polls and under-votes for local candidates, especially in cases of nonpartisan elections and the Straight Party option discourages qualified individuals to seek elected office; and
- WHEREAS, elimination of the Straight Party Vote option would cause no harm and would contribute to increased voter participation in the election process; and
- WHEREAS, Rhode Island needs to join its neighboring states in the Northeast in modernizing its voter practices by eliminating the Straight Party Vote option; and

NOW THEREFORE BE IT RESOLVED, that Rhode Island needs to encourage more candidates to run for office to give the electorate more choice in elections, by requiring voting for the individual, not the party; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Gloucester supports the repeal of the Straight Party Vote option on the ballot in future elections and will mail this resolution to its RI General Assembly Representative(s) and Senator(s) and to the Speaker of the Rhode Island House of Representatives and President of the Rhode Island Senate.

Kevin P. Walsh, President
Gloucester Town Council

Seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere and Burlingame

NAYS: Carroll

MOTION PASSED

VI. Public Hearings

- A. Community Development Block Grant 2009 (2nd of two hearings)
(Completion of Application)

Councilor Walsh explained that this is the second and last public hearing required for the 2009 Block Grant.

Councilor Walsh Declared the Public Hearing OPEN and stated that the Council has received a positive recommendation from the Planning Board as follows:

MOTION was made by Susan Shuster for a positive recommendation to the Gloucester Town Council for the Community Development Block Grant application, dated 3/23/09, submitted by Elinor C. Tetreault, Program Manager for the Western Rhode Island Home Repair Program. The application includes: Housing Programs for the Western Rhode Island Home Repair Programs (Housing Rehabilitation and Mobile Home Replacement Program), Public Service Programs (Gloucester Food Pantry), Public Facilities Improvements (Echo Lake Water District and Gloucester Senior Center) and Planning Activities (Community Housing Land Trust). The application, as submitted, is consistent with the Comprehensive Community Plan Sections 4.2.4,4.3.3,4.3.7, and 7.2.1.

Motion was seconded by Janine Pitocco.

VOTE: AYES-7, NAYS, 0 Motion carried on a unanimous aye vote.

(end of opinion)

At the Town Council meeting of April 2, 2009 the Town Council prioritized the aid requests received for this application as follows:

Housing Rehabilitation	\$80,000
Mobile Home Replacement Program	91,000
Operations	45,000
Administration	5,000
Food Bank	4,500
Echo Lake Water District	20,000
Gloucester Senior Center	3,000
Community Housing Land Trust	1,500
Total Proposed Activities	\$250,000

There was a unanimous vote of the Council.

Councilor Walsh asked if anyone wished to be heard regarding the Community Development Block Grant Application. Hearing none, Councilor Walsh DECLARED the Public Hearing Closed.

MOTION was made by Councilor W. Steere to APPROVE the 2009 Community Development Block Grant Application for submittal to the State of Rhode Island, Department of Administration, with aid requests as prioritized by the Town Council on April 2, 2009 by a unanimous aye vote; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance

Amendment to Part 3. General Legislation

1. Addition §195 Historical & Archaeological Burial Sites

Councilor Walsh stated that a first reading was held March 19, 2009 and this Public Hearing was advertised on April 2, 2009 in the Valley Breeze/Observer.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding this amendment to the Code of Ordinance.

Discussion: Councilor Walsh asked if there has been any input from Edna Kent, Town Historian. It was stated that no correspondence has been received from Mrs. Kent. Councilor Walsh stated that he would like to receive an opinion from Mrs. Kent prior to making any decisions regarding this amendment.

David Calderara, Planning Board chair, explained that this is one of the recommendations in the Comprehensive Community Plan and it would provide guidance to Building and Zoning Officials or anyone else who encounters a historic cemetery on their property. Councilor W. Steere, III asked if this Ordinance follows State Code. D. Calderara replied that this was developed in Cranston but it does follow State and Federal law. Councilor George Steere, Jr. asked what was changed by the Town Planner. D. Calderara responded that the references to Cranston were changed to Gloucester.

Councilor Burlingame stated that he is satisfied with this amendment, adding that the Town Council should act on it. Timothy Kane, Assistant Town Solicitor, concurred that it is a well-drafted Ordinance which gives the Town Council authority.

Councilor Walsh asked if anyone else wished to be heard regarding this Amendment to the Code of Ordinance. Hearing none, Councilor Walsh DECLARED the Public Hearing closed.

MOTION was made by Councilor Burlingame to ADOPT the Amendment to Gloucester Code of Ordinance, Part 3. General Legislation, addition of Section 195 Historical & Archeological Burial Sites; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Amendment §243 Stormwater Management
Article 1. Prohibitions of Illicit Discharges

Councilor Walsh stated that a first reading was held March 19, 2009 and this Public Hearing was advertised on April 2, 2009 in the Valley Breeze/Observer.

Councilor Walsh DECLARED the Public Hearing OPEN.

Discussion: Councilor Walsh explained that the only places in Gloucester there are State drains are on Route 44 coming into the center of Chepachet and Tourtellot Hill Road, therefore the Ordinance will not affect many people.

Councilor Walsh declared the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to Adopt the Amendment to Gloucester Code of Ordinance, §243 Stormwater Management, Article 1. Prohibitions of Illicit Discharges; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Finance Director's Report March, 2009
- B. Tax Assessors Additions & Abatements
- C. Town Council Minutes of March 19 & 26, 2009

MOTION was made by Councilor Carroll to ACCEPT the Finance Director's Report of March, 2009; to APPROVE the Additions to the 2008 Tax Roll in the amount of \$263.44, (No Abatements to the 2008 Tax Roll); and to APPROVE the Town Council minutes of March 19 & March 26, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. New Business

A. Community Development Block Grant

Contract Agreement: Community Housing Land Trust of RI, Inc.

Prior Year 2008

Councilor Walsh stated that Elinor Tetreault, Program Manager for Western RI Home Repair, has requested the Council sign a standard sub-recipient contract between the Town of Glocester and the Community Housing Land Trust of RI, Inc. Councilor Walsh explained that this contract has been executed in prior years by the Town and holds the Community Land Trust to the provisions of the CDBG program and contract.

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Contract Agreement between the Town of Glocester and the Community Housing Land Trust of RI, Inc.; said contract authorization dates are: 9/1/2008 to 8/31/2009 in the amount of \$1,500 and are a result of the prior year 2008 Community Development Block Grant; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Licensing Board

1. Discussion and/or Action

a. Sticks Tavern

Entertainment License

Vincent Iannuzzi, owner of Sticks Tavern, spoke regarding his request for outdoor entertainment. V. Iannuzzi explained that he has spoken to the Zoning Office who in turn were to contact the Solicitor's Office. V. Iannuzzi added that he has sent correspondence to the Police Chief and the Fire Chief, and has prepared a business plan which would limit the hours of entertainment to between 12:00 PM and 9:00 PM on Saturdays, Sundays and holidays, with a maximum of 6 hours per day. V. Iannuzzi pointed out that his establishment has had outdoor alcohol consumption for several years without any problems and now it is just a matter of having

small bands perform on weekends. V. Iannuzzi also stated that the genre of the tavern is Country-Western, so the music would not be loud.

Tim Kane, Assistant Town Solicitor, stated that the Entertainment License Ordinance would not have to be amended because it allows the Council to place conditions and stipulations on the licenses. T. Kane noted that all of our entertainment licenses have the stipulation that no outdoor entertainment is allowed, but if the Council wished to allow an establishment to have outdoor entertainment, a Public Hearing would be required.

Councilor Walsh asked for the opinion of Jamie Hainsworth, Chief of Police. Chief Hainsworth stated that he was assured by the Town Clerk that a Public Hearing would be held. J. Fecteau, Town Clerk, stated that it must first be determined if the application must go before the Zoning Board. J. Fecteau further stated that there is a legal non-conforming use and when Mr. Iannuzzi came forward to request outdoor sporting events, he was able to prove that there was a previous use which was continued over the years. J. Fecteau stated that there is concern that the outdoor entertainment may be a change to the non-conforming use.

Tim Kane, Assistant Town Solicitor, suggested that the Public Hearing be delayed until something in writing is received from Zoning. V. Iannuzzi stated that the Building/Zoning Official has not found anything in the Zoning Ordinance which pertains to outdoor entertainment. V. Iannuzzi also pointed out that this would not be a change in use because years ago, a previous owner had outdoor entertainment.

There was Council consensus to wait until the next Town Council meeting to set a Public Hearing date in order to determine if this matter must first go before the Zoning Board.

C. Affordable Self Storage of Gloucester, LLC
1. Discussion re: B2 Zoning Regulations

Councilor Walsh stated that the Council has received a legal opinion from Town Solicitor Bernstein on the additional use requested by Mr. Forgue and Mr. Forte, owners of Affordable Self Storage.

Tim Kane, Assistant Town Solicitor, stated that it is Mr. Bernstein's opinion that if Mr. Forgue and Mr. Forte wish to offer rentals of U-Haul vehicles and/or outdoor storage, they must file a motion to amend the Zone Change. The petition would be referred to the Planning Board for an advisory opinion to the Town Council, followed by a Public Hearing before the Town Council. T. Kane explained that the Zone Change which was approved by the Town Council was to accommodate five (5) public self-storage buildings and any other use would require that the applicants go through the regulatory process.

Jay Forgue stated that there were no restrictions on the Zone Change which was granted. Mr. Forgue was advised to file a petition to amend the Zone Change. Councilor Burlingame stated that the Solicitor's opinion was the result of an abundance of caution because the issue of the truck rentals was not specifically discussed as part of the original recommendation to the

Council. Jay Forgue thanked the Council and stated that he will file a petition to amend the Zone Change.

D. Grant Application

1. Economic Development Self-Assessment Tool Grant
 - a. Submission/Authorization

Councilor Carroll read the following request from the Town Planner:

TO: Town Council, Kevin Walsh, President
FROM: Ray Goff, Town Planner
DATE: April 3, 2009
RE: *Economic Development Self-Assessment Tool Grant*
CC: Town Clerk, Finance Director, Kathy Roberts, GBA President

The Town has an opportunity to participate in a free economic development analysis grant program.

The Rhode Island Statewide Planning Program is offering a grant program to up to eight Rhode Island communities to take part in Economic Development self-assessment tool developed by the Northeastern University, Kitty and Michael Dukakis Center for Urban and Regional Policy program.

This tool can help identify and direct any future economic development initiatives for the Town.

If the Town is selected to participate, we will undertake a self-assessment based on 200 questions across 10 categories. The assessment will measure the local strengths and weaknesses, review comparable data from other communities, and result in guidance on where to focus improvement efforts, and provide a reality check of opportunities and expectations. The center will provide the Town with help in the form of recommendations for appropriate business and industry for the town to undertake.

The grant is valued at \$5,000, of which half is paid by the U.S. Economic Development Administration through the R.I. Statewide Planning Program, and the other half is donated by Northeastern University. As condition of the grant, the Town will be required to dedicate adequate staff time to provide information required to complete the economic assessment.

The grant application, signed by the Town Council President, and letter of commitment from the Town are due to Statewide Planning by 4:00 on April 21, 2009. Unfortunately the notice for this grant opportunity came out last week, so it leaves us little time to complete the application requirements.

Please place this item on the April 16, 2009 Town Council agenda for action. I have put together and attached the letter and application for the Town Council President to sign upon Council authorization.

(end of request)

Discussion: Councilor Walsh stated that economic development is important to the Town, adding that lack of infrastructure is responsible for holding down economic development in this area. Councilor Walsh expressed his opinion that this application should be submitted.

Kathy Roberts, president of the Gloucester Business Association, stated that she received information from Ray Goff, Town Planner, and stated that the communication should be improved to make business people aware that these grants are available.

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Economic Assessment Tool Grant application and the letter of commitment of same; dated April 16, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- E. Gloucester Scenic Loop
 - 1. Resolution/Discussion/Action

C

Councilor Walsh stated that a resolution was prepared on this request, but due to concerns expressed by residents discussion may be necessary before going forward.

Roy Najecki, Conservation Commission chair, stated that this proposal was put forth because the Comprehensive Plan dictated that the Conservation Commission authorize the designation of scenic roads. R. Najecki added that this would encourage historical and environmental awareness of the Town in such a way that would not incur further restrictions on property owners. R. Najecki further stated that the Commission is not requesting an overlay ordinance which would restrict curb cuts, building or any use of the property whatsoever.

R. Najecki stated that this route was prepared about ten (10) years ago and there was initial concern that the State would require the Town to adhere to the State's rules regarding what can be done on a scenic road. R. Najecki stated that the Comprehensive Plan suggests either a State designated scenic loop or a municipal one which would not trigger any State oversight.

R. Najecki stated that there has been discussion regarding increased traffic on the scenic roads. R. Najecki pointed out that the problem now is that cars speed down these roads, adding that traffic on scenic roads tends to be low speed. R. Najecki noted that the Scenic Loop would be a locally recognized route which would not be advertised nor appear on State road maps. R.

Najecki expressed hope that the route would create revenue for businesses along the route, which is part of the Economic Development Plan within the Comprehensive Plan.

Roy Najecki stated that he has written to the Town of Sutton, MA which is approximately about the same size as Gloucester, adding that they have a number of scenic roads without any negative reaction from the public.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if the Town has any obligations associated with this matter. T. Kane replied that the Town would bear the cost of signage. Councilor G. Steere, Jr. expressed concern that the Scenic Loop may lead to an scenic overlay zone. T. Kane replied the Scenic Loop has nothing to do with zoning or overlays.

Kathy Roberts, 159 Evans Road, stated that her road would be on the proposed Scenic Loop and asked that she and her neighbors be given time to “digest” the proposal since they just recently learned of it. K. Roberts further stated that Evans Road already has problems with traffic and speeding.

There was Council consensus to hold a hearing for public comment at the Town Council meeting of May 7th. Jean Fecteau, Town Clerk, stated that she will place advertisements to notify the public.

F. Fiscal Year 2009/2010 Municipal Budget
1. Discussion and/or Action

Councilor Walsh stated that the budget has been adopted and cannot be changed before the Financial Town meeting, but discussion can take place if anyone has any comments. There were no comments.

IX. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, questioned dates for a Public Hearing regarding the Pascoag Lake Dam Management District.

J. Fecteau stated that the continuation of the Foster-Glocester Regional Financial meeting has been scheduled for May 1st at 6:30 p.m. Councilor Burlingame stated that it was clear at the meeting on March 17th that the School Committee wants to undercut both Gloucester and Foster. Councilor Burlingame stated that the question is why they are continuing with a 4.75% increase in operations when there is declining enrollment. Councilor Walsh stated that he recalls that when the motion was made to continue the meeting, a date of May 15th was indicated. Councilor Burlingame stated that he was told that the School Committee sets the date, regardless of what the voters said, per the School Department’s Solicitor

J. Fecteau stated that the Conservation Commission’s seedling program will take place at the Town Hall on May 2nd beginning at 9:00 a.m.

- B. Jamie Hainsworth, Chief of Police, reminded the Council that the 2009 Opening Day Parade for the Little League is Sunday, April 19th at noon from Gloucester Memorial Park to Acotes Field. Chief Hainsworth added that there is a rain date of the following Sunday.

Councilor Walsh questioned Chief Hainsworth regarding the number of juvenile offenses on the Police Department monthly report. Chief Hainsworth replied that Family Court has started a Truancy Court system in which the magistrate comes to the school to hold hearings on excessive absence, tardiness or behavioral issues. Chief Hainsworth stated that this has resulted in an increase number of juveniles on the report.

Councilor Walsh commented that vandalism has also increased on the monthly report. Chief Hainworth stated that there are increased incidences of vandalism at Gloucester Memorial Park and the skate park.

Councilor W. Steere, III asked Chief Hainsworth if we are seeing results from the addition of a resource officer at the high school. Chief Hainsworth replied that because the resource officer is present to handle calls, they are not sending a police officer to the school daily. Chief Hainsworth also commented that crimes have decreased from the previous year.

- C. Gary Treml, Director of Public Works, reported that he received correspondence from the Department of Transportation which states that Gloucester is in line to receive an additional \$250,000 in State funds for sidewalks and paving. However, G. Treml pointed out that the Town must pay first and subsequently get reimbursed by the State. G. Treml stated that he will attend a workshop at the Department of Administration on April 30th and will report back to the Town Council.

X. Boards/Commissions

- A. Roy Najecki, member of the Gloucester Land Trust, stated that a letter was received from a resident regarding hunting on Town land in West Gloucester. It was explained that this property was deeded to the Town from FM Global for a fee of \$1.00 with the stipulation that it is maintained as open space for public purposes for a minimum of 99 years. Tim Kane, Assistant Town Solicitor, asked R. Najecki for a copy of the deed for review.

Councilor Walsh also recommended that Factory Mutual, as an abutter, be consulted regarding the possibility of hunting being allowed on the property. R. Najecki stated that he lives in the area and hunting as well as dirt-bike riding are already taking place. R. Najecki pointed out that he would be opposed to allowing all-terrain vehicles due to the liability issue if somebody was injured.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere, III suggested that the Gloucester Town Council attend the next meeting of the Foster Town Council to discuss the School Budget. Councilor Walsh pointed out that if a quorum of the Gloucester Town Council is in attendance, an agenda must be posted.
- B. Councilor Walsh stated, for the record, that a letter was received yesterday concerning a pipe on Granby Street, noting that the letter was received after the deadline for agenda items. Councilor Walsh stated that this will be placed on the agenda for the next meeting.
- C. Councilor Walsh stated that the Council received two House bills from Burrillville. One of the bills, H-5123, is in regard to foreclosures. J. Fecteau, Town Clerk, expressed opposition to the bill, stating that it only benefits realtors.
- D. Councilor Walsh stated that there is correspondence from the Department of Transportation concerning the Route 44 project, indicating that the plans are 95% complete. The DOT states that they plan to go out to bid in January of next year.

XII. Open Forum

- A. John Devine stated that, two days ago, there was a directive from a woman named Napolitano to the heads of Homeland Security throughout the United States to keep an eye on veterans returning from Iraq and Afghanistan because they are most likely to be capable of causing terrorism. J. Devine expressed his opinion that it is very sad when somebody in the Federal Government makes a comment such as this. J. Devine stated that as a result of this directive, various VFW groups are asking for this woman's resignation. Councilor Walsh stated that he was unaware of this, but he would be willing to send a Resolution to Washington asking for a resignation.
- B. Charlie Wilson, Vice-President of the Gloucester Business Association, invited the Council members to the next meeting of the GBA on Thursday, April 23rd at the Tavern on Main. C. Wilson stated that the guest speaker will be Frank Caprio, General Treasurer, who will speak regarding stimulus funds and small business.

XIII. Executive Session

1. R.I.G.L. 42-46-5(a)2 Potential Litigation:
To include - Adelaide Road & Providence Water Supply Board & Waterman Lake Shores
2. R.I.G.L. 42-46-5(a)2 Collective Bargaining
Police Dispatch Contract Negotiations

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Potential Litigation & Collective Bargaining; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

One vote was taken in Executive Session.

XIV. Adjourn

MOTION was made by Councilor Carroll to ADJOURN at 10:35 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 7, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 7, 2009**

I. Call to Order

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

II. Roll Call

Members present: Walter M. O. Steere, III, Vice-President; George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Member absent: Kevin P. Walsh, President

Also present: Jean M. Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Larry Desormier, Building/Zoning Official; and Gary Treml, Public Works Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

None.

V. Presentation

A. Governmental Health Group of Rhode Island

1. Transition from “fully insured” to “self-insured” health care.
Action and/or discussion.

Councilor W. Steere, III stated that Tom Mainville has asked for this item on the agenda. Tom Mainville, Finance Director, explained that in an effort to find savings, the Town is looking at the Governmental Health Group of RI. T. Mainville noted that with such a small group of employees that are insured, the options are very limited, but GHGRI may be feasible. T. Mainville introduced Kevin Walsh from that group who will give a presentation and answer any questions. T. Mainville pointed out that by going to a self-insured environment, our risk would increase.

Discussion: Mr. Walsh stated that the Government Health Group was created in July of 2005 after a year long negotiation with Blue Cross Blue Shield. K. Walsh explained that the group itself is on a self-funded arrangement with Blue Cross Blue Shield. K. Walsh further stated that under such an arrangement, 3% to 5% of the monthly premium is saved by absorbing some risk. K. Walsh stated that in July of 2008, the group virtually doubled in size, going from about 13 governing bodies to approximately 27. K. Walsh noted that the group is financially sound and has been administered very well by a Board of Directors which meets monthly. K. Walsh asked if the Council members had any questions.

T. Mainville explained that this model is different from the West Bay Collaborative which the schools belong to. T. Mainville further stated that the schools are “on the hook” for their claims, whereas in the Governmental Health Group, claims are shared throughout the entire group. T. Mainville recommended that the Council not make a decision tonight, but to take the time to review the materials presented.

Councilor Burlingame asked what distinguishes this from other groups that neighboring municipalities belong to. K. Walsh replied that the Northern Rhode Island Group and the WB Community Health Group both operate as a trust, but each member self-funds on his own. K. Walsh pointed out that with the Governmental Health Group, the trust self-funds on its own, but the members remain fully insured with the trust.

There was discussion regarding negotiations concerning a merger proposal between the GHGRI and the RI Interlocal Trust. K. Walsh stated that the Governmental Health Group’s Board of Directors has expressed deep concern about maintaining control of its operations in the event of a merger. Councilor Burlingame stated that the Interlocal Trust has other interests besides health insurance, adding that this causes him concern. K. Walsh stated that there has been pressure at the State legislative level to require municipalities to join the State program or one of these groups. K. Walsh pointed out that after this July, there will only be a couple of communities that haven’t joined one of these three groups or is not self-funding on their own.

K. Walsh suggested that the Council members review the material and forward any questions to him through T. Mainville or by e-mail. K. Walsh stated that the Board of Directors meets on the fourth Wednesday of the month and recommended that the Council make a decision in May since June will be too late. K.. Walsh thanked the Council for their time.

VI. Public Forum

A. Gloucester Scenic Loop Discussion/and or Action

Councilor W. Steere, III stated that this is a public forum to discuss the concept of creating a “Scenic Loop” in Gloucester. The proposed route is:

A route beginning at Gloucester Town Hall to Douglas Hook Road; to Cooper Road; to Long Entry Road; to Evans Road; to Farnum Road; to Putnam Pike; to Chestnut Oak Road; to Tourtellot Hill Road; to Snake Hill Road; to Chestnut Hill Road; to Pine Orchard Road, to Putnam Pike, to the point of beginning; this shall be known as the Gloucester Scenic Loop.

Discussion:

1. Edna Kent, Town Historian, stated that the portion of the proposed loop from Farnum Road to Putnam Pike to Chestnut Oak Road would be dangerous due to the sight allowances and narrowness of the road. E. Kent recommended that Saw Mill Road instead of Chestnut Oak Road would be more favorable and safer.

2. Odette McMahon of Pine Orchard Road expressed concern that Pine Orchard Road is a shortcut to the Transfer Station and generates a lot of traffic. O. McMahon stated that due to the curves and hills on Pine Orchard Road, it is already dangerous to walk on the road. Further, O. McMahon pointed out that there is trash along the road due to uncovered trucks on the way to the Transfer Station. O. McMahon stated that adding to the traffic would be unfair to the residents of Pine Orchard Road.
3. Karen Iacobbo asked what is the scenic loop and whose idea was it. K. Iacobbo also asked how much this would cost the Town and what effect it would have on private property use.
4. Roy Najecki, Conservation Commission chair, stated that this idea was part of the Comprehensive Plan and the Town Council directed the Conservation Commission to come up with a proposal. R. Najecki stated that there is no cost and eventually it is hoped that street name signs would be erected with grant money as was done in the town of Sutton, MA. Regarding the traffic issues, R. Najecki stated that this is a concern of the Commission also, but added that studies conducted in Virginia and California indicated that the increase in traffic actually causes a calming effect. R. Najecki stated that the roads would not be used as a shortcut, but the road itself would be the destination to view the scenery, farms, stone walls, etc

R. Najecki stated that the establishment of a municipal scenic loop would not create any other layer of government and would not take away anyone's property rights. R. Najecki pointed out that the benefit would be that it would bring recognition to the Town's natural features and scenic areas and would also direct tourist traffic to businesses along Putnam Pike.

5. Councilor G. Steere, Jr. referred to a letter received from the State which indicated that, since the roads are not State roads, only local regulations would apply. Councilor G. Steere, Jr. pointed out that Putnam Pike and Douglas Hook Road are both State roads. R. Najecki replied that he spoke with Barbara Petrarca from the State informing her of this and was told that this would not be an issue because the signage would be on the Town roads such as Chestnut Oak and Farnum. Councilor G. Steere, Jr. expressed concern that B. Petrarca has since retired and we don't know if the State will now try to get involved. R. Najecki stated that he is confident that this will not happen, adding that the State Scenic Board is defunct and has not met in about two years.
6. Councilor Burlingame asked if it was specific in the Comprehensive Plan to create a scenic loop. R. Najecki replied in the affirmative and quoted from the Plan. R. Najecki further stated that the Conservation Commission was put in charge of the concept.
7. Dan Lawton of Evans Road expressed concern regarding speeding on his road and others. D. Lawton stated that if somebody travels more slowly, other drivers tail-gate them, which makes it even more dangerous. D. Lawton agreed that there are many scenic areas such as the intersection of Farnum and Cooper Roads, but feels that there are risks.

8. Odette McMahon again spoke, stating that when people come into Town and know that they will be backed up at the stop light, they take Chestnut Hill to Pine Orchard Road to avoid it. O. McMahon expressed concern that these motorists, most of them from Connecticut, drive too fast and will cause problems. O. McMahon noted that she feels that the scenic loop is a nice idea, but asked the Council to rethink some of the areas involved.
9. Bob Lyons of Harmony stated that he has been on the scenic road in Sutton and agrees that it slows traffic down somewhat. Regarding the signage only being placed on non-State roads, B. Lyons pointed out that Snake Hill Road and Saw Mill Road are also State roads. B. Lyons expressed concern that without signs on the State roads, drivers would not know where to go.

Tim Kane, Assistant Town Solicitor, pointed out that the Council cannot act on this matter tonight because this is just a public forum. T. Kane recommended that if the Council considers going forward with the scenic loop, a copy of the resolution as well as the map be sent to the State to have confirmed in writing that there would be no State involvement other than permission to put up signs. Councilor Burlingame expressed his agreement.

VII. Public Hearings

A. Victualing License

Amy's Apples & Devilish Delights, LLC

Location of Business, 1 Snake Hill Road, Gloucester

Councilor W. Steere, III stated that this Victualing License was advertised in the Providence Journal, LEGAL ADS, April 22, 2009, April 29, 2009 & May 6, 2009.

Councilor W. Steere, III DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the granting of the Victualing License.

Discussion: Amy Heaton-Botvin, owner of the business, explained that she wishes to reopen the café to serve pastries and coffee as well as to manufacture gourmet chocolates.

Barbara McCarthy of Pinecrest Drive asked if this area is zoned agricultural. Councilor Burlingame replied that an exception was granted several years ago to allow the operation of the café.

Councilor W. Steere asked if anyone else wished to be heard for or against the license. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Carroll to GRANT the Victualing License to Amy's Apples & Devilish Delights LLC, Location of Business: 1 Snake Hill Road; contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2009;

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

VIII. Consent Items

- A. Approval of minutes
Town Council Minutes of February 2, 2009, April 2, & April 16, 2009
- B. Pole Grant
 - 1. Cooper Road
 - 2. Farnum Road

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of February 2, April 2, & April 16, 2009 and to GRANT the Pole Grants for Cooper Road, new pole #117 ½, and Farnum Road, three new joint pole locations P.7 ½, 8 & 8 ½; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

IX. Unfinished Business

- A. Licensing Board
 - 1. Discussion and/or Action
 - a. Sticks Tavern
Entertainment License

Councilor W. Steere, III stated that Vincent Iannuzzi was to get a Zoning determination as to the use proposed. Councilor W. Steere, III also stated that there was discussion at the last Council meeting that if approved for the use by Zoning, Council could set a Public Hearing date to hear changes to the establishment's current entertainment license.

Tim Kane, Assistant Town Solicitor, stated that William Bernstein, Town Solicitor, has reviewed the file and has ruled that Zoning relief is not necessary. Jean Fecteau, Town Clerk,

stated that a Public Hearing is required for an amendment to the current entertainment license, to eliminate the stipulation which states that the license is for indoor use only.

MOTION was made by Councilor Burlingame to schedule a Public Hearing for May 21, 2009 for the amendment to the current entertainment license held by Stick's Tavern; seconded by Councilor Carroll.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean Fecteau, Town Clerk, stated that she believes that if the legal advertisement is placed right away, the Public Hearing can be held on May 21st. Otherwise, J. Fecteau stated that the Hearing will be scheduled for the first meeting in June.

X. New Business

A. Waterman Lake Shores

1. Drainage (Granby Street)

Discussion and/or Action

Councilor W. Steere, III stated that the Council received information at the last meeting with regard to a drainage issue on Granby Street. Bob Lyons stated that he was not present at that meeting and is unaware of this problem, but reported that there is a possibly collapsed pipe at the bottom of Oliver Street. Councilor W. Steere, III advised B. Lyons that the matter on the agenda deals with Granby Street, but the Oliver Street issue can be discussed in the Open Forum portion of the meeting.

Councilor G. Steere, Jr. stated that he viewed the area and stated that the residents are looking for the Town to replace a wall which has a drainage pipe running through it. Councilor G. Steere, Jr. commented that he does not see that the pipe is causing any damage to the wall and may actually be holding the wall up.

Gary Treml, Director of Public Works, stated that over the years, the water has eroded the bottom of the wall at the water level. G. Treml added that the pipe has nothing to do with the deterioration of the wall. G. Treml noted that if the Town was to perform the repairs, approximately eight (8) trees would have to be cut down, part of a resident's deck and walkway would have to be removed, and there would also be DEM issues. G. Treml further stated that this work would have to be done in the fall when the water level is lowered. G. Treml showed photographs to the Council which depict the situation.

B. Chepachet Union Church

Building Permit & Historic District Commission

Discussion and/or Action

Councilor W. Steere, III stated that the Council has received correspondence from Bob Steere, from the Board of Trustees, Chepachet Union Church, regarding a building permit to replace windows.

Discussion: Tim Kane, Assistant Town Solicitor, stated that he has reviewed the Zoning Ordinance as well as State law and explained that a Certificate of Appropriateness, which is binding, is supposed to be applied to a structure built before 1900. T. Kane noted that the Church has an addition which was constructed after 1960 and neither State law nor the Ordinance addresses this.

T. Kane explained that if it is determined that the addition is part of the structure, a Certificate of Appropriateness would be required, otherwise it would fall into the category of Recommendation of Compatibility, which is not binding. T. Kane noted that in either case, they would have to appear before the Historic District Commission prior to obtaining a building permit. T. Kane advised that the Historic District Commission schedule a special meeting to research this issue and come up with a resolution. T. Kane also stated that he or William Bernstein, Town Solicitor, would be available to provide guidance to the Commission.

Councilor Carroll asked what would happen if the applicant appealed to the Zoning Board. T. Kane replied that the Church is facing time constraints as far as the funding for the windows, adding that if they were to appeal, they would not appear before the Zoning Board before the last week of June. T. Kane further stated that the Zoning Board decision could then be appealed to Superior Court which could tie up the matter indefinitely.

Councilor G. Steere, Jr. noted that there are problems with attitudes on some of the Boards and Commissions. Councilor G. Steere, Jr. expressed his opinion that since the addition was built in the 1960's, the Certificate of Appropriateness should not be required. T. Kane replied that there would still be a process to obtain a Recommendation of Compatibility from the Historic District Commission.

Councilor Burlingame expressed his opinion that this flies in the face of our Boards and Commissions cooperating with the people in this Town when they come forward with something reasonable. Councilor Burlingame commented that often when somebody is given authority, they abuse the applicant. Councilor Burlingame stated that he wants to see that these people at the Church can go forward in a timely manner.

Mark Bonn, member of the Chepachet Union Church, appeared as representative of the Board of Trustees. M. Bonn displayed some architectural drawings of the work that they would like to complete on the Church. M. Bonn explained that Bob Steere was approached by an anonymous donor last fall when the cost of heating the facility went through the ceiling. The donor offered to replace the windows but the work would have to be done by the end of 2009. Research was conducted on different types of windows and it was determined that the Anderson window would be the most cost-effective.

M. Bonn stated that the renovations planned would benefit not only the Church but the community at large. M. Bonn pointed out that over the last four or five years, renovation and

preservation along Main Street has come to a standstill because nobody has the money needed to comply with the requirements established by the Historic District Commission. M. Bonn noted that Bob Steere has worked diligently with the Historic District Commission and was told that the windows must be aluminum.

M. Bonn pointed out that Newport, Providence and Block Island have amended their regulations to allow vinyl because the technology has changed. M. Bonn also stated that the difference in cost between aluminum and vinyl is \$12,000. M. Bonn expressed his opinion that if they are allowed to do this work on the building, it may be the impetus for other property owners to improve the appearance of their buildings in the Historic District.

M. Bonn asked the Town Council to do what they can to assist the members of the Board of Trustees in obtaining a stamp from the Building Inspector so that they can move forward with this renovation project. M. Bonn reminded the Council that time is of the essence.

Tim Kane, Assistant Town Solicitor, stated that the HDC is concerned with setting precedent, but each property is unique and this would not set a precedent for Main Street. T. Kane stated that his ruling is that because the Commission treated this 1962 structure as something that was built before 1900 which required a Certificate of Appropriateness, their decision should be null and void. T. Kane told Mr. Bonn that they should refile because that step cannot be skipped, adding that the application should be for a Recommendation of Compatibility. T. Kane asked the Town Council to endorse his ruling in a motion and also to request that the Historic District Commission schedule a special meeting to accommodate the application.

Mark Bonn stated that they do not have time for this and recommended that the Town Council disband the Historic District Commission. M. Bonn stated that he has reviewed the rules, regulations and procedures and there is no way to remove the chairperson from the Commission. M. Bonn expressed his opinion that the rules are so rigid that nothing will happen other than the deterioration of the properties along Main Street. M. Bonn stated that disbanding the Commission would be a drastic measure, but there is nothing in place to allow a review of the chairperson periodically. M. Bonn stated that he would like to meet with the Historic District Commission early next week and again be placed on the next Town Council agenda.

Kevin Kitson stated that, ultimately, the Town Council is the decision-making body for the Town and he expressed hope that they would be in power over any Board or Commission, regardless of who is in charge. K. Kitson noted that there have been problems in the village, basically maintaining what we have left of it. K. Kitson stated that he feels that the Church has a valid point and the Town should keep an open mind with regard to problems with structures that are not contributory.

John Devine stated that he has extensive experience in designing signs for colonial districts all over New England. J. Devine stated that the windows would conform to the style of construction of the building. J. Devine pointed out that the sign regulation in the village requires that signs be made of wood, but Dunkin' Donuts' sign is carved out of foam. J. Devine stated that we should not get bogged down with something as basic as Church windows. J. Devine commented that there are other more important issues in Town to address.

Karen Iacobbo stated that this could happen to any property owner in Gloucester and she empathizes with the Trustees. K. Iacobbo stated that Boards are fundamentally un-American, adding that the Council is there because the citizens elected them. K. Iacobbo pointed out that Boards and Commissions are not elected.

Councilor W. Steere, III stated that while the Council also empathizes with the Church, there is still a process which must be followed. Councilor W. Steere, III stated that if this goes to court, everyone loses. Tim Kane, Assistant Town Solicitor, stated that the Council should continue this until the next meeting, endorse his decision that the ruling by the Historic District Commission is null and void because they had no jurisdiction to treat it as a Certificate of Appropriateness, and that a special meeting be held by the Commission in the near future at which the application will be treated as a Recommendation of Compatibility. Councilor Burlingame noted that this should be done as soon as possible.

Larry Desormier, Building/Zoning Official, stated that often when he refers an applicant to the Historic District Commission, there is no quorum and the customer has to wait another month.

MOTION was made by Councilor Carroll to endorse the Town Solicitor's decision that the ruling of the Historic District Commission is null and void and to request that the Commission hold a special meeting at which the application of the Chepachet Union Church will be treated as a Recommendation of Compatibility; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Public Works

1. White Goods Policy

Councilor W. Steere, III stated that he Solicitor was to rewrite the policy to reflect changes discussed at the last meeting.

Discussion: Tim Kane, Assistant Town Solicitor, distributed copies of the amended policy to the Council members. T. Kane explained that during normal hours of operation, the Transfer Station accepts all appliances, both with or without freon, and in order to defray the cost of disposing the items if the Town is charged, the resident disposing of the item must pay the equivalent fee. T. Kane stated that he made the policy somewhat generic so if the Town gets charged in the future for items which do not contain freon, they can in turn charge the resident the same amount. T. Kane noted that the amendment will be effective June 1, 2009.

MOTION was made by Councilor Burlingame to ADOPT the Public Works White Goods Policy as amended; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Commercial recyclable materials
Discussion and/or Action

Councilor Burlingame stated that it was discovered recently that some of the businesses in Town recycle but the Town does not get credit because the materials go directly to Solid Waste Management. Councilor Burlingame recommended that we allow the commercial businesses to bring their recyclable materials to the Transfer Station, but not their garbage. Councilor Burlingame pointed out that this will not cost the Town anything; in fact, the Town will benefit from it. Councilor Carroll stated that he agrees, as long as it is only Gloucester commercial businesses. Councilor W. Steere, III asked G. Treml, Public Works Director, if the Transfer Station could handle the increased volume. G. Treml replied in the affirmative.

Roy Najecki, Conservation Commission chair, stated that the Town should mandate that recyclable materials be brought to the Transfer Station. Councilor Burlingame disagreed, noting that this would require enforcement. R. Najecki replied that in the future, when the threshold on recycling goes to 35%, we will be hit with higher tipping fees resulting in increased taxes. Councilor Burlingame stated that the answer is to better educate the public instead of placing additional responsibility on the businesses in Town.

MOTION was made by Councilor Burlingame to allow and encourage businesses within Gloucester to bring their recyclable materials to the Gloucester Transfer Station; seconded by Councilor G. Steere, Jr.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Boards & Commissions

1. Potential creation of: Community Resource Commission
Discussion and/or Action

Councilor W. Steere, III stated that we need to look at different ways to generate income and better utilize the natural, physical and human resources of the Town. Councilor W. Steere, III

suggested that a Commission be created and given a charge such as this. Councilor W. Steere, III noted that we have an Economic Development Commission which has not met recently.

Discussion: Tara Villanova stated that she was born and raised in Gloucester and loves the Town. T. Villanova pointed out that there are seven (7) unattractive vacant buildings in Town and stated that we should try to find a way to fill those buildings. T. Villanova offered to start the Committee tonight and gather resources and people to focus on bring in business to Gloucester as well as other ways to bring money into the Town. T. Villanova stated that she worked on obtaining grants and fundraising at the Middle School to plant a community apple orchard on school grounds.

Councilor W. Steere, III stated that the first step would be to define a charge for the Commission and from there, solicit interested individuals to serve. Councilor W. Steere, III stated that this could be done in a fairly short amount of time. J. Fecteau, Town Clerk, stated that the charge should be definitive enough to give direction to the members. T. Villanova stated that, as a teacher, she is familiar with lesson plans and mission statements, and agreed to submit a draft charge for the Council to consider. Councilor W. Steere, III stated that the creation of the Community Resource Commission will be placed on the agenda for the next meeting.

Karen Iacobbo stated that Gloucester has incredible resources which could be used if we are innovative. K. Iacobbo suggested that land be used to grow food for the community when people are struggling to make ends meet.

2. Resignation
Recreation Committee
Term to run concurrent with Council 01/2011

Councilor W. Steere, III stated that the Council has received a resignation from Joan Steere, Recreation Committee, which is on file in the Town Clerk's Office.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Joan Steere from the Recreation Committee for a term to expire 1/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Appointment
Recreation Committee
Term to run concurrent with Council 01/2011

MOTION was made by Councilor Carroll to TABLE the appointment to the Recreation Committee for a term to expire 01/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Personnel

1. Employee Accrued vacation and personal time extension

Councilor W. Steere, III read the following request from Michael Merchant, Animal Control Officer, to authorize him to carry over his accrued personal and vacation time into the next fiscal year.

TO: GLOCESTER TOWN COUNCIL
FROM: ACO MICHAEL MERCHANT
SUBJECT: ACCRUED ANNUAL AND SICK LEAVE
DATE: 4/24/2009

I am requesting authorization to retain 57.16 hours of accrued personal and vacation time that I must use before June 30, 2009.

I will be taking a leave, due to medical issues and would appreciate your consideration in this matter.

Please review the attached paperwork for details.

Sincerely,
Michael Merchant

(end of memo)

Discussion: None.

MOTION was made by Councilor Carroll to AUTHORIZE Gloucester employee, Michael Merchant, to retain all accrued personal days and vacation leave into the next fiscal year; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XI. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, reported that the Town has received a grant for \$250,000 from the RI Department of Transportation for paving. G. Treml stated that he is in the process of compiling a list of roads to submit to the DOT.
- B. Tom Mainville, Finance Director, stated that there will be a seminar regarding an Elected Officials Guide to Managing Rhode Island Local Governments in Crisis. T. Mainville stated that the seminar is scheduled for Tuesday, May 26th and encouraged the Council members to attend.
- C. Larry Desormier, Building/Zoning Official, reported that he is back to work full-time, however, Peter Scorpio is still out on medical leave.
- D. Councilor W. Steere, III stated that the Planning Office had placed a requests for a grant from the State for an economic tool to determine what our needs are. Councilor W. Steere, III stated that we have been approved for the grant.

XII. Boards/Commissions

- A. Roy Najecki, Conservation Commission chair, stated that the tree giveaway last week was very successful. R. Najecki reported that 700 trees were distributed to approximately 125 people.

XIII. Council Correspondence/Discussion

- A. Foster/Glocester Regional Charter review

Councilor Burlingame spoke regarding the recent Regional Financial Meeting, stating that there were severe problems with the whole situation. Councilor Burlingame noted that it was requested that the meeting take place on May 15th but the Region scheduled the meeting for May 1st. More importantly, Councilor Burlingame stated that they were insistent in including the Debt Service payment into the bottom line. Councilor Burlingame stated that the explanation given was that people left the meeting early and did not vote for the Debt Service.

Councilor Burlingame commented that the solution is to put the Debt Service motion on the table first, followed by Operations. Councilor Burlingame recommended that the Council initiate action to revise the Regional Charter to require separate votes on Operations and Debt Service. Councilor Burlingame explained that this can be done if a petition is signed by ten (10) percent of the voters of both Foster and Glocester, after which a vote would be taken.

Walter Steere, Jr. School Committee member, stated that at the previous night's meeting, a vote was taken to form a Charter Committee. W. Steere, Jr. further stated the he believes that it does not have to be done by both towns. W. Steere, Jr. stated that the committee would be comprised of two (2) School Committee members from Glocester, two (2) School Committee members from Foster, one Administrator, and two (2) citizens from each Town, for a total of nine (9)

members. W. Steere, Jr. stated that he does not have much confidence that Councilor Burlingame's suggestions will ever make it to the voters, adding that it will be a fruitless effort.

Councilor Burlingame stated that he would prefer that a specific item in the Charter be changed and brought before the voters for approval. W. Steere, Jr. stated that, regarding debt service, there will be discussion at next month's School Committee meeting. W. Steere, Jr. again stated that he does not have high expectations that anything will be done.

Walter Steere, Jr. stated that another topic which was discussed at the School Committee meeting was the Administrative Offices in the Town Hall building. W. Steere, Jr. stated that a vote was taken to move the offices to the High School, but the attorney pointed out that the Charter says that any renovation must be approved at a Financial Town Meeting. Councilor G. Steere, Jr. asked if this was in the original plan for the school renovations. W. Steere, Jr. replied that it was included in the plans, but was removed for financial reasons. Regarding the Charter Commission, W. Steere, Jr. stated that there will be advertisements for residents of both Foster and Gloucester to apply. Councilor W. Steere, III asked who appoints the members. W. Steere, Jr. replied that the School Committee will appoint.

Tim Kane, Assistant Town Solicitor, stated that the procedure is as follows: Signatures of ten (10) percent of the registered voters of any one member town must be obtained; the signatures must then be presented to the clerk of the Regional District School Committee meeting who then delivers notice in writing to the Town Council of each member town. T. Kane added that in order for it to become effective, it must be approved at the next annual Financial Town meeting for each town.

Jean Fecteau, Town Clerk, commented that a Special Financial Meeting could be convened for this purpose. Councilor Burlingame asked how many registered voters are in Gloucester. J. Fecteau replied that there are approximately 7,000. Councilor Burlingame commented that it would not be difficult to get 700 signatures on a petition which would force the issue without involving a Charter Review Committee. There was consensus to place this on the agenda for the next meeting.

XIV. Open Forum

- A. Bob Lyons of Harmony stated that at the last Council meeting, there was an Executive Session regarding the status of the roads withing the Waterman Lake Plat. B. Lyons asked if the Council has an answer for the residents. Tim Kane, Assistant Town Solicitor, replied that an opinion was given, but no votes were taken. B. Lyons stated that he has been waiting for over two years and is bothered by the lack of action taken by the Council. B. Lyons pointed out that all of the facts that he has presented were from Council records. B. Lyons commented that the \$250,000 mentioned earlier for paving cannot be used on private roads, therefore the residents of Waterman Lake will not lose out on much needed repairs.

XV. Executive Session

- A. R.I.G.L. 42-46-5(a)2 Potential Litigation:
To include: Providence Water Supply Board
& other potential litigation

MOTION was made by Councilor Carroll to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Potential Litigation; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at ; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 21, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 21, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President (arrived at 9:10 p.m.); Walter M. O. Steere, III, Vice-President; George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Susan Harris, Deputy Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of Police; Gary Treml, Public Works Director; Lawrence Desormier, Building/Zoning Official; Raymond Goff, Town Planner; Viviane Valentine, Tax Assessor; Jane Steere, Tax Collector.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor G. Steere.

A moment of silence was observed in memory of John Devine, Town Sergeant and long-time advocate of the Town of Gloucester.

IV. Open Forum for Agenda Items

None.

V. Public Hearings

A. Entertainment License

Amendment to current License

1. Putnam Properties, Inc.

d/b/a Stick's Tavern

Location of Business: 417 Putnam Pike

Councilor W. Steere explained that this Public Hearing is to consider an amendment to an existing Entertainment License and was advertised in the Providence Journal on May 13, 2009.

Councilor W. Steere DECLARED the Public Hearing OPEN. Councilor W. Steere noted that this application was forwarded to Police and Fire, adding that the Council has received a response from the Chief of Police dated May 20, 2009, which was read into the record as follows:

Stick's Tavern/ Outdoor Entertainment

Since the recent application of an outdoor entertainment license for Stick's Tavern has surfaced, I have received several calls from area neighbors in opposition of this license being issued. Additionally, I have also received calls from some residents that don't live in

the general area, but have concerns that other local licensed establishments have expressed an interest in obtaining this type of license as well, and these residents are also concerned and opposed.

Most of the opposition from the residents living in close proximity to Sticks' Tavern seems to be that their value of peace and quiet would be diminished, even after I explained that this license was for noon to nine o'clock in the evening, they still objected because they would have no control over the noise level and what they had to listen to.

This establishment, under the current owner, has a prior history of violations as well. In 2005, they were fined \$250.00 for serving alcohol outside and providing outdoor entertainment without the required licenses. In 2007, they were again fined \$250.00 for serving alcohol to a minor.

I have some major concerns as well and believe we learn from history. I recall in the 1980's Georges Lounge had an outdoor entertainment license on Friday, Saturday, Sundays and Holidays and there were many restrictions on hours, volume, the number of people etc. All of these were enforceable, but the problem the Police Department encountered was with the amount of patrols on duty, it would take all of the Department's resources to enforce the regulations set by the Town Council and in many cases it proved to be impossible. Finally, after many complaints and upset neighbors the outdoor entertainment license was eventually revoked.

I again believe this would create a strain on police services and resources, should this license be granted. We are not adequately staffed to handle the complaints from this type of license and still provide coverage to the rest of the residents and Town, enforce the restrictions and the burden this would add will result in disaster, causing patrols to go to this establishment and take away from other residents in need of police services. While I do not support the issuance of this license at all, if you are so inclined to grant this request I urge the Town Council's consideration in not granting their approval unless the following conditions are met.

1. The establishment's outdoor entertainment area shall be a completely enclosed area with an eight (8) foot wall height. Anything shorter than this would encourage patrons to hop-over for entry and exit to the area and in turn you lose control of monitoring liquor moving in and out of this area.
2. The outdoor entertainment area structure must have emergency exits with an audible and visual alarm when the exit door or gate is opened. All other Fire/Safety regulations and ordinances must be adhered to.
3. The establishment's exterior entertainment and service area capacity must not exceed the interior capacity that is allowed by the State Fire Marshall, which is presently posted as 192 persons. This becomes a major concern when the weather turns bad and all patrons must find shelter. To expand the number of patrons allowed on the site results in an overcrowding, creating a very dangerous situation. The establishment must

submit detailed parking plans to the police department for any venue that is expected to exceed the capacity of their available onsite parking. No on street parking will be allowed.

4. The establishment would be required to notify the office of the Chief of Police at least two weeks prior to any event and have police officers on duty at each event during the hours that the outside area is being utilized. The number of patrons would determine the number of police officers required: Minimum for any event -two (2) police officers, more than 100 patrons-3 police officers, more than 150- 4 police officers etc. (increments of 50 people adds 1 additional officer). The salary and costs for the officers required above shall be paid by the licensed establishment with a four hour minimum pay and in accordance with any other contractual agreements as per the bargaining agreement.
5. The establishment would be required to have sufficient emergency and egress lighting in all outdoor areas as determined by the Building Official, Fire Chief and Police Chief. The lighting shall have the required battery and/or generator backup power and meet all applicable life safety fire codes.
6. The establishment will also continue to adhere to all regulations set forth in all licenses issued by the Town of Gloucester, and in the letter from the owner (attached), Mr. Vincent Iannuzzi dated August 26, 2006, concerning the expansion of service or consumption.
7. This license will not be transferable upon the sale of the business or property.

End of memo

Councilor W. Steere read into the record the following opinion from Stuart Pearson, Harmony Fire Chief:

On May 18, 2009, I did a brief walk through of the outside area of Sticks tavern, as posted the occupancy load of this building either outside or inside is 193 persons total.

A few things need to be addressed such as the outside area lacked emergency area lighting, emergency Exit signage needs to be posted and the latch to the emergency exit was not working properly. I also need to verify if the bartender is certified in crowdcontrol management by the State Fire Marshal's office. If I can be of more assistance please don't hesitate to call me.

Respectfully,
Chief Stuart Pearson

(end of memo)

Discussion:

Vincent Iannuzzi, owner/applicant, stated that he has already obtained an outdoor service license and has adhered to all requirements of the Police and Fire Departments. V. Iannuzzi stated that he would like to have occasional music in the back yard of the establishment, once or twice a month on a weekend. V. Iannuzzi stated that he would have the music end as early as 6:00 p.m. if that is what is required. V. Iannuzzi stated that he understands the concern of the neighbors but feels that it is being blown out of proportion. V. Iannuzzi noted that the music would not be loud but would be considered “background music.”

V. Iannuzzi pointed out that a homeowner can play loud music every night as late as he wishes, adding that the Town’s ordinance states “reasonable time” but is not specific. V. Iannuzzi stated that he is willing to work with everyone and would give his home and cell phone numbers to people to allow them to call him in the event of any problems. V. Iannuzzi suggested that the Council allow a probationary period until his license renewal in November.

Regarding the letters from the Police and Fire Chiefs, V. Iannuzzi stated that he did not receive them and heard them for the first time tonight. V. Iannuzzi further stated that he had contacted both chiefs in April but the inspections were not done until this week. In closing, V. Iannuzzi stated that he would conform to all of the policies as he has done in the past, adding that he is a reasonable person simply trying to make a decent business.

Councilor W. Steere asked if anyone wished to speak for or against this application.

1. David Laplante, of 47 Absalona Hill Road, asked if specific nights, times and types of entertainment were requested. Councilor W. Steere responded that the application requests bands, DJ’s and shows throughout the year with parking facilities for 65 to 80 vehicles. V. Iannuzzi also responded from the back of the room, but was inaudible on the tape.
2. Steven Mitchell stated that this comes down to a “quality of life” issue for his family and others in the neighborhood. S. Mitchell stated that they already must deal with the traffic issues on Route 44, but this is not constant. S. Mitchell expressed his concern regarding the noise which will be generated by live bands as well as several hundred people congregating in one area consuming alcohol.

S. Mitchell noted that Mr. Iannuzzi seems sincere, but questioned what happens down the road when the establishment changes owners. S. Mitchell stated that he works many hours a week and enjoys spending time on his deck on the weekends. S. Mitchell stated that he does not wish to be subjected to this type of environment when he is at home with his wife and children and recommended that the Council reject the application for expanded license for Sticks Tavern.

3. Jack Smith, of 15 Absalona Hill Road, stated that it is peaceful and quiet and he wishes to keep it that way. J. Smith expressed agreement with the comments made by Steven Mitchell. J. Smith stated that he does not object to music inside the tavern at a reasonable level, but expressed his objection to any outdoor entertainment.

4. David Piccirillo, 456 Putnam Pike, recommended that the Council deny the application for a number of reasons. D. Piccirillo described an incident the previous Friday night where he was awakened at 12:30 am by patrons leaving the bar on their motorcycles. D. Piccirillo explained that noises carry so that he can even hear people talking in a normal voice. D. Piccirillo also noted that he plays in a band and there is no such thing as “quiet.” As a former police officer, D. Piccirillo stated that he is also concerned regarding people speeding away in cars and on motorcycles. D. Piccirillo urged the Town Council to deny the application, stating that this would set a precedent for other establishments.
5. Jack Smith stated that Chester’s had a similar license which was taken away due to noise complaints. J. Smith asked if Sticks’ application is approved, will Chester’s license be given back to them?
6. Mark Bonn, 447 Durfee Hill Road, stated that he is a former owner of Sticks Tavern and has known Mr. Iannuzzi for several years. M. Bonn asked the Council to at least consider the request because Mr. Iannuzzi must compete with other businesses in Town as well as in the State. M. Bonn noted that there are few residences in the area. M. Bonn also stated that this is common in Providence and other cities, but is considered a nuisance in Gloucester. M. Bonn indicated his support for the application.
7. Steven Mitchell noted that most people who come to Gloucester do so to get away from the type of lifestyle of the larger cities. S. Mitchell asked if anyone can mention one thing that this venue would do to improve the quality of life for the residents of Gloucester, other than the owner of Sticks Tavern. S. Mitchell also noted that he and Mr. Smith each live less than a quarter-mile from the tavern, which is relatively close proximity.
8. David Piccirillo added that he takes offense to the comment that there are only a few houses in the area, stating that it does not matter if you are not one of the few houses. D. Piccirillo also stated that the parking lot of the bar is full each weekend, adding that the business is doing well without the outdoor entertainment license.
9. David Laplante stated that Mr. Iannuzzi has not been a bad neighbor, but there are things which Mr. Iannuzzi cannot control, such as the motorcycles roaring in and out of his parking lot. D. Laplante stated that when bands are brought in, there will be other things which will be impossible to control. D. Laplante stated that from a public safety standpoint, it would be a nightmare. D. Laplante also feels that if Sticks is given this type of license, other establishments will be interested as well. D. Laplante respectfully asked that the Council decline any outdoor licensing in this town, not just Mr. Iannuzzi.
10. Jack Smith commented that comparing Providence to Gloucester is unreasonable, stating that we have thirteen (13) fine police officers who cover the whole town. J. Smith added that if a major problem occurred at Sticks, such as a fight, we would need assistance from the State Police and other local departments.
11. Robert Jackson, 55 Absalona Hill Road, stated that Gloucester is a wonderful place to bring up kids, but he can hear shouting and motorcycles from the tavern. R. Jackson stated that

the noise level affects property values. R. Jackson voiced his objection to the outdoor entertainment license.

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

Tim Kane, Assistant Town Solicitor, stated that the Council has three (3) options; to deny the application, to approve it with conditions, or to take it under advisement and make a decision at the next meeting.

Councilor G. Steere stated that he was originally in favor of a special-use permit, once a month for the five (5) summer months, but after hearing testimony tonight, he is unsure if this is a reasonable idea.

Councilor Burlingame stated that he came in with an open mind, but after hearing the concerns of the neighbors, he is opposed to the expansion of the entertainment license.

Tim Kane stated that the Ordinance reads that “the proposed entertainment would not constitute a public nuisance.” T. Kane added that according to Rhode Island Digest, the definition of public nuisance is “unreasonable interference with the use and enjoyment of land and unreasonable interference with the right common to the general public, behavior that unreasonably interferes with health, safety, peace, comfort or convenience of the general community.” T. Kane stated that the Council must consider this when making a decision regarding any entertainment license, whether it is indoor or outdoor.

Councilor Carroll agreed with Councilor G. Steere that the negative comments made by the public are overwhelming. Councilor Carroll recommended that the Council not make a decision tonight.

Councilor W. Steere agreed, stating that a decision could be rendered at the next meeting to allow Mr. Iannuzzi to move forward, one way or another.

Vincent Iannuzzi stated that he does not wish to ruin anyone’s property, noting that the music would be toward the tree farm in back. V. Iannuzzi added that if he is allowed to have music once or twice during the summer, that would be acceptable.

MOTION was made by Councilor Carroll to CONTINUE until June 4, 2009 the decision on the amendment to the existing entertainment license for Putnam Properties, Inc. d/b/a Stick’s Tavern; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- VI. Consent Items
 - A. Approval of minutes: May 7, 2009
 - B. Finance Director's Report - April 2009
 - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of May 7, 2009; to ACCEPT the Finance Director's Report of April 2009; to APPROVE the Abatements to the 2008 Tax Roll in the amount of \$766.33, (no ADDITIONS to the 2008 Tax Roll); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- VII. Unfinished Business
 - A. Chepachet Union Church
 - Building Permit & Historic District Commission
 - Discussion and/or Action

Councilor W. Steere read the following memo from Mr. Dan Romani to the Zoning Official:

Dear Larry:

This letter is in response to our recent conversations regarding the application for new windows by the Chepachet Union Church. Although there is room to interpret the zoning ordinance in a different manner, the Historic District Commission has no objection to changing the type of application from "Certificate of Appropriateness" to a "Recommendation of Compatibility." Making this change in no way alters the opinion of the Historic District Commission, and the Commission still urges the Church to install the aluminum windows that are readily available for their use. However, this change does allow you to issue a building permit for installation of windows in the addition to the Church.

If you have any other questions or concerns regarding this application, please do not hesitate to contact me. I would also like to remind all parties involved that according to the zoning ordinances for the Town of Gloucester, the avenue for redress of a Historic District Commission decision is through appeal to the Zoning Board not the Town Council. The above opinion should not be interpreted and is not intended to set legal precedent with respect to any other properties or future applications in the Historic District; it is limited to the specific facts and circumstances presented by this application.

Daniel Romani
Chairman
Gloucester Historic District Commission

(end of memo)

Councilor W. Steere asked Larry Desormier, Building/Zoning Official, if a building permit has been issued for this project. L. Desormier addressed the Council, stating that after receiving the letter from Mr. Romani, he contacted Bob Steere from the Chepachet Union Church. L. Desormier stated that there was no building permit in the file, noting that the Church Trustees are not yet ready with a contractor on board. L. Desormier stated that a building permit cannot be issued until a registered contractor applies for it. L. Desormier noted that the process is in motion at this time.

Councilor Burlingame asked if Mr. Romani's letter is sufficient to issue the building permit after an application is submitted. Tim Kane, Assistant Town Solicitor, replied that, technically, the applicants are supposed to appear before the Historic District Commission first to obtain an advisory opinion. T. Kane stated that the HDC is scheduled to meet next week, therefore the matter will be resolved one way or another.

Councilor Burlingame stated that, at the last Town Council meeting, the HDC was directed to meet on an emergency basis to address this application. L. Desormier explained that the file contains two (2) applications, one for a Recommendation of Compatibility and one for a Certificate of Appropriateness. L. Desormier added that the application for Recommendation of Compatibility will be presented to the HDC and he can see no reason why it would not be approved.

B. Governmental Health Group of Rhode Island

1. Transition from "fully insured" to "self-insured" health care.
Discussion and/or action

Councilor Burlingame explained that this pertains to a group of cities and towns that participate in a self-insurance of Blue Cross. Councilor Burlingame stated that this is an opportunity to reduce costs because the administrative costs would drop from approximately \$107.00 per month per participant to \$28.00. Councilor Burlingame added that this would result in a cost savings of between \$30,000 and \$38,000 per year. Councilor Burlingame stated that the one concern is that Governmental Health Group of Rhode Island wishes to merge with the Interlocal Trust for an administrative point of view. Councilor Burlingame pointed out that the Trust does not only do health care, they also do other things, and we must be sure that the funds are not co-mingled. Councilor W. Steere commented that we have to look at the risk because we do not have the resources to put ourselves in a risky situation.

Tom Mainville, Finance Director, explained that the Town is fully insured at this time. Since we have such a small group of participants we cannot self-insure, but our next best hope would be some sort of a hybrid, such as the West Bay Collaborative. T. Mainville stated that this option would carry too much risk for our Town. T. Mainville stated that the only other group is the GHGRI because the risk is far less. T. Mainville stated that our rates would decrease by 1.7% over the 08/09 rates, and if we do not join, our rates would go up by 8%. T. Mainville stated that this would result in a \$35,000 decrease in the upcoming year. Furthermore, T. Mainville stated that because we are fully insured, we pay an administrative fee of over \$100.00 which would fall to \$28.00. This would result in a savings of \$70.00 per month per member, for a total of \$33,000

per year in administrative savings.

T. Mainville pointed out that GHGRI is a non-profit group, so any savings are distributed among the participants. T. Mainville reviewed several municipalities regarding fluctuation in their rates from year to year and explained that there is a risk of increases due to the number of claims. T. Mainville suggested that this could be mitigated by reserving the \$35,000 savings for use during years in which there might be a potential increase. T. Mainville agreed with Councilor Burlingame that there is concern over the partnership of GHGRI and the Trust due to the potential co-mingling of funds. T. Mainville also stated that there is a three-year commitment to join, but there is no penalty to withdraw after the three years. T. Mainville stated that there are some very attractive positives but we cannot dismiss the potential negative side.

Councilor Burlingame pointed out that between the administrative cost reduction and the lower rates, the savings would amount to approximately \$65,000. Councilor Burlingame stated that he is in favor of this because we have no way of knowing what the Governor is going to do next year in terms of revenue.

Councilor G. Steere asked how far the \$35,000 reserve would go to offset a significant rate increase. T. Mainville replied that if the rates were to increase by 10%, the total increase would be \$50,000, so the reserve would cover quite a bit of it. However, T. Mainville pointed out that if there are not many claims, the rates would react accordingly. Councilor Burlingame noted that premiums could also be reduced by increasing deductibles. Councilor Burlingame again expressed his support, stating that he feels that the benefits outweigh the risks.

Tim Kane, Assistant Town Solicitor, asked what is the deadline for a decision. T. Mainville replied that if the Town wishes to join the group, a decision must be made tonight because the next period begins on July 1st, and they need forty-five (45) days prior to that date for processing.

Councilor W. Steere expressed concern regarding the three-year commitment. Councilor Burlingame stated that Blue Cross will probably increase dramatically due to the new building downtown and their recent fine. Councilor Burlingame also pointed out that the other municipalities that have joined are well-run cities and towns.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign a Resolution with regard to joining the Governmental Health Group of Rhode Island; seconded by Councilor Carroll.

Discussion: Councilor W. Steere again expressed his opinion that three years is a long time to be locked in. Councilor Burlingame stated that there is risk in everything, but this is an opportunity to reduce costs. Councilor W. Steere replied that in the past we have been able to absorb some risk, but now we may not be in that situation. Councilor G. Steere. noted that we would still have Blue Cross without the administrative costs, so we cannot lose.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Community Resource Commission
1. Discussion and/or action

Councilor W. Steere explained that the Town Council is considering forming a new Commission which will examine ways to use Gloucester's resources to offset taxation. Councilor W. Steere noted that none of the individuals who were interested are present tonight.

MOTION was made by Councilor W. Steere to CONTINUE this discussion until the meeting of June 4, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. New Business

A. Waterman Lake Shores

1. Drainage (Granby Street)

Discussion and/or Action

Attorney Nicholas Gorham spoke on behalf of Theresa Danty, Lori Desautel and Andrea Desautel, residents of Granby Street in the Waterman Lake Shores plat. N. Gorham explained that there is a drainage problem in the area due to a fracture in a wall which was a result of the Town's widening of a pipe. N. Gorham stated that the residents spoke to Gary Treml, Director of Public Works, and were advised to come to the Town Council to request that the Town repair the pipe.

However, N. Gorham stated that the wall is already substantially undermined and would be destroyed if the pipe is fixed. N. Gorham stated that the residents would like the Town to consider a cost-sharing agreement which would be fair to all parties. N. Gorham stated that Andrea Desautel has obtained several estimates, the best of which is \$17,000, adding that it is hoped that the Town would share in this cost to rebuild the wall. N. Gorham stated that several of the residents are present to provide testimony.

Andrea Desautel, 14 Granby Street, explained that there is an easement on the property which dates back to 1972 which allowed the Town to install a drain pipe. A. Desautel stated that the condition of the pipe is causing several feet of water to flood the area. A. Desautel commented that the Waterman Lake plat has one way in and one way out, and the flooding prevents cars from going through. A. Desautel expressed concern regarding the elderly residents in the neighborhood. A. Desautel stated that she hopes that an agreement can be worked out with the Town to resolve the problem.

N. Gorham stated that his clients would like the Town to pay for more than half the cost of the repair of the wall, but would settle for 50/50. Councilor W. Steere asked about the replacement of the pipe. N. Gorham stated that the Town would be responsible, according to the agreement

on record. N. Gorham added that the Desautels have already paid to have a large tree removed to allow access to the wall and pipe.

Councilor G. Steere stated that he has visited the site and feels that the wall is more deteriorated at the water line which has nothing to do with the pipe. N. Gorham stated that the wall looks much more undermined under the pipe where the water has been flowing out. Lori Desautel suggested that the Town have another contracting company give an estimate for the repairs.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, if we have a copy of the drainage easement. T. Kane replied that it is a legal easement, duly recorded. Gary Trembl, Director of Public Works, stated that several additional trees would have to be removed to allow excavation to replace the pipe in its entirety. G. Trembl further stated that removing the wall would affect another wall on someone else's property.

Councilor W. Steere asked if there is a way to have the pipe inspected. G. Trembl stated that the cost would be approximately \$800.00. Nicholas Gorham stated that the Town put the pipe in the wrong place and it is not his clients' fault.

Andrea Desautel stated that their property borders the Lemieux's property, but there is a gate which lifts up to allow trucks to gain access to repair the wall.

Bob Lyons stated that Waterman Lake Drive is a Town road and the Town is responsible for not only the road but the pipes underneath. B. Lyons further stated that there are other pipes at issue, such as one on Oliver Street. B. Lyons commented that these problems cause further damage to the roads in the neighborhood. B. Lyons also stated that the Town has received a quarter-million dollars in stimulus money to be used on roads. Councilor Burlingame suggested that the Town obtain a price to repair the pipe.

MOTION was made by Councilor Burlingame to CONTINUE the discussion until the meeting of June 4, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Road status (Lyons)

Councilor W. Steere stated that a decision has been reached and asked Tim Kane, Assistant Town Solicitor, to explain. T. Kane stated that his legal opinion is that the roads at issue are not Town-accepted roads by virtue of what was done in 1988 or 1994. T. Kane added that his advice to the Council is that the Town does not have any legal obligation to maintain these roads. T. Kane stated that this does not mean that the Town cannot continue doing as it is doing, nor does it mean that the Town cannot do something else in the future. T. Kane explained that the history of the roads does not follow any of the three (3) courses of action which would make them Town

roads under Rhode Island State Law. Based on his findings, T. Kane recommended that the Council deny the request of the Waterman Lake Shores Association.

Councilor Walsh stated that all of the information has been reviewed by the Council and they will now “close the chapter” to allow the Association to decide what their next step will be. Bob Lyons stated that the roads were on an official document and taken off without following State Law and asked if that has no bearing in this matter. Councilor Walsh agreed that the roads were taken off the Town Road list inappropriately, but disagreed that it was a Town road. B. Lyons commented that he disagrees with T. Kane regarding the courses of action, stating that one of the criteria was followed in back in the 1980's.

B. Gloucester Community Septic Loan Program
1. Waiver of debt-to-income ratio

Councilor W. Steere read the following memo from the Finance Director:

May 5, 2009

To: Town Council

Re: Gloucester Community Septic Loan Program

Please read the attached correspondence from Rhode Island Housing (RIH) regarding a request for a loan for a septic system from:

- Deborah Grasso, 476 Chopmist Hill Road

RIH notes that the Town has a requirement that the borrower's debt-to-income ratio cannot exceed 45%, but in this case, Ms. Grasso's debt-to-income ratio is 60%. RIH is asking whether the Town wishes to waive this requirement. RIH also notes that, at the Town Council's February 21, 2008 meeting, the Town Council previously waived the debt-to-income ratio for Grasso when that ratio was 48%. We were told by Michelle Labossiere, RIH Community Lending, that loan applications are kept active for 120 days, but that Ms. Grasso could not get an estimate for the work within that time frame and the loan documentation had to be reprocessed.

Although RIH does not make a recommendation as to whether the Town should waive the requirement, they have given pertinent information regarding the credit worthiness of this borrower.

Regarding the program:

- Clean Water Agency (CWA) has provided the funds for the loan program.
- RIH administers the loans.
- Monthly payments are made by the borrower to RIH.
- Should the borrower default on the loan, RIH expects the Town to make the payments. - RIH does place a lien on the property.

I have discussed this request for a waiver with Lou Cadwell, Chair, Wastewater

Management Board. While the debt-to-income ratio exceeds the maximum allowed under the Town's lending guidelines, the Council may want to consider the impact to the environment if the requirement is not waived. Does the Town Council wish to waive the debt-to-income ratio requirement for this loan?

Tom Mainville
Director of Finance
(end of memo)

MOTION was made by Councilor Walsh to WAIVE the Debt to Income ratio requirement on the application presented by Deborah Grasso, 476 Chopmist Hill Road, for the Gloucester Community Septic Loan Program; seconded by Councilor Carroll.

Discussion: Councilor Walsh noted that this has been done in the past and explained that it helps the borrower without putting the Town at risk.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Appointment
Recreation Commission
Term to run concurrent with Council 01/2011

Councilor W. Steere stated that the Council has received a list of people who have submitted applications to the talent bank for a position on the Recreation Commission. Councilor W. Steere noted that there has been a recommendation by the Recreation Director.

MOTION was made by Councilor Walsh to APPOINT Judy Branch to the Recreation Commission for the remainder of the term to run concurrent with the Town Council to expire 01/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Appointments for Recreation (Summer 2009) Positions

1. Tennis Instructor (1)
2. Arts & Crafts Instructor (1)
3. Water Safety Instructors (2 and sub)
4. Water Safety Aides (6 and sub)
5. Lifeguards (8)
6. Tennis Aides (5)
7. Parks & Grounds - Maintenance (2)
8. Parking Lot Attendants (6 and subs)

Councilor Walsh recused himself from these appointments.

Councilor W. Steere stated that the Council has received recommendations for these positions from the Recreation Director, Anthony Parrillo.

MOTION was made by Councilor Carroll to APPOINT:

Richard Lawrence as Tennis Instructor at an hourly wage of \$19 per hour;

Sara Martin as the Arts & Craft Instructor at an hourly wage of \$10;

Justyna Barlow; Ashley Leja; to the position of Water Safety Instructors at an hourly wage of \$14; & Gail Steere, as Sub Water Safety Instructors at an hourly wage of \$14;

Jesslyn Boisclair; Sam Fasano; Julie Landry; Danielle Rouleau; Dave Shuckerow; Kayla Theroux; to the position of Water Safety Aides at an hourly wage of \$8.25; & Alexander Powers, as Sub to the position of Water Safety Aides at an hourly wage of \$8.25;

Julie Barrows; Benjamin Boisclair, Katherine Sherman, Dan Sherman; Seth Snow; at an hourly wage of \$11 to the position of Lifeguards; Matt Macedo; Ethan Walsh; Lifeguards at an hourly wage of \$10.25 & Eric Beltram, as Sub Lifeguards at an hourly wage of \$10.25;

Nathan Brown; Meryl Lawrence; Alexandra Lawrence; Kaitlin Lennon & Ashley Winsor to the position of Tennis Aides at an hourly wage of \$8.25;

Chris Tate and Jacob Michaels to the position of Parks & Grounds – Maintenance at an hourly rate of \$8.75;

Seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

RECUSED: Walsh

MOTION PASSED

Councilor Carroll stated that he has spoken with the Recreation Director regarding the appointments to the position of Parking Lot Attendants. There was concern that several names on the list are not residents of Glocester and it was decided that only Glocester residents should be appointed. Councilor Carroll further stated that he feels that these positions should be given to younger applicants as opposed to those in their twenties who would have more employment opportunities. Anthony Parrillo, Recreation Director, also feels that instead of a straight lottery, there should be several people appointed who have had experience in this position and have proven to be good employees in the past.

MOTION was made by Councilor Carroll to APPOINT David Jacques; Aaron Dupuis; Michael Greene; Jonathan O'Connell; Christopher St. Goddard; and Bennett Thompson to the position of Parking Lot Attendants at an hourly wage of \$7.40; and Amanda Healy; Kate Taylor; Jennifer Lawson; Katie Commendatore; Chatel Cunah; and Faith Kapp to the position of Alternate Parking Lot Attendants at an hourly wage of \$7.40; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

RECUSED: Walsh

MOTION PASSED

E. Rhode Island Department of Public Safety

1. RI E-911 GIS Liaison

Councilor W. Steere stated that the Clerk has received a request from RI E-911 which was read into the record as follows:

Dear Ms. Fecteau:

I am pleased to announce that RI E-911 has received funding to create a GIS maintenance division within our agency to collect, maintain and integrate GIS data. The GIS data will be used to assist our 911 telecommunicators in providing more accurate information to police, fire and rescue local responders.

RI E-911, in conjunction with our contractor, AK Associates, Inc., will begin the task of upgrading our GIS database by collecting new GIS data from each community. Their field collection vehicle, appropriately marked, will be in your community within the next few weeks.

Accordingly, RI E-911 is requesting that each Mayor/Town Manager (appointing authority) designate a GIS liaison to help coordinate and approve any changes that we make to our GIS database. The changes will include site by site geo-coding of all residential and commercial buildings, streets/roads, driveways and other landmarks.

Attached please find a form to be used for the GIS liaison designation. This person will be the only authorized GIS contact for your community. The form should be completed and returned to Mr. Ken Pomposelli, RI E-911 Project Manager.

Should you have any questions regarding this initiative, please contact me.

Thank you.

Very truly yours,
Raymond LaBelle
Associate Director

(end of memo)

Councilor W. Steere stated that the Clerk distributed the correspondence to the Town Planner, the E-911 Clerk, Karen Emond, and the Chief of Police, and received the following response:

I'm going to suggest myself as the contact person for this GIS upgrade project that the State is announcing. I have the E-911 database & maps here, and these functions (coordinate & approve changes) are something I already do with the State E-911.

Karen J. Emond
Administrative Aide
Building/Zoning Office
Town of Gloucester, RI

(end of memo)

Discussion: None.

MOTION was made by Councilor Carroll to APPOINT Karen J. Emond to the position of GIS liaison to the State of Rhode Island E-911 to help coordinate and approve any changes made, in regards to Gloucester, to the State GIS database; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- F. Implementation of Federally Mandated changes to Health Benefit Plans
 - 1. Discussion/Action/Authorization

Councilor W. Steere read the following correspondence dated April 30 and addressed to the Finance Director:

Mr. Thomas Mainville

Dear Tom:

As you may know, Congress enacted two laws last fall that require certain health plan benefits changes in 2009. The laws are the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and Michelle's Law. Based on an analysis of the utilization of the benefits affected by these new laws, the resulting claims impact is expected to be statistically insignificant.

As these are federal mandates, all Blue Cross & Blue Shield of Rhode Island (BCBSRI) employer groups, including Employee Retirement Income Security Act of 1974 (ERISA) self-funded health plans and municipalities, need to implement these benefits in accordance with the schedule set forth in each law.

In an effort to control expenses and maintain competitive rates, BCBSRI would like to implement these changes for all plans on November 1, 2009. However, we recognize that you have the option to implement these changes upon your first renewal after November 1, 2009.

Please let us know what your choice is for implementing these benefits: whether you accept the November 1, 2009 implementation date, or request an alternative implementation date. Enclosed is a form for your election. Please return your signed and dated response no later than May 30, 2009.

If you have any questions about these changes, please contact me

Sincerely,
Marc A. Gagnon
Manager, Major Accounts

(end of memo)

Discussion: Tom Mainville, Finance Director, suggested that we wait until our first renewal after November 1, 2009, which would be July 1, 2010.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Federal Benefit Mandates for 2009 ELECTION FORM between Blue Cross & Blue Shield of Rhode Island (BCBSRI); said form to implement the designated benefits on behalf of the Town of Glocester (Entity); with an implementation date of July 1, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS:0

MOTION PASSED

May 21, 2009

17 of 24

G. Foster/Glocester Regional School Charter

1. Petition for amendment
Discussion/Action

Councilor Burlingame stated that he requested this agenda item. Councilor Burlingame stated that this relates to the issue of having two votes at the Regional District Financial Meeting, one for Operations and another for Debt Service. Councilor Burlingame explained that due to the Region's interpretation of the Charter, they have chosen to bundle the two items together for one vote. Councilor Burlingame stated that the Council would like to amend the Charter to force two votes for the taxpayers, one for Debt Service and one for Operations. Councilor Burlingame recommended that the Town Solicitor draft a petition to obtain the necessary signatures (10% of the registered voters of either Foster or Glocester) to allow this to come forward.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Solicitor to draw up a petition specific to separating the Debt Service vote and the Operations vote in the Regional Charter; seconded by Councilor Walsh.

Discussion: Councilor Carroll stated that he agrees with the idea and the end result, but expressed concern regarding Council members urging citizens to sign a petition. Councilor Burlingame stated that once a petition is formulated, somebody from the public will be willing to obtain the necessary signatures. Councilor Walsh agreed, adding that it would be better for the Solicitor to draft the petition to ensure that it is worded accurately.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

H. Blackstone Valley Tourism Council

1. Letter of Support
Discussion and/or action

Councilor W. Steere stated that a request was received from the Blackstone Valley Tourism Council for the Town's support with a request for federal appropriation. Councilor W. Steere explained that the funds would be used as follows: "The intention of the Sustainability Project is to help with federal funding, each town center in our nine Blackstone Valley communities. The funding will assist in sustaining employment, mitigate economic degradation and grow a positive business climate through innovative new program and marketing development."

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to forward a letter of support to Blackstone Valley Tourism Council to be included in the 2009 Distressed Community Town Center Economic Sustainability Project federal appropriation request application; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

IX. Department Head Report/Discussion

- A. Susan Harris, Deputy Town Clerk, stated that Kevin Kitson, on behalf of the Gloucester Business Association, has purchased and planted flowers in the barrels on the Main Street bridge and is requesting reimbursement by the Town in the amount of \$115.48. Councilor Walsh stated that he recalls doing this last year for the Memorial Day Parade. There was Council consensus to appropriate this amount from the Town Council miscellaneous fund.
- B. Tom Mainville, Finance Director, spoke regarding the implementation of budget cuts which were approved at the Financial Town Meeting. T. Mainville stated that the handbook for non-union employees will have to be amended to reflect the changes. It was decided to place this matter on the agenda for the June 4th meeting. Councilor Walsh stated that letters should be sent to the different unions to inform them which Council members will meet with them to discuss their issues. Councilor Burlingame stated that he and Councilor Carroll are presently working with the Dispatchers. Councilor W. Steere and Councilor G. Steere will meet with the Clerks' union, and Councilors Walsh and Burlingame will meet with the Police union. It was agreed to schedule the meetings as soon as possible.
- C. Gary Treml, Public Works Director, stated that paving will begin next week on Route 44 from Tourtellot Hill Road to the State garage, adding that there will be some disruption in traffic. G. Treml stated that the projected completion date is August 25th. G. Treml stated that plans are continuing regarding the bridge on Chestnut Hill Road near the Transfer Station. G. Treml stated that he will submit a list of roads to the State to be repaired with stimulus money, adding that it amounts to approximately 5,840 feet of roadway. G. Treml explained that the State will come out to look at the roads prior to approval. Councilor W. Steere commended G. Treml and his department for the work being done at the Transfer Station. G. Treml stated that they will also place recycling barrels at the parks.

Councilor Walsh asked G. Treml if the pipe on Granby Street is actually collapsed. G. Treml replied that there is a vitrified clay pipe at the catch basin but a camera would have to be used to determine where the size of the pipe changes. G. Treml stated that he sees no problem with the pipe, but the catch basins on that street are shallow.

- D. Larry Desormier, Building/Zoning Official, spoke regarding the construction project at the school, stating that the expected completion date is June 30th. L. Desormier noted that certain items will not be done in time, resulting in the issuance of a temporary Certificate of Occupancy. L. Desormier stated that regarding the kitchen at the high school, they are currently going out for bids for the equipment, which will require a separate permit. L. Desormier stated that there are plans for an energy lab which will

require approval from the Fire Department prior to the issuance of a building permit.

Councilor Burlingame asked L. Desormier if he compiles a monthly statistical report regarding activity in his office. L. Desormier replied that he has begun to keep track of this and will forward a copy to the Town Council.

- E. Ray Goff, Town Planner, reported that the Town has received the Brownsfield grant concerning the River Park project.
- F. Walter Steere, Jr., School Committee member, noted that the energy lab mentioned by L. Desormier is part of the million dollar grant from the government.

W. Steere, Jr. stated that at the Gloucester School Committee meeting, there was discussion regarding full regionalization. W. Steere, Jr. added that there was talk of Gloucester becoming fully regionalized even if Foster is not interested.

W. Steere, Jr. spoke regarding Debt Service, stating that in two years, there will be a problem at the Region and the Town with skyrocketing debt service.

W. Steere, Jr. expressed concern regarding the Chestnut Hill Road bridge project, stating that it will cause problems with traffic, especially school buses, for the 1½ year duration. W. Steere, Jr. recommended urging the State to attempt to complete the project as quickly as possible.

X. Boards/Commissions

- A. Roy Najecki, Conservation Committee chair, stated that the Commission has done a buffer project on Cutler Brook which is at the at the intersection of Farnum Road and Putnam Pike. R. Najecki reported that approximately fifteen (15) volunteers, including Ponaganset High School students, installed blueberry trees and other shrubs.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated the Council has received some complaints regarding noise issues. Nobody was present to address this issue. It was decided to forward the complaints to the Chief of Police.
- B. Councilor W. Steere stated that a Public Hearing must be scheduled to extend the moratorium concerning the Sign Ordinance. Councilor Walsh explained that this Ordinance has been around five or six years and pertains to the Historic District. Councilor Walsh stated that a five-year limit was placed along with a stipulation that until the State road work was completed, the signs did not have to change. There was Council consensus to advertise the Public Hearing for June 18th.
- C. Councilor Walsh stated that a Public Hearing must be scheduled regarding the Pascoag Lake Dam Management District. After discussion, it was decided to schedule the Public Hearing for Monday, June 22nd.

- D. Councilor Walsh stated that correspondence was received regarding a Code of Ethics. This will be forwarded to Tom Mainville, Finance Director.
- E. Councilor Walsh stated that a thank-you note was received from Phyllis Steger for the Citation presented to her.
- F. Larry Desormier, Building/Zoning Official, stated that there is a violation regarding a fence on the property at the intersection of Saw Mill and Snake Hill Roads. L. Desormier stated that he has contacted the owner and was assured that this problem will be addressed by the end of June.
- G. Councilor Walsh stated that a Resolution was received regarding the Caruolo Act. There was Council consensus to place this on the agenda for the next Town Council meeting.
- H. Councilor Walsh asked Tim Kane what is the status of the Building Committee and School Committee giving briefs to the State. T. Kane replied that he does not know, but will find out and report back.
- I. Councilor Walsh stated that correspondence was received from “Braking the Cycle” in regard to a charity ride which is to be held on September 11th. They are seeking permission to ride through Gloucester. It was decided to forward a copy of the request to the Chief of Police and to place it on the agenda for the next meeting for action.

XII. Open Forum

- A. Marie Plante, 56 Victory Highway, stated that she submitted correspondence concerning RSVP (Retired Senior Volunteer Program). M. Plante stated that financial aid in the amount of \$4500.00 was requested but was denied by the Town. M. Plante stated that this program provides Meals On Wheels for homebound seniors and the handicapped, and expressed concern that, without funding, Gloucester may lose this benefit. M. Plante requested that either the Town Council or the Finance Director contact Charles Ryan, director of the program, to explain the situation to him. M. Plante stated that Mr. Ryan’s contact information is included on the correspondence she sent to the Council. M. Plante commented that the program is important to many people who count on this meal at least five days a week.
- B. Rose LaVoie, 31 Wilmarth Road, thanked the Council members for their attendance at the Dorr Rebellion event as well as for the Resolution that was presented to her. R. LaVoie commented on the shabby appearance of some of the property in the Historic District, such as the former Texaco station. R. LaVoie spoke regarding a plan adopted by the Westerly Land Trust whereby they purchased property on their Main Street. R. LaVoie stated that when the Chepachet Village Planning Committee was meeting, there was a suggestion to purchase the Kent property and turn it into a park.

R. LaVoie spoke regarding our village enhancement which has been postponed until next year, stating that Scituate has their sidewalks installed. R. LaVoie stated that she is afraid that Gloucester will be the last town in Rhode Island to get sidewalks.

Regarding the Entertainment License that was discussed earlier, R. LaVoie stated that anything that can be done to help somebody stay in business would be a plus.

- C. Susan Shuster, 44 Robin Vale Drive, stated that she is part of Executive Session item number 3 and requested that this be dealt with in open session. S. Shuster stated that she received a letter from Tim Kane, Assistant Town Solicitor, indicating that her performance as a member of the Planning Board would be under discussion. S. Shuster asked for more information before she addressed the matter. Councilor Burlingame stated that it pertains to comments made at a Planning Board meeting and read the following excerpt into the record:

“Mr. Calderara stated that he attended the Town Council meeting on April 16, 2009. He stated that the Council approved the Cemetery Ordinance and the Illicit Discharge Ordinance. Mr. Calderara stated that he stayed at the Council meeting because he was interested in the application of their good friend, Jay Forgue, who was discussing his U-Haul business. Mr. Calderara stated that based on a recommendation from the Town Solicitor, William Bernstein, Mr. Forgue would need to revise his zoning permit because it was not explicit enough in allowing that kind of business. He stated that Mr. Forgue will have to go back to the Zoning Board which means he will be back before the Planning Board, therefore they get to harangue him all they want.

“Ms. Shuster asked if this means he is asking to include U-Hauls. Mr. Calderara said yes. Ms. Shuster asked what makes him suspect there will be any positive reaction. Mr. Calderara stated that he just can’t do it by right or go through Council for this approval, he must go back to Zoning and then to Planning. Mr. Calderara stated that Mr. Forgue may still end up getting it, but they will get to yell at him or nag him or whatever they want to do. Ms. Shuster said we will tell him to move his trucks or at least put up many more hedges. Mr. Calderara said they will get to discuss this with him.”

Councilor Burlingame stated that this has all the appearance of pre-judging an applicant before he appears before the Board. S. Shuster asked what is the specific complaint concerning her comments. Councilor Burlingame replied that she had referred to Mr. Forgue putting up additional hedges. Councilor G. Steere added that the whole gist of the conversation indicates that the Planning Board had a preconceived opinion before the applicant even appeared before them. Councilor Carroll stated that the problem was that, although the dialogue may have been “tongue-in-cheek,” Mr. Forgue was not present to answer to the comments.

Councilor Carroll expressed concern that if Mr. Forgue receives an adverse decision, he may cite the fact that he already had two strikes against him. S. Shuster stated that her

interpretation of the discussion was that Mr. Calderara, the Chair, was informing the Board about what had transpired at the Town Council meeting. S. Shuster commented that there was casual conversation after that, but nothing was discussed formally. S. Shuster stated that she did not say anything that would imply that she was pre-judging an application, she was merely responding to what she had been told. Councilor Burlingame disagreed, stating that the minutes show that Ms. Shuster asked “what makes him suspect there will be any positive reaction.”

S. Shuster stated that she is not an attorney and was not speaking in legalese. S. Shuster stated that perhaps she could have worded it as “I think the applicant faces a high burden of proof, since he has already been addressed by the Planning Board as to what his restrictions are, and has already chosen to ignore those restrictions.” S. Shuster stated that she made a casual statement in response to what had been said, but did not imply anything that was pre-judging. S. Shuster noted that the applicant appeared before the Planning Board on several occasions, adding that he was treated in a professional manner throughout the process. S. Shuster noted that there is no reason to believe the applicant would be treated any differently when the Planning Board deals with him again.

Councilor Walsh stated that he has not listened to the tape of the Planning Board meeting, but stated that Board members must take special care to avoid any hint of impropriety. Councilor Walsh stated that the Council’s concern is that somebody could take casual comments and change the wording around, which could lead to litigation. Councilor Walsh stated that the Council wants to be sure that when this applicant comes before the Planning Board again, the applicant gets a fair shake.

Tim Kane, Assistant Town Solicitor, stated that this is a Personnel issue, but he would prefer that William Bernstein, Town Solicitor, address the Potential Litigation aspect in Executive Session. T. Kane cautioned the Planning Board to be careful in any open forum type general discussion. S. Shuster noted that the Planning Board always tries to do so.

Councilor W. Steere noted that he has spoken to many people who have appeared before the Planning Board, stating that they have been more than fair. Susan Shuster thanked the Town Council for their time.

Councilor Walsh asked David Calderara, Planning Board chair, if he wished to speak at this time or go into Executive Session. D. Calderara stated that he wishes to put his statements into the context in which they were meant. There was consensus to do so in Executive Session.

XIII. Executive Session

A. R.I.G.L. 42-46-5(a)2 Litigation and Potential Litigation:

- To include: 1. Shea et al V. Town of Glocester
 2. Providence Water Supply Board
 3. Affordable Self-Storage of Glocester, LLC

B. R.I.G.L 42-46-5(a)1 Personnel

MOTION was made by Councilor Walsh to ADJOURN to Closed Executive Session pursuant to: R.I.G.L. 42-46-5(a)2 Litigation & Potential Litigation and R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session

XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 11:40 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 18, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 4, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Trembl, Public Works
Director; Raymond Goff, Town Planner; Lawrence Desormier,
Building/Zoning Official; Jane Steere, Tax Collector; David Steere,
Budget Board chair; Walter Steere, Jr., School Committee member; and
Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Carroll.

IV. Open Forum for Agenda Items

A. Steve Mitchell spoke regarding the amendment to the current entertainment license for Sticks Tavern. S. Mitchell respectfully asked that, before a vote is taken, the Council think back to the testimony which was given in opposition at the last meeting. S. Mitchell added that not one good reason was mentioned as to why Sticks Tavern should be given this expansion. S. Mitchell asked what this would do to increase the quality of life for the people who would be subjected to the increased noise. S. Mitchell also asked the Council to consider if this license is approved for this applicant, what will it mean for the other establishments in the Town.

B. Lou Sackal also spoke regarding the amendment to Sticks Tavern's entertainment license. L. Sackal stated that he resides very close to this establishment and feels that this would impact him and his family. L. Sackal further stated that he moved here to build his dream home and feels that there is no benefit to this community in passing this amendment. L. Sackal stated that the Council would be doing the Town a disservice in allowing this to happen.

V. Resolution

A. State Legislation

1. Support H-5547 & H-5844
(Repeal of Caroulo Act)
Opposition of H-5843
(Procedures-Caroulo Act)

Councilor Walsh stated that the Town of Gloucester has been asked to support bills currently before the House regarding the Caruolo Act. Councilor Walsh explained that two of the bills call for the repeal of the act and one of the bills call for the creation of a process to “fact find” before filing a law suit. Council consensus has been to support the repeal bills H-5547 & H-5844 and to seek for the failure of House Bill H-5844; as follows:

RESOLUTION

WHEREAS, the Town Council of the Town of Gloucester supports Rhode Island cities and towns in their efforts to repeal House Bills H-5547 and H-5844 dealing with the Caruolo Act; and

WHEREAS, RIGL 16-2 School Committees and Superintendents, Section 16-2-21.4 better known as the Caruolo Act was enacted in July, 1995 and enables School Committees to file suit against local Town government when budgetary disputes arise; and

WHEREAS, the Town Council of the Town of Gloucester opposes House Bill H-5843 regarding the Caruolo Act as this Bill sets up a costly and protracted pre-Caruolo fact-finding process involving a court appointed “special master”. If the pre-procedure does not resolve the budget impasse, the school committee can then file a Caruolo suit; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester hereby supports House Bill H-5547 and H-5844 and is in opposition to H-5843 all regarding the Caruolo Act and all submitted by the General Assembly.

Kevin P. Walsh, President
Gloucester Town Council

Seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

VI. Licensing

A. Entertainment License

Amendment to current License

1. Putnam Properties, Inc. d/b/a Stick’s Tavern

Location of Business: 417 Putnam Pike

(Public Hearing was held on May 21, 2009 and Closed)

Councilor Walsh stated that this public hearing was closed after all were allowed to speak. The Council then tabled a decision on the request for an amendment to this establishment's Entertainment License.

Discussion: Councilor Burlingame commented that, as a Councilor, he tries to be sensitive to how neighbors feel about a particular issue, adding that the arguments brought up by the neighbors in this case are totally valid. Councilor Burlingame further stated that from his point of view, if this is allowed, we open the door for other exceptions.

Vincent Iannuzzi, owner/applicant, stated that when the neighbors spoke at the last meeting, they were unaware of the discussions which took place at previous Council meetings which he attended. V. Iannuzzi stated that there was a letter hand-delivered to some of the Absalona Hill Road residents which contained incorrect information regarding the hours that live entertainment would take place. V. Iannuzzi stated that he would only have entertainment one day per weekend, during the day, for a maximum of four (4) hours.

V. Iannuzzi pointed out that at present, there is no noise ordinance in the Town of Gloucester, adding that as a homeowner at 415 Putnam Pike, he can play music all the time. V. Iannuzzi commented that the tavern is in a business area with a hundred acres of trees in the back and he feels that he should be given the opportunity to try this, adding that if it doesn't work out, the Council could choose not to renew the license in November. V. Iannuzzi noted that he has made many positive changes to the property and wishes to increase his revenue in order to continue to make it a nice place. V. Iannuzzi stated that there has been music there since the 1970's and this would reduce the hours that it is allowed.

Councilor Carroll stated that the maximum occupancy of the tavern is 192 and asked if this would increase if the amendment is granted. The response was that this number cannot go up. Councilor Carroll asked what is the average number of patrons. V. Iannuzzi replied that on a Friday night, there are between 145 and 155 people. V. Iannuzzi stated that when a band is playing and he feels they are too loud, he tells them to lower the volume, to the point that he has told them to leave.

Councilor Burlingame stated that the Council must consider public nuisance, which is a State Law. Councilor Burlingame explained that "public nuisance" is the "unreasonable interference with use and enjoyment of land by the public". V. Iannuzzi stated that he lives on Waterman Lake and must close his windows on weekends due to the noise caused by boats on the lake. V. Iannuzzi pointed out that if you live near a bar, there will be some noise, especially when the bar is located on a highway such as Route 44.

Councilor Walsh stated that when Dino's Market relocated and expanded, there was opposition, but they are one of the five (5) top taxpayers in the Town, adding that without businesses, we would be in trouble. Regarding the comment that if Sticks is allowed to have outdoor entertainment, other establishments will expect to be allowed also, Councilor Walsh stated that this is not the case, pointing out that it is done on a case-by-case basis. Councilor Walsh expressed his opinion that having music outdoors on a very limited basis is not a lot to ask, noting that we are here to help businesses get bigger and better.

Councilor Walsh suggested that a one-time license be issued to ease the neighbors' minds. Jean Fecteau, Town Clerk, stated that typically, Special Event licenses are only given to non-profit organizations and homeowners, not businesses. V. Iannuzzi suggested that the Council issue the license with a probationary period. V. Iannuzzi pointed out that he would not have large bands in the back, but rather small bands or solo musicians. Tim Kane, Assistant Town Solicitor, advised that a one-day Special Event license could be granted; adding that to whom and for what purpose lies within the Council's discretion. T. Kane added that if the Council sees fit to grant something tonight, they could place any reasonable conditions or limitations. T. Kane stated that there are three (3) options; to deny, to deny and encourage the applicant to return for a Special Event license, or to grant the amendment with conditions regarding day and time.

Councilor W. Steere asked how many people attend when a band performs in the tavern. V. Iannuzzi replied that he only schedules bands approximately twice per month, adding that there are usually about 150 people in attendance. V. Iannuzzi stated that he has spoken with the Police Chief regarding his recommendations concerning Police patrols and stated that he has had 4 to 8 people working in the back yard since obtaining the outdoor alcohol license. Councilor W. Steere stated that he is concerned about safety with regard to public drinking. Councilor W. Steere also expressed agreement with the comments of the neighbors with regard to the noise issue. Councilor W. Steere stated that if he were to vote on something, he would prefer a Special Event which would be occasional instead of every weekend.

Vincent Iannuzzi stated that he is only asking for entertainment until 7:00 p.m. V. Iannuzzi pointed out that if he wished to play music at the house he owns next door to the tavern, he could do so until a "reasonable hour", which according to the Town of Gloucester, is 11:00 p.m.

Councilor Walsh stated that the Public Hearing was closed at the last meeting, but there is someone in the room who wished to speak and asked if this was allowed. Tim Kane, Assistant Town Solicitor, stated that it is within the Council's discretion.

Lou Sackal, a neighboring property owner, stated that they can hear people behind the tavern as it is and does not want to be calling the Police when it gets too loud. L. Sackal expressed his opinion that this would open the door to further requests. L. Sackal pointed out that this would impact many people who live there versus people coming in to have a good time.

Jack Smith stated that property values are down in that neighborhood and is concerned that this license will bring them down further. J. Smith stated that the residents are asking for peace, quiet and tranquility.

Steve Mitchell objected to the proposed "trial basis," stating that the Council's own colleague has stated that it has been tried in the past and has failed. Councilor Walsh replied that this was a reference to George's which has been closed for approximately 15 years. S. Mitchell stated that as a homeowner at 461 Putnam Pike, he can apparently play his music as loud as he wants to, but does not do so because he feels it is wrong to subject his neighbors to the noise.

Councilor G. Steere commented that the noise generated by motorcycles and other traffic will not change whether the band is inside or outside. Councilor G. Steere stated that he understands

the concern of the neighbors, but is leaning toward trying this entertainment once a month, adding that he respects Mr. Iannuzzi as a businessman trying to make it. Councilor G. Steere stated that one day per month until 7:00 p.m. during the summer would not be an unreasonable request.

Councilor Carroll commented that he would not want to give Mr. Iannuzzi permission to do whatever he wishes, but stated that we must help business people when it is reasonable. Councilor Carroll suggested that strict conditions be placed as well as a probationary review period.

Councilor W. Steere asked if the entertainment is limited to once a month, how will this help the applicant financially? Councilor Walsh replied that whether or not he makes money has nothing to do with the Council.

Councilor Burlingame pointed out that it comes down to whether or not it is a potential nuisance to the neighbors. Councilor Burlingame added that the neighbors have clearly said that they don't want it and we have not heard any of the neighbors say "Let's try it".

Councilor Walsh stated that the bottom line is are we willing to let him try it on a limited basis or not? If there is a problem, the entertainment license will be very short-lived because the Council has the authority to take away a license at any time for any reason, after a hearing is conducted. Councilor Walsh expressed his opinion that the Council should let Mr. Iannuzzi try the outdoor entertainment on a short term basis.

Councilor W. Steere strongly recommended that this be a "one strike and you're out" type of thing because we must look out for the property owners in the area. Councilor W. Steere also noted that if this is granted, other business owners will come before the Council and if they are not given the same type of opportunity, it would create an unfair business environment.

Councilor Walsh recommended that if the Council is inclined to grant the amendment to Mr. Iannuzzi's entertainment license, the matter should be tabled until the next meeting to allow the Council to formulate the exact guidelines of what is expected and what is not expected.

MOTION was made by Councilor Carroll to TABLE the Amendment to the current license held by Putnam Properties, Inc. d/b/a Stick's Tavern until the Town Council meeting of June 18, 2009; seconded by Councilor G. Steere..

VOTE: AYES: Walsh, W. Steere, G. Steere and Carroll

NAYS: Burlingame

MOTION PASSED

VII. Consent Items

A. Approval of Town Council Minutes- May 21, 2009

MOTION was made by Councilor Carroll to TABLE the approval of the Town Council Minutes of May 21, 2009 to the meeting of June 18, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Waterman Lake Shores - **CONTINUED TO JUNE 18, 2009**

1. Drainage (Granby Street)

Discussion and/or Action

B. Community Resource Commission

1. Discussion and/or action

Councilor W. Steere stated that he has drafted a charge for the proposed Community Resource Committee and read it as follows:

Community Resource Committee

Charge: To serve as an advisory committee to the Gloucester Town Council with the intent to:

- A. Identify resources within the Town of Gloucester and determine whether that these resources can be utilized to help offset the burden of taxation on the residents of the Town. If so, determine how they can be utilized.
- B. These resources can include, but are not limited to:
 - a. Natural Resources: (hydro, solar, wind, timber)
 - b. Human Resources: (identify individuals within the Town with talents that would be willing to work with the Town for the betterment of its residents)
- C. Research partnership and funding opportunities with individuals or organizations that can assist in the fruition of plans.
- D. Engage in exploratory discussions with prospective partners. The committee will not have authority to enter into any verbal or written agreements or contracts with any entity or individual. Any agreements or contracts would be undertaken by the Gloucester Town Council.
- E. Will develop short term and long term goals and strategies that will lead to actions to be taken on implementing any findings from their research.

- F. The committee will meet on an as needed basis as long as it conforms to State open meetings laws requirements for posting of public meetings.
- G. The committee will report its progress to the Town Council on a bi-monthly basis.

Composition:

Seven member committee appointed by the Town Council to serve concurrently with the Council's term. Vacancies will be filled by appointments of the Town Council and will fill out the current term. Members will be eligible for reappointment. The committee may choose a Chair and Vice-Chair from its body.

Councilor W. Steere asked if anyone had comments regarding the afore-read charge. Peter Skeffington stated that he would be interested in serving on this committee if the Council sees fit.

Tim Kane, Assistant Town Solicitor, stated that according to C-13.10 of the Charter, "the Council shall create or abolish by ordinance such other offices and commissions as may be required by law or may be deemed necessary." Councilor W. Steere stated that, in order to get the ball rolling, he would suggest that the Council adopt the charge as it was read and amend it later if necessary. T. Kane explained that he could draft an ordinance for consideration at the next meeting, after which a first reading could be scheduled for July. In the meantime, T. Kane added that the charge could be amended prior to being incorporated into the ordinance.

Jean Fecteau, Town Clerk, stated that in most cases, when a board or commission is created, the charge is only an abstract, one or two sentences, to give leeway to make the group effective. J. Fecteau added that this would avoid the need to amend the ordinance each time something different is done. T. Kane stated that he will draft something general enough to allow flexibility to change the charge within the parameters of the ordinance.

MOTION was made by Councilor Carroll to APPROVE the Community Resource Committee charge; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. New Business

A. Resignation

1. Zoning Board of Review

One unexpired 5 year term to expire 11/2011

Councilor Walsh stated that the Council has received the resignation of Myles Beltram from the Zoning Board of Review, effective immediately.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Myles Beltram from the Zoning Board of Review for the five year term to expire 11/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Town Sergeant

Term to Expire 12/31/2010

Councilor Walsh stated that the late John Devine was appointed to the position of Town Sergeant in January, 2009, adding that the Council now must appoint someone to complete his term of office.

MOTION was made by Councilor Burlingame to APPOINT Kevin Kitson to the position of Town Sergeant for a term to expire 12/31/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Zoning Board of Review

One alternate position (#2) for a one year term to expire 1/2010

(Alternate members move up to fill above position)

Councilor Walsh explained that the alternate members of the Zoning board move up in position when a vacancy occurs. Therefore at this time there is a vacancy in the Alternate #2 position.

MOTION was made by Councilor Carroll to TABLE the Appointment to the position of Zoning Board of Review to the Alternate #2 position for a one year term to expire 1/2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Local Board of Appeals for Building Code
One -5 year term to expire 6/2014

Councilor Walsh stated that this item is for the expired term of William Drexel.

MOTION was made by Councilor W. Steere to TABLE the Appointment to the position of the Local Board of Appeals for Building code for a five year term to expire 6/2014; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Wastewater Management
Two -5 year terms to expire 6/2014

Councilor Walsh stated that this item is for the expired terms of John Salisbury and George Kain.

MOTION was made by Councilor Burlingame to RE-APPOINT John Salisbury and George Kain to the position of Wastewater Management Board for a 5 year term to expire 6/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Gloucester Code of Ordinance

1. Article 350-33: Signs in Historic District

Section D.1. Amortization period for nonconforming signs.

(Discussion and/or Action, prior to 1st reading of proposed amendment)

Councilor Walsh stated that the Council members all have received the minutes from 2004 when the ordinance regarding signage was amended to include guidelines for signs in the Historic District. At that time there was discussion regarding the five year moratorium and it was stated that if the state beautification work has not begun by the end of the moratorium it could be looked at again.

If there is a consensus to amend and extend the moratorium there should be discussion so the language can be prepared and ready for a first reading at the next meeting. After that a public hearing could be set for July 2, 2009.

Discussion: Councilor Walsh stated that he can speak to this personally because he was a Council member in 2004 when the moratorium was put in place. Councilor Walsh stated that the State has assured us that beginning in April of next year, Putnam Pike from the Texaco station to CVS will be torn up, drainage will be installed and new sidewalks will be built. Councilor Walsh expressed his opinion that the moratorium should be extended until five years after the State finishes the road, which should be the end of next year. There was Council consensus to schedule a first reading for June 18th.

D. Noise complaints

1. Discussion and/or Action re: Noise Ordinance

Councilor Walsh stated that the Council and the Town Clerk have received complaints from residents regarding noise problems and how the current noise ordinance is utilized. Councilor Walsh asked if anyone present wished to speak regarding this matter.

1. John Ziobrowski stated that he submitted one of the above-mentioned complaints. J. Ziobrowski stated that he has spoken to the Chief of Police, who advised him that the Noise Ordinance is unenforceable because it is too vague. J. Ziobrowski stated that some other communities have ordinances which are so complex and involved that it is ridiculous. J. Ziobrowski recommended that certain wording be added to our existing ordinance, beginning with changing its title from "Noise Ordinance" to "Sound Ordinance". Councilor Walsh asked J. Ziobrowski if the sound of a lawn mower would constitute a violation of the Sound Ordinance. J. Ziobrowski replied that it would not because it is not offensive and does not annoy anyone, adding that sounds such as dogs barking, construction and power tools are also not offensive and no action should be taken.
2. Elton Greene, who lives across the street from Mr. Ziobrowski, commented that the noise level generated by his neighbors is such that he cannot hear his TV and he must keep his windows closed. E. Greene noted that the Police do respond, but as soon as they leave, the music is turned back up. E. Greene stated that when these individuals resided in Woonsocket, they were fined for the same reason.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if Gloucester's Noise Ordinance is enforceable. T. Kane expressed his opinion that it is not, adding that somebody could always maintain a private action, although he is not suggesting that anyone here hire an attorney to do so because it would be costly.

3. Steven Sette, former Town Council member, stated that when the Noise Ordinance was proposed several years ago, only he and one other Council member supported it. S. Sette stated that there should be something in place that is enforceable, adding that this would act as a deterrent. S. Sette stated that Burrillville and North Smithfield have adopted ordinances which may be helpful in formulating an enforceable ordinance for Gloucester.
4. Mike DeGrange stated that he would like to see something in the ordinance which addresses shotguns being fired late at night. M. DeGrange stated that the noise causes his

children to wake up frightened. M. DeGrange stated that he has reported this to the Police, but they have not been able to stop it.

5. Karen Iacobbo voiced her agreement with the comments which have been made. K. Iacobbo stated that she lives on Waterman Lake and expects reasonable noise such as jet skis, but added that recently, somebody has been flying a plane and landing on the lake creating an extremely loud noise. K. Iacobbo stated that in the winter months, there are dozens of recreational vehicles which circle a track on the lake for hours, interfering with her pursuit of happiness. K. Iacobbo noted that when this occurs, she must leave her house.

E. Appointment: Brownfields Grant Coordinator

Councilor W. Steere read the following memo from the Town Planner:

TO: Town Council
Kevin Walsh, President
FROM: Raymond Goff, Town Planner
DATE: June 1, 2009
SUBJECT: Brownfields Grant Coordinator

As you know the Town was awarded a \$200,000 Brownfields grant for the cleanup of contaminants at Chepachet River Park. I attended a grant training seminar at the USEPA offices last week where I was brought up to speed on the paperwork which needs to be submitted as the project proceeds. One issue that was brought up by USEPA was that the reports need to be submitted with the signature of an authorized representative of the Town. They suggested that the grant coordinator (me) be authorized to sign the documents on behalf of the town. We were told that they have had trouble getting documentation in on time in the past waiting for meetings to be held to authorize the signature of reports. In order to expedite timely reporting and ultimately payment, they are making this suggestion.

I am therefore requesting that the Town Council authorize me to be the “authorized representative” for the Town of Glocester concerning the 2008 Brownfields Cleanup Grant for Chepachet River Park project.

If you have any questions, please feel free to contact me.
(End of memo)

Discussion: Ray Goff, Town Planner, explained that typically the Town Council would sign these kinds of documents, but this appointment would allow financial reports and updates to be filed in a timely manner. Jaclyn DiPietro, Financial Clerk, asked if the Finance Office will see the reports prior to their submission. R. Goff answered in the affirmative.

MOTION was made by Councilor Carroll to APPOINT Ray Goff, Town Planner, to the position of Authorized Representative for the Town of Gloucester relating to the 2008 Brownfields Cleanup Grant award for the Chepachet River Park. This appointment shall be subject to financial reporting being reviewed by the Finance Office prior to submission; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. Personnel

1. Personnel Handbook - Amendments

Councilor Burlingame stated that there is \$143,500 in salary and benefit reductions which consist of increased health co-shares, wage freezes and reducing the buy-back for health insurance, with no reduction of staff. Councilor Burlingame explained that there are proposed changes to the Gloucester Employee Handbook which address longevity payment being frozen for one year, beginning July 1st and co-share in the health cost which range anywhere from 10% to 20%, depending on salary. Councilor Burlingame stated that the handbook must be amended for the non-union employees and we are asking the unions to consider the Council's suggestions regarding these cost savings.

Regarding the health care buy-back, Councilor Burlingame explained that since this began, the cost has skyrocketed to over \$17,000, resulting in a buy-back amount of \$8500. Councilor Burlingame noted that the school non-certified employees' buy-back has been negotiated down to less than \$2000. Councilor Burlingame stated that we are reducing the buy-back to \$3500, which is a fair amount.

Councilor Walsh asked if these amendments have been reviewed by the Personnel Board. Tom Mainville, Finance Director, replied that this is not necessary since the Council ultimately makes the decision. Councilor Walsh stated that he feels that the Personnel Board should look at the list of proposed amendments before July. Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if any changes could be made if the Council deems it necessary. T. Kane replied that it is only on for discussion tonight, and changes could be made at the next meeting. The Council members agreed that the amendments must be made as soon as possible, but the memo listing the amendments was only received today. Councilor Carroll noted that he would not want to take action until the next meeting to allow the Council members to review the amendments.

Jaelyn DiPietro, 329 Chestnut Hill Road, stated that although she understands what must be done, she disagrees with the proposed amendment which deals with retirees' health insurance. J. DiPietro noted that this amendment does not affect her since she is under contract, but she feels that it is unfair to employees who plan to retire at age 62 after many years of service. J. DiPietro pointed out that under the State retirement system, an employee can retire at age 58 if they have ten (10) years of service. J. DiPietro stated that employees may choose to stay until age 62

because, as the handbook is now, individual health and dental insurance is covered until the employee reaches age 65. J. DiPietro stated that she understands that there is a problem throughout the country regarding health care, but feels that it is unfair to employees who have many years of service to have to pay a co-share. Regarding the school non-certifieds, J. DiPietro stated that they have reduced their buy-backs and have increased co-shares, but added that they also received nice raises. J. DiPietro commented that there are many employees who devote a lot of time and do extra work without asking for anything.

Councilor Walsh stated that he has concerns about the last paragraph of the memo and suggested that the Council could approve all except these sections.

Ray Goff, Town Planner, stated that he has not had an opportunity to review this document and requested that he, other employees and residents be given that chance. Councilor Burlingame replied that it has been talked about enough and the employees all knew it was coming. Councilor Burlingame agreed with Councilor Walsh that all but the afore-mentioned sections should be approved tonight.

Councilor Walsh pointed out that none of the Councilors want to do this, but the State has taken so much from us this year that there is no alternative. Councilor Walsh noted that the Council must also speak to the labor unions as soon as possible. Councilor Burlingame stated that the Auditor General has strongly recommended that multi-year contracts not be entered into due to the uncertainty of the future.

MOTION was made by Councilor Burlingame to APPROVE the recommendations regarding the amendments, except for Section 3C, 3D and Section 5; seconded by Councilor G. Steere.

Discussion: Councilor Carroll stated the he would rather wait until the next meeting to vote on this. Councilor Walsh commented that if the Council waits until the next meeting, it would not give the Finance Office much time to implement the changes.

VOTE: AYES: Walsh, W. Steere, G. Steere and Burlingame
NAYS: Carroll

MOTION PASSED

2. Holiday (Saturday/Sunday)
Discussion and/or Action

Councilor Walsh stated that there has been discussion among staff members regarding the holiday schedule for the 4th of July. The handbook states that the Town will follow the State schedule, but a majority of employees would like the Council to consider changing that day to the Friday before, July 3rd.

MOTION was made by Councilor Carroll to move the holiday for Fourth of July to Friday, July 3rd for this year; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Budget Fiscal Year 2009/2010

1. PHS Resource Officer Funding
Discussion and/or Action

Councilor Carroll read the following letter regarding the High School Resource Officer:

May 28, 2009

Dear Council President Walsh:

We write in support to continue the funding for a School Resource Officer at Ponaganset High School and to commend the outstanding effort exhibited by GPD Officer and PHS SRO, Mr. Michael Hopton.

While we understand desperate financial times being experienced in RI, we would stress that Officer Hopton's salary is well spent. He has not only made our school safer, but he has also created relationship with students who now see a police officer as someone they can rely on and who cares about their safety and welfare. Officer Hopton has arranged for drunk driving demonstrations through student assemblies, brought in officers from the canine division, attends almost all student activities and sporting events, is co-advisor of our STARS group, which actively seeks to improve school culture through peer interaction and leadership, and hopes to work with our Mock Trial team in the future.

In terms of school safety, he will coordinate our school safety plan this summer, has been a valuable resource to parents with issues related to internet bullying and harassment, monitors school grounds, investigates stolen items, and has expertly diffused many potentially violent confrontations with his calm and professional demeanor. Few phone calls to the local police department have been required since he's joined our team, which has a cost saving and enhanced community policing benefit to the community.

In conclusion, Ponaganset High School has approximately a thousand people a day on its campus, and the addition of Officer Hopton has made a real difference for all of us. We ask that the council please consider the importance of his role in these difficult budget times and bring Officer Hopton and the SRO position back next year.

Thank you for your consideration.

Regards,

Dennis Kafalas, Mary Tetzner, Cheri A. Yanku

(end of memo)

Discussion: Councilor Walsh stated that he has spoken to the Chief of Police, who indicated that the School Resource Officer has made a huge difference in the number of times an Officer has had to go to the school.

Steve Sette, School Committee member, expressed his support for the funding for this position. S. Sette suggested that the Council delay their decision until the next meeting to allow Officer Hopton to make a formal presentation. S. Sette noted that situations such as fighting and drug use have been averted due to the presence of the Resource Officer. Councilor Walsh asked if the School Committee might consider contributing to the funding of this position, adding that sixty (60) Town employees are receiving cuts in pay.

S. Sette replied that he has looked at the town budget and sees several items which could have been suspended for a year or two, but were not. Councilor Walsh stated that Gloucester is willing to help fund the Resource Officer position, but cannot fund the whole thing. Councilor Walsh asked Tim Kane, Assistant Town Solicitor, how can Foster opt out of this funding, when they are responsible for one-third of all bills for the region. T. Kane replied that he does not know how this position is budgeted. S. Sette stated that it is budgeted through each Police Department.

Councilor W. Steere expressed his opinion that everyone has to pay their fair share, adding that if Gloucester funds the whole thing, the Region will be getting a free service. Councilor W. Steere questioned paying for the Resource Officer, stating that at the last meeting, the Council was told that senior citizens may not receive a real meal each day because funding for that service was cut. Councilor Walsh stated that he supports the position, but asked if Foster does not pay their fair share, will the Region help us pay the bill? S. Sette replied that he cannot answer that question since he is one of nine members of the School Committee.

Jacky DiPietro stated her opinion that the Region should be billed for 180 days of the Resource Officer's employment which would result in both Towns paying their share. S. Sette stated that he will bring this up at the next Foster-Glocester School Committee meeting and Councilor Walsh stated that he will speak with the Superintendent.

Peter Skeffington, School Committee member, expressed his agreement with J. DiPietro's suggestion to bill the Region for the Resource Officer.

Michael Hopton, Gloucester Police Officer and School Resource Officer, spoke regarding the position, stating that it is a beneficial program. Officer Hopton stated that he has been in law enforcement for 26 years but has never had a position such as this. Officer Hopton stated that he cannot put into words how important this program is for the students at the high school. Officer Hopton stated that he works hand-in-hand with Mrs. Tetzner and Mrs. Yanku every day to get students to realize that people have differences and things can be worked out somehow. Officer Hopton stated that he has attended hundreds of after school events and has woven himself into the "fabric of the community." Officer Hopton feels that a Resource Officer makes the school a safer place.

George Charette stated that when an officer is on duty, student behavior seems to improve. G. Charette stated that it is up to the Town Council to make sure that the neighboring town pays their share.

- H. Ratification:
 - 1. E-911 Right of Way Name Designation

Karen Emond, the E-911 Clerk has made the following request:

June 3, 2009
To: Gloucester Town Council
From: Karen J. Emond, E-911 Coordinator
Re: Private Right of Way off Huntinghouse Road

As a result of the recent approval and recording of the plan entitled “Minor Subdivision Record Plan Residential Compound for Alan Whitford” for property located off Huntinghouse Road, identified as Assessor’s Plat 15, Lot 118, we have been asked by the property owner to approve the name “Whitford Way” for the private right-of-way depicted on the attached map. Town Council adoption of the name of this private right-of-way is for E-911 identification and numbering purposes only. Upon adoption of the name by the Council, I will notify the property owners and the appropriate Town and State departments.

If you have any questions regarding this matter, please do not hesitate to contact me.
(End of memo)

Discussion: Councilor Walsh explained that the property owner is planning to build a dwelling in the back and it is necessary to name the right-of-way to enable the utility companies to locate the site.

MOTION was made by Councilor Carroll to RATIFY the naming of Whitford Way, a private right-of-way depicted on the map contained in Karen Emond’s memo, Assessor’s Plat 15, Lot 118 for E-911 identification and numbering purposes only; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

I. Technology Improvements - Virtual Server Technology

Councilor Burlingame read the following letter forwarded by Tom Mainville regarding expanding the Town's computer system:

April 24, 2009

To: Tom Mainville

From: Ed Juairé

Re: Technology Improvements and Cost Savings

Following a discussion with Jacky regarding allowing the two elementary schools to have access to the accounting system, it was estimated this cost would be in the neighborhood of five to six thousand dollars (\$5,000 to \$6,000). It will involve adding another server in the server room plus software.

I believe the town has reached a point where an alternative system be considered. This system would employ two servers, one for redundancy, and a possible offsite location. The server system would be set up to use Virtual Server technology. This technology allows adding eight (8) to ten (10) servers to one actual server while preserving the isolated integrity of each operating system and their applications.

This technology has many benefits which is enumerated on the following pages but the main benefit is reduced operating costs. Yes, there will be some up front expenses but payback occurs rapidly.

The question remains as to how to best determine what the overall expenses and benefits will be. To accomplish this task I am suggesting that I be authorized to go to Gloucester and conduct a survey which would include visiting both elementary schools to obtain information on their equipment, determine their requirements and come up with a plan to accomplish a net overall operating savings to the town. I would include having Matt Floor with me on these visits. Additionally, I would include Steven Gorriaran of Genesys Consulting Associates and George Shaheen of Rhode Island Telephone during these visits.

There would be no charge for the participation of Gorriaran and Shaheen.

I would assume that School Committee permission would be required to investigate the school systems but with the tight budgets everyone is facing, I consider this to be in the best interests of the town.

As you might remember, the town saved considerable monies on phone bills when we implemented the changes at the town hall and the police station. I believe a full review of all technology systems is in the best interest of the town and its taxpayers.

The estimated cost for my visit is approximately \$1,800 for 4 days which includes air fare (\$350), car rental (\$250) and my services (\$300/day). Air fare and car rental are approximate estimates. Actual charges would be billed. There would be no charges for

lodging or food. Comparable consulting services range in a per hour cost of \$140 to \$170 per hour.

I believe I could have a minimal report available for the Council for their May 21 meeting which I would attend if requested to do so.

(End of memo)

Discussion: Councilor Burlingame stated this involves a higher level of technology which would allow the Gloucester School Department to have coordination with the Finance Office. Tom Mainville explained that the purchasing process at the schools is heavily paper-intensive and by allowing them access to our accounting and purchasing systems, it would speed up the process and eliminate all of that paper. T. Mainville stated that he asked Mr. Juairé to give a dollar figure regarding cost versus benefit, and to estimate what the payback period would be. T. Mainville stated that Mr. Juairé replied that he could not do that without coming up to review the process.

Councilor W. Steere asked if this was something that Matt Floor could do. Councilor Burlingame replied that M. Floor does not have the level of experience in Virtual Server technology. Councilor W. Steere expressed his concern regarding having to pay someone who is not in this area approximately \$700 or \$800 just for traveling here. Councilor W. Steere added that he feels M. Floor could handle the conducting of surveys over the phone or via e-mail.

Councilor Carroll pointed out that Mr. Juairé works for the Town and should get paid for the work performed, but Councilor Carroll objected to paying for traveling expenses. Councilor Carroll also spoke about the inclusion of Genesys Consulting and Rhode Island Telephone, asking if this should be open to bidding. T. Mainville replied that if new equipment is needed, that would go out to bid.

Councilor W. Steere asked why Mr. Juairé is requesting that M. Floor be present during the survey. T. Mainville replied that this would ensure that after Mr. Juairé leaves, M. Floor would be familiar with what needs to be done. T. Mainville pointed out that Mr. Juairé was responsible for installing the current system and in the early years, did it all for nothing. T. Mainville noted that Burrillville has two (2) full-time computer people for the Town alone, resulting in salaries and benefits in excess of \$100,000.

Councilor W. Steere asked what happens if Mr. Juairé must return five or six times for this purpose. T. Mainville stated that it would never get to that point.

Jacky DiPietro, Financial Clerk, stated that even if the Council does not approve this request, she will still go forward with getting the schools on board with our software. J. DiPietro explained that when the School Department receives a bill, a secretary must type a purchase order on a typewriter, put it in an envelope and send it to the High School. The bill must then be returned and subsequently forwarded to the Treasurer's Office for payment. J. DiPietro stated that with the improved server technology, the School Department could fill out the purchase order on the computer and e-mail it to the Principal and Superintendent for approval.

Steve Sette, School Committee member, agreed that this would streamline the payment process. J. DiPietro stated that what she wants to do can still be done if the Council decides not to approve Mr. Juairé's request. Councilor Carroll expressed agreement that with current technology, paper bills should not exist.

Mike DeGrange stated that he is in the computer field and questioned why the analysis is not subject to the bid process, noting that IT companies, including his company, are grasping for jobs. M. DeGrange asked if a proper system design been done and cautioned the Town Council to "do their homework" before spending taxpayer money. Councilor Walsh pointed out that conducting the analysis will allow the Council to decide whether to approve the Virtual Server technology. M. DeGrange noted that the analysis will cost money which could be used to fund other programs.

Councilor W. Steere stated that he does not understand why the local IT person cannot accomplish this evaluation. Councilor Burlingame noted that Matt Floor is a full-time employee of the Police Department and does not have the time necessary to devote to this project. There was discussion regarding reducing the cost of the analysis by Mr. Juairé. Councilor Burlingame stated that he will speak to Mr. Juairé to determine if he would pay his own airfare and if he could use a Town vehicle instead of a rental car. Mike DeGrange asked if any other companies could bid on the assessment. Councilor Walsh replied that, once an assessment is made, the job will go out to bid.

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, expressed appreciation to George Charette for planting flowers in front of the Town of Gloucester sign as well as at the mini-park next to Christy's Liquors.

J. Fecteau stated that Roy Najecki, member of the Land Trust and Conservation Commission, has submitted a Resolution which, if adopted, would give the Conservation Commission stewardship of the Town property formerly known as the FM Global property. J. Fecteau stated that she will distribute copies to the Councilors and the Town Solicitor for review.

- B. Councilor Walsh asked Ray Goff, Town Planner, if he is responsible for the DEM Project Priority list. R. Goff replied in the affirmative, adding that the list will be submitted prior to the deadline of June 22nd.

Councilor Walsh asked R. Goff if he will be involved in the upcoming Rhode Island Housing workshops. R. Goff replied yes.

- C. Councilor Walsh stated that a Resolution will be given to Brittany Sederback concerning a Girl Scout award.

- D. Councilor Burlingame asked Larry Desormier, Building/Zoning Official, how he is progressing with his report formats. L. Desormier replied that he has located the form which was used by his predecessor and distributed copies to the Council members.

L. Desormier he met with individuals from FM Global and came to an agreement regarding the permit process. L. Desormier stated that his office will be receiving approximately \$10,000 extra in addition to the ADA fees for a total of between \$13,000 and \$14,000 in added fees.

L. Desormier reported that the Middle School lost power and/or water due to a short circuit in the ground wire between the pumping station and the school. L. Desormier noted that Joe McGovern was able to locate and rectify the problem within a reasonable amount of time. L. Desormier stated that the school was evacuated as soon as the buses became available.

L. Desormier stated that the High School is expected to have a temporary Certificate of Occupancy by the end of the month.

Councilor Carroll asked L. Desormier if the situation with the Chepachet Union Church windows has been taken care of. L. Desormier replied that the Trustees are still awaiting a bid to award the contract.

XI. Boards/Commissions

- A. Walter Steere, Jr., School Committee member, stated that the auditors presented their report at the last Gloucester School Committee meeting, adding that everything is in great shape since the Finance Director's office took over the financial aspect.

W. Steere, Jr. referred to an article in today's Valley Breeze which stated that the new school project is on time and on budget. W. Steere, Jr. stated that, unfortunately, the School Committee has been informed that there could be up to a million dollar over-spending on the project, adding that the School Committee has been asked to fund that amount one way or another. W. Steere, Jr. explained that the bonded money was in the bank gaining interest, which the Building Committee felt was theirs to use. However, W. Steere, Jr. noted that in the bond papers themselves, it was stated that this interest was supposed to go back for debt reduction.

Councilor Burlingame asked how much the original bond was, with the exception of the Esco. W. Steere, Jr. replied "45 million dollars". After discussion, it was stated that the amount approved at the Financial Meeting for the Esco was 12.8 million, for a total of nearly 60 million dollars. Councilor Burlingame noted that the original proposal was for 45 million dollars.

W. Steere, Jr., School Committee member, stated that he was aware of this situation but was unable to discuss it because it was addressed in Executive Session of the Building Committee. W. Steere, Jr. noted that at the March and April meetings of the Building Committee, more spending was approved.

Councilor Walsh read from the Home Rule Charter regarding purchasing policies.

W. Steere, Jr. stated that the extra million dollars is not eligible for State reimbursement, adding that for most of this project, we received 60% reimbursement.

W. Steere, Jr. stated that the School Committee took a vote and five (5) members were against the Building Committee's request. W. Steere, Jr. stated that there is a public meeting scheduled for Monday, June 15th. Councilor Burlingame inquired if this vote was taken in Executive Session. W. Steere, Jr. replied that although it was done in Executive Session, he was told that he could speak about it.

Councilor W. Steere, III asked if any options were considered other than the taxpayers paying for this million dollars. W. Steere, Jr. replied that it was suggested that fund balance or set-aside be used for the deficit, however those funds are in a restricted bank account to be used only for debt service.

David Steere, Budget Board chair, asked what would happen if the School Committee refused the request. W. Steere, Jr. replied that, so far, that is what the Committee has done. W. Steere, Jr. further stated that the meeting on June 15th will probably be advertised as an "investment of public funds", adding that any normal person will not know what that is. W. Steere, Jr. suggested that an ad be placed in the Bargain Buyer explaining what it is and urging the public to attend the meeting.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that Jamie Hainsworth, Chief of Police, responded to the correspondence from "Braking the Cycle", advising them to contact the State Police regarding their request for permission to conduct a bike tour through Gloucester.
- B. Councilor W. Steere expressed appreciation to George Charette and others who did the planting of flowers at the Town Hall.

XIII. Open Forum

- A. Steven Sette, School Committee member, stated that the Committee has been kept in the dark about many things over the last four (4) years. S. Sette commented that the vote at the last School Committee meeting was the first time the Building Committee did not get what they want. S. Sette expressed hope that this may be a turning point.

S. Sette recommended that, in the future, the budget process begin on July 2nd for the following fiscal year. S. Sette suggested that the Finance Directors from each town as well a member of each Town Council and School Committee meet on a regular basis to discuss budget issues.
- B. Bob Lyons of the Waterman Lake Shores Association spoke regarding the action taken at the last Town Council meeting concerning the roads in Waterman Lake Shores, asking if the decision was unanimous. B. Lyons stated that before he reports back to the Association, he wants to know if all Councilors were in agreement that the roads should

not be placed back on the Town road list. Councilor Walsh replied that he does agree that the roads were taken off the Town map inappropriately, but does not believe that they are Town roads. Councilor Walsh also stated that he believes the Council should help the residents repair the roads as was done on Phillips Lane. Councilor Carroll pointed out that the Council did not vote on anything at the last meeting because there was no motion before them. Councilor Carroll further stated that the Town Solicitor gave the Council his legal opinion and explanation.

Bob Lyons asked if the FM Global money will go towards infrastructure. Councilor Walsh replied in the affirmative. B. Lyons asked if this would be for private roads. Councilor Walsh responded that it would be used for roads in general.

B. Lyons questioned the \$200,000 Brownfields Grant, which has a 20% Town co-pay in the amount of \$40,000. Councilor Walsh stated that he will look into it and get back to Mr. Lyons.

- C. George Charette, Vice-Chair of the Planning Board, spoke regarding the role of the various Boards and Commissions in Town. G. Charette suggested that some of the groups meet together to discuss the future of the Town. G. Charette expressed concern that Gloucester is in trouble, financial and otherwise. G. Charette commented that the center of the village is falling apart. G. Charette noted that although Gloucester is rural, there can be businesses other than antique shops. G. Charette stated that there was objection to Dunkin Donuts and CVS, but those businesses are thriving. Councilor Walsh stated that several of the properties in the village are vacant because the owners have turned down offers to purchase. Councilor Burlingame stated that the Planning Board's responsibility is to ensure that any plans that are submitted are in conformance with the Comprehensive Plan, adding that the Planning Board is not to be involved in Economic Development or zoning enforcement. G. Charette replied that he is simply seeking to get a crossover of discussion among three boards.

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 11:07 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 16, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 18, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean M. Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works
Director; Raymond Goff, Town Planner; Lawrence Desormier,
Building/Zoning Official; Walter Steere, Jr., School Committee
member; and Jamie Hainsworth, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor W. Steere.

IV. Open Forum for Agenda Items

None.

V. Resolution

Girl Scouts Gold Award

Councilor Walsh stated that we have a resolution for a young lady in recognition of her achievement of receiving the Girl Scouts Gold Award. Councilor Walsh asked Brittany Sederback to step forward while the resolution is read:

**RESOLUTION
2009-12**

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Brittany Sederback for achieving the Gold Award, the highest award in Girl Scouting; and

WHEREAS, part of the Gold Award requirements are special interest projects designed to promote growth and knowledge in areas such as business and technology, arts and humanities, cultures and global relations, energy conservation, personal well-being, the outdoors and the environment; and

WHEREAS, in order to achieve this award Brittany had to excel in leadership, service and self development and have demonstrated self discipline, time management, originality, initiative and a significant mastery of skills; and

WHEREAS, Brittany, in order to complete the A Challenge of Living the Promise and Law practiced daily the ideals of the Girl Scout Movement; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester acknowledge the hard work and dedication given to achieve this award and are proud to have Brittany Sederback as a member of our community.

Kevin P. Walsh, President
Gloucester Town Council
Jean M. Fecteau, Town Clerk

Seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Licensing

A. Entertainment License: Amendment to current License

1. Putnam Properties, Inc.

d/b/a Stick's Tavern

Location of Business: 417 Putnam Pike

(Public Hearing was held on May 21, 2009 and Closed)

Discussion: Councilor Walsh explained that the owner of Stick's Tavern, Vincent Iannuzzi, applied for an outdoor entertainment license and upon review, it was discovered that the proper procedure was not followed for Mr. Iannuzzi's expansion of business. Councilor Walsh stated that the Council will not proceed with the entertainment license until the application for expansion is submitted and a Public Hearing scheduled.

VII. Consent Items

A. Approval of Town Council Minutes- May 21, 2009 & June 4, 2009

B. Finance Directors Report - May, 2009

C. Tax Assessors Additions and Abatements

D. Pole Grant- P.6, Location: Eddy Road

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of May 21, 2009, to TABLE the minutes of June 4, 2009; to ACCEPT the Finance Directors Report of May, 2009; to APPROVE the Abatements to the 2008 Tax Roll in the amount of \$260.56, (No Additions); and to APPROVE the Pole Grant, P. #6, location: Eddy Road; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Waterman Lake Shores

1. Drainage (Granby Street)

Discussion and/or Action

Nicholas Gorham, attorney representing the Danty family, stated that at a previous meeting, it was decided that the Town would conduct an investigation regarding the size of the pipe.

Gary Treml, Public Works Director, explained that on June 9th, a robotic camera was sent down into the pipe in question. G. Treml stated that the results indicate that the pipe is twelve (12) inches from the catch basin to the wall. The pipe runs straight from the catch basin directly through the wall. G. Treml further stated that the pipe was found to be in good condition, other than some minor root infiltration at the joints, but nothing that impeded the water or the camera from being inserted almost to the end.

G. Treml stated that he has a CD of the examination from beginning to end. Nicholas Gorham requested a copy of the CD for his clients. N. Gorham also stated that his clients feel strongly that the wall was damaged when the Town replaced the pipe. N. Gorham noted that the burden of proof is on his clients to obtain an engineer's report which would provide evidence.

Councilor Walsh stated that this matter will be removed from the agenda until such time as the Danty family presents documentation which indicates that the Town is responsible for the repairs. Andrea Desautel, resident of Granby Street, stated that her family has already expended money for tree removal and does not feel that they should spend additional money to hire a civil engineer. Ms. Desautel stated that she expected to have an answer tonight. Councilor Walsh suggested that a copy of the CD will be available next week.

MOTION was made by Councilor Carroll to REMOVE from the table the Granby Street drainage issue in the Waterman Lake Shores Plat; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Zoning Board of Review

One alternate position (#2) for a one year term to expire 1/2010

Councilor W. Steere read the following recommendation from the Zoning Board Chair:

Dear Honorable Town Council:

As you are aware, we had a recent vacancy with the resignation of Myles Beltram from the Zoning Board that was effective with your last meeting. Myles offered our board eight years of dedicated service and his counsel and participation will be missed.

As Chairman of the Zoning Board, I would like to ask that you respectfully consider the following appointments at your earliest convenience:

Al Decorte be moved from #1 alternate to replace Myles Beltram as a member of the board. Sharon Lambert be moved from 2nd alternate to #1 alternate.

Please consider Scott Carlson for appointment as 2nd alternate. I have known Scott for two years. During that time he has helped me coach two soccer teams and I have coached against him in Little League. He has always delivered a calm and professional approach to both roles that I have observed him in, not to mention his most important roles as both a parent and a husband.

His background as an accountant gives him the ability to study and learn the extensive zoning regulations that we have in place. I believe that he would enter each hearing objectively and base each decision of each application on its merits - while consistently applying the regulations that our Town has adopted. It is with pleasure that I offer a recommendation for Scott. I thank you for your consideration of my recommendations and believe that these appointments will allow our board to continue to provide fair and competent decisions for the residents of our Town.

Sincerely,

Gregory J. Meinertz

(end of memo)

Councilor Walsh explained that the procedure for the Zoning Board is to move the alternate members up when a vacancy occurs on the Board, adding that this helps the members to learn the rules and regulations before they are in a position to make decisions.

MOTION was made by Councilor G. Steere to APPOINT Scott Carlson to the Zoning Board of Review, Alternate #2 position, for a one year term to expire 1/2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Local Board of Appeals for Building Code
One -5 year term to expire 6/2014

Councilor Walsh stated that this item is for the expired term of William Drexel. Jean Fecteau, Town Clerk, stated that Mr. Drexel has not contacted her regarding this appointment.

MOTION was made by Councilor Carroll to TABLE the Appointment to the position of the Local Board of Appeals for Building code for a five year term to expire 6/2014; seconded by Councilor W. Steere.

Discussion: Councilor Walsh stated that he will call William Drexel to determine if he wishes to be reappointed.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- C. Budget Fiscal Year 2009/2010
 1. PHS Resource Officer Funding
Discussion and/or Action

Councilor Walsh stated that he has contacted Dr. Barnes, Superintendent, regarding this matter. Councilor Walsh stated that he suggested that Dr. Barnes add this item to the school budget and in turn, bill the Towns of Foster and Gloucester for their respective share of the Resource Officer's salary. Walter Steere, Jr., School Committee member, stated that it was not addressed at the School Committee meeting, adding that he is meeting with Dr. Barnes tomorrow and will request that it be placed on the next agenda.

- D. Technology Improvements-Virtual Server Technology evaluation.
Discussion and/or Action on revised proposal.

Tom Mainville, Finance Director, stated that he has spoken to Ed Juairé regarding the offer to split his travel costs for his trip to Gloucester to conduct this evaluation. T. Mainville stated that Mr. Juairé has expressed his agreement. T. Mainville commented that, by his calculation, this will amount to \$37.50 per hour for Mr. Juairé's services. T. Mainville added that the School Committee is in favor of Mr. Juairé performing the evaluation.

There was discussion regarding whether to offer the opportunity to a local person, such as Mike DeGrange. Councilor Burlingame commented that E. Juairé should perform the evaluation due to his expertise, and perhaps Mr. DeGrange could get involved later on. Councilor W. Steere stated that he is unsure if the Town should pay for half of Mr. Juairé's airfare, asking if traveling to Gloucester is in Mr. Juairé's contract. T. Mainville replied that this evaluation was not considered at the time the contract was agreed upon.

Councilor W. Steere expressed his concern that this project will require additional trips to Rhode Island for Mr. Juairé. T. Mainville responded that once the survey is completed by E. Juairé, the project will be handled locally. Councilor Carroll stated that he is hesitant because we have a Gloucester resident (Mike DeGrange) who has experience and skill and has offered to do the work for minimal cost. Mike DeGrange was present and stated that he is familiar with virtual server technology.

Jean Fecteau noted that Mr. Juairé is available to the Town 24/7, adding that we can't afford to pay for full time IT staff like some other Towns do. T. Mainville expressed his agreement, stating that each office uses different software and E. Juairé knows intricately how the system works. J. Fecteau noted that we have had uninterrupted service for fifteen (15) years with no down-time. Councilor W. Steere stated that no one is disputing the service we have received from Mr. Juairé over the years, however, this is an extra expense which is not in his contract.

Councilor W. Steere asked if after E. Juairé performs the evaluation, could Mr. DeGrange assist in the implementation of any changes since he has offered his services for free. T. Mainville asked if Mr. DeGrange has offered to do all of the work for free. Councilor W. Steere stated that we would have to ask Mr. DeGrange about that. M. DeGrange spoke, but was inaudible on the tape. Councilor Walsh stated that E. Juairé has been here for fifteen (15) years and has run this whole system, adding that Mr. Juairé has been an outstanding citizen of Gloucester. Councilor Walsh stated that it is important that the initial evaluation be conducted by someone who knows the system and its idiosyncrasies.

Councilor Burlingame expressed his agreement with Councilor Walsh's comments, but added that it would not hurt to have another set of "high technical eyes" looking at the system. Councilor W. Steere noted that this is nothing against Ed, but we are looking at dollars and cents. Councilor W. Steere agreed to split the travel costs with Mr. Juairé this time, but in the future, he will have to cover those costs himself.

MOTION was made by Councilor Burlingame to pay half of Ed Juairé's airfare plus his hourly rate for the evaluation of the Virtual Server Technology; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. New Business

A. Town Council

1. Summer Meeting Schedule
Discussion and/or Action

Councilor Walsh explained that last year, the Council eliminated one meeting in July as part of the summer schedule. There was discussion concerning whether to have the regularly scheduled meeting on July 2nd. Councilor Walsh recommended if the Council does meet, not to hold any Public Hearings because many people go on vacation during this time. There was Council consensus to eliminate the meeting of July 2, 2009.

MOTION was made by Councilor Burlingame to eliminate the Town Council meeting of July 2, 2009; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Meeting Format - Open Forum
Discussion and/or Action

Councilor Carroll stated that the Council has always given people the opportunity to speak regarding agenda items as they come up during the course of the meeting. Noting that nobody usually signs up for the first Open Forum (for agenda items), Councilor Carroll suggested removing this item from the agenda. Councilor Walsh pointed out that on occasion, a person wants to speak regarding an item on the agenda, but by the time it comes up, the person has left because it is too late. Councilor Walsh recommended that Open Forum be held first to allow people to speak without having to wait until the end of the meeting.

Tim Kane, Assistant Town Solicitor, agreed that this format would accommodate the citizens and would still allow somebody to address the Council about any agenda item as it comes up at the meeting. Councilor W. Steere noted that this Council is open to listening to what the public has to say, but subsequent Councils may feel differently. T. Kane replied that each Council establishes its own rules and can change them at any time.

George Charette stated that he feels the agenda should stay as it is, noting that if a resident wishes to speak, he will stay until the end of the meeting and will learn what is happening in the Town. Walter Steere, Jr., School Committee member, commented that if somebody arrives late, they will miss the opportunity to speak. Councilor Walsh suggested that we have Open Forum at the beginning of the meeting, and if anyone still wishes to speak at the end, they would be allowed to. There was Council consensus to do so.

3. Reimbursement of Funds to Council members
Discussion and/or Action

Councilor Walsh explained that this pertains to an advertisement placed in the Bargain Buyer by the Town Council members with regard to the Regional School Committee meeting. Councilor Burlingame stated that he paid for the ad because there was a deadline to be met. Councilor Burlingame is requesting reimbursement.

Councilor Carroll commented that the ad was more substantial than he had expected and would like the Council to approve such things in the future. Councilor Carroll noted that there were extenuating circumstances with the deadline, but he did not see the language of the ad before it was placed.

MOTION was made by Councilor G. Steere to AUTHORIZE the reimbursement to Town Council members for special meeting advertising expenses incurred during the course of town business, said funds to be appropriated from the Town Council Miscellaneous Account; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, and G. Steere

NAYS: Carroll

RECUSAL: Burlingame

MOTION PASSED

B. Gloucester Code of Ordinance - First Reading

1. Amendment to Article 350-33: Signs in Historic District
Section D.1. Amortization period for nonconforming signs.

Councilor Walsh stated that the Solicitor has prepared the possible text amendment for the Council's review:

Chapter 350-33. Signs in Historic District, D.1. has the only significant change:

- (1) Amortization period for nonconforming signs. Signs may remain in nonconforming state **until June 30, 2014 for five years after the passage of this section.** Thereafter, signs shall be brought into conformance with this section by obtaining a permit and approval by the Gloucester Historic District Commission or be removed; provided, however, that the amortization period established by this subsection may be used only so long as the signs retain their legal nonconforming status.

Other than that there are only minor grammar changes proposed, the entire Chapter is below and will be part of the minutes:

350-33. Signs in Historic District.

All signs in the Historic District shall conform to the following regulations:

- A. In the Historic District, signs may be illuminated by a stationary white or off-white steady light only. These lights shall not direct light or shine off the premises and not spill onto any abutting property or public right-of-way. The light should be directed primarily onto the sign and maintained at a sufficiently low intensity and brightness to avoid glare. Internal illumination or back lighting of signs is prohibited in the Historic District.
- B. All signs within the Historic District are to be made of wood or wood composite, be architecturally integrated with their surroundings and the building, and be complementary to the overall design of the building.
- C. All proposed signs in the Historic District shall require approval from the Gloucester Historic District Commission in addition to a building permit. All requests shall be submitted for review as part of an overall sign proposal for the business and/or property.
- D. Nonconforming signs/amortization. Signs which were legally installed prior to the adoption of this section and do not conform to the requirements of this section, as adopted on the date of passage, are considered nonconforming and shall comply with the following requirements:
 - (1) Amortization period for nonconforming signs. Signs may remain in nonconforming state **until June 30, 2014 for five years after the passage of this section.** Thereafter, signs shall be brought into conformance with this section by obtaining a permit and approval by the Gloucester Historic District Commission or be removed; provided, however, that the amortization period established by this subsection may be used only so long as the signs retains their legal nonconforming status.
 - (2) A Nonconforming signs shall not be replaced if the sign is damaged due to a storm or other natural causes to the extent that its repairs will exceed more than 50% of the cost of replacement. If a lawful nonconforming sign is damaged, allowed to deteriorate to the point that repairs exceed 50% of its replacement cost, and/or its use is discontinued or abandoned for six months, the sign shall not be repaired, but must be removed and/or replaced in conformance with this section.
 - (3) Subject to the provisions contained above, nonconforming signs that exist after the passage of this section may be continued as long as they are in good repair and do not create a hazardous condition.
 - (4) Nonconforming signs that advertise any activity, business, product or service no longer produced or conducted on the premises where the sign is located shall be removed within six months of the inactivity/business vacating the property.

Removal shall consist of total removal of sign faces, frames, supports, structures, poles and other associated items or parts.

(End of proposal)

Discussion: Councilor Walsh explained that originally, the amortization period was contingent upon the State completing the beautification of Main Street, which is to be done next year, therefore, the date should be June 30, 2015. Councilor Walsh stated that a copy of this amendment should be forwarded to the Planning and Zoning Offices and Dan Romani, chair of the Historic District Commission. A Public Hearing date was set for July 16, 2009.

MOTION was made by Councilor Burlingame to change the amortization date to June 30, 2015; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Appointments

1. Gloucester Police Department
 - a. Dispatcher-Part time, as needed

Councilor Walsh read the following memo from Jamie Hainsworth, Chief of Police:

To: Honorable Town Council
From: Jamie A. Hainsworth, Chief of Police
Date: June 3, 2009
Re: Appointment Dispatcher Part Time as Needed

I am requesting the appointment of Jason Lemaire as a part time as needed dispatcher. This position is necessary when a permanent dispatcher position needs to be filled. Jason was a part time (as needed) Dispatcher for us in 2006; he separated from us to go into his full time position in the Fire Service in Massachusetts. He continues that employment and now has the time to dispatch for this Department.

His rate of pay will be \$14.00 per hour while in training and \$16.00 per hour once he is trained. Please put this on your agenda for the June 18, 2009 Town Council Meeting. His start date will be upon your appointment.

Thank you for your attention in this matter, if you have any questions please don't hesitate to contact me.

(End of memo)

Discussion: None.

MOTION was made by Councilor Carroll to APPOINT Jason Lemaire to the position of part time, as needed, dispatcher for the Gloucester Police Department at the following rate of pay: \$14.00 per hour while in training and \$16.00 per hour once trained; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Public Works Department
 - a. Litter Crew Supervisor

Councilor W. Steere read the following request from the Public Works Director:

To: Town Council
From: Gary Treml, Public Works Director
Re: Appointment Litter Crew Supervisor

I am requesting that Marie Howard be appointed to the position of Litter Crew Supervisor. Marie worked on the litter crew 3 summers ago and has been the supervisor for the last 2 summers. She has done a great job working with the crew cleaning up the sides of roads throughout Town. Marie will be working 16 hours per week at a rate of \$ 11.00/hour starting June 29, 2009.

The program will run from 6/29/09 - 8/7/09.
(end of memo)

Discussion: None.

MOTION was made by Councilor Carroll to APPOINT Marie Howard to the position of Litter Crew Supervisor at an hourly rate of \$11 for the 2009 summer season; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- b. Seasonal Part Time Park/Maintenance Worker

Councilor Walsh read the following memo From Gary Treml, Director of Public Works:

June 11, 2009

To: Town Council

From: Gary Treml, Public Works Director

Re: Appointment Part Time Seasonal Parks/Maintenance Worker

I received 22 applications for the Part Time Seasonal Parks/Maintenance Worker position advertised in the May 19, 2009 Bargain Buyer, Burrillville Edition. Sixteen applicants were Gloucester Residents and six were non residents. Of the 16 residents, only 3 had previous landscaping experience.

One was under 18 years old therefore, did not qualify. The second one did not return my call. The last one I interviewed was very qualified. He has experience with all types of equipment and was able to display that when he was given a driving test.

I am requesting that Adam Lohr be appointed to the position of Part Time Seasonal Parks/Maintenance Worker. Adam will be starting on June 22, 2009 and will work through approximately October 16, 2009. His work week will not exceed 30 hours per week at a rate of \$12.50 /hour.

(End of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Adam Lohr to the position of part time Seasonal Parks/Maintenance Worker at the hourly rate of \$12.50 for the 2009 season; seconded by Councilor Carroll.

Discussion: Councilor Walsh asked Tom Mainville, Finance Director, if the candidate will receive any benefits. T. Mainville replied in the negative.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

c. Litter Crew Lottery

A lottery was held to determine which two (2) applicants would be appointed to the Litter Crew. Three (3) alternates will also be chosen.

MOTION was made by Councilor W. Steere to APPOINT Judith Beaudreault and Tamara Richardson to the Litter Crew 2009 at the hourly wage of \$8.00; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

June 18, 2009

12 of 20

MOTION was made by Councilor W. Steere to APPOINT 1)Nanette Gunderson,2) Adam Gallo and 3)Riley Brown as alternates to the 2009 Litter Crew; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Allocation of Funds

1. Recycling revenue to Restricted Account

Discussion and/or Action

Councilor Walsh stated that the Council has received a request from the Public Works Director. Gary Treml is asking that the monies raised from the metal bin and batteries, which currently go in the general fund, be automatically placed into a restricted account for Transfer Station upgrades.

Discussion: Gary Treml, Public Works Director, stated that upon further discussion with T. Mainville, Finance Director, it was determined that this would not be feasible due to the way the bookkeeping is done. G. Treml stated that he thought it would be a good idea to have something set aside in the event that something drastic happens at the Transfer Station. Councilor Walsh stated that he disagrees that the funds be placed in a restricted account, but recommended that G. Treml put line items in the next budget to allow for discussion with the Budget Board.

E. Boards & Commissions

1. Solicitor's Correspondence

Discussion and/or Action

Councilor Walsh read a draft written by William Bernstein, Town Solicitor, which addresses the Open Meetings Law as it applies to Boards and Commissions. Councilor Walsh stated that this will be forwarded to Department Heads and members of all Boards and Commissions to be used as guidelines.

2. Economic Development Committee - Charge revisions

Discussion and/or Action

Councilor W. Steere stated that he has been working on charge revisions for the Economic Development Committee because we need to get that group moving along with the Community Resource Committee. Councilor W. Steere stated that correspondence has been sent to members of the Economic Development Committee, but no response has been received. Councilor W. Steere stated that we may need to seek new members as well as change the charge to make the committee more actionable. Councilor Walsh stated that he hopes to have the revisions completed by the meeting of July 16th to allow for Council discussion.

There was discussion regarding how to remove the current members of the Economic Development Committee. Councilor W. Steere noted that the terms have expired, however, the members should have the opportunity to remain on the committee. Jean Fecteau, Town Clerk, noted that an amended charge with more direction may result in the members wishing to continue to serve.

- F. Government Health Group of RI
 - 1. Appointment: Director & Alternate
- Discussion and/or Action

Councilor Walsh read the following into the record:

June 12, 2009

Kevin P. Walsh, President, Gloucester Town Council
Nominations for Director and Alternate Director for
the Governmental Health Group of Rhode Island

Dear Council President Walsh:

The Governmental Health Group of Rhode Island (GHGRI) was formed as a risk-sharing, collective purchasing group for health insurance and began operations on July 1, 2005. Effective July 1, 2009, the GHGRI will be comprised of the following members: Portsmouth (Town, Schools and Water & Fire District), Newport (City & Schools), Middletown (Town & Schools), Tiverton (Town & Schools), Little Compton (Town & Schools), Burrillville (Town & Schools), North Kingstown (Town & Schools), North Smithfield (Town & Schools), Smithfield (Town & Schools), Bristol, Warren and Bristol Warren Regional School Charlestown, Hopkinton, Richmond, City of East Providence, Central Falls Schools, the Woonsocket Education Department, Jamestown (Town and Schools), Gloucester and East Greenwich. Enclosed please find a listing of the current Board and Officers and a meeting calendar.

I write to ask that you nominate two individuals as candidates to serve on the Board of Directors, one as a Director and the other as an Alternate. The Director is the voting Board Member, while the Alternate may vote in the absence of the Director (unless the Director has designated a proxy.) The GHGRI By-Laws require that the directors be appointed at the annual meeting in September and serve until the next annual meeting. However, to avoid having to re-submit candidates for the annual meeting in September, I ask that your appointments serve from July, 2009 until September, 2010. The Board will appoint the new directors at its July meeting.

I ask that you provide me the names of the two candidates with the Director and Alternate designations by June 22, 2009.

We are hosting an orientation session for new GHGRI members at 9:00 a.m., just prior to the next regular GHGRI meeting which will be held at 9:30 a.m. on June 24, 2009 at Rhode Island Interlocal Risk Management Trust, 501 Wampanoag Trail, Suite 301, East

Providence, RI 02915. Your Director and Alternate are welcome to attend both the orientation session and the Board meeting. The orientation session will explain the invoicing and ACH transfer processes.

David P. Faucher, President
Governmental Health Group of Rhode Island
(end of memo)

MOTION was made by Councilor Carroll to APPOINT Thomas Mainville as Director and Jaclynn DiPietro as Alternate to serve on the Governmental Health Group of Rhode Island Board of Directors for the term of service from July, 2009 until September, 2010, on behalf of the Town of Glocester; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

G. Personnel handbook-Amendments.
Discussion and/or action.

Councilor Burlingame explained that discussion on two (2) of the proposed amendments to the Personnel Handbook was deferred at the last meeting. Councilor Burlingame stated that one of the amendments pertains to post-employment benefits, adding that currently, our liability is in excess of three (3) million dollars. Councilor Burlingame noted that this proposed amendment will not affect existing employees, only new hires.

Councilor Burlingame stated that the other proposed amendment is regarding whether to have a health insurance co-share for current employees who retire at age 62 and receive health insurance until they are 65. Councilor Burlingame noted that other cities and towns are moving in this direction. Councilor Burlingame stressed the importance of new hires after July 1, 2009 not getting post-employment benefits.

Councilor G. Steere expressed agreement on the issue of new hires. Councilor G. Steere noted that we have employees in the position that they are 60 years old and have worked for the Town for years. Councilor G. Steere stated that these employees are expecting the Town to cover their insurance upon retirement at age 62, adding that we cannot "pull the rug from under them". Councilor Burlingame stated that the amendment would not affect current employees, only those hired after July, 2009.

There was discussion regarding imposing a co-share on health insurance for retirees. Councilor Walsh stated that 10% of a single plan would amount to approximately \$600 per year, which he feels is reasonable. Councilor Burlingame stated that we need to put it on the table so we can make a conscious decision.

Councilor Walsh stated that some employees may have accepted less hourly wage because they expected to receive benefits after retirement but feels that paying a stipend is not all that unreasonable either. Councilor Carroll stated that he is in favor of this for new hires, but not for existing employees. Tim Kane stated that new hires will receive no post-employment benefits.

Several people in the audience (Walter Steere, Jr., Tom Mainville and Jaclynn DiPietro) spoke, but were inaudible on the tape.

MOTION was made by Councilor Burlingame to approve the following amendment to the Personnel Handbook;

Section 3(d)

New hires after July 1, 2009, shall not be eligible for the retiree health and dental insurance benefits under this section.

seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

There was no action on the other proposed amendment, Section 3(c).

H. Brownfields Grant

Ray Goff, Town Planner, stated that this grant would require a 20% match from the Town in the amount of \$40,000. R. Goff stated that he is working on trying to reduce that amount. In the meantime, R. Goff stated that he has submitted the necessary paperwork for the grant. Tom Mainville, Finance Director, stated that if we do not accept the grant, it may be mandated at some point to clean up the area anyway, and at that time we would have to absorb the entire cost. Regarding the \$40,000 match, T. Mainville stated that Ray Goff and Gary Treml, Public Works Director, could provide in-kind services to reduce that amount, adding that the remainder could be taken from the FM Global money, which was meant for infrastructure.

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that there is a Public Hearing scheduled for Monday, June 22nd, regarding a proposed amendment to the Code of Ordinance, creation of a Dam Management District. J. Fecteau pointed out that Burrillville has already adopted the ordinance.

B. Tom Mainville, Finance Director, spoke on behalf of Joe Peters of the Senior Center Board of Directors regarding the kitchen aide position at the Center. T. Mainville stated that Jacqueline Aellig was interviewed in January for per diem work and is being recommended for the vacant position. It was noted that Ms. Aellig has a food safety license, which is necessary for the mealsite to operate. T. Mainville stated that Ms.

Aellig is to start tomorrow and the appointment would have to be ratified by the Council at the next meeting.

Councilor Walsh pointed out that this is not on tonight's agenda, therefore it cannot be approved or voted on. However, Councilor Walsh stated that it has been past practice to allow employees to start working before their appointment due to extenuating circumstances.

- C. Larry Desormier, Building/Zoning Official, stated that the kitchen equipment for the high school was ordered three (3) weeks ago. L. Desormier stated that he made the suggestion to possibly stop the project at a certain point. L. Desormier was told that they are under contract to bring the kitchen up to grade to where it will be ready for the equipment when it comes in. L. Desormier stated that there are several rooms which he will not allow to open because they are not ready. There was discussion regarding whether this delay will affect our State aid. Councilor Walsh asked if there is somebody at the State who can verify that we will receive the funds. Walter Steere, Jr., School Committee member, stated that he will refer the question to the Business Manager.

L. Desormier stated that FM Global has closed out their permits, all bills have been paid and the project is completed. L. Desormier added that FM Global is looking forward to starting another project shortly.

- C. Ray Goff, Town Planner, stated that he will have the Economic Development survey completed by the end of the week and will e-mail it to the Council members and Planning Board members for feedback.

R. Goff stated that there will be an energy block grant available to cities and towns this summer, adding that Glocester will be eligible for approximately \$130,000. R. Goff noted that the Town will also be eligible for additional money on a competitive basis. R. Goff suggested that we consider a geothermal heating system or solar panels at the Town Hall.

R. Goff stated that a letter will be sent to the legislators from the Affordable Housing Committee which states that the 10% formula for affordable housing does not work for rural communities.

Councilor Walsh asked R. Goff to look into correspondence from the RI Clean Water Finance Agency regarding grants, noting that there is a deadline of July 3rd. Since the Council does not meet before that date, Councilor Walsh asked Tim Kane, Assistant Town Solicitor, if the Council can authorize R. Goff to fill out the appropriate paperwork. Jaclynn DiPietro, Finance Clerk, stated that she believes that we are not eligible for this grant. R. Goff stated that he will review the application.

- D. Councilor Walsh stated that the Police Department monthly report indicates that there is an increase in motor vehicle arrests and asked Jamie Hainsworth, Chief of Police, for

an explanation. Chief Hainsworth replied that there was a safety program for three (3) weeks which may be the reason.

- E. Gary Treml, Director of Public Works, stated that he met with the State regarding the \$250,000 that the Town will receive for paving roads. G. Treml stated that he received plans for the bridge on Chestnut Hill Road, adding that it will probably go out to bid in the fall. There was discussion concerning the length of time that the bridge will be closed, which is expected to be approximately a year and a half. G. Treml stated that we will be getting a new sweeper on June 25th. There was discussion regarding the closure of the landfill. G. Treml reported that this should be completed within a short period of time.

XI. Boards/Commissions

- A. Walter Steere, Jr., School Committee member, stated that the Senate voted on a bill whereby if a contract with a union expires, the contract will stay in effect until a new one is approved. W. Steere, Jr. expressed his opinion that this will help the unions, but not the people of Rhode Island.

W. Steere, Jr. stated that the School Committee has a meeting scheduled with the Building Committee and members of the administration. W. Steere, Jr. stated that the Building Committee is seeking to get some of the interest money from the Bond Anticipation Notes. W. Steere, Jr. commented that the attorney seems to be working more for the Building Committee than for the School Committee.

Councilor Walsh stated that the Building Committee is not the boss, the School Committee is. Councilor Walsh further stated that if the School Committee has questions regarding their legal counsel to the point that they have to check up on him, perhaps he should not be their legal counsel. W. Steere, Jr. replied that the attorney has served the School Committee well in the past, but the school building project has caused many problems.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that the Dorr Rebellion Days will take place on June 26, 27 & 28.
- B. Councilor Walsh stated that a letter was received from Virginia Peters, Director of Human Services, thanking the Town for donations made in memory of John Devine.
- C. Councilor Walsh stated that a notice was received from the Gloucester Business Association regarding their monthly meeting.
- D. Tim Kane, Assistant Town Solicitor, stated that correspondence was received from Holiday Acres Campground stating that steps are being taken to remedy the situation concerning sewage disposal

- E. There was discussion regarding the existing noise ordinance and possible amendments. T. Kane, Assistant Town Solicitor, stated that he will confer with the Chief of Police and William Bernstein, Town Solicitor.
- F. Councilor Walsh stated that the Council received two (2) resolutions from the town of Charlestown regarding an electric rate increase and health insurance hikes. There was consensus to place these resolutions on the next agenda.
- G. Councilor Walsh stated that we received a resolution from Westerly urging support of the Supreme Court's opinion regarding *Carcieri v. Salazar*.
- H. Councilor Walsh stated that a resolution for the William Mills Conservation Area (FM Global) will be on the agenda for the next Town Council meeting.

XIII. Open Forum

- A George Charette, 312 Chopmist Hill Road, stated that what he is about to say is not in criticism to the present or past Town Councils. G. Charette stated that his future in town is at risk, just like every other taxpayer. G. Charette stated that we are being held hostage by a School Department that has no concern with regard to spending funds beyond recognition of what has been approved.

G. Charette stated that he has arranged to meet with Governor Carcieri in six (6) weeks and asked the Town Council if they would like to know what he plans to discuss with the Governor. If so, G. Charette stated that he will speak only with the Council regarding what he plans to discuss with the Governor. G. Charette commented that he is doing this not only for himself and his future, but for the future of every other taxpayer who lives in this Town.

G. Charette spoke about the mini-park in the village, stating that he has been taking care of it as he had promised. However, G. Charette stated that he has noticed that people have been driving over the grass and recommended placing a half-barrel and a trellis with flowers growing over it to prevent this. There was Council agreement to this suggestion.

XIV. Executive Session

1. R.I.G.L. 42-46-5(a) 2 Collective Bargaining
Police Dispatch Contract Negotiations
2. R.I.G.L. 42-46-5(a) 1 Personnel

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Collective Bargaining & 42-46-5(a)1 Personnel; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Reconvene Open Session

XVI Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 10:12 p.m.; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 18, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **July 16, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance
Director; Gary Treml, Public Works Director; Raymond Goff, Town
Planner; Lawrence Desormier, Building/Zoning Official; Walter Steere,
Jr., School Committee member; Jamie Hainsworth, Chief of Police; Lou
Cadwell, Wastewater Management District Commission chair; David
Calderara, Planning Board chair; and Elizabeth Randall, clerk pro-tem.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Elizabeth Randall.

IV. Open Forum

Connie Leathers, Parade Committee chair, thanked the Town Council and Town Hall
employees for their support and assistance with regard to the 4th of July Parade. C. Leathers
noted that there were no complaints of any incidents or injuries during the event. C.
Leathers also thanked the members of the Parade Committee for their hard work. Councilor
W. Steere commented that the whole day was a success, beginning with the Road Race in
the morning and ending with the parade. Councilor W. Steere thanked everybody involved
for their efforts.

V. Resolutions

A. Request for Support (Charlestown)

1. Opposing Health Insurance Rate Hikes

Councilor Walsh stated that the town of Charlestown has asked the Town Council to support the
following Resolution:

**RESOLUTION
2009-14**

WHEREAS, current fiscal conditions nationwide, statewide and locally are placing
increasing pressure on all levels of government and on all taxpayers,
including the taxpayers of the Town of Gloucester; and

WHEREAS, cities and towns throughout the state have cut budgets, frozen salaries, asked employees to contribute more for their health insurance and pay higher deductibles; and

WHEREAS, the state's two dominant health insurers, Blue Cross and Blue Shield of Rhode Island and United Healthcare of New England have requested double digit rate hikes; and

WHEREAS, Senator Leonidas P. Raptakis of Coventry is calling on the Health Insurance Commissioner, Christopher F. Koller, to reject this proposed rate hike and limit any increases by linking rate hikes to increases in the Consumer Price Index and is pushing for legislation that would cap health insurance increases; and

WHEREAS, Attorney General Patrick C. Lynch has called for Commissioner Koller to hold public hearings about the proposed rate increases and has stated that "In the face of ever-rising health-insurance premiums, it's an outrageous affront to the individuals, families and businesses relying on health insurance provided by Blue Cross or United Healthcare...and already struggling to keep up with the spiraling costs - when they are excluded from a process in which substantial increases in health care are proposed; and

WHEREAS, Lt. Governor Elizabeth H. Roberts is urging Commissioner Koller to reject the rate increases until we can bring all the stakeholders together to the table and forge a new path forward to control health care costs in Rhode Island; and

WHEREAS, the Rhode Island Business Group on Health has also sent a letter to Commissioner Koller opposing the rate hikes; and

WHEREAS, this is a matter of great importance to the health, safety and welfare of the citizens of the Town of Glocester and the State of Rhode Island; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Glocester hereby opposes the rate hikes proposed by Blue Cross and United Health. The Town Clerk is hereby instructed to submit a copy of this Resolution to Insurance Commissioner Koller and that the Town Clerk also send a copy of this Resolution to our sister communities.

Kevin P. Walsh, President
Glocester Town Council
Jean M. Fecteau, Town Clerk

Seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

2. Opposing Electric Rate Increases

Councilor Walsh stated that the town of Charlestown has also asked for support of the following Resolution, which was read into the record by Councilor W. Steere:

**RESOLUTION
2009-13**

- WHEREAS, National Grid, which distributes electricity to most of Rhode Island, has asked the state Public Utilities Commission (PUC) for permission to dramatically increase its distribution rates; and
- WHEREAS, this request would increase a typical residential bill by 11.2 percent and increase small commercial and industrial customers by 4.4 percent; and
- WHEREAS, National Grid's biggest commercial users, whose bills are on the order of \$200,000 or more per month would actually see a 1 percent decline in their bills; and
- WHEREAS, this distribution rate accounts for about 26 percent of the typical residential electric bill and National Grid wants to increase that by 35 percent; and
- WHEREAS, consumer wages and business revenues cannot keep pace with the escalating energy costs; and
- WHEREAS, the Gloucester Town Council believes it is in the best interest of the public that the PUC deny National Grid's pending application to increase electric rates to prevent the perpetuation of inflation related to soaring energy costs; and

NOW THEREFORE BE IT RESOLVED, that the Gloucester Town Council hereby urges the PUC to deny the application of National Grid to increase electric distribution rates.

Kevin Walsh, President
Gloucester Town Council
Jean M. Fecteau, Town Clerk

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

B. Land Trust: Stewardship of Town Property

Councilor Walsh stated that the Resolution is still being worked out by the Town Solicitor and Roy Najecki of the Land Trust.

MOTION was made by Councilor W. Steere to TABLE item V. Resolutions, B. Land Trust: Stewardship of Town Property until the meeting of August 6, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Chepachet Village Wastewater/Stormwater Project update Discussion and/or Action

Ray Goff, Town Planner, stated that a point has been reached where some decisions must be made regarding this project. R. Goff explained that the project began in the mid-1990's to address wastewater problems in the Village. R. Goff noted that Gloucester was awarded a grant in the amount of \$600,000 which allowed us to hire the Horsley Whitten Group to work on the project.

A technical advisory committee was established which has met many times to look at possible solutions to the drainage problems in the area. R. Goff stated that the committee has decided that the Chepachet River Park would be the best site for a stormwater as well as a wastewater solution. R. Goff added that a grant has been received from the USEPA to do a Brownfields cleanup at the park to remove contaminants which were dumped when there was a mill on the property.

R. Goff stated that at this time, due to financial constraints, we are only looking at the stormwater portion of this project. R. Goff introduced Mark Nelson and Brian Kucher from the Horsley Whitten Group to address the Council.

Mark Nelson stated that he has worked with the technical advisory committee on three (3) main focuses: wastewater solutions within Chepachet Village, how we can mitigate flooding and stormwater pollution going into the Chepachet River, and an outreach component to get the community involved in these solutions. M. Nelson stated that due to the scope of the problem and the size of the grant issued by EPA, we cannot solve both wastewater and stormwater problems with the money available. However, M. Nelson stated that conceptual solutions have been developed for both from an engineering standpoint. M. Nelson stated that the stormwater solution is something we can move forward with now and recommended that the Town Council support the concept presented.

Brian Kucher distributed copies of the report submitted by Horsley Whitten Group and gave a presentation outlining the Chepachet Village Wastewater/Stormwater Project. B. Kucher explained that extensive analysis has been conducted in the village with the Chepachet River being the dividing point between north and south. B. Kucher stated that the next step would be the development of a conceptual design for wastewater treatment.

B. Kucher stated that the cost has been calculated at approximately \$28,900 per parcel, which is close to what it would cost for a homeowner to install a bottomless sand filter on their property. B. Kucher stated that they are working with Fuss & O'Neill and DEM, who are already working on the site regarding the Brownfields project, which presents a great opportunity to share some of the costs. B. Kucher further stated that since we are planning on taking runoff from Route 44 and DOT is planning on improving the drainage on Route 44, it is a win-win situation.

B. Kucher estimated the cost of a Wet Vegetated Treatment System at \$459,000. B. Kucher spoke regarding public outreach, stating that four (4) public meetings were held and a webpage has been developed and linked to the Town's website. In addition, a meeting was held with the Gloucester Business Association and newspaper articles and advertisements were published concerning the project. B. Kucher added that a letter and survey were sent to the property owners in the village who would be directly impacted.

B. Kucher noted that Route 44 is scheduled to undergo improvements in the spring of 2010 and stated that it may be feasible to install a sewer main underneath the road during construction. However, B. Kucher stated that the wastewater phase of this project would not yet be constructed at this time, adding that it would be unlikely that the sewer main could be installed after the road improvements have been completed. B. Kucher asked if there were any questions from the Council.

Councilor Walsh asked if there would be any grants available for the sewer pipe, even though it would not be a finished product. R. Goff, Town Planner, replied that he does not believe any grants could be applied. Councilor Walsh asked, if the Council gives its blessing, what would the next step be. B. Kucher replied that the next step would be the permitting phase. Councilor Walsh stated that we have waited ten (10) years for the road repairs and expressed concern that the work may not be done next spring as the State has promised. Councilor Walsh asked if the grant will cover the next phase of design. R. Goff replied that there is the possibility of in-kind contributions.

Councilor G. Steere expressed concern that if the sewer main is installed under the road now, would it be adequate to handle expansion in the future. B. Kucher replied that DEM has indicated that they may consider granting a variance to increase the number of gallons per day if necessary.

MOTION was made by Councilor Burlingame to endorse and support the Wet Vegetated Treatment System as presented by Horsley Whitten Group and authorize the Town Planner to coordinate further design and permitting work for the project using existing grant money including the use of Town-owned land identified as Plat 10B Lot 46 for said system; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Public Hearing

A. Licensing Board

1. Indoor Expansion of Service Area: Liquor License

Putnam Properties, Inc., d/b/a Stick's Tavern

Location of Business: 417 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised on July 2nd and July 9th, 2009. Councilor Walsh stated that due to an oversight, this was not addressed when the owner of the establishment put an addition on his building which increased the service area. Vincent Iannuzzi, owner of Stick's Tavern, was present and noted that capacity of the building is now 192. Councilor Walsh declared the Public Hearing open and asked if anyone wished to speak regarding the indoor expansion of the service area. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor Carroll to GRANT the application of Putnam Properties, Inc. d/b/a Stick's Tavern, Location of business: 417 Putnam Pike, for the expansion of the liquor license service area of said business pursuant to Rhode Island General Law, Business Rules and Regulations, Regulation #27 contingent upon: 1) All fees to municipality paid; 2) a satisfactory updated service area diagram submitted and kept current in the office of the Town Clerk; 3) and all other requirements for the holding of a liquor license having been met; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Amendment to current Entertainment License

To include "Outdoor Entertainment"

Putnam Properties, Inc., d/b/a Stick's Tavern

Location of Business: 417 Putnam Pike

(Public Hearing was held on May 21, 2009 and Closed)

Councilor Walsh stated that a Public Hearing was held, closed and a decision is pending from the Town Council. This decision was tabled until the completion of the previous application. Vincent Iannuzzi, owner of Stick's Tavern, was present. Tim Kane, Assistant Town Solicitor, stated that the Chief of Police had recommended several stipulations such as limiting the entertainment to once or twice a month, total capacity limited to 192, no on-street parking and the requirement of police detail during events.

Councilor Walsh asked if this license could be granted tonight pursuant to rules which would be stated at the next meeting. Councilor Walsh stated that this would allow the applicant to know what is coming and to plan accordingly. T. Kane replied that his advice would be to table the matter in its entirety until the next meeting, at which time a motion with stipulations will be completed.

Vincent Iannuzzi spoke regarding the cost associated with the hiring of Police officers, stating that he always has several employees present and has never had any problems. Councilor Burlingame stated that if the Council approves this application, they must conclude that this will not be a public nuisance. However, if the Council denies it, Councilor Burlingame pointed out that they must demonstrate the fact that it will be a public nuisance. Councilor Burlingame also expressed concern that other establishments will come forward for this type of license and from a legal point of view, the Council must be consistent.

Councilor Walsh replied that it is up to the Council to make decisions on an individual basis. T. Kane noted that Gloucester's ordinance uses the words "public nuisance", so the question would be, does the application as presented with certain restrictions constitute a public nuisance? V. Iannuzzi stated that if there ever were a problem, the Council could ask him to stop the entertainment and he would do so.

MOTION was made by Councilor Carroll to TABLE the Amendment to the current Entertainment License held by Putnam Properties, Inc., d/b/a Stick's Tavern, Location of Business: 417 Putnam Pike until August 6, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance

1. Proposed Amendment

§350-33. Signs in Historic District

Sect. D. 1. Regarding amortization period & grammatical corrections

(1st reading held on June 18, 2009)

Councilor Walsh stated that this proposed amendment is to update the amortization period that is currently in Chapter 350, Section 33 Signs in Historic District. Councilor Walsh explained that when the original ordinance was adopted in 2004, a five-year period to conform was given.

Councilor Walsh stated that correspondence has been received from the chair of the Historic District Commission, who could not be in attendance this evening, asking for this issue to be continued to allow discussion.

Councilor Burlingame stated that he spoke with Dan Romani, chair of the HDC, and would like to give him the opportunity to speak regarding this proposed amendment.

MOTION was made by Councilor Burlingame to TABLE the amendment to the Gloucester Code of Ordinance, §350-33. Signs in Historic District, Sect. D.1 until August 6, 2009; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Gloucester Code of Ordinance

1. Enactment of Ordinance

Creation of a Dam Management District

(A public forum has previously been held)

Councilor Walsh stated that a public forum was held on June 22, 2009 at which time all were allowed to speak for or against the Creation of a Dam Management Ordinance.

Councilor Walsh declared the Public Hearing open and asked if anyone wished to speak.

Discussion: Councilor Walsh stated that the Council had questions with regard to insurance and was informed that all property owners in the district would be insured. Kevin Menard, representing the Dam Management District, confirmed that the District would be eligible to be insured through Rhode Island Interlocal Risk. Councilor Walsh stated that he has received calls from a couple of people with other concerns which would be worked out when the by-laws are written.

Councilor Walsh asked if anyone else wished to speak. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor Burlingame to AMEND the Gloucester Code of Ordinance, with the enactment of an ordinance entitled "Ordinance Establishing the Pascoag Reservoir/Echo Lake Dam Management District" that allows for the creation of a Dam Management District in conjunction with the Town of Burrillville, said ordinance effective upon passage; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Kevin Menard noted that Gloucester will appoint two (2) members and Burrillville will appoint five (5), adding that he will use his resources to get the word out that anyone wishing to serve should submit their name to the Town Clerk. Councilor Walsh expressed hope that by the next meeting, the Council will have two (2) names to put forward.

VIII. Consent Items

- A. Approval of Town Council Minutes-June 4th, June 18th, & June 22nd, 2009
- B. Finance Director's Report - June, 2009
- C. Tax Collector's Additions & Abatements
- D. Pole Grant- Huntinghouse Road

MOTION was made by Councilor W. Steere to APPROVE the Town Council minutes of June 4th and June 18th, 2009; to TABLE the minutes of June 22, 2009; to ACCEPT the Finance Director's Report of June, 2009; to APPROVE Abatements to the 2008 Tax Roll in the amount of \$478.87, the 2007 Tax Roll in the amount of \$342.13, the 2006 Tax Roll in the amount of \$125.35, with no additions to the 2008 Tax Roll; and to APPROVE the Pole Grant for the new joint pole #15 ½ and anchor guy location on Huntinghouse Road; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Local Board of Appeals for Building Code
One -5 year term to expire 6/2014

Councilor Walsh stated that William Drexel has not responded at this time.

MOTION was made by Councilor Walsh to TABLE the appointment to the Local Board of Appeals for Building Code for one five year term to expire 6/2014; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Gloucester Economic Development Commission
 - 1. Amendments to Charge
Discussion and/or Action

Councilor W. Steere stated that he asked for this item because he is working on amending the charge for the Economic Development Commission to make it a more viable instrument to help the Town. Councilor W. Steere further stated that the terms of all members have expired and he is seeking new people to serve on the Commission.

X. New Business

A. Gloucester Code of Ordinance, 1st reading

1. Proposed Addition to Part 2: Boards, Commissions, & Committees
Addition of: Section 68 - Community Resource Commission

Councilor Walsh read the following excerpt from the Home Rule Charter: “Chapter 13-10. Additional offices and commissions. The Council shall create or abolish by Ordinance such other Offices and Commissions as may be required by Law or may be deemed necessary.” Tim Kane, Assistant Town Solicitor stated that he has prepared an ordinance to create the Community Resource Commission and distributed copies to the Council members. Councilor Walsh stated that he has read through the proposed ordinance, but recommended that the first reading be scheduled for the next Town Council meeting to allow the other members to review the ordinance.

B. Recreation Department

1. Winsor Park use by Leagues
Discussion and/or Action

Councilor Walsh stated that the Council has received correspondence from a resident regarding a complaint about the use of Winsor Park. Councilor Walsh explained that the resident would like to form a softball league but the field is currently in use for the time period he is requesting.

Anthony Parrillo, Recreation Director, stated that the resident is requesting use of the field on Sunday mornings, but another group has occupied the field on Sunday mornings for over twenty (20) years. A. Parrillo stated that the current league is comprised of both residents and non-residents, as is the league requesting the field. A. Parrillo pointed out that the only difference would be that the director of the current league, who holds the permit, is not a Gloucester resident, whereas the other person requesting use of the field is a resident.

Councilor Walsh stated that the complainant also stated that the fields are not maintained properly. A. Parrillo expressed disagreement, stating that he asks the Sunday league to drag the field when they are finished using it, but that this is not a requirement. A. Parrillo stated that there is a Field Policy in place which states that the incumbent league gets first right of refusal.

Councilor Carroll commented that if the person seeking the permit had several teams consisting of Gloucester residents, it may be a valid request. However, since the league is similar to the one that currently uses the field, the current league should be allowed to remain.

C. Resignations

1. Planning Board

Councilor Walsh stated that the Council has received the resignation of Susan Shuster from the Planning Board, adding that this resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Susan Shuster from the Gloucester Planning Board for the five year term to expire 03/2012; seconded by Councilor Carroll.

Discussion: Councilor Walsh stated that Ms. Shuster has done a great job and it is disappointing that she is resigning.

VOTE: AYES: Walsh, G. Steere, Burlingame and Carroll
NAYS: W. Steere

MOTION PASSED

2. Conservation Commission

Councilor Walsh stated that the Town Clerk's Office has received the resignation of Thomas Murgo from the Conservation Commission, noting that the resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor Carroll to ACCEPT the resignation of Thomas Murgo from the Conservation Commission for a three year term to expire 01/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

D. Appointments

1. Litter Corps Alternates

Councilor Walsh read the following request from the Finance Director:

At the June 18, 2009 Town Council meeting, five names were drawn in the Litter Corps lottery. For various reasons, additional names had to be selected. On Tuesday, July 7, I asked Beth DeCorte, Admin. Aide for Public Works and Susan Harris, Deputy Town Clerk, to come to my office to participate in a continuation of the lottery in which the remaining names would be randomly picked. Susan Harris selected the following names. They are in the order in which they were picked:

6. Jack Cawley
7. Andre Charpentier
8. Andrew Cordone
9. Kenneth Major
10. Jonathan O'Connell
11. James Bates
12. Nathan Servello
13. Kiley Matthews

14. Dylan Longwill
15. Mark Howard

Please put this (i.e., appoint these individuals as alternates for the Litter Corps, effective July 7, 2009) on the agenda for the July 16 Council meeting.

Tom Mainville
(end of memo)

Discussion: None.

MOTION was made by Councilor W. Steere to APPOINT #6 Jack Cawley; #7 Andre Charpentier; #8 Andrew Cordone; #9 Kenneth Major; #10 Jonathan O'Connell; #11 James Bates; #12 Nathan Servello; #13 Kiley Matthews; #14 Dylan Longwill & #15 Mark Howard to the Litter Corps at an hourly rate of \$8, effective July 7, 2009 for the 2009 season; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

2. Senior Center Kitchen Aide – Ratification

Councilor Walsh explained that there was a consensus of the Council at the Council meeting of July 18, 2009 to allow the appointment of a Senior Center Kitchen Aide due to an immediate need. Councilor Walsh stated that this action must now be ratified.

MOTION was made by Councilor Carroll to RATIFY the appointment of Jacqueline Aellig to the position of Senior Center Kitchen Aide at the hourly wage of \$8.50 for a budgeted time of 27.6 hours per week, effective June 19, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

E. Appointments – Boards and Commissions
1. Planning Board

MOTION was made by Councilor G. Steere to APPOINT Douglas Folcarelli to the Planning Board for the unexpired five year term to expire 03/2012; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

2. Conservation Commission

MOTION was made by Councilor W. Steere to TABLE until August 6, 2009 the appointment to the Conservation Commission for the unexpired three year term to expire 01/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

3. Western Rhode Island Home Repair – Executive Board
2 year term to expire 7/2011

Councilor Walsh stated that the Council has received a request from the Western Rhode Island Home Repair Executive Board recommending the reappointment of Monique Desormier.

MOTION was made by Councilor G. Steere to REAPPOINT Monique Desormier to the Executive Board of Western Rhode Island Home Repair for a two year term to expire 7/2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

4. Gloucester Housing Authority
5 year term to expire 7/2014

Councilor Walsh stated that this appointment is for the expired term of Kai Goto, the chair of the Housing Authority.

MOTION was made by Councilor Burlingame to REAPPOINT Kai Goto to the Gloucester Housing Authority for a five year term to expire 7/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- F. Gloucester Code of Ordinances
 1. Proposed Addition
Inclusionary Zoning Ordinance
Discussion and/or Action

Ray Goff, Town Planner, explained that as part of the Affordable Housing Plan, the State has been pushing for communities to adopt an Inclusionary Housing Ordinance. R. Goff stated that this would require any subdivision of over five (5) lots to include 10% of the units to be affordable. R. Goff noted that there are certain clauses in the ordinance which would allow developers to buy their way out of this requirement by either giving land or money to the Town.

Councilor Walsh asked how many subdivisions have we had recently which consisted of more than five (5) lots. R. Goff replied that there have been three (3) or four (4) in the last several years. Councilor Burlingame expressed concern that this ordinance would be unfair in areas such as White Oak Estates, where the houses are valued at approximately \$300,000. Councilor Burlingame stated that to put an affordable dwelling in an upscale development would make no sense.

Councilor W. Steere noted that we don't have a choice since this is mandated by the State. Councilor Burlingame commented that correspondence has been forwarded to our representatives asking for relief from the affordable housing mandate. Councilor Walsh noted that the goal is mathematically unattainable. Councilor Carroll questioned whether there are penalties for non-compliance. R. Goff replied that the threat is that we won't receive grant monies if we do not comply. Councilor Burlingame recommended that no action be taken at this time regarding the proposed addition of the Inclusionary Zoning Ordinance.

- G. Gloucester Affordable Housing Advisory Board
 - 1. Request for Council correspondence
Discussion and/or Action

Councilor Walsh read the following memo into the record:

TO: Town Council, Kevin P. Walsh, President
FROM: Raymond Goff, Town Planner
DATE: July 7, 2009
SUBJECT: Affordable Housing Legislator Letter

The Affordable Housing Committee has been meeting with representatives from Foster and Scituate to discuss common affordable housing issues. They have recently tried to hold a meeting with legislators to discuss issues; unfortunately no legislators attended.

At that meeting, it was decided to draft a letter explaining some of the main issues that were common to our rural communities.

The attached letter has been sent out by the Chairman of the Affordable Housing Committee. The committee would like the Town Council to send out a similar letter and hereby requests Council to place this item on your next available agenda for consideration.
(end of memo)

Discussion: None.

MOTION was made to AUTHORIZE the Town Council President to forward correspondence to Gloucester's legislators requesting their assistance in amending current Rhode Island Affordable Housing legislation; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- H. Fiscal Year - 08-09 Budget
 - 1. Reserve Funds

Councilor Walsh explained that there are funds left over from the last fiscal year for different operations such as radios, computers and service contracts. Councilor Walsh stated that it has been requested to move these funds into the current budget. T. Mainville explained that we are opting not to give the money to the service companies and to instead assume the risk of equipment failure, which would allow us to build up funds to cover those expenses. T. Mainville stated that the reason behind this is that the cost of the service contracts is close to what it would cost to purchase a new system every three (3) years.

MOTION was made by Councilor Burlingame to authorize the Director of Finance to transfer up to \$15,782.00 from General Fund account number 01-043-2106 "Service Contracts - radio equipment" (EMA Department) at June 30, 2009 (fiscal year end) to a "Radio Equipment Maintenance" Special Revenue Fund to be carried forward to Fiscal Year July 1, 2009 - June 30, 2010 and future years to be used for maintenance, repairs and replacement of radio equipment; seconded by Councilor Carroll

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to authorize the Director of Finance to transfer up to \$6,958.50 from General Fund account number 01-040-2106 "Service Contracts" (Police Department) at June 30, 2009 (fiscal year end) to the "Police Equipment Maintenance" Special Revenue Fund to be carried forward to Fiscal Year July 1, 2009 - June 30, 2010 and future years to be used for maintenance, repairs and replacement of equipment; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to authorize the Director of Finance to transfer up to \$12,000.00 from General Fund account number 01-082-2233 "Computer systems purchases/Support/Repairs" (Other Operational Expenses) at June 30, 2009 (fiscal year end) to a "Computer systems upgrade" Special Revenue Fund to be carried forward to Fiscal Year July 1, 2009 - June 30, 2010 and future years to be used to upgrade the Town's computer systems; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

XI. Department Head Report/Discussion

- A. Ray Goff, Town Planner, stated that there is grant money available for the purpose of conducting a historic barn inventory for Foster, Gloucester and Scituate. R. Goff noted that there would be no cost to the Town nor any other requirement other than his time. R. Goff stated that there is also a Historic Landscapes grant available for the towns of Burrillville, North Smithfield, Smithfield, Lincoln and Gloucester. R. Goff stated that this would incur no cost to the Town, adding that members of the Conservation Commission and the Land Trust may wish to be involved.

XII. Boards/Commissions

- A. Walter Steere, Jr., School Committee member, stated that he attended the meeting of the Building Committee and received an update on the project, noting that there is a schedule of things to be done before September. W. Steere, Jr. stated that it is expected that everything will be completed in time for the start of the school year. W. Steere, Jr. stated that the Building Committee has updated the shortage figure to \$720,000, plus \$180,000 which was approved for kitchen equipment, for a total of approximately \$900,000. W. Steere, Jr. stated that H.V. Collins is attempting to cut out anything that is not needed. W. Steere, Jr. expressed the School Committee's opinion that anything pertaining to the building code should have been in the original contract and the Building Committee is advised to pursue whomever is responsible.

Councilor Walsh asked how the punch list at the Middle School is progressing. W. Steere, Jr. replied that a letter will be sent to Con-Ed requesting a complete update regarding which projects must be finished in order to receive the guaranteed savings.

There was discussion regarding the wood-chip boilers and the fact that they are inefficient if the daytime temperature rises above 40 degrees. Councilor Burlingame stated that Con-Edison should have recognized this before they went ahead to do the certifications. Councilor Burlingame stated that this may be a technical issue and Con-Ed should be asked what was their basis in terms of the savings projected. W. Steere, Jr. stated that he will bring this matter to the attention of the Building Committee.

Councilor W. Steere, III asked if any joint meetings with the School Committee and both towns have been scheduled. W. Steere, Jr. replied in the negative. Councilor W. Steere, III asked who gave the authorization for the Building Committee to spend more funds than was allowed. Councilor Burlingame stated that Mr. Chretien sits on the Building Committee as well as the School Committee and should be taken to task at the School Committee level for the situation.

XIII. Council Correspondence/Discussion

XIV. Open Forum

- A. Tom Sanzi spoke regarding the mini-park in the Village, asking if a sign could be placed asking dog-owners to pick up after their pets. T. Sanzi further stated that there is a litter problem behind the former CVS building where young people congregate. T. Sanzi recommended that the owner of the building post a "No Loitering" sign on the property.

Tom Sanzi reported an incident on Dorr Drive where a car hit a fence where there were children playing nearby. T. Sanzi expressed concern and asked if a "Slow - Children" sign could be placed at the beginning of the road. Councilor Walsh stated that the Council cannot make decisions in Open Forum, but will look into the situation.

- B. Walter Steere, Jr. spoke regarding the road construction on Route 44, stating that the workers arrive at 7:00 a.m. but do not begin working until 9:00 a.m. Councilor Walsh replied that the State will not allow the work to begin until after rush hour. It was commented that the workers are getting paid for eight (8) hours but are only working six (6).

XV. Executive Session

A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session pursuant to 42-46-5-(a)2 Collective Bargaining; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

Councilor Walsh stated for the record that the Council has come out of Executive Session. Jamie Hainsworth, Chief of Police, and Jeffrey Jennison, Charles Entwistle and Daniel Moriarty, members of the International Brotherhood of Police Officers Local 638 were present.

MOTION was made by Councilor W. Steere to REJECT the tentative agreement between the Town of Glocester and Local 638 International Brotherhood of Police Officers as proposed by the International Brotherhood of Police Officers Local 638 for July 1, 2009 to June 30, 2012; seconded by Councilor G. Steere.

Discussion: Councilor Carroll stated that the Union has made some concessions but along with them came some requests to balance them out. Councilor Carroll asked if the Council was to vote to accept or reject this proposal as is or is there some middle ground.

Councilor Burlingame stated that he spoke with J. Jennison, President of Local 638, to inquire if the Union wished to have further discussion before the vote. J. Jennison replied that the Union members were in agreement that the proposal was to be presented to the Council, as is.

Councilor Carroll stated that he appreciates how the Union has worked to eliminate the \$48,000 in the first year, but expressed concern regarding the 2-year extension of the contract, adding that

he does not know if this would be possible. Councilor Carroll stated that he would be in agreement with all except the last year of the contract with the 3% salary increase.

J. Jennison spoke, but was not at the microphone and was inaudible on the tape. Councilor Burlingame stated that on one side, the Union came up with the dollars, but he could not go with what was on the other side. Councilor Walsh stated that we are not here to negotiate, but to vote on the tentative agreement which was put before the Council.

VOTE: AYES: Walsh, W. Steere, G. Steere and Burlingame

NAYS: Carroll

MOTION PASSED

XVI. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 10:23 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 8, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 6, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Timothy Kane, Assistant Town Solicitor; Susan Harris, Deputy Town
Clerk, Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; Gary Treml, Director of Public Works;
Anthony Parrillo, Recreation Director; Walter Steere, Jr., School
Committee member; Jamie Hainsworth, Chief of Police; and Jane
Steere, Tax Collector.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor W. Steere.

IV. Open Forum

A. Russell Carpentier, of 19 Richardson Clearing Trail, spoke in favor of the application
for expansion of service which has been filed by Cady's Tavern. R. Carpentier noted
that the business is well-run and voiced his support for approval of the application.

B. Jacqueline Giard, 566 Lake Washington Drive, stated that she moved to this location
fifteen (15) years ago for peace and quiet, but living across from Cady's Tavern, there
is no peace and quiet. J. Giard noted that she is not able to carry a conversation on her
back porch due to the noise created by motorcycles at the tavern. J. Giard added that
she is concerned with the litter that would be caused by outdoor service, as well as the
impact it would have on Lake Washington.

V. Gloucester Licensing Board - Discussion and/or Action

A. Consider scheduling a Show Cause Hearing
with respect to alleged violations on July 25, 2009:
Putnam Properties, Inc., d/b/a Stick's Tavern
Location of Business: 417 Putnam Pike
Discussion and/or Action

Councilor Walsh stated that the Council has received correspondence from the Chief of Police
regarding recent activities at the above location. Councilor Walsh read the following
correspondence from Vincent Iannuzzi, owner Stick's Tavern:

"I would like to withdraw my application for outdoor entertainment. I apologize for the short
notice and any inconvenience to the Council members and neighbors. Due to unfortunate
circumstances, I will not be able to attend tonight's meeting."

Discussion: Councilor Walsh asked if the Council wished to hold a show cause hearing regarding the incident which occurred at the establishment. Councilor Walsh explained that there was an event with outdoor entertainment on the premises to which the police responded and shut down the event.

Councilor Walsh asked if a letter of reprimand should be forwarded to Mr. Iannuzzi. Tim Kane, Assistant Town Solicitor, stated that if a fine will be imposed, there must be a hearing at which the police and the owner of the establishment would present their positions. Councilor Burlingame recommended that a letter of reprimand be sent which states that if there is another such incident, Mr. Iannuzzi will have to appear before the Council.

MOTION was made by Councilor Burlingame to direct Town Solicitor Bernstein to send a letter of reprimand to Putnam Properties, Inc. d/b/a Stick's Tavern, Location of Business: 417 Putnam Pike; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Amendment to current Entertainment License

To include "Outdoor Entertainment":

Putnam Properties, Inc., d/b/a Stick's Tavern

Location of Business: 417 Putnam Pike

(Public Hearing was held on May 21, 2009 and Closed, Decision pending)

Tim Kane, Assistant Town Solicitor, as this application has been withdrawn, no action will be taken on this matter.

C. Public Hearing

1. Liquor License - Expansion of Service Area

Class B-V Victualer Beverage License:

Tyo-Ristaino Corp. d/b/a Cady's Tavern

Location of Business: 2168 Putnam Pike

Councilor Walsh stated that this Public Hearing was duly advertised in the Observer, Legal Advertisement, on July 23 & July 30, 2009.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the application.

Steve Tyo, president of Tyo-Ristaino Corp. d/b/a Cady's Tavern, stated that over the last seven (7) months, he has attempted to bring the establishment to a higher standard, adding that this proposed deck is one more step toward that goal. S. Tyo noted that the intention is to create a pleasant seating area for patrons to have lunch, dinner and cocktails.

S. Tyo further stated that this would allow the customers to have a place, out of sight, to enjoy tobacco products. S. Tyo stated that for years, people have gone out onto the front porch to smoke and it is intimidating to some customers. S. Tyo stated that the proposed deck would constantly be monitored by his staff. S. Tyo asked the neighbors to be patient and to support his efforts, adding that one of his family members is on the premises 99% of the time and is available to discuss any issues which may come up.

Bruce Payton, 26 Lake Washington Drive, stated that he circulated a petition to the residents of the neighborhood to show non-support for outdoor liquor sales at Cady's Tavern. B. Payton submitted the petition as well as a map of the Lake Washington area which indicates that this is a residential area. B. Payton stated that this tavern is a non-conforming use in this area, and the granting of this application would extend the non-conforming use.

B. Payton stated that he realizes that there is nothing the residents can do regarding the sound of the motorcycles, but feels that the noise which would result from outdoor service can be prevented by denying the request. B. Payton also expressed concern that if the expansion of service is granted, Cady's Tavern will soon be asking for outdoor entertainment.

Paul Ricard, 1 Larry Bird Drive, stated that he lives directly across from Cady's Tavern. P. Ricard stated that he was overjoyed to move into the area eighteen (18) years ago to enjoy a peaceful and serene environment. P. Ricard noted that Cady's Tavern has always been an attraction for motorcyclists and it has become a nightmare on any weekend afternoon or evening. P. Ricard stated that he feels that granting this license will exacerbate an already difficult situation and will impact his right to the enjoyment of his property.

Steve Owensby stated that he lives directly behind Cady's at 22 Cady Lane. As a motorcycle owner himself, S. Owensby stated that he does not object to the noise created by the motorcycles at the tavern. S. Owensby stated that he put up a privacy fence to stop the urination on his property but still must pick up beer bottles from the yard and driveway. W. Owensby reported that while he was holding his year-old granddaughter, vulgarity could be heard from over the fence. S. Owensby politely asked the offender to stop using such language, but to no avail. S. Owensby asked that the Council deny the application.

David Laplante, of Absalona Hill Road, stated that there is a website called ribiker.net which lists establishments that are "biker-friendly". D. Laplante noted that Cady's Tavern is third on the list. D. Laplante further stated that the website advertises such things as wet t-shirt contests, etc. which are not family oriented activities. D. Laplante stated that this type of activity should be kept indoors.

Rob Pomret, 556 Lake Washington Drive, stated that he has nothing against people trying to run a business, but every weekend from 10 AM to 1 AM, all he hears is the sound of motorcycles. R. Pomfret agreed that nothing can be done about it, but he opposes the expansion of the liquor license.

Rita VanGyzen, 78 Lake Washington Drive, stated that they were well aware of Cady's Tavern when they purchased their home five (5) years ago. R. VanGyzen noted that as it is now, she

hears conversations from the parking lot of the tavern and is concerned that having outdoor service will make the situation worse.

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

To: Gloucester Town Council
From: Donald A. Poons
22 Cady Lane
Gloucester, RI 02814
Date: July 27, 2009

Subject: Request to Expand Food and Liquor Service Area in an Enclosed Area Attached to Cady's Tavern.

Dear Town Council Members,

I reside directly behind Cady's Tavern. I understand the desire of the current owners to expand the area in which their patrons have to smoke, drink and eat. As Cady's is now, on any given warm night, you can find some of patrons on motorcycles revving their bikes late into the night. We have had to install a fence to stop their patrons from relieving themselves on my lawn. We have beer bottles thrown over the fence littering my yard. To allow them to expand outside would bring down the value of my property, create more noise and expand the amount of people that the building would allow access to at any given time. I strongly deny the request of Tyo-Ristaino Corp, D/B/A Cady's Tavern.

Sincerely yours,
Donald A. Poons
(end of correspondence)

Councilor Burlingame read the following into the record:

To: Town Council of Gloucester. RI
From: Tyo-Ristaino Corp, D/B/A Cady's Tavern
Date: July 13, 2009
Subject: Request to Expand Food and Liquor Service Area in an Enclosed Area Attached to Cady's Tavern.

The management of Cady's Tavern has noted a high demand for an outside dining and seating area from their patrons and also a smoking area other than the front porch of the building. Having a separate area located on the side and rear of the building would give our patrons an area to enjoy their food and beverage outside during the nice weather seasons with a view of Lake Washington.

Many smoking customers are uncomfortable leaving their food or beverage unattended when having to go out onto the front porch to enjoy their tobacco product. The front porch is also the main entrance and can be uncomfortable to a new customer when having to

enter the establishment thru a wall of smoking persons. The requested outside area will be fenced in on all sides with two (2) emergency exits with alarmed push bars to allow for quick egress.

There would be no access to this area other than entrance thru the main building. The servers and staff will monitor the outdoor area to ensure compliance with all applicable laws. We hope to be put on the agenda to discuss this proposal as soon as possible. Please see the attached drawings showing the "proposed" deck.

Best regards,
Steve Tyo
President
Tyo- Ristaino Corp. D/B/A Cady's Tavern
2168 Putnam Pike Chepachet, RI 0281 4

(end of memo)

Councilor Walsh read the following correspondence into the record:

To: Gloucester Town Council

I own property at 2184 Putnam Pike. I am a direct abutter to Cady's Tavern at 2168 Putnam Pike. The current owners have been responsible and good neighbors and I support their application for outside service.

Kevin LaVoie
(end of letter)

Discussion: Bruce Payton noted that Kevin LaVoie does not live on the property. Councilor Walsh stated that we are not talking about Mr. LaVoie, we are talking about Cady's. Councilor Walsh asked if anyone else wished to speak.

Steve Tyo, applicant, pointed out that he is not seeking a license for outdoor entertainment, but only for outside service.

Councilor Walsh again asked if anyone wished to speak for or against the application. Hearing none, Councilor Walsh declared the Public Hearing closed.

Councilor Walsh asked for comments from the Council members. Councilor Burlingame asked if food would be served outside. S. Tyo replied in the affirmative. Councilor Burlingame stated that a victualing license specifies that food is for the interior of the premises only because that is the only part that the State can inspect.

Councilor Walsh stated that at the other establishments with this type of service, the food is purchased inside and then brought outside. Donna Dubois stated that at The Water's Edge in Smithfield, there is an outdoor deck where food is served and the bill is presented. Robin Tyo, applicant, stated that when Clasicos was open, they were allowed to bring food outside.

Councilor G. Steere asked what the hours would be for outdoor service. Steve Tyo replied that the music stops at midnight and the outdoor service would shut down at about the same time.

Councilor W. Steere stated that Mr. Tyo has mentioned that he has been working to make the business more conducive to the neighborhood. Councilor W. Steere asked if the neighbors have noticed a difference since the new management has come in. Councilor W. Steere stated that the community has had to deal with this issue through many different owners over the years. Councilor W. Steere stated that if the applicants are looking for a place to serve as a smoking area, perhaps something could be done about that. Councilor W. Steere stated that serving food and beverages outside could cause a problem because the noise carries over the lake.

Councilor G. Steere agreed with Councilor W. Steere with regard to noise traveling over the water.

Councilor Walsh stated that noise is definitely an issue, adding that the Tyo's are not to blame for the motorcycle noise, but the tavern is situated on a lake which abuts many homes. Councilor Walsh asked if the Council members should try to reach a happy medium with the applicant or if they should vote on the application as submitted. Councilor Burlingame expressed his opinion that the Council has heard from the people and should vote on the matter before them. Councilor Carroll pointed out that there are two (2) establishments in town that have outdoor service, but the geography of the Lake Washington area is not conducive to this type of thing.

Steve Tyo, applicant, asked if it would be possible if he agreed to stop service at 8:00 p.m. Councilor Burlingame replied that he would not be in favor of that.

MOTION was made by Councilor Burlingame to DENY the Liquor License - Expansion of Service Area Class B-V Victualer Beverage License, Tyo-Ristaino Corp. d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Unfinished Business - Discussion and/or Action

A. Public Hearing

1. Gloucester Code of Ordinance

Proposed Amendment

§350-33. Signs in Historic District

Sect. D. 1. Regarding amortization period & grammatical corrections

(1st reading held on June 18, 2009, Public Hearing Tabled on July 16, 2009)

Councilor Walsh stated that this proposed amendment is to update the amortization period that is currently in Chapter 350, Section 33. Signs in Historic District. When the original ordinance was adopted in 2004 a five year period to conform was given.

Councilor Walsh stated that this was tabled to allow Dan Romani, chair of the Historic District Commission, who was out of town at the time, to speak regarding the matter.

Discussion: D. Romani thanked the Council for their consideration. D. Romani stated that when the ordinance was first put in place in 2004, there was a 5-year period which was linked to the State's revitalization project in the village. D. Romani pointed out that one of the business owners wanted a 7-year period and the HDC requested a 3-year period, therefore a compromise was reached which resulted in the 5-year period. D. Romani stated that in light of the fact that the State has not completed the project, he is recommending that the amortization period be extended for another two (2) years. D. Romani stated that the issue could be revisited in 2011.

Councilor Walsh stated that he was on the Town Council in 2004 and he recalls that the reasoning behind the 5-year amortization period was that the State was due to begin the work the following year and it would not be fair to the business owners to install new signs before the work was completed.

D. Romani stated that there is no question that the amortization period should be extended. D. Romani added that he has been in contact with the Rhode Island Historic Preservation Commission and was told that there is grant money available, but no capital improvement funding at this time. D. Romani noted that this affects eight (8) to ten (10) businesses.

Councilor Walsh stated that the work is scheduled to begin in April of 2010. Councilor Burlingame noted that the State has given a firm commitment to that effect.

Dan Romani disagreed that the amortization period should be extended to 2015 if the road work will be done in 2010.

Councilor Walsh asked if anyone else wished to speak.

Tom Gerseny, of 117 Reservoir Road, stated that he was present at the meeting in 2004, having just moved to Gloucester. T. Gerseny noted that he was thrilled that the Town was taking responsibility for the aesthetics of the area. T. Gerseny agreed that an extension is appropriate, but feels that five or six years is unreasonable, adding that the business owners have been aware of this for years and should have been putting money aside for the signs. T. Gerseny expressed his opinion that the period should be extended for two (2) years, and if necessary, extend it further at that time.

Councilor G. Steere stated that he feels that the work will not be completed until 2012, at the earliest, and recommended the extension be four (4) years. Councilor W. Steere stated that he does not object to the 2015 date, adding that the economy is not going to improve any time soon.

Councilor Walsh asked if anyone else wished to speak for or against the proposed amendment to the Gloucester Code of Ordinance. Hearing none, Councilor Walsh declared the Public Hearing closed.

MOTION was made by Councilor Carroll to ADOPT the amendment to the Gloucester Code of Ordinance, §350-33. Signs in Historic District, Sect. D.1., to read: Amortization period for nonconforming signs. Signs may remain in nonconforming state until June 30, 2015. Thereafter, signs shall be brought into conformance with this section by obtaining a permit and approval by the Gloucester Historic District Commission or be removed; provided, however, that the amortization period established by this subsection may be used only so long as the signs retain their legal nonconforming status and to amend section D.3. by adding: (3) Subject to the provisions contained above; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

B. Resolutions

1. Conservation Commission: Stewardship of Town Property
AP. 2, Lot 13

Councilor Walsh explained that the Council is appointing the Conservation Commission to stewardship of property the town received from Factory Mutual.

Councilor Walsh read the following Resolution:

**RESOLUTION
2009-15**

WHEREAS, the Town of GLOCESTER (“Town”) is the owner of 132 acres of land identified as Lot 13 on Assessor’s Plat 2 (the Property); and

WHEREAS, the property was deeded to the Town with certain restrictions namely that the property be used for public purposes only, including but not limited to public schools, recreational, athletic or municipal facilities, park or open space; and

WHEREAS, the Town is desirous that the Gloucester Conservation Commission be the steward of the property and manage the property in light of said restrictions and the Conservation Commission is desirous of accepting stewardship of the property; and

WHEREAS, Goal 8.2(1) of the Town’s Comprehensive Plan states that the Town should promote passive and active recreation (indoor and outdoor) opportunities for all citizens to invigorate, renew and restore themselves; and

NOW, THEREFORE, be it hereby Resolved as follows:

1. That the Town Council hereby designates the Gloucester Conservation Commission as the steward of the property.
2. That the property shall be known as the Williams Mills Conservation Area.
3. That the Conservation Commission is authorized to promulgate rules and regulations regarding the use of the property subject to the approval of the Town Council which shall be consistent with the restrictions on the property and the goals, objectives and recommendations of the Comprehensive Plan.
4. That the Conservation Commission shall allow hunting on the property consistent with the rules and regulations of the Rhode Island Department of Environmental Management conditional upon the Town Council amending Gloucester Code Section 221-5 to provide an exception for the William Mills Conservation area.
5. The Conservation Commission is authorized to clear trails, provide and improve parking areas, erect signage and do other tasks necessary and incidental to carry out stewardship of the property.
6. The Town Council does hereby retain the authority to revoke stewardship of the property and to amend, modify or repeal the rules and regulations promulgated by the Conservation Commission.

Kevin P. Walsh, President
Gloucester Town Council

seconded by Councilor Burlingame.

Discussion: Councilor W. Steere asked if this property is leased to the Town for 100 years. Tim Kane, Assistant Town Solicitor, replied that this property was deeded to the Town. Roy Najecki, chair of the Conservation Commission, explained that the easements and restrictions are for a period of 100 years, after which the Town can do anything it wants to regarding the property.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Appointments/Actions Boards and Commissions

1. Local Board of Appeals for Building Code
One -5 year term to expire 6/2014

MOTION was made by Councilor Carroll to APPOINT William Drexel to the Local Board of Appeals for Building Code for one five year term to expire 6/2014; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Conservation Commission
One Alternate 1 year term to expire 8/2010

Councilor Walsh stated that a resignation was received last month at which time Greg Ponte, the Alternate member, moved up to regular position. Councilor Walsh added that an Alternate must be appointed at this time.

MOTION was made by Councilor W. Steere to APPOINT Greg Ponte to a regular position on the Conservation Commission to fill the expired term and to APPOINT Jacob Bailey to the Conservation Commission to fill the one year alternate term to expire 8/2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Gloucester Economic Development Commission
 - a. Amendments to Charge
Discussion and/or Action

MOTION was made by Councilor W. Steere to TABLE the Gloucester Economic Development Commission, Amendments to Charge, until September 3, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- D. Gloucester Code of Ordinance, 1st reading
 1. Proposed Addition to Part 2: Boards, Commissions, & Committees
Addition of: Section 68 - Community Resource Commission

Councilor Walsh stated that this proposed ordinance amendment is to create a new Commission, the Community Resource Commission. Councilor Walsh stated that the Council has received the draft language from the Solicitor.

MOTION was made by Councilor Carroll to WAIVE the first reading of Proposed Addition to Gloucester Code of Ordinance, Part 2: Boards, Commissions, & Committees, Addition of: Section 68 - Community Resource Commission; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Discussion: Tim Kane, Assistant Town Solicitor, stated that the proposed Commission would consist of seven (7) members, appointed by the Town Council, with terms concurrent with the Town Council. T. Kane explained that the purpose of the Commission is to advise the Town Council and other Boards and Commissions regarding how to better utilize the natural, physical and human resources within the Town for the purpose of offsetting the burden of taxation on the residents and businesses of the Town.

T. Kane further stated that it is an advisory body that would make recommendations to the Council and other Boards. The Community Resource Commission would be authorized to adopt by-laws and a charge, subject to the approval of the Town Council.

T. Kane suggested that the Town Council schedule a Public Hearing for the first meeting in September. Councilor W. Steere asked if the Council could appoint members at the same time. T. Kane replied that this could be done if the Council approves the charge first. There was Council consensus to schedule the Public Hearing for September 3, 2009.

VII. Consent Items

A. Approval of Town Council Minutes-June 22nd, 2009 & July 16, 2009

MOTION was made by Councilor Carroll to APPROVE the Town Council Minutes of July 16, 2009 and to TABLE the minutes of June 22, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. New Business

A. Gloucester Code of Ordinance

1. Proposed Amendment - 1st reading

Article 1 Recreation Areas, 221-5. Firearms

Councilor Walsh stated that the Conservation Commission would like to authorize hunting on the property given to the Town by Factory Mutual. Councilor Walsh explained that the Code currently states no firearms or bows and arrows allowed on any Town recreational property. Councilor Walsh read the following proposal:

Article 1 Recreation Areas, 221-5. Firearms

The use of any firearms or bow and arrows is prohibited in all recreation areas; **excepting from this ordinance Assessors Plat 7, Lot 11 & Plat 10, Lot 32 known as Sprague Farm; and Assessors Plat 2, Lot 13 known as Williams Mills Conservation Area. Hunting will be subject to any Rules & Regulations adopted by the managing authority**

Discussion: Tim Kane, Assistant Town Solicitor, stated that he has consulted the RI Interlocal Trust and was informed that the Ordinance would have to be amended to make it consistent.

A Public Hearing date was set for September 3, 2009.

B. Recreation Department

1. Winsor Park use by Leagues
Discussion and/or Action

Charlie Vallor of Briarwood Road stated that he plays in a local softball league and has, for the past three (3) years, requested the use of the field at Winsor Park on Sunday mornings. C. Vallor was told by the Recreation Director that another team from out of Town has the field at that time. C. Vallor commented that the Recreation Director also does not live in Town. C. Vallor noted that he lives in Glocester and pays taxes, as well as maintains the field. C. Vallor pointed out that the other team does not drag the field after they use it. C. Vallor expressed his opinion that it is not fair to him and his team that another team is allowed to use the field without taking care of the field afterward.

Councilor Walsh stated that there will be discussion with the Recreation Director regarding the two leagues sharing the field. C. Vallor asked how the Recreation Director gets hired. Councilor Carroll replied that there were four or five applicants and the Council appointed Anthony Parrillo. C. Vallor stated that the Council should appoint a Town resident who would take more pride in the Town. Councilor Carroll replied that the Council hired the most qualified person. C. Vallor expressed disagreement. Councilor Walsh stated that the Council will look into the matter and have an answer by October 1st.

C. Licensing Policies

- Discussion and/or Action

Councilor W. Steere stated that when somebody comes into town and wishes to obtain a license, it is not really clear what procedure is to be followed. Councilor Burlingame expressed agreement, adding that in the past, if somebody wanted to have outdoor entertainment, a special event license would be issued. Councilor Burlingame stated that the Clerk's office has been inundated with various requests for certain events such as bike runs and charity cookouts, adding that the Council must consider setting certain guidelines. Councilor Burlingame stated that there must be standards formulated which conform with the law and if something appears outside of the law, the Council must obtain legal advice.

Councilor Walsh stated that in the past, the Council would issue a one-day license for events such as car shows, etc., noting that he would still be in favor of doing this. Councilor Burlingame agreed, stating that the Council would make a conscious decision and it would be limited to one occasion. Councilor Carroll stated that the Council must try to clarify what procedures must apply, adding that he would volunteer to look at the situation to define the problem. Councilor Burlingame also offered his assistance.

D. Authorization:

1. Approval of Grant Contract Extension
R.I. Dept. of Environmental Management & Town of Glocester
Blackstone Valley Chepachet Village Wastewater-Stormwater Project

Councilor Walsh read the following request from the Town Planner:

TO: Town Council
Kevin Walsh, President
FROM: Raymond Goff, Town Planner
DATE: July 30, 2009

SUBJECT: Blackstone Valley Chepachet Village Wastewater- Stormwater Grant
Contract Extension with RIDEM

Attached please find the contract extension for the Blackstone Valley Chepachet Village Wastewater- Stormwater Grant Contract. This document will extend the grant period from the deadline of December 30, 2009 to December 30, 2010. This will give the town another full year to work on this grant funded project.

Please authorize the Town Council President to sign and date all three copies of this grant extension.

(End of memo)

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Blackstone Valley Chepachet Village Wastewater- Stormwater Grant Contract Extension with Rhode Island Dept. of Environmental Management for the period July 1, 2007 to December 31, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

2. Approve Draft Agreement
R.I. Dept. of Transportation & Town of Gloucester
Roadway Investment- Local Equity Aid Program, State Funds

Councilor Walsh stated that Gary Trembl, Public Works Director, has requested the draft agreement between D.O.T. and the Town of Gloucester be signed. Once all participants have approved the drafts, formal agreements will be sent out for signature.

MOTION was made by Councilor G. Steere to AUTHORIZE the Council President to sign the draft agreement between the R.I. Dept. of Transportation & Town of Gloucester entitled Roadway Investment- Local Equity Aid Program, State Funds and dated draft, final June 30, 2009; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

E. Appointments

1. Ratification:
Gloucester Recreation Department
One Lifeguard - 2009

Councilor Walsh stated that the Recreation Director is requesting ratification of the hiring of a Lifeguard for the 2009 summer season. Councilor Walsh stated a lifeguard previously appointed by Council had broken their arm and needed to be replaced immediately.

MOTION was made by Councilor Carroll to RATIFY the appointment of Cassandra Graham to the position of Lifeguard 2009, effective 7/20/2009, at an hourly rate of \$10.25; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

2. Boards & Commissions
 - a. Dam Management District (2)

Councilor Walsh stated that a property owner within the district has submitted his name, but the candidate is not a registered voter in Gloucester. Tim Kane, Assistant Town Solicitor, replied that he will review the Ordinance to determine the requirements. Councilor Walsh stated that there are several other candidates to consider and recommended that this be tabled until the next Town Council meeting.

MOTION was made by Councilor Carroll to TABLE the appointments to the Dam Management District; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- F. Department of Human Services
 - 1. Food voucher vendor selection process

Councilor Burlingame stated that this has been an ongoing problem. Councilor Walsh stated that he would like to discuss the matter with the Director of Human Services before addressing it at a Council meeting. It was decided to place this on the agenda for the next meeting.

IX. Department Head Report/Discussion

- A. Larry Desormier, Building/Zoning Official, stated that there will be a Family Dollar Store moving into the old CVS building. L. Desormier stated that the store should be open by Christmas.

Regarding the school renovations, L. Desormier stated that things are moving along and it appears that the School Committee has been making sure that H. V. Collins does what they are supposed to do. L. Desormier noted that he and the Fire Department have been on top of any code issues, which have to be done before a Certificate of Occupancy can be issued.

L. Desormier noted that teachers report on 9/2 and school begins on 9/3. L. Desormier stated that he is in constant contact with Walter Steere, Jr., School Committee member, as well as the Superintendent and Business Manager to ensure that everything goes smoothly.

- B. Tom Mainville, Finance Director, spoke on behalf of Anthony Parrillo, Recreation Director, stating that they work in close proximity. T. Mainville stated that A. Parrillo does a good job and the programs that he oversees run smoothly.

Councilor W. Steere inquired about the status of the technology upgrade. T. Mainville replied that Ed Juare will be submitting a technical upgrade report to the Council.

X. Boards/Commissions

- A. Anthony Parrillo, Recreation Director, spoke regarding the issue of the field permit. A. Parrillo stated that he contacted the director of the other league in the spring when the issue came up regarding sharing the field. A. Parrillo stated that it would be very difficult to get two (2) separate leagues to come up with a schedule that would accommodate both.

Councilor Walsh directed A. Parrillo to keep trying to work something out. Regarding the maintenance of the field, A. Parrillo stated that he has two (2) young people who

report to Winsor Park each Monday to clean up any litter that has been left. A. Parrillo noted that when he issues the permit to the league, he requests that they drag the field afterwards, adding that sometimes they do and sometimes they don't.

A. Parrillo asked for direction regarding the response promised to Mr. Vallor by October 1st. Councilor Walsh suggested that A. Parrillo confer with the Recreation Commission to determine how this situation can be handled. A. Parrillo noted that the Commission approved the Field Policy last year. Councilor Carroll suggested that the Council send a letter to A. Parrillo, which could then be forwarded to the other parties.

- B. Walter Steere, Jr., School Committee member, stated that the Business Manager has presented a corrective action plan regarding the Building Committee deficit. W. Steere, Jr. explained the different scenarios addressed in the plan. W. Steere, Jr. stated that this information was sent to the Council for their review.

Walter Steere, Jr., School Committee member, stated that there was discussion at the School Committee meeting with regard to the Resource Officer at the high school. W. Steere, Jr. stated that it appears that the town of Foster is unwilling to contribute towards this position. Councilor Walsh asked if the Committee had considered adding this amount to the operating budget and billing the town of Foster for their share.

W. Steere, Jr. stated that this seems unlikely. In the case of an officer being dispatched to a regional school, Councilor Walsh asked what happens concerning reimbursement by the other town. Tim Kane, Assistant Town Solicitor, stated that he will look into the matter. W. Steere, Jr. commented that this is a gray area.

XI. Council Correspondence/Discussion

- A. Councilor Carroll stated that he received a phone call from a resident regarding excessive noise created by motorcycles driving by his home. Councilor Carroll stated that he believes that some towns have instituted limits on this type of noise. Tim Kane, Assistant Town Solicitor, stated that East Greenwich has done an emergency ordinance and Smithfield is in the process. Councilor Carroll questioned if this is realistic. Councilor W. Steere agreed, asking how this is enforceable. Councilor Carroll suggested that the Council look into a revised Noise Ordinance.
- B. Councilor Walsh commented that Gloucester was voted as one of the 100 best small towns by Money Magazine.
- C. Councilor Walsh stated that a bill was introduced regarding unfunded mandates which was voted down.
- D. Councilor Walsh stated that correspondence was received from the town of Portsmouth asking for support of a resolution regarding US Supreme Court opinion of *Carcieri v. Salazar*. There was Council consensus to place this on the agenda for the next Town Council meeting.

- E. Councilor Walsh stated that both he and Council Vice-President W. Steere will be absent at the next meeting and asked Councilor Burlingame to conduct the meeting.
- F. Councilor W. Steere stated that he received an e-mail from a business owner regarding outdoor entertainment. Councilor W. Steere read the correspondence into the record as follows:

“I went to the Town Clerk’s office on Friday to ask about being put on the docket for the meeting on the 6th for my charity weekend for Christopher Mitchell’s daughter, in order to have outdoor entertainment.

Chris “Mitch” was killed last year in a motorcycle accident and we are having a two day event to raise funds for his 10-year old daughter’s trust fund.

When I went to the Town, I was told that the “rules” had been changed for outdoor entertainment due to an episode at my sister bar down the road...apparently they had outdoor entertainment without permission, or something like that.

So, now my understanding is that in order to have outdoor entertainment, I have to actually pay my regular fee, plus advertising fees just as if I were renewing my entertainment license, and then I would have to do it again when my license is actually due, I think this is absurd!

I don’t see how one bar’s negligence leads to my penalty. Besides the fact that I do not have enough time now to do this because I didn’t know the rules had changed.

I have never asked for anything and I feel that I am being penalized for someone else’s actions. Neal and I have done everything we can to try and keep this bar on the up and up and I don’t think that it is fair to be treated as if I have done something wrong.

So, my favor is, and I don’t know if this will make a bit of difference or not, but can you read this to your fellow Council members and ask that they consider granting me the outdoor entertainment for just that weekend. I am asking for 1 to 8, but will take any decision that you have come up with, if any.

It is very frustrating to have some other entity mess up your plans to have a very successful day/weekend to help out a young girl with her future. If there is nothing that you feel can be done, just let me know...and as always, I appreciate you looking into this for me.

Thanks
Charlene Pelski
Owner of Char’s Bar & Grill
(End of e-mail)

Councilor Walsh stated that in the past, the Council has always granted one-day entertainment licenses, adding that there never was a requirement for advertising since the business already had an entertainment license. Tim Kane, Assistant Town Solicitor, explained that in these cases, service and entertainment were limited to the interior of the business.

XII. Open Forum

None.

XIII. Executive Session

A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining

1. I.B.P.O. 638
2. Dispatchers LIUNA Local #1322

MOTION was made by Councilor Burlingame to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining; I.B.P.O. #638 & Dispatchers LIUNA Local #1322; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

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

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:22 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 20, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 20, 2009**

I. Call to Order

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

II. Roll Call

Members present: George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Members absent: Kevin P. Walsh, President and Walter M. O. Steere, III, Vice-President.

Also present: Timothy Kane, Assistant Town Solicitor; Jean M. Fecteau, Town Clerk, Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Jamie Hainsworth, Chief of Police; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean M. Fecteau, Town Clerk.

IV. Open Forum

None.

V. Resolution

A. Supreme Court Case: *Carcieri v. Salazar*

Councilor Carroll read the following resolution into the record:

**RESOLUTION
2009-16**

WHEREAS, the State of Rhode Island and the Town of Gloucester prevailed after a decade long struggle to ensure that all land throughout Rhode Island be governed by State Law, and municipal ordinances, including comprehensive plans and zoning laws, and

WHEREAS, in the case of *Carcieri v. Salazar*, the Supreme Court of the United States in February, 2009, agreed with the State and Town that the Narragansett Indian Tribe was not to be exempted from this jurisdictional paradigm through the process of placing tribal land into federal trust, and

WHEREAS, it is imminent that legislation to undo *Carcieri v. Salazar* in whole or in part will be introduced by members of the Congress of the United States; and

WHEREAS, if *Carcieri v. Salazar* is reversed by Congress, then any federally recognized tribe would be able to purchase land in any community in Rhode Island; and

WHEREAS, such reversal would subject every community to the primacy of federal and Indian law over State law and local ordinance, and could open the door to such activities as a smoke shop or a casino without voter approval, and

WHEREAS, the Town of Glocester respectfully urges Senators Reed and Whitehouse and Congressmen Langevin and Kennedy to oppose any and all efforts of the United States Congress to undo our hard fought victory and place Rhode Island Communities in jeopardy of unapproved land use; and

NOW THEREFORE BE IT RESOLVED that the Glocester Town Council unanimously requests that this resolution be forwarded to the Rhode Island Congressional delegation, the Town's State delegation, all State General Officers and the leadership of all other Rhode Island municipalities to request their support for this resolution.

Kevin P. Walsh, President
Glocester Town Council

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Public Hearing

A. Glocester Licensing Board

Discussion and/or Action

1. Issuance of a new Victualing License
Knight Farm, LLC, d/b/a Knight Farm
Location of Business: 1 Snake Hill Road

Councilor Burlingame stated that this Public Hearing was duly advertised in the Valley Breeze, Observer, on July 30th, August 6th, & August 13th, 2009.

Councilor Burlingame declared the Public Hearing open and asked if anyone wished to speak for or against the issuance of the Victualing License.

Discussion: Joseph Iaciofano, applicant, was present to answer any questions. Councilor Burlingame again asked if anyone wished to be heard regarding this application. Hearing none, Councilor Burlingame declared the Public Hearing closed.

MOTION was made by Councilor G. Steere to GRANT the issuance of a Victualing License to Knight Farm, LLC, d/b/a Knight Farm, Location of Business: 1 Snake Hill Road contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Unfinished Business - Discussion and/or Action

A. Gloucester Economic Development Commission

1. Amendments to Charge

Councilor Burlingame stated that this item has been tabled to September 3, 2009; therefore no action is necessary.

B. Appointments

1. Dam Management District (2)

MOTION was made by Councilor G. Steere to APPOINT James Giarrusso and Bud Leonhardt to the Burrillville/Glocester Dam Management District; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Consent Items

A. Approval of Town Council Minutes- June 22nd, 2009 & August 6, 2009

B. Finance Director's Report - July, 2009

C. Tax Collector's Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the Town Council Minutes of August 6, 2009; to TABLE the minutes of June 22, 2009; to ACCEPT the Finance Director's Report of July 2009; to APPROVE Additions to the 2009 Tax Roll in the amount of \$3,432.85; Abatements to the 2009 Tax Roll in the amount of \$4,015.77; and Abatements to the 2008 Tax Roll in the amount of \$621.08; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

IX. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, stated that he has contacted the State with regard to the \$250,000 that the Town will receive for paving. G. Treml noted that final paperwork should be received in about three (3) weeks, after which the project will begin.

G. Treml reported that the surplus sale raised approximately \$4,400.

G.. Treml spoke regarding private roads, commenting that the issue has never really been resolved. G. Treml noted that many of these roads are in need of repair, adding that in the long run, it will alleviate problems and save the Town money. Councilor Burlingame directed G. Treml to make a list of the roads that he feels need to be worked on. G. Treml stated that the next road to be paved is Pine Orchard Road.

B. Jean Fecteau, Town Clerk, stated that a Use of Building form has been submitted by Western RI Home Repair regarding the Senior Center. J. Fecteau noted that the request is for a class for first-time home buyers scheduled for September 15th. There was Council consensus to address this at the meeting of September 3rd.

J. Fecteau that an application has been received from an individual who wishes to serve on the Recreation Commission, but there are no vacancies at this time. J. Fecteau also stated that the Recreation Director has drafted a letter for the Council's review. Once the Director receives a response, he will notify the Council.

J. Fecteau stated that she has been contacted by Central Nurseries regarding their desire to "adopt" a spot in town, similar to what George Charette did at the small park in the village and in front of the Town Hall. J. Fecteau explained that there is a spot in front of the Senior Center which has no real landscaping and stated that, if the Council approves, Central Nurseries could plant and maintain the area. The Council members expressed agreement.

J. Fecteau stated that she has received letters from South Kingstown, Middletown and Exeter, all in support of the Resolution that Gloucester has approved regarding the cost of health care.

X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

Councilor Burlingame read the following correspondence from the Town Clerk:

“For your information, I am back at the Town Hall on what I hope will be a full-time basis. The surgery was successful and recovery is going well. I wanted to inform the Council that when I returned to the office, there was no old mail to be read or answered, no phone messages to listen to, no unanswered e-mails, no backlog of work, thanks to our excellent clerk staff and our current computer system. I was able to create the agendas and Council notes and organize the files for all Council meetings from home during my absence. Ed Juair set me up to see and receive everything in our office and this made for a seamless period regarding Town business. I want to express my thanks to the Town Clerk’s office and Mr. Juair and would ask the Council to acknowledge these people.”

Councilor Burlingame thanked the Town Clerk and commented that everything went smoothly in her absence.

XII. Open Forum

None.

XIII. Executive Session

A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining

1. I.B.P.O. 638
2. Dispatchers LIUNA Local #1322

MOTION was made by Councilor Carroll to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining: seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

MOTION was made by Councilor Carroll to SEAL the minutes of Executive Session; seconded by Councilor G. Steere.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Carroll to Adjourn at 8:30 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 3, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **September 3, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President; George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Public Works Director; Lawrence Desormier, Building/Zoning Official; Walter Steere, Jr. and Steven Sette, School Committee members; Jamie Hainsworth, Chief of Police; Viviane Valentine, Tax Assessor; Jane Steere, Tax Collector; Roy Najecki, Conservation Commission chair; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Roy Najecki.

IV. Open Forum

A. Monroe Allen stated that he owns property in Smithfield on the Gloucester town line. M. Allen stated that he and his neighbors have been troubled by a shooting range at the end of Burlingame Lane in Gloucester. M. Allen reported that semi-automatic weapons are being discharged in rapid succession as late as 9:30 at night. M. Allen commented that the shooting also occurs on Sunday afternoons for several hours. M. Allen stated that the Police have investigated, but it was stated that the shooters are not just shooting randomly into the woods; they have a shooting range.

M. Allen stated that this has destroyed the use of his land because he cannot walk outside with his grandchildren or his dog. M. Allen added that he owns property in Gloucester which he has offered to the Land Trust, but the Land Trust did not want it due to the shooting. M. Allen stated that the land is unusable.

Councilor Walsh replied that this matter is not on the agenda, but noted that the Police Chief is present. Councilor Burlingame stated that his family owns property which abuts this property, adding that his brother has also had problems regarding this issue. Councilor Burlingame commented that there are trespassers going onto the property to look for game such as turkeys or deer. Tim Kane, Assistant Town Solicitor, stated that he will look into the matter with the Building/Zoning Official. M. Allen thanked the Council for their time.

B. Steve Sette spoke regarding the Resolution regarding binding arbitration which is on the agenda for consideration. S. Sette expressed his opinion that this is a bad bill which does not help towns concerning spiraling costs with respect to contracts within

teachers' unions and so forth. S. Sette noted that none of our State Representatives are present tonight, adding that they do not appear before the School Committee either. S. Sette stated that another bill will be voted on which deals with contract extension, which in his opinion also does not favor cities and towns.

S. Sette stated that he is on the Board of Directors for the Senior Center and updated the Council that beginning in January, fees will be instituted for activities at the center. S. Sette noted that this will help the Senior Center to become more self-sufficient. Councilor Walsh asked how much the fees will be. S. Sette replied that they will be in the \$3.00 to \$5.00 range and the annual dues may be increased from \$12.00 to \$15.00.

S. Sette spoke regarding the H1N1 virus, stating that it may be a good idea for the School Committee and Town Council to get together to discuss any plans in the event of a major outbreak.

S. Sette suggested that members of the Town Council and members of surrounding communities begin to discuss a county form of government which is common in other areas, adding that this system works very well and may save money.

V. Resolution
A. Binding Arbitration
Discussion and/or Action

Councilor Walsh stated that the Council has received numerous requests from the League of Cities & Towns regarding a Resolution opposing Binding Arbitration legislation.

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

**RESOLUTION
2009-16**

WHEREAS, the Town Council of the Town of Gloucester is in Opposition to Binding Arbitration for Teacher Contracts; and

WHEREAS, mandatory binding arbitration on all issues, which is presently in force for local police and fire, has led Rhode Island, according to RIPEC, to having the 5th highest police costs in the nation and the highest paid firefighters nationally; and

WHEREAS, Rhode Island cities and towns have to comply with statutory and decreasing property tax caps; and

WHEREAS, binding arbitration may create a disincentive for teacher unions to settle the unresolved issues by negotiations as they perceive that they will gain more through arbitration should they win rather than a negotiated labor agreement. Arbitration can make the process long and expensive; and

WHEREAS, the proposed mandatory binding arbitration legislation being advanced by the teacher unions does not take student welfare into account, does not conform to the existing property tax caps (Senate Bill 3050), does not recognize management rights that our courts have established nor does it prevent strikes or work to rule; and

NOW, THEREFORE, BE IT RESOLVED that the Gloucester Town Council respectfully requests the Rhode Island General Assembly reject any and all binding arbitration legislation currently being considered for teacher contracts.

BE IT FURTHER RESOLVED that the Town Clerk is hereby instructed to submit a copy of this resolution to our neighboring cities and towns, State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support.

ADOPTED this 3rd day of September, 2009.

Kevin P. Walsh, President
Gloucester Town Council

seconded by Councilor Burlingame.

Discussion: Councilor Walsh expressed his concern that binding arbitration would work directly against communities trying to keep things in check during these financial times. Councilor Walsh added that it give unions no incentive to work towards a reasonable solution.

Councilor Carroll noted that legislation has not yet been introduced regarding this matter and he would rather not pass a resolution until we have a bill on the table.

Councilor W. Steere replied that the bill will probably go to a vote the day it is introduced, therefore we will not see it until it is passed or denied. Councilor W. Steere stated his opinion that binding arbitration would not be beneficial to anyone except the unions and expressed his opposition.

Steve Sette, School Committee member, noted that there was a letter to the editor in the paper from Tim Duffy, the president of the RI Association of School Committees, which urged the legislature not to pass the bill.

VOTE: AYES: Walsh, W. Steere, G. Steere and Burlingame

NAYS: Carroll

MOTION PASSED

VI. Public Hearings Discussion and/or Action
A. Gloucester Code of Ordinance
Proposed Additions & Amendments

1. Part 2: Boards, Commissions & Committees
Addition of Section 68 - Community Resource Commission

Councilor Walsh stated that a first reading was held on this proposed ordinance on August 6, 2009. This public hearing was advertised in the Providence Journal on August 24, 2009.

Ordinance proposed as follows:

Chapter 68
COMMUNITY RESOURCE COMMISSION

§68-1. Establishment; membership; terms; compensation; clerk; vacancies.

A. Pursuant to Gloucester Home Rule Charter §C. 13-10, there is hereby established a Community Resource Commission consisting of seven members, who shall be appointed by the Town Council for terms concurrent with the terms of the Town Council with the exception that members should hold their respective offices until their successors are qualified. The Council shall, within 45 days, fill any vacancy which may occur on the Community Resource Commission for the unexpired term. Members shall serve without compensation. A recording clerk shall be appointed by the Town Council.

§68-2. Purpose.

A. The purpose of the Community Resource Commission is to create a public body whose primary responsibility is to advise the Town Council and other Town Boards and Commissions on how the Town can better utilize the natural, physical and human resources within the Town with the purpose of offsetting the burden of taxation on the residents and businesses of the Town.

§68-3. Powers and Duties

A. The Commission is hereby authorized to advise and make recommendations to the Town Council and other Town Boards and Commissions from time to time in accordance with its stated purpose. The Commission is authorized to adopt bylaws subject to the approval of the Town Council. The Commission is authorized to adopt a specific charge in accordance with its stated purpose subject to the approval of the Town Council.

§68-4. Meetings; records

A. All meetings of the Commission shall comply with the Rhode Island Open Meetings Law and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision. All records of its proceedings, resolutions and actions shall be open to public view.

§68-5. Officers.

- A. The members of the Commission shall elect a Chairperson and Vice-Chairperson from among their members. The term of office of the Chairperson and Vice-Chairperson, unless otherwise prescribed by the Town Council, shall be for the calendar year.

§68-6. Termination

- A. The Commission may be terminated at any time by vote of the Town Council.

(End of ordinance)

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposed ordinance. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

Discussion: Councilor W. Steere stated that this commission will bring people together to identify resources in the community which will help to lessen the burden on taxpayers. Councilor W. Steere further stated that there are stimulus and grant monies available for this purpose. Councilor W. Steere stated that he hopes to have members in place by the next meeting.

MOTION was made by Councilor W. Steere to ADOPT the Addition to the Gloucester Code of Ordinance, Part 2, Boards, Commissions & Committees, Section 68 - Community Resource Commission; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Article 1: Recreation Areas
221-5 Firearms

Councilor Walsh stated that a first reading was held on this proposed ordinance on August 6, 2009. This public hearing was advertised in the Providence Journal on August 24, 2009.

Councilor Walsh DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposed ordinance.

Discussion: Councilor Walsh explained that this amendment is to allow hunting on the Williams Mills Conservation Area, which is located at the FM Global site on Route 94.

Roy Najecki, chair of the Gloucester Conservation Commission who resides at 1203 Reynolds Road, stated that the Commission, as steward of the above-mentioned property, is in favor of allowing hunting on the parcel.

Councilor W. Steere asked if the allowed hunting will be bow and arrow and black powder, or would it also allow shotgun hunting. R. Najecki replied that all three forms of hunting will be

allowed for deer and wild turkey. R. Najecki added that Mr. Purvis, who lives across the street from the area, has no objection.

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

MOTION was made by Councilor G. Steere to ADOPT the amendment to Article 1: Recreation Areas, 221-5 Firearms as follows: The use of any firearms or bow and arrows is prohibited in all recreation areas, **excepting Assessors Plat 2, Lot 13 known as Williams Mills Conservation Area. Hunting will be subject to any Rules & Regulations adopted by the managing authority**; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Unfinished Business - Discussion and/or Action

A. Gloucester Economic Development Commission

1. Amendments to Charge

Councilor W. Steere stated that upon further review, he has determined that the charge for the Economic Development Commission should not be amended. However, Councilor W. Steere stated that the membership will be addressed at the next meeting, at which time new candidates will be considered.

VIII. Consent Items

A. Approval of Town Council Minutes- August 20, 2009

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of August 20, 2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. New Business - Discussion and/or Action

A. Western Rhode Island Home Repair

Community Development Block Grant

Request for Release of Funds & Certification

App. #09/13/23

Councilor Walsh stated that the Council has received a request from Western Rhode Island Home Repair for a signature authorization on the Request for Release of Funds & Certification for the current year CDBG program. Councilor Walsh explained that this is to enable the program to request the funds previously granted by the State.

Discussion: None.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Western Rhode Island Home Repair, Community Development Block Grant, Request for Release of Funds & Certification, Application #09/13/23; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Conservation Commission

1. Corrective of term on previous appointment

Councilor Walsh explained that the appointment of an alternate member was made in August, 2009 but the wrong term date was used. This is just to correct a term.

MOTION was made by Councilor W. Steere to AMEND the appointment of Jacob Bailey to the Conservation Commission to fill the one year alternate term to expire 4/2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Adoption of Rules & Regulations

Williams Mills

Councilor Walsh stated that the Conservation Commission has, on September 2nd, voted to accept Rules and Regulations for the Williams Mills Conservation Area. Councilor Walsh noted that these rules have also been sent to the Town Solicitor for review.

Discussion: None.

MOTION was made by Councilor Burlingame to ADOPT the Rules & Regulations for the property known as Williams Mills property under the stewardship of the Conservation Commission; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Department of Public Works - Discussion and/or Action

1. Road repair approval

Gary Treml, Director of Public Works, read the following request:

August 25, 2009

To: Honorable Town Council

From: DPW

Re: Selective Repair of Private Roads

There are certain areas in town that are continuing problems after heavy rain events and all winter. These areas continue to require material and manpower throughout the year.

At this time I propose a repair of three areas that have been ongoing for years. The areas are as follows:

Goldmine Road 600 ln. ft.
Terrace Drive 200 ln. ft.
Vernon Drive 200 ln. ft.

The water issues have been contained as of this time, but the roadways need some grading to allow for proper run off. DPW is requesting that these areas be chip sealed to stop erosion and relieve DPW of the constant maintenance that does not fix the underlying problems.

This small expenditure now will be recouped in one snow season with less wear on plows, savings on salt at \$90.00 per ton, sand, and manpower. DPW has capital funds available to perform this work. Based on last year's chip seal bid, the cost to repair these selective areas would be approximately \$5,000.00. As director I feel it is in the Town's best interest to move forward and selectively fix these areas.

Respectfully submitted,
Gary S. Treml
DPW

(end of memo)

Discussion: Councilor W. Steere asked if these are recurring issues which have been worked on in the past. G. Treml, Director of Public Works, replied in the affirmative, adding that last year, his department was on Goldmine Road on a weekly basis to perform repairs. Councilor Walsh agreed that these areas need attention, but commented that there are many other roads in Town which also need to be repaired.

G. Treml replied that working on the three roads mentioned would be a good start and would save the Town money. Councilor Carroll asked if these areas are the worst three (3) in Town. G. Treml replied in the affirmative, adding that they are a chronic problem.

MOTION was made by Councilor Carroll to APPROVE the authorization to Public Works to make necessary repairs, as stated; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Reallocation of funds:

Funds to purchase materials for boundary work at the Transfer Station
(Work would apply to the implementation of the National Storm Water Discharge
infra-structure improvement Program, Phase II)

Councilor Walsh stated that the Public Works Director has forwarded the following request:

August 25,2009

To: Honorable Town Council

From: DPW

Re: Re-allocation of Forklift Funds

The DPW materials storage area is located in the lowest area of the facility. Previously, concrete blocks have been used to contain the crushed stone and processed gravel stockpiles. Over time, the blocks have become dislodged and do not provide a sound, structural break between the stockpiles and areas adjacent to our storage area.

I am requesting a re-allocation of ten thousand dollars (\$10,000) to purchase used sheet pile to make that permanent break between the yard and adjacent land. All labor will be provided by DPW personnel.

This infra-structure improvement will be a start for the Departments' implementation of the National Storm Water Discharge Program. Phase II of this program started in 1999 with EPA beginning to look at smaller municipalities & "public bodies".

On April 29,2009 Gloucester DPW hosted a training program put on free of charge by RI T-2 center. Representatives from Smithfield and Foster DPW Departments attended. This program was designed to help guide departments with preventing storm water pollution at their facilities.

Respectfully submitted,
Gary S. Treml
DPW
(End of memo)

Discussion: Gary Treml, Director of Public Works, stated that he has spoken with Tom Mainville, Finance Director, regarding this request. T. Mainville stated that instead of taking funds allocated for the forklift, it would be better to take funds which are available from the capping of the landfill.

MOTION was made by Councilor W. Steere to AUTHORIZE the request for the reallocation of funds, approx. \$10,000 from the Capping of Landfill Fund for infrastructure improvements needed at the DPW facility. Said improvements are to reinforce the containment and separation of materials and are requirements of the National Storm Water Discharge Program, Phase II; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Announcements re: State Vehicle Excise Tax Revenue reductions to municipalities
Discussion and/or Action

Councilor Walsh explained that this item pertains to the Governor's recent announcement that further reductions must be made to cities and towns.

Discussion: Councilor Walsh stated that a letter should be sent to all Department Heads informing them of the possibility of another \$297,000 reduction in the budget if the Governor goes through with this plan. Councilor Walsh stated that the letter should stress that money should not be spent needlessly in light of the situation. Tom Mainville, Finance Director, replied that any correspondence would have more of an effect coming from the Town Council. T. Mainville further stated that this plan would have to be passed through the legislature before it can be acted upon.

T. Mainville stated that if this were to transpire, we could probably weather the storm for the current year, but the problem would occur next year because there would be nothing left in the fund balance. There was Council consensus that Department Heads should be notified. Councilor Burlingame asked what can be done, short of any manpower impact, to decide what cannot be funded. Councilor Burlingame stated that we do not wish to affect people, because severe actions have already been taken with people in terms of increased costs and decreased wages. Councilor Burlingame stated that we need to look at discretionary expenses.

Steve Sette that the Legislation does not come back until the 15th of October, which means that we have about a month before we know where the Governor's plan will go. S. Sette expressed

his opinion that this will not pass the legislature due to the hit that the cities and towns have already taken. S. Sette stated that if the Council decides to send a letter out at this time, it may cause a lot of disruption. S. Sette recommended waiting until the next meeting or the first meeting in October to take any action.

Councilor Walsh stated that he feels that we should freeze spending on items which are not needed. Councilor Burlingame added that we should at least have a potential plan in the event that the Legislature passes the Governor's request. Councilor Walsh stated that we can put off buying something for a month until we find out what is going to happen. Councilor Walsh further stated that the employees were told that if health insurance co-shares were implemented, there would be no layoffs.

Councilor W. Steere stated that the points made by Steven Sette are valid as are the comments made by the other Councilors. Councilor W. Steere stated that we must look at the worst case scenario. Councilor W. Steere expressed his opinion that we will get cut somewhere, adding that the Legislature had its chance last year to do something and did not. Councilor W. Steere agreed that the employees have done everything they could and we cannot ask anything more of them. Councilor W. Steere noted that the employees are aware of the situation and do a good job of holding the line. Councilor W. Steere further stated that we do not wish to put anything else on the taxpayers. Councilor W. Steere also noted that if a letter is sent to Department Heads, it should also be directed to the Governor and our representatives.

Councilor Walsh recommended that a Resolution regarding fiscal stress for Rhode Island's cities and towns be drafted for the next Council meeting. The other Council members expressed agreement.

E. Former State Trooper Barracks (Chepachet)
Discussion and/or Action

Councilor W. Steere stated that there have been proposals regarding the use of this property, one of which is to use it for affordable housing. Councilor W. Steere stated that he feels that this would not be the best use of the property for the following reasons: 1)the land is wet, and 2)that is a prime commercial spot. However, Councilor W. Steere noted that we have a state mandate that we have a certain amount of affordable housing.

Councilor Walsh stated that at one time it was mentioned that the land would be donated to the Town for \$1.00 but then it was offered to the Town for \$350,000, which was out of the question. It was then stated that the property would be used for affordable housing but the state is planning to install new pipes and one of the drainage fields will be in front of the State Police barracks.

It was decided to check with Ray Goff, Town Planner, to determine the status of the plans for the property.

X. Department Head Report/Discussion
A. Department Heads

1. Jean Fecteau, Town Clerk, stated that there is now a Moderate Party in Rhode Island, adding that the voter registration system has been updated accordingly.
2. Gary Treml, Director of Public Works, spoke regarding the LEAP money which will be received for paving. G. Treml stated that the agreement between the Town and the State was mailed out last week and will need to be signed by the Council and the Solicitor when it is returned.

B. Building/Zoning Official

1. Questions re: Historic District Commission and proposed new business
L. Desormier commented that the Historic District Commission has been failing to make quorum for their meetings, adding that this may cause problems for applicants. L. Desormier stated the last meeting which was cancelled affected a potential new business, Family Dollar.

Councilor Walsh asked when the business filed its application. L. Desormier replied that it has been at least three (3) weeks. There was discussion regarding the proposed sign for the business. It was stated that the colors were unacceptable but a compromise was reached between the Commission and the applicant. Regarding the attendance issue, Councilor Burlingame offered to speak to the chair of the Commission.

2. Larry Desormier, Building/Zoning Official, reported that the schools are now open. L. Desormier noted that there are still issues to be addressed, but the Building/Zoning Department as well as the Fire Department have been working diligently and overtime on this project. L. Desormier commented that the school has a temporary Certificate of Occupancy which is valid until November 30th of this year.

Councilor Walsh asked if the Building/Zoning Official will keep the builders informed regarding the outstanding issues. L. Desormier replied that he attends bi-weekly meetings with Ahronian & Associates, H. V. Collins, and the Fire Department. Councilor Walsh asked if the boilers are running at the school. L. Desormier replied that they have not yet been needed.

3. Councilor Walsh asked L. Desormier about a situation regarding a fence on Saw Mill Road which was placed too close to an intersection. L. Desormier replied that the owners were notified and Peter Scorpio, Assistant Building Inspector, saw them working on it today.

XI. Boards/Commissions

- A. Walter Steere, Jr., School Committee member, spoke regarding the Esco and ConEd savings. W. Steere, Jr., stated that both schools must be commissioned before ConEd will accept them. L. Desormier explained that the architect has issues which must be taken care of before they will perform their final inspections.

- B. Roy Najecki, Conservation Commission chair, stated that the Land Trust comes before the Council annually for approval of their hunting rules and regulations. R. Najecki asked if the Council must approve hunting at Williams Mills each year, adding that the Council has already approved the Conservation Commission's rules and regulations for the area. Councilor Walsh replied that the Council approves hunting at Sprague Farm each year. R. Najecki noted that Williams Mills Conservation Area is town-owned property. Tim Kane, Assistant Town Solicitor, agreed that since the Council has given stewardship to the Conservation Commission, there is no need to come back each year, unless there are changes in the rules and regulations.

R. Najecki recommended that the Town Clerk's Office begin issuing courtesy cards on the 4th Tuesday of September because deer tags will be available by that time. R. Najecki suggested that shotgun permits be limited to thirty (30) and further recommended that Gloucester residents be given preference since no Federal or State funding was used to purchase the property. R. Najecki recommended that the Clerk's office begin issuing to Gloucester residents at 8:00 a.m. followed by all others at 9:00 a.m.

Councilor Steere asked if the person must be physically present to obtain the permit, or can somebody else pick it up. R. Najecki replied that the rules for the Williams Mills property state that a hunter must pick up his landowner courtesy card in person. There was consensus that since the Conservation Commission has stewardship over the property, they can make any stipulations that they choose. Jean Fecteau, Town Clerk, stated that she will comply with whatever the Conservation Commission decides to do.

Tim Kane, Assistant Town Solicitor, recommended that a policy be written for adoption at the next Town Council meeting. T. Kane stated that this way it would be in writing and the Clerk's office will have something to refer to when issuing the courtesy cards.

- C. Steve Sette, School Committee member, stated that the Region has locked in to a fixed price for oil which should result in a savings of approximately \$40,000 to \$50,000.

XII. Council Correspondence/Discussion

- A. Councilor Walsh stated that a Resolution was received from the town of Portsmouth which is in opposition to the reinstatement of a toll on the Mount Hope Bridge.
- B. Councilor Walsh stated that correspondence was received from the Statewide Planning Program regarding the deadline for applications for the 2009 Planning Challenge Grant. This will be forwarded to Ray Goff, Town Planner.
- C. There was discussion regarding the Request for Proposal for a Reappraisal and Revaluation of the Town of Gloucester.
- D. Councilor Walsh stated that a request was received for the use of the Senior Center building for a First-Time Home Buyers Class. Councilor Walsh noted that the request is from Western RI Home Repair Program which is a Town entity. Councilor Walsh

stated that he feels that the Senior Center Board of Directors should address this type of request. Steve Sette, member of the Board of Directors, agreed that a policy should be adopted regarding what types of functions should be allowed at the facility.

XIII. Open Forum

- A. Bob Lyons of Harmony stated that, as a taxpayer, he wished to thank the Council for not taking too long to approve funds for private roads. B. Lyons commented that the Department of Public Works is responsible for maintaining the roads within the Town's borders. Unfortunately, B. Lyons stated, the Director sometimes has his hands tied on the issue of private roads. B. Lyons stated that we are a fear-driven society which worries about things that may or may not happen, such as flooding in people's yards.

- B. Walter Steere, Jr., School Committee member, thanked the Council for the Resolution regarding binding arbitration. W. Steere, Jr. expressed his opinion that if this bill is passed in any form, the Towns will lose. W. Steere, Jr. stated that this bill is union-driven and he feels that anyone who votes against the Resolution is not representing the taxpayers of this Town. Councilor Carroll replied that he agrees that the bill has negative aspects, but feels that the Resolution is too general and pre-emptive. Councilor Carroll further stated that there are aspects of the bill which may bring people more toward the middle. Councilor Carroll stated that he did not vote in favor of binding arbitration, rather he voted against a Resolution at the time it was presented based on a lack of specifics.

- C. Councilor W. Steere spoke about a resident from Town, State Trooper Matthew Salisbury, who delivered a baby on Route 146.

XIV. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining
 - 1. I.B.P.O. 638
 - 2. Dispatchers LIUNA Local #1322

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) Collective Bargaining; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes taken.

XVI. Police Department Budget - Possible reductions
Discussion and/or Action

Chief Hainsworth stated the Police budget has a shortfall of approx. \$57,000 and they have not been able to find a solution.

Councilor Walsh asked what savings a reduction in staff would realize.

Chief Hainsworth stated if the last hired were laid off it would result in an approx. savings of \$36,950 less what was paid out since July 1st, 2009.

T. Mainville stated that eliminating two police officers now would result in an approx. \$68,000 savings with a positive balance of \$11,000, whereas eliminating a Police officer & a dispatcher would result in a savings of approx. \$50,000 thereby creating a negative balance of \$7,000. T. Mainville stated either alternative is in the "ballpark."

T. Mainville stated these numbers were calculated as of September 5th and if a decision was extended for two more weeks the savings amount would decrease.

Councilor Walsh stated the choice is whether to let one officer go now and wait two more weeks to see what the dispatchers union does, which would still leave the amount needed short by \$7,000. Councilor Walsh also stated this is to deal with last years issues.

MOTION was made by Councilor Walsh to authorize the Chief of Police to correct his budget shortfall by laying off one (1) police officer at this time; seconded by Councilor Burlingame.

Discussion: Councilor W. Steere asked Officer Jennison, regarding the letter of July 24, 2009, if a vote was taken by the union members. Officer Jennison replied to the affirmative, a vote was taken not to accept but to counter with another offer. Councilor W. Steere questioned if the union was made aware of the necessary time frame, as the longer Council waits the costs are greater and there would be a possibility of more staffing changes. Councilor Steere stated he does not want to see employees laid off and that he realizes it could effect public safety.

Officer Jennison stated Local 638 made efforts to give the Council ideas for cost savings, and surpassed the amount of money the Council stated it needed with their proposal. Officer Jennison stated the Council did not want their suggestions. Officer Jennison stated as the police are currently in the middle of a contract they were willing to agree to some items (let them slide) but felt as though they could then ask for a few things in return. Councilor W. Steere stated the Council was looking for concessions not negotiations of a new contract.

Officer Jennison questioned how much twelve officers could take. Councilor W. Steere stated that police officers are in a unique position where they can make up money with details. Officer Jennison stated officers can not count on details as there are many times there are none available. Officer Jennison also pointed out that details also make money for the town.

Councilor W. Steere again stated that he feels Council has done the best they can and wants reassurance that there was a vote of the union members regarding the Councils offer and does the union understand that the last option is for the Council to do what they have to do, even though they don't want to.

Councilor W. Steere asked the Finance Director if September 5 is the last date action could be taken to receive the necessary savings. T. Mainville stated as time goes on the ability to see savings is lessened. Councilor W. Steere stated while they are being asked to give up a lot, unlike 12% of the unemployed in Rhode Island they would still have a job.

Councilor Walsh stated the Council has to do what is in the best interest of the town. Officer Jennison questioned whether this problem was being handled on a town wide basis and questioned two police officers being laid off as opposed to another town employee (not in the police union).

Councilor Burlingame stated there was a problem of \$150,000 Town wide and Council froze non union employee wages, dropped buy backs substantially, placed a one year moratorium on longevity payments and stratified health care costs. Councilor Burlingame stated the assumption was all would participate. Councilor Burlingame stated now a share needs to come from police, dispatch, and clerk's unions.

Councilor Carroll stated he does not want to lay off a police officer or any other town employee and would like to get the police union back to the table.

Councilor W. Steere stated he doesn't want to lay off employees but feels the Council has very little leeway. Councilor W. Steere stated the Town cannot offer any more.

Officer Jennison stated the union did propose a way to save the necessary amount of money, the Council did not like the proposal.

The Chief had recalculated and gave the Council the cost differences in they wait an additional two weeks.

Chief Hainsworth & Councilor Burlingame discussed the Regional Resource Director position. The Chief stated if the Region does not come up with \$45,000 that person will be back on regular patrol.

VOTES: AYES G. Steere; W. Steere; Walsh, & Burlingame
NAYS Carroll
MOTION PASSED

XVII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:22 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 17, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **September 17, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works
Director; Lawrence Desormier, Building/Zoning Official; Raymond
Goff, Town Planner; Viviane Valentine, Tax Assessor; and Jane Steere,
Tax Collector

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Burlingame.

IV. Open Forum

A. Albert Aubin, 47 Jackson Schoolhouse Road, requested the installation of a speed
bump, either temporary or permanent, on Jackson Schoolhouse Road. A. Aubin
explained that there are numerous children and senior citizens who walk along the road
during the day. A. Aubin noted that the speed limit is 25 miles per hour, but the traffic
at times travels twice that speed. A. Aubin expressed his opinion that it would not be
fair to the Police to ask for patrols, adding that a speed bump would slow the traffic
down.

Councilor Walsh stated that the Council cannot take action because this item is not on
the agenda. However, Councilor Walsh added that in the past, requests such as this
have been forwarded to the Safety Commission for a recommendation.

V. Resolution - Discussion and/or Action

A. Korean War Veterans Ceremony

Councilor Burlingame read the following into the record:

**RESOLUTION
2009-17**

WHEREAS, Goodwork Korea was a non-profit Korean-American Cultural Foundation of
South Korea, working to honor Korean Veterans. This was a government
sponsored program to present medallions to those who fought for South
Korea's freedom from Communist aggression; and

WHEREAS, Byunghoon Bang, a Methodist seminary student living in Kentucky, came to the United States to study theology in 2003 from South Korea. He later became President of Goodwork Korea; and

WHEREAS, when the program came to an end Bang knew not every American G.I. had received his or her medal so Bang asked the government for the medals and has been on a personal mission ever since. He will be presenting medallions to members of the Korean War Veterans Association at the Gloucester Senior Center on October 14, 2009; and

WHEREAS, Bang places the medallion around the neck of each veteran while thanking them for their service. Bang has awarded nearly 500 medallions in the United States since 2005; and

WHEREAS, on October 14, 2009 Mr. Bang will be awarding over 30 medallions to local Korean War Veterans at the Gloucester Senior Center in Chepachet; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester would like to thank Mr. Bang for his effort, time and commitment he has given to thank every American GI who fought for South Korea's freedom from Communist aggression. The Town Council would further like to thank those veterans who have received these medals for their bravery and dedication in serving their country. They are all true heroes.

Kevin P. Walsh, President
Gloucester Town Council

Seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

Councilor Walsh noted that he will be in attendance at the afore-mentioned ceremony and will present the Resolution to Mr. Bang.

B. Cities & Towns: Fiscal Stress

Councilor Walsh stated that another cut in local aid has been suggested by the Governor. Councilor W. Steere read the following resolution:

**RESOLUTION
2009-18**

- WHEREAS, the Town Council of the Town of Gloucester would like to acknowledge that fiscal stress for Rhode Island's cities and towns definitely exists in today's economy; and
- WHEREAS, fiscal stress in cities and towns has been caused by a declining economy and massive cutbacks by the state; and
- WHEREAS, over the past several years, and two recessions, the state has faced difficult budgets resulting in nearly one billion in lost revenue. They have managed through this crisis with reductions in state spending, improved operating efficiencies and without broad-based taxes. Savings were also achieved through healthcare, pension reform and a reduction in state employment levels, changes to social service programs and cuts to local aid; and
- WHEREAS, Governor Carcieri has proposed a plan to cut an additional 68.7 million dollars. This plan would be achieved through twelve (12) shutdown days of state government, operational savings, and withholding the 4th quarter of the vehicle excise tax from cities and towns; and
- WHEREAS, if Governor Carcieri's plan passes and withholding the 4th quarter of vehicle excise tax should occur, this will place additional fiscal stress on all cities and towns. When preparing the 2009-2010 budget, the Town of Gloucester made numerous concessions and an additional loss of state revenue would place an almost impossible burden on the tax-payers of Gloucester as well as the Town; and

NOW THEREFORE BE IT RESOLVED that this Resolution be sent to the Rhode Island Congressional delegation, the Town's State delegation, all State General Officers and the leadership of all other Rhode municipalities to request their support in asking the Governor to reconsider any additional cuts to cities and towns.

Kevin P. Walsh, President
Gloucester Town Council

Seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VI. Consent Items -Discussion and/or Action
 - A. Approval of Town Council Minutes- September 3, 2009
 - B. Finance Director's Report - August 2009
 - C. Tax Assessor's Additions & Abatements - August 2009

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of September 3, 2009; to ACCEPT the Finance Director's Report for August, 2009; to APPROVE the Additions to the 2009 Tax Roll in the amount of \$2,150.04 and the Abatements to the 2009 Tax Roll in the amount of \$594.91; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- VII. New Business - Discussion and/or Action
 - A. Land Trust Property- Sprague Farm - Hunting Rules & Regulations 2009

Councilor Walsh stated that each year the Land Trust adopts hunting rules and regulations for Sprague Farm.

MOTION was made by Councilor Burlingame to ADOPT the 2009 Sprague Farm Hunting Rules and Regulations as presented by the Gloucester Land Trust; seconded by Councilor Carroll.

Discussion: Roy Najecki, Gloucester Land Trust member, stated that it was decided that the Land Trust would adopt the same rules and regulations as last year for Sprague Farm regarding shotgun, muzzle loader and archery hunting, and has added the Garrity Woodland on Absalona Hill Road for archery hunting only.

R. Najecki stated that there have been inquiries regarding allowing hunting on Phillips Farm and Steere Hill, but upon research, it was learned that the Land Trust acquired both properties with the stipulation that hunting be prohibited. Councilor W. Steere commented that between Sprague Farm and Garrity Woodland, hunting is allowed on over half of Land Trust property, adding that some people prefer to enjoy walking without feeling threatened by hunting.

R. Najecki stated that there was discussion among Land Trust members regarding whether to close Sprague Farm to hunting on Sundays as the state of Connecticut does. R. Najecki stated that there was a consensus to keep the rules the same this year as they have been in the past.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Conservation Commission Property - Williams Mills
1. Administrative Policy

Councilor Walsh stated that at Council's last meeting the Town Solicitor suggested an administrative policy be written to regulate the issuance of permission cards by the Town. Councilor Walsh read the following into the record:

"Beginning annually on the fourth Tuesday of September the Town Clerk's office, or her designee, shall issue Hunter-Landowner Courtesy Cards (hereinafter referred to as "cards") valid for the upcoming hunting season. Each applicant must apply in person with picture identification, a valid hunting license, and a deer or wild turkey permit. Each applicant may receive cards for any or all properties, however only one card that allows hunting with shotgun will be issued per applicant. Only Gloucester residents may receive cards that allow hunting with shotgun on the Williams Mills Conservation Area."

Discussion: Roy Najecki, Conservation Commission chair, explained that since the shotgun permits are limited to thirty (30), it was decided to issue them only to residents of Gloucester. R. Najecki noted that there was discussion regarding whether to do the same for the Land Trust properties, but since they entail State funds, he was advised that this could not be done. R. Najecki stated that the Garrity Woodland is being opened to archery hunting on a trial basis to determine what impact the hunters will have on the property.

MOTION was made by Councilor G. Steere to ADOPT a 2009 administrative policy for the Williams Mills property, under the conservancy of the Gloucester Conservation Commission, seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Former State Trooper Barracks (Chepachet)
Discussion and/or Action

Councilor W. Steere suggested that this item be addressed later in the agenda when the Town Planner is present.

MOTION was made by Councilor W. Steere to move item C. to later in the meeting; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Ratification

1. Rhode Island Dept. of Transportation & Town of Glocester RI-L.E.A.P. Agreement (signed 9/14/09)

Councilor Walsh stated that the Town Council has previously authorized the signing of a draft agreement. The final agreement was received and signed by the Council President and the Town Solicitor on Sept. 14th, 2009. The Town Council should now ratify that signing.

MOTION was made by Councilor G. Steere to RATIFY the Rhode Island Local Equity Aid Program agreement between the Rhode Island Dept. of Transportation and the Town of Glocester, signed by Glocester on September 14, 2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. R.I. Economic Development

Energy Grant

Discussion and/or Action

Councilor W. Steere suggested that this also be addressed later in the meeting since the Town Planner is not yet present.

MOTION was made by Councilor W. Steere to move Item E. to later in the agenda; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion

A. Department Heads

MOTION was made by Councilor Carroll to move VIII. A. Department Heads to after IX. Boards/Commissions; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Boards/Commissions - Discussion and/or Action

A. Historic District Commission

1. Declare Vacancy

One (1) Three Year term to expire 11/2011

Councilor Walsh stated that Dan Romani, Chairman of the Historic District Comm., has requested that a position on the Historic District Commission, Francis Williams, be vacated due to absences.

Councilor Walsh explained that, as stated in RULES OF PROCEDURE FOR BOARDS AND COMMISSIONS, Chapter 392-2. Office and member duties. G. Attendance at meetings. "If any member fails to attend three consecutive duly scheduled meetings of the board, or is absent from one-half or more of such meetings in a calendar year, the Chairperson shall: (1) Request that the Town Council declare the position vacant; and (2) Request that the Town Council act to fill the position at the next Town Council meeting."

MOTION was made by Councilor Burlingame to DECLARE position #7 open on the Historic District Commission, for the three year unexpired term to expire 11/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Resignation

Historic District Commission

One (1) Three Year term to expire 11/2011

Jean Fecteau, Town Clerk, stated that Dan Romani, HDC chair, has requested that a resignation be placed on the agenda for action, but she has not yet received the resignation.

MOTION was made by Councilor Burlingame to TABLE the resignation from the Historic District Commission of one (1) three year term to expire 11/2011; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Juvenile Hearing Board

- a. One (1) Three year term to expire 9/30/2012

Councilor Walsh stated that this position is for the expired term of Kevin Kitson.

MOTION was made by Councilor Burlingame to REAPPOINT Kevin Kitson to the Juvenile Hearing Board for a three year term to expire 9/30/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- b. One (1) Alternate one year term to expire 9/30/2010

Councilor Walsh stated that this position is for the expired one year alternate term of Christopher VanPelt.

MOTION was made by Councilor Burlingame to REAPPOINT Christopher VanPelt to the Juvenile Hearing Board for a one year, alternate, term to expire 9/30/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Economic Development Commission

- a. Seven (7) members for 3 year terms

- b. Two (2) Alternate members for 1 year terms

Councilor Walsh stated that the Clerk has attempted to contact current members of the Economic Development Commission in the past without response.

Discussion: Councilor W. Steere stated that he has names of seven (7) candidates for the regular positions, adding that all have expressed the desire to serve on this commission.

MOTION was made by Councilor W. Steere to APPOINT Frederick DiGiacomo, Steven Sette, Thomas D'Angelo, Gregory Gabel, Michael DeGrange, Christopher Labutti, and George Charette to the Economic Development Commission, and Julian Forgue as an Alternate on the Economic Development Commission; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Community Resource Committee

- a. Seven (7) members for terms concurrent with the terms of the Town Council
Term to expire 12/31/2010

MOTION was made by Councilor W. Steere to APPOINT Peter Skeffington, Karen Iacobbo, Matthew Salisbury, Dana Hopkins, Ernest LaFazia, Linda Nichols and Michael Iacobbo to the Community Resource Committee for a term to run concurrent with the Town Council to expire 12/31/2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Historic District Commission

- a. Move member from alternate to regular member(if vacancy declared)
One (1) Three Year term to expire 11/2011

Councilor Walsh stated that Chairman Romani has requested if vacancy is declared prior to this item, the current alternate member be moved to regular position.

MOTION was made by Councilor Burlingame to APPOINT Anne D'Errico Smith to the position of full member to the Historic District Commission to fill the unexpired three year term to expire 11/2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- b. One (1) Three Year term to expire 11/2011 (if resignation submitted)

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for an unexpired three year term to expire 11/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- c. One (1) One Year Alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for an unexpired one year Alternate term to expire 11/2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

At this time, Ray Goff, Town Planner, arrived at the meeting.

VII. New Business

C. Former State Trooper Barracks (Chepachet)

Discussion and/or Action

Ray Goff, Town Planner, thanked the Council for delaying this discussion until his arrival. R. Goff introduced Peter Bouchard from Valley Affordable Housing, adding that Mr. Bouchard is in the business of turning old buildings into affordable elderly housing. Councilor Walsh stated that the State is redoing Route 44 and this is one area where drainage runoff will occur. R. Goff explained that there is a wooded area to the left of the building which will be cleared for the installation of a detention pond.

Peter Bouchard addressed the Council and thanked them for the opportunity to present his proposal. P. Bouchard explained that his non-profit company was established approximately ten (10) years ago and has an office located in Cumberland, RI. P. Bouchard further stated that the company only does affordable family and elderly housing.

P. Bouchard stated that when he first saw the building, he was impressed with its appearance and felt that the building could very easily lend itself to an addition at the rear of the building. However, P. Bouchard has since discovered that most of the six (6) acres of the property are

unusable due to wetlands. P. Bouchard noted that this would be problematic regarding finding a location for an individual septic system and water supply.

Peter Bouchard stated that his company has been in the business of renovating historic properties and mill buildings into affordable housing developments. P. Bouchard provided pictures of some of these projects. P. Bouchard explained that with the former State Police barracks, a single addition to the rear of the building would allow twenty (20) elderly housing units and be barely visible from the road. P. Bouchard further explained that the building would be two-story, self-contained with elevators. P. Bouchard noted that the proposed detention pond would not impact the project because it will be on the other side of the property.

Regarding the other properties developed by Valley Affordable Housing, P. Bouchard stated that 8% of the total annual rent collections are paid to the Town as property taxes. P. Bouchard noted that the residents of these units would pay 30% of their income for rent. P. Bouchard added that there are income limitations for tenants.

Councilor Walsh inquired about septic systems and water. P. Bouchard replied that they have worked with an engineering firm and have determined that there is one area to the right of the building which has a good water table and the consistency of the soil lends itself to accommodating a septic system.

Councilor Walsh pointed out that the State of Rhode Island owns this property. P. Bouchard replied that the State is willing to sell the property to his company. Councilor Walsh asked if Mr. Bouchard is looking for a Resolution or some other type of support from the Town. P. Bouchard replied that the property is not properly zoned for this type of development and a process would have to be undertaken, but P. Bouchard stated that he hopes to receive an endorsement from the Town Council.

Councilor W. Steere asked if there would be deed restrictions to ensure that years from now, the development would not turn into something other than over-62 housing. P. Bouchard pointed out that the units would only be one bedroom units. Also, P. Bouchard stated that there is a 40-year restriction on the use of the property for this purpose.

Councilor W. Steere asked if only Gloucester residents would be eligible to obtain this housing. P. Bouchard replied that because it is a federal source of funding, residency cannot be limited. Councilor Burlingame asked if this would be considered credit for Gloucester's minimum affordable housing requirement. P. Bouchard replied in the affirmative, adding that it is 100% affordable; there are no non-affordable units.

Councilor W. Steere asked if local contractors usually work on this type of project. P. Bouchard replied that they are open to competitive bids. P. Bouchard stated that the grant should be awarded by the end of the year at which time his company would begin the comprehensive permit process.

Councilor G. Steere asked Mr. Bouchard to explain the payment of 8% of the gross rental income. P. Bouchard replied that in other communities there has been an agreement to accept 8%

of the gross annual revenue in lieu of taxes. Councilor G. Steere asked if the property is sold after the 40 year period, could the Town collect back taxes. Tim Kane, Assistant Town Solicitor, replied that because it is a HUD program, he doesn't believe that the Town could place any restrictions. T. Kane stated that he will look into this. P. Bouchard stated that the owner of the property will be a non-profit entity which will be created and will have board members who will be in control. P. Bouchard stated that members of the Town could be appointed to provide input regarding the operations of the building.

Councilor Burlingame commented that the Town gets nothing from the property now and this proposal would result in close to \$10,000 in revenue as well as help the Town with regard to its affordable housing requirement. More importantly, Councilor Burlingame added that it would address a need to residents in the community. Councilor Burlingame expressed his support for a letter of endorsement for the concept presented by Mr. Bouchard.

Councilor Carroll pointed out that with the restriction of age 62 and over, there would be no impact to the Town regarding school children.

Councilor W. Steere suggested that, instead of an endorsement, the Town Council deem this a "viable option" for the property and put faith in the Planning and Zoning Boards to determine if it would be a good fit for the Town. There was agreement among the Council members.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, to draft a statement by the next Council meeting on October 1st for the Council members to review.

E. R. I. Economic Development
Energy Grant
Discussion and/or Action

Ray Goff, Town Planner, stated that he was expecting more information earlier in the day, but he did not receive it. R. Goff explained that the R. I. Economic Development Corporation has the Renewal Energy Fund which is available to municipalities for renewable energy projects. R. Goff stated that the Town has an opportunity to submit an application by the end of September. R. Goff explained that solar is a type of technology which is easy to locate. R. Goff stated that the RIEDC would like to see a match of some sort, which is not required, but would help.

R. Goff stated that solar applications are visible and suggested that the Senior Center would be a good location. R. Goff stated that the Senior Center has money available from the construction fund which could be offered as a match. Councilor Walsh asked if the elementary schools have also been considered. R. Goff stated that this is an option, but he was interested in the visibility of the Senior Center. Councilor Burlingame asked if there would be any issues with the Historic District Commission. R. Goff replied that since the solar panels would not be visible from the road, the HDC should have no objection.

R. Goff stated that he still has work to do on the application, but asked that the Council authorize him to submit the application when it is complete. Councilor Walsh asked if there would be any cost to the Town. R. Goff replied that he is looking to use \$15,000 of the Senior Center funds,

adding that the grant would cover everything over that amount. R. Goff also pointed out that, looking toward the future, a solar PV system is expandable.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Planner to proceed with the Rhode Island Economic Development Corp.'s energy grant as proposed; seconded by Councilor Carroll.

Discussion: Councilor Carroll stated that the investment of \$15,000 will be quickly offset by energy savings.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion

A. Department Heads

1. Ray Goff, Town Planner, stated that the Town has the opportunity to receive a grant from the House of Representatives for street trees. R. Goff stated that the application was due last week, but he called to ask for an extension in order to obtain a signature from the Council President. R. Goff requested that the Council President sign the application now and have it ratified at the next Town Council meeting.
2. Councilor Walsh thanked the Police Department and the volunteers who have spent the past week searching the woods of Pulaski Park and George Washington Management Area for the police officer who is missing.

X. Council Correspondence/Discussion

- A. Councilor Carroll spoke regarding the gun range near Gazza Road which was discussed at the last meeting. Councilor Carroll stated that he directed the matter to the Building Official who stated that he has received numerous complaints regarding gunfire at all hours of the day. Councilor Burlingame stated that this is not an official shooting range, but individuals are taking target practice on private property. Councilor Burlingame stated that this activity is not prohibited in the Zoning Ordinance; however, it may be a violation of the nuisance ordinance.
- B. Councilor Walsh stated that the Council sent a letter to all department heads asking them to hold off on all spending until we find out what the Governor is going to do.
- C. Councilor Walsh stated that correspondence was received from the Department of Transportation, Real Estate Division, regarding upcoming work on the Chestnut Hill Bridge.

XI. Open Forum

- A. Karen Iacobbo, Granby Street, stated that the United States Constitution was signed 222 years ago today, and in honor of that event, distributed copies of the Constitution to the Council members. K. Iacobbo suggested that the United States Constitution as well as the Rhode Island Constitution be taught in our schools either by volunteers or as part of the curriculum.
- B. Walter Steere, Jr., School Committee member, spoke regarding the construction on the Chestnut Hill Bridge, stating that this has prevented the school buses from traveling over the bridge. As a result, a new bus stop has been designated at the corner of Pine Orchard and Chestnut Hill Roads. W. Steere, Jr. commented that at the intersection some drivers are turning right when the bus has its lights flashing. W. Steere, Jr. noted that this could pose a danger and suggested that a 3-way stop be implemented at the intersection. There was Council consensus to ask the Safety Commission for their input.

XII. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining- Discussion and/or Action
1. I.B.P.O. 638
 2. Dispatchers LIUNA Local #1322
 - a. Dispatcher's Contract 2008-2011
 - b. Pension Agreement
 3. Gloucester Clerks Local #1322

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session RIGL 42-46-5(a)2 Collective Bargaining - Discussion and/or Action 1. I.B.P.O 638; 2. Dispatchers LIUNA Local #1322, a. Dispatchers' Contract 2008-2011, b. Pension Agreement; and 3. Gloucester Clerks Local #1322; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

No Votes Taken in Executive Session

XIV. Adjourn

MOTION was made by Councilor G.Steere to ADJOURN at 9:25 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 1, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 1, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works
Director; Lawrence Desormier, Building/Zoning Official; and Susan
Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jean Fecteau, Town Clerk.

IV. Open Forum

None.

V. Public Hearing - Discussion and/or Action

A. Exception to the Ordinance Regulating the Issuance of Building Permits

Owner & Applicant: Fast Lane Investments, owner and Barry King, applicant

Location: Coniston Street, further described as WLS Plat, Lots 598-601 & 615-620

Councilor Walsh stated that this Public Hearing was advertised in the Valley Breeze/Observer on 9/17/09 and abutters have been notified.

Councilor Walsh declared the Public Hearing Open and stated that the Planning Board has rendered a negative recommendation to the application by a 5 to 2 vote (on file).

Councilor Walsh asked if anyone wished to speak for or against the application.

Discussion:

Bradley Steere, attorney representing Barry King, applicant and Fast Lane Investments, owner, stated that this is an application for an exception to the road ordinance, noting that this application is about roads only. Attorney Steere added that this is not a subdivision matter, wet water table matter, nor an ISDS approval matter. Councilor Walsh stated for the record that the Town's attorney has recused himself and will not enter into any discussion regarding this matter.

Tim Kane, Assistant Town Solicitor, was present to record any questions the Council may have and will have the Town's co-legal council advise. Attorney Steere continued, stating that the issue before the Council tonight is to decide whether or not it would be a hardship for this applicant to put in a subdivision-conforming road, which would be astronomically expensive if

not physically impossible. If it is decided that this type of road would not be required, the second item which must be decided is whether or not the road proposed by the applicant protects the safety and welfare of the community and is sufficient for emergency vehicles. Attorney Steere noted that these are the two (2) issues in the road ordinance. Attorney Steere stated that in order to expedite the matter, he has prepared a brief and a list of Exhibits 1 through 15 which he delivered to the Clerk's office.

Attorney Steere stated that the current situation began in 1934 when the Waterman Lake Shores Plat was recorded as Map #263 in Drawer 9 and became a plat of record in that year. Attorney Steere submitted the map as an exhibit to establish the creation of the ten (10) lots which are the subject matter of this application. Attorney Steere also introduced a full set of plans as an exhibit to the application. Attorney Steere stated that the law in Rhode Island states that when a plat is put on record with platted streets, often referred to as "paper streets", those streets become public streets, which gives the public the right to use those streets for access to the land that they own within the plat. Attorney Steere noted that this is part of the Mills Realty vs. Coventry case which is part of the package that the Council has received.

Attorney Steere stated that when Mr. King, applicant, went before the Planning Board, he was required to obtain permission from the Waterman Lake Association to access his lot through Coniston Street. Attorney Steere further stated that Mr. King engaged counsel, went to Superior Court and brought suit against the Town of Glocester and the Waterman Lake Association, which resulted in permission to use Coniston Street for access to his property. Attorney Steere noted that this was an unnecessary step that Mr. King had to go through because the law states that he had the authority all along.

Attorney Steere added that Mr. King's prior attorney had noticed the Planning Board of the Rocco case, which was a previous case before Superior Court, that determined that all of the streets in the Waterman Lake Shores Plat were public streets. The prior attorney also noticed the Planning Board regarding the case of Mills Realty vs. Coventry. Attorney Steere noted that the Planning Board required the applicant to do the engineering work on the parcel through DEM at further great expense. Attorney Steere stated that the Planning Board further exceeded its jurisdiction in its negative advisory opinion to the Town Council. Attorney Steere stated that this is a totally buildable lot with no access which clearly demonstrates hardship.

Fred E. Ihenacho, Professional Engineer, was present to discuss the road issue and to answer any technical questions that may arise. F. Ihenacho stated that he is a professional engineer licensed in Rhode Island, Massachusetts and Connecticut. F. Ihenacho explained that the road which was approved by the Town Engineer is porous pavement because of the capacity for drainage and the slope of 7%. F. Ihenacho explained the construction of a porous pavement road, adding that he does not see any problem with building the roadway as it was designed. Councilor Walsh asked how thick the asphalt would be. F. Ihenacho replied that it consists of 9 inches of crushed stone (1 ½ to 2 inch aggregate), 1 inch of filter stone, and 3 inches of porous pavement. Councilor Walsh inquired about the weight capacity of the asphalt. F. Ihenacho replied that it is suitable for any residential roadway.

Attorney Steere asked F. Ihenacho if he had determined the slope of the present Coniston Street. F. Ihenacho replied in the affirmative. Attorney Steere asked what is the present slope at the intersection of Tucker Street going in a southerly direction. F. Ihenacho replied that the existing slope is 18.29%. Attorney Steere inquired what the slope would be after the road is regraded. F. Ihenacho replied that the slope would be reduced to 7%, which would slow down the drainage from the crest of the hill toward Tucker Street.

Attorney Steere asked what effect would the porous pavement have. F. Ihenacho replied that it would reduce the runoff. Attorney Steere asked F. Ihenacho to describe the current condition of Coniston Street. F. Ihenacho replied that the surface is very compacted due to frequent traffic, it is not porous and, subsequently, due to the steep slope, the velocity of the runoff is greater and the percolation rate is less than the proposed porous pavement. Attorney Steere asked F. Ihenacho if he computed the slope from the top of the hill to the proposed location of the house. F. Ihenacho replied that the slope is 11.71%, based on spot elevations of the existing roadway. F. Ihenacho submitted a copy of his computation results. Attorney Steere stated that this concludes the engineer's testimony.

Councilor Walsh asked if anyone had any questions for Fred Ihenacho. Councilor W. Steere asked, if the new road is constructed, where would the runoff go. F. Ihenacho replied that the runoff is proposed to go into swales or a retention area on the southerly side of the proposed roadway in the event of a rapid storm which exceeds the percolation rate of the porous pavement. Councilor W. Steere asked if the construction of the road would impede any water coming from the northern side of Coniston Street. F. Ihenacho replied in the negative.

Councilor G. Steere asked if there is a swale on the edge of Tucker Street where it meets Coniston Street. F. Ihenacho replied that the percolation will take care of some of the water.

Councilor W. Steere asked if any of the materials utilized in the road construction are hazardous or a pollutant to fresh water in the area. F. Ihenacho replied in the negative, adding that it is recommended to use this type of material in wetland areas due to its filtration capacity.

Councilor Burlingame asked who owns the property where the swale will be located. F. Ihenacho replied that the property is owned by the applicant.

Councilor W. Steere asked if there is the potential for other houses to be built on this road. F. Ihenacho stated that he does not know. Councilor W. Steere asked Attorney Steere if his client has access to his property at this time. Attorney Steere replied that with the proper vehicle, the applicant can access the property.

Attorney Steere stated that the Council has the authority to give a hardship exception as long as the road will service emergency vehicles, which is evidenced by two letters from the Fire Department indicating that the road meets all standards. Attorney Steere noted that his client has done everything he has been asked to do and to deny the exception would be a travesty because it would constitute a complete taking of his right to utilize what is otherwise a buildable property.

Councilor W. Steere asked if there are any other proposed buildable lots on the road at this time. Attorney Steere replied that he does not believe so. Barry King, applicant, stated that there is another lot owned by Colleen Silipigni, but due to DEM setback regulations, there would not be room for a septic system and well. Attorney Steere pointed out that there is already a house on this road. There was discussion regarding merged lots. Jean Fecteau, Town Clerk, noted that the map does not reflect the merged lots.

Councilor Walsh asked if anyone else wished to speak.

1. Bob Lyons of Harmony spoke regarding the issue of roads in the Waterman Lake area. B. Lyons stated that the Waterman Lake Association, owner of Coniston Street, never denied the applicant access to his property. B. Lyons noted that the suit brought against the Association was for permission to alter a wetland buffer and was required by DEM. B. Lyons stated that this permission was granted because the Association did not have the money to fight the lawsuit. B. Lyons stated that he does not believe that the Waterman Lake Association received notice of this hearing. B. Lyons expressed concern that the work which needs to be done on Coniston Street will cause heavy equipment to travel along Tucker Street. In the event that Tucker Street is damaged, B. Lyons asked who would be liable for the repairs.

Councilor Walsh stated that Waterman Lake Shores Association appears on the list of abutting property owners and a notice was mailed, but the notice was not picked up by the Association. Councilor Walsh further stated that in the past, a bond has been required to ensure that the roads are left in the same condition as they were before the construction, adding that a stipulation could be included to that effect.

Bob Lyons expressed concern that if a swale is installed on Coniston Street, it should be on the applicant's property. B. Lyons also stated that there is no radius turnaround on the map and that should be taken into consideration. B. Lyons commented that he is in full support of the Planning Board's decision to render a negative opinion. B. Lyons stated that Marley Street, the last paper road to be developed in the neighborhood, is in serious disrepair.

Councilor Walsh stated that before any decision is made, the Council members will speak to the Director of Public Works and conduct a site visit in the area.

2. Lorraine O'Connors, Tucker Street, stated that her property fronts Tucker Street and both sides of Coniston Street for the first 100 feet. L. O'Connors stated that she recognizes a property owner's right of access, but in this case she is not sure that "right" is applicable. L. O'Connor pointed out that Mr. King acquired most of these small lots while he owned, built and lived in the property on Parker Street. L. O'Connors stated that the applicant was well aware that there was no existing access to this property other than through his Parker Street property or by this undeveloped (and undevelopable) paper street.

L. O'Connors stated that she has been told that Mr. King was granted permission to further develop his Parker Street property to build a house for his daughter. Rather than reserve that right by retaining one of the lots he owned on Parker Street, L. O'Connors stated that

Mr. King sold all of his Parker Street frontage, thereby land-locking the property he now seeks to access. L. O'Connors expressed her opinion that this is not a hardship case as the applicant created the problem he now seeks to resolve to the detriment of the residents of Tucker and Parker Streets.

L. O'Connors stated that she attended the Planning Board meetings and it is her understanding that even if the proposed road complies with Town standards, it will remain a private road. L. O'Connors requested that if the exception is granted, the deed restrictions of the Waterman Lake Shores plat will remain in full force and effect, specifically that the use of these roads is for the residents of the plat only and cannot be used to access any adjoining property or lots outside the plat.

L. O'Connors stated that she has built and maintains a small retaining wall to stabilize the embankment of her property at the northerly corner of Coniston and Tucker Street. L. O'Connors expressed concern that the wall will be obliterated and there will be further damage to Tucker Street caused by heavy equipment necessary to develop this site. L. O'Connors further stated that she hauls leaves and debris from her property to a compost site on her lots across Coniston Street. L. O'Connors stated that she fears that, due to Mr. King's proposed improvements, she will now have to go up and down some sort of embankment or wall.

In closing, L.O'Connors stated that this proposal is fraught with unforeseen difficulties and unanswered questions that may result in its abandonment which would leave her property seriously compromised. L. O'Connors stated that she believes that the Planning Board was correct in their assessment of this application and has made an informed and defensible decision in denying this exception and urged the Town Council to do the same.

3. Bradley Steere, attorney for the applicant, responded that the lots on Coniston Street that Mr. King sold were merged together, therefore one lot could not be saved when the house was sold. Attorney Steere asked why Mr. King would be obligated to do this in the first place. Attorney Steere pointed out that Coniston Street is a platted, dedicated street for public access to the lots which abut the road. Attorney Steere pointed out that the wall that Mrs. O'Connors spoke about is partially in Coniston Street.
4. Councilor W. Steere stated that the Planning Board's decision mentions the regular maintenance needed for the design of this road. Councilor W. Steere asked for clarification. Fred Ihenacho, Professional Engineer, replied that the maintenance would be periodic sweeping. Councilor W. Steere asked who would be the responsible owner. Attorney Steere replied that when Mr. King sells the property, the deed would contain a restriction that the owner is responsible for the maintenance of the road and that the Town has no obligation in that regard.
5. Thomas Leach, 38 Parker Street, stated that his daughter, Colleen Silipigni, is one of the property owners who would be directly impacted. T. Leach stated that when he moved here, he walked the boundaries of his daughter's lot and was amazed when he saw a "For Sale" sign which was located in a flooded area. Over the next several years, T. Leach stated

that he continued to take pictures of this site after a rainstorm. T. Leach stated that he has presented 87 photographs, each one depicting the flooding of the lot, to the Planning Board. Attorney Steere stated that if the pictures are not of the road, he sees no relevance. T. Leach replied that the pictures demonstrate that in some places on the road there is a drop of 4 of 5 feet. Councilor Walsh asked T. Leach what is his main concern. T. Leach stated that there has been no mention of how the edge of the road will be treated. T. Leach expressed concern that when the road is filled in to achieve the proper grade, what will keep the dirt from going onto his daughter's land?

There was discussion with Fred Ihenacho regarding drainage issues. Councilor W. Steere asked if the porous pavement will become less porous over time due to use of the road. F. Ihenacho replied that perhaps over the course of 50 years or so, the road may become equivalent to a gravel road. Councilor Walsh asked if there are recommendations on the drawings regarding maintenance. F. Ihenacho stated that this language will be included on the drawings.

4. Colleen Silipigni stated that she is the owner of four separate parcels; lots 602 through 605, 606 through 613, 553 through 562, and 626 and 627. C. Silipigni stated that although her property officially fronts on Parker Street, the back portion of her property fronts on 275 feet of Coniston Street. C. Silipigni noted that the former owner of the property converted the back entrance to serve as the only practical access to accommodate a member of his family who was handicapped. C. Silipigni stated that access from Parker Street is extremely difficult and basically impossible in the winter due to the steep incline and rugged terrain.

C. Silipigni stated that in January of 2004, she applied to the Zoning Board for access to her property over Parker Street, adding that this application was denied. Therefore, C. Silipigni stated that technically and legally, the only access to her property is over Coniston Street. C. Silipigni stated that there are four people living in her house, resulting in constant coming and going at all times of the day. C. Silipigni expressed concern that if Mr. King is granted permission to improve Coniston Street, access to her property will be completely obstructed for a substantial amount of time. C. Silipigni also pointed out that the Planning Board feels that the porous surfacing product is not suitable to the grade of the road.

C. Silipigni further stated that Mr. King has placed a marker on top of one of her stone walls, indicating that the wall is within the width of the proposed road. C. Silipigni asked how will Mr. King repair whatever is damaged due to the construction. C. Silipigni pointed out that, as indicated in the photos taken by her father, the lot on which Mr. King plans to build is virtually under water during certain times of the year. C. Silipigni stated that in order to fill the entire building site, this would require many huge trucks traveling on Tucker Street trying to make a virtually impossible turn onto Coniston Street, creating a situation that will make access to her property dangerous if not impossible. In closing, C. Silipigni expressed her agreement with the negative recommendation rendered by the Planning Board and implored the Town Council to deny the application.

Councilor W. Steere asked C. Silipigni to indicate her property on the map. Councilor Carroll agreed that the situation will be difficult during construction, but asked if there would be improvement when the road is completed. C. Silipigni replied in the affirmative, but stated that she is concerned about the wet condition of the lot and what will have to be done to make the lot buildable.

5. Michael Richter of 71 Parker Street stated that she purchased her house from Barry King. M. Richter stated that it is debatable whether the lot in question is actually buildable. M. Richter commented that any hardship to the applicant was brought on by himself, adding that he was advised by the Planning Board from the beginning that this would be a difficult task to achieve. M. Richter stated that to reduce Mr. King's hardship, she had offered to purchase the lot and Mr. King agreed, but later withdrew. M. Richter stated that the Planning Board put an immense amount of work into reviewing this application prior to making the decision to deny.
6. Lorraine O'Connors stated that it was stipulated that the road was going to be crowned to the south to allow the water to run off into that wetlands area. L. O'Connors stated that she wished to remind the Town Council that this wetland drains under Tucker Street and then is trenched down which causes water to constantly run down Oliver and Dawson Streets and ultimately washes out Waterman Lake Drive, which is a Town road that frequently needs repair. L. O'Connors stated her opinion that granting this application will make the current problem worse. Bradley Steere replied that the engineer has indicated that the new road will cause a lesser amount of water to run down into the wetlands.

Councilor Walsh again asked if anyone wished to speak regarding this application. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

Councilor Walsh stated that the Council has received much information tonight including new drawings which they had not yet seen. Councilor Walsh recommended that the Council members visit the site, adding that the obligation of the Town Council is to make a decision regarding the road and not the lots. Councilor Carroll commented that one of the bigger concerns is the condition of Tucker Street and the impact construction could have on the road. Councilor Carroll suggested that the Town Solicitor come up with language which would incorporate some of the concerns into whatever motion the Council may make.

Gary Treml, Director of Public Works, stated that any provisions that are made for excavation equipment going into Tucker Street should include Waterman Lake Drive to ensure that excavators are not walked down Waterman Lake Drive to get to Tucker Street, to eventually get to Coniston Street.

MOTION was made by Councilor W. Steere to Continue until the Town Council meeting of October 15, 2009 the Exception to the Ordinance Regulating the Issuance of Building Permits, Owner and Applicant: Fast Lane Investments, owner and Barry King, applicant, Location: Coniston Street, further described as WLS Plat, Lots 598-601 and 616-620; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Attorney Bradley Steere asked if it will be necessary for the engineer to be present at the meeting on October 15th. Councilor W. Steere replied that it may be if the Council has any questions after the site visit. Attorney Steere requested that ten days notice be given if the Council wishes the engineer to be present.

VI. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- September 17, 2009

MOTION was made by councilor Carroll to APPROVE the Town Council Minutes of September 17, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. New Business - Discussion and/or Action

A. Bid Award

1. R.F.P. #2010-01 Tax Revaluation

Councilor W. Steere read the following recommendation from the Board of Contracts & Purchases:

September 28, 2009

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: **Award of RFP 2010-01 ~ Revaluation of Town property values**

I. RFP 2010-01 was advertised in accordance with current rules and procedures.

II Four proposals were received and subsequently evaluated by the Board.

<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Total</u>	
\$173,000.	\$173,000.	No bid	\$15,900.	\$188,900	Appraisal Resource Co
193,500.	195,000.	No bid	20,000.	215,000.	Certified Revaluation
221,800.	232,200.	No bid	20,800.	253,000.	Vision Appraisal
280,500.	No bid	No bid	30,600.	311,100.	Tyler Technologies

After review and investigation by the Tax Assessor and Director of Finance, the low bidder was deemed (by the Tax Assessor and the Director of Finance) to have significant deficiencies in their proposal. The low bidder subsequently withdrew their bid prior to the meeting held by the Board.

The second lowest bidder, Certified Revaluation Company, Inc. (CRC), is qualified to perform revaluations, has complied with all the specs, has provided revaluation services to the Town since 1999 and has provided additional services to the Town at no cost.

III. The Board recommends the bid be awarded to the second lowest bidder for the bid price (which includes Options #2 and #4) of \$215,000:

Certified Revaluation Company, Inc. (CRC)
1800 Mineral Spring Avenue, # 194
North Providence, RI 02904

Bid price:

\$195,000. Complete revaluation of all real estate, land, buildings and improvements, including mobile homes on leased land as of December 31, 2010, including annual valuation information available online via CRC website for a period of not less than three years.
20,000. Valuation of tangible property.
\$215,000. Total bid price

Respectfully submitted,

Ray Goff, Town Planner
Susan Harris, Deputy Town Clerk
Thomas P. Mainville, Director of Finance

(end of memo)

Discussion: None.

MOTION was made by Councilor Burlingame to AWARD RFP 2010-01 Revaluation of Town property values to Certified Revaluation Company, Inc. (CRC) for the total bid price of \$215,000; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. E-911 Naming of Private Right-of-Way
 - 1. Saddle Rowe Lane

Councilor Walsh read the following request from Karen Emond, 911 clerk,:

September 28, 2009

To: Gloucester Town Council
From: Karen J. Emond, E-911 Coordinator
Re: Saddle Rowe Lane (Private Right of Way off Tourtellot Hill Road)

As a result of the recent approval and recording of the 'Record Plan for Rural Residential Compound' entitled "UNBRIDLED ESTATES SADDLE ROWE LANE FOR JULIAN FORGUE AP 18 Lot 190 POLE 118 ½ TOURTELLOT HILL ROAD GLOCESTER, RHODE ISLAND," we must approve the name 'Saddle Rowe Lane' for the private right-of-way (ROW). Town Council adoption of the name of this ROW is for E-911 identification and numbering purposes for development of the lots.

If you have any questions regarding this matter, please do not hesitate to contact me.
(End of memo)

MOTION was made by Councilor Carroll to ADOPT, for E-911 identification and numbering purposes for development of lots, Saddle Rowe Lane as the name of a private right of way located at Pole 118 ½ on Tourtellot Hill Road; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0
MOTION PASSED

- C. Ratification
 - 1. Legislative Grant – Chepachet Village Street Trees

Councilor Walsh read the following request from the Town Planner:

To: Town Council, Kevin Walsh President
From: Ray Goff, Town Planner
Re: Legislative Grant – Chepachet Village Street Trees
Date: September 8, 2009

The Town has received an FY 2009/2010 Legislative Grant for street trees to augment the budget on the Chepachet Village Enhancements project tentatively scheduled for 2010. As you know, we have \$500,000 for the village enhancements, which does not allow for some of the project features to be installed. This funding will help with the installation of street trees in the village. I have enclosed the grant application materials for signature by the Town Council President.

Since the money is coming to the town, we will have to coordinate their expenditure when the project goes out to bid. I will work out the details with RIDOT on how to utilize these funds for the street tree installation.

I request that the Town Council authorize the Town Council President to sign the attached documents for submittal to the State.

(End of memo)

Discussion:

Councilor Walsh explained that due to time constraints, there was a consensus of the Council to authorize at the last Council meeting, and ratification is now necessary. Bruce Payton, Tree Warden, stated that the Department of Transportation asked what type of trees were desired. B. Payton stated that a list was given indicating that one type of tree would be planted under the wires and another type on the other side of the street. B. Payton stated that the wrong trees were planted under the wires and National Grid had to spend \$100,000 to clear them out to prevent any problems in the event of an ice storm or wind storm. B. Payton asked that he be allowed to review the plans before any further planting is done.

MOTION was made by Councilor W. Steere to RATIFY the signing of the FY 2009/2010 Legislative Grant- Chepachet Village Street Trees; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Home Occupations Ordinance revision
Discussion and/or Action

Councilor Walsh stated that Ray Goff, Town Planner, has requested this item for discussion. R. Goff stated that the Planning Board has been looking at this issue for several years with regard to economic development. R. Goff noted that there are many home-based businesses in Town which may or may not be recognized by the Town. R. Goff commented that some of the business may not fit within the criteria set forth in the Zoning Ordinance.

R. Goff stated that the Planning Board, after consulting with other communities, have come up with several different ideas that they feel make sense. R. Goff stated that he and the Planning Board have spent several months researching this issue and asked the Town Council if they would attend the next Planning Board workshop for further discussion.

Councilor Burlingame pointed out that there are some legitimate farmer's markets in Town, but there are also road-side stands where the vendors put on the pretext that they have grown the produce, but are actually buying and reselling. R. Goff stated that this is one of the reasons that the Planning Board wishes to meet with the Town Council for discussion. Councilor W. Steere stated that it would be valid to have a workshop after the Council has had an opportunity to review the proposed ordinance. R. Goff stated that the next workshop is scheduled for October 19, 2009.

E. Chepachet River Park
1. D.E.M. Wetlands Delineation grant application

R. Goff explained that this pertains to the River Park property and the Brownfields investigation that is being conducted regarding constructive wetlands. R. Goff stated that this is not a grant, but an application for the wetlands flagging to be evaluated by DEM.

Discussion: None.

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Department of Environmental Management Wetland Delineation Grant Application; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

F. Municipal Court - Discussion and/or Action

Councilor Carroll stated that he requested this item to allow discussion regarding the feasibility of establishing a municipal court. Councilor Carroll suggested that we approach somebody from Burrillville to determine if Glocester could join in on their municipal court, adding that this would avoid the overhead that would result from creating our own structure. Councilor Carroll stated that in addition to traffic violations, zoning matters could be referred to the court which would give the Zoning Official and/or Town Solicitor “more teeth” when it comes to enforcement.

Councilor Walsh asked Tim Kane, Assistant Town Solicitor, for his opinion. T. Kane stated that he would have to review Burrillville’s enabling legislation, but he believes that it envisions a combination of towns, adding that North Smithfield may also be interested. T. Kane noted that Smithfield went through the process of setting up a municipal court, but the start-up costs prevented them from establishing their own court. T. Kane pointed out that this form of court is more convenient for town residents.

Councilor Burlingame stated that he thinks this is a good idea which should be pursued by the Council. T. Kane commented that this type of court is good for the town from a zoning perspective because it is difficult to enforce zoning in Superior Court. There was Council consensus to review the legislation and consult with the Chief of Police before going further.

G. Rhode Island Dept. of Health
Medical Emergency System Contract
October 2009 to July 31, 2010

Councilor Walsh stated that the Council has received the annual contract from the Department of Health for medical emergency systems, adding that the Clerk has forwarded it to the Emergency Management Director and the Town Solicitor.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the agreement between Rhode Island Department of Health & the Town of Gloucester relating to Medical Emergency Distribution System Program Municipality Deliverables for the contract period October 1, 2009 to July 31, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Zoning Board of Review

1. Recording Clerk

a. Resignation

Councilor Walsh stated that the Council has received the resignation of the Zoning Board of Review's recording clerk. The resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Sarah DeStefano, Zoning Board of Review Clerk, effective October 12, 2009; seconded by Councilor Carroll

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

b. Appointment of replacement

MOTION was made by Councilor Burlingame to TABLE THE APPOINTMENT to the position of Zoning Board of Review recording clerk; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Community Resource Commission
 - 1. Discussion and/or Action
 - Re: Charge & goals of Commission

Councilor Walsh stated that this Commission was recently established by Ordinance. Sections of the adopted ordinance that pertain to the charge of the Commission are being questioned by recently appointed members and clarification may be necessary.

Ordinance:

\$68-2. Purpose.

- A. The purpose of the Community Resource Commission is to create a public body whose primary responsibility is to advise the Town Council and other Town Boards and Commissions on how the Town can better utilize the natural, physical and human resources within the Town with the purpose of offsetting the burden of taxation on the residents and businesses of the Town.

\$68-3. Powers and Duties

- A. The Commission is hereby authorized to advise and make recommendations to the Town Council and other Town Boards and Commissions from time to time in accordance with its stated purpose. The Commission is authorized to adopt bylaws subject to the approval of the Town Council. The Commission is authorized to adopt a specific charge in accordance with its stated purpose subject to the approval of the Town Council

(end)

Discussion: Councilor W. Steere stated that there has been some concern among the members of this Commission regarding the charge and goals. Councilor W. Steere stated that there are no members from the Commission present tonight. Councilor W. Steere noted that the new Commission has not yet had its first meeting because the members are unclear about the wording of the ordinance which states that this is an advisory commission. Councilor W. Steere explained that the purpose of this board is to find ways to develop natural resources in order to help the Town.

- C. Resignations
 - 1. Historic District Commission (Tabled from 09/17/09)
 - 1 (one) Three Year term to expire 11/2011

MOTION was made by Councilor Walsh to ACCEPT the resignation of Thomas Gerseny from the Historic District Commission for a three year term to expire 11/2011; seconded by Councilor Carroll.

Discussion: Councilor Burlingame stated that Mr. Gerseny's resignation letter addresses some issues that the Council may wish to discuss at a later date.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Community Resource Commission
One (1) Term to run concurrent with Council (12/31/2010)

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Ernest LaFazia from the Community Resource Commission for one term to run concurrent with Council to 12/31/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Parade Committee
One (1) position

It was stated that the resignation has not been received.

MOTION was made by Councilor Walsh to TABLE the resignation from the Parade Committee; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. Appointments

1. Historic District Commission
One (1) Three Year term to expire 11/2011 (Tabled from 09/17/09)

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a three year term to expire 11/2011; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

One (1) One Year Alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District for a one year, alternate, term to expire 11/2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Parade Committee
One (1) position
One (1) alternate position

MOTION was made by Councilor Burlingame to TABLE the appointments to the Parade Committee; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Community Resource Commission
One (1) Term to run concurrent with Council (12/31/2010)

MOTION was made by Councilor W. Steere to TABLE the appointment to the Community Resource Commission for one term to run concurrent with Council to expire 12/31/2010; seconded by G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that on October 3rd and November 7th, flu shots will be available at the Senior Center from 9:00 a.m. to noon for anyone age 19 and over. J. Fecteau noted that all insurances are accepted and without insurance the cost is \$37.00.

X. Council Correspondence/Discussion

1. Regarding correspondence with School Committeeman Sette: Councilor W. Steere spoke regarding the concept of several municipalities combining services, such as consolidating the purchase of supplies, to help mitigate the tax consequences of the Town. W. Steere agreed with Mr. Sette that we may be better off "picking our own partners".

XI. Open Forum

- A. George Charette, newly appointed member of the Economic Development Commission, stated that a meeting was scheduled for the fourth Monday of the month, but only he and one other member showed up. G. Charette strongly suggested that the members be notified by mail or telephone that the Commission will meet on the fourth Monday of October at a specific time and location. J. Fecteau, Town Clerk, noted that the fourth Monday of the month was when the previous Economic Development Commission was scheduled to meet. J. Fecteau added that the other members were not present because they were told that they would be notified when the first meeting was scheduled. Councilor Walsh stated that the first meeting will take place on Monday, October 26th at 7:00 and all members will be notified.
- B. Councilor W. Steere again referred to the concepts brought up by School Committeeman Sette's as well as suggesting there may be other areas where we could work with other communities. Councilor W. Steere stated some thought might be given to the types of services that could be combined. Councilor Walsh asked all to consider ideas along these lines and write down possibilities for discussion on November 5th, 2009.

XII. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining- Discussion and/or Action
1. Dispatchers LIUNA Local #1322
 - a. Dispatcher's Contract 2008-2011
 2. Gloucester Town Hall Clerks Local #1322

MOTION was made by Councilor Burlingame to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

MOTION was made by Councilor Burlingame to seal the minutes from Executive Session; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:10 p.m.; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 15, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 15, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; and Edward C. Burlingame.

Member absent: Patrick J. Carroll

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Trembl, Public Works
Director; Lawrence Desormier, Building/Zoning Official.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Russell Gross.

Councilor Burlingame called for a moment of silence in memory of Gloucester Police Officer
Michael Hopton.

IV. Open Forum

None.

V. Decision on Exception to the Ordinance Regulating the Issuance of Building Permits
Discussion and/or Action

(Public Hearing held and closed on October 1, 2009)

A. Owner & Applicant: Fast Lane Investments, owner and Barry King, applicant

Location: Coniston Street, further described as WLS Plat, Lots 598-601 & 615-620

Councilor Walsh noted that the Public Hearing was held on October 1, 2009 and closed after
public discussion. Councilor Walsh stated that all Council members have reviewed the
application and have visited the site.

Discussion:

Councilor Burlingame stated that he had some questions regarding the Technical Review
Committee's report, but upon reviewing the engineering report, these matters were clarified.
Councilor Burlingame added that he wanted to ensure that the stipulations in the engineer's
recommendation would be part of the agreement in the event that the exception is granted.

Councilor Walsh stated that at the Public Hearing, there were concerns regarding the driveway
on Coniston Street and the timing of the work to allow other residents to access their property.
Councilor Walsh also commented that he wants to make sure that the stone wall remains where
it is and that the condition of Tucker Street and Waterman Lake Drive remain in their current
condition after the construction is completed. Councilor Walsh noted that in the past, a bond

would be required for this reason. Tim Kane, Assistant Town Solicitor, stated that this stipulation could be incorporated into the Motion which has been formulated by William Bernstein, Town Solicitor. T. Kane added that if the Council wishes, other stipulations may be added to the Motion which would either be voted upon or continued until the next meeting.

Councilor Walsh stated, for the record, that the Town Solicitor has prepared two (2) Motions, one in favor and one against. Councilor Walsh stated that the main concern is that the area is left in the same condition when the construction is finished, adding that the Director of Public Works will videotape the site before the work begins to compare with the condition after completion.

Lawrence Desormier, Building/Zoning Official, expressed concern regarding the erosion and sediment control plan which was submitted for review, stating that it should be in place and maintained throughout the project if the exception is approved.

Councilor Walsh asked Barry King, applicant, to explain the erosion and sediment control plan. B. King replied that the last two (2) pages of his plans include details regarding both a silt fence and hay bales, which he pointed out on a diagram.

Councilor Burlingame asked B. King when he would be pulling the building permit if this is approved. B. King replied that as soon as he receives approval from the Building Official's office, he will obtain the building permit. Councilor Burlingame asked what date that would be. B. King responded that he has no date set because he assumes that he will have to have a construction bond in place first. Councilor Burlingame asked if it will be within a year. B. King replied in the affirmative. B. King noted that his wetlands permit will expire in three (3) years, so he wants to start as soon as possible.

Councilor Walsh asked the applicant to explain the process by which he will take down the front part of the roadway and still have access to the house in the back. B. King replied that they will have to start from the back and work their way out, noting that this would be the most practical way. Councilor Walsh asked if this will affect the stone wall on the left side. B. King replied that he intends to keep the wall where it is.

Councilor Walsh pointed out that this application is for the road only and does not pertain to the construction on the lot, which is totally independent from what is before the Council tonight.

Councilor W. Steere expressed concern regarding the noise which will be generated by jackhammers and other machinery. Councilor Walsh stated that the standard rules would apply, which allows this activity from 7:00 a.m. to 6:00 p.m.. Councilor W. Steere stated that this should be addressed if the application is approved. T. Kane, Assistant Town Solicitor, referred to the Town Ordinance which states "earth removal operations shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday or Saturday. No earth removal will be allowed on Sundays or legal holidays."

B. King stated that he would comply with whatever the Council stipulates. Councilor W. Steere stated that he would like to amend the hours to 8:00 a.m. to 6:00 p.m. Councilor G. Steere stated that he disagrees with making separate rules for one person and not other people working in

Town. Councilor W. Steere commented that a jack-hammer creates much more noise than earth removal. B. King noted that it is expected to take only one (1) day to remove the hill with the jack-hammer. There was consensus to limit the jack-hammer operation to the hours of 8:00 a.m. to 6:00 p.m. Councilor Walsh pointed out that if the work takes place during the school year, the applicant will have to work around the bus schedule.

Sharon Lyman, Waterman Lake Drive, stated that when the last house was built on Parker Street, the construction equipment caused deterioration on Waterman Lake Drive. S. Lyman expressed concern that when trucks come in for the new construction, the road will be damaged further.

Colleen Silipigni, 29 Parker Street, stated that her access is by Coniston Street and asked how she and her family will come and go during this construction. C. Silipigni stated that this will eliminate the only access she has to her property. Councilor Walsh replied that it would be a one-day situation as it would be anywhere in Gloucester. C. Silipigni stated that she could live with one day, but commented that this would not be a one-day project.

Councilor Walsh assured Mrs. Silipigni that, in the morning and at night, she would have complete access to her property. C. Silipigni replied that the problem is that she and her family members have different schedules and are in and out all day. Councilor Walsh stated that she will have to work together with the applicant, adding that this will result in an improved road.

Councilor Burlingame read the following:

**TOWN OF GLOCESTER
IN RE: PETITION OF BARRY KING/FAST LANE INVESTMENTS
CONISTON STREET**

This is a petition to the Town Council for relief of the requirement that no building permit be issued unless the proposed building abuts a street that appears on the official road map of the Town. Applicant Barry King/Fast Lane Investments seeks an exception to this requirement pursuant to §145-3 of the Gloucester Town Ordinances.

The property is located on Coniston Street, otherwise referred to as Plat WLS, Lots 598-601 and 615-620, inclusive, on the Town Assessor's maps.

MOTION was made by Councilor Burlingame to approve the application for an Exception to the Ordinance for the sole purpose of constructing a single family dwelling on the above mentioned lots on the so-called Coniston Street, a private way, based on the following findings:

FINDINGS

1. Coniston Street is a private way and it is the only access to the lots in question. The lots are otherwise landlocked.
2. The parcel on which the building permit is sought combines and merges the platted lots into a single larger parcel.

3. The Applicant/Owner represents that he seeks permission to construct a single residential home on this parcel.
4. The Applicant has proposed to lessen the existing slope of the roadway to address existing drainage issues.
5. The parcel at issue does not have frontage on a suitably improved town road.
6. It would be an unnecessary hardship to require the Applicant/Owner to bring Coniston Street in conformity with the roadway requirements for a subdivision.

CONCLUSION

Based upon the above findings and after a review of the testimony and exhibits submitted in this matter, the Council finds that there is an unnecessary hardship and grants the application for an exception pursuant to Town Ordinance 145-3 subject to the following conditions precedent to the issuances of a building permit.

Conditions precedent and attendant to the grant of exception and the issuance of a building permit:

- A. That the Applicant/Owner acknowledges responsibility for the upgrading and the maintenance of Coniston Street, and acknowledges that such upgrading and maintenance is not the Town's responsibility. Said upgrading shall be in conformity with the testimony and plans submitted by Applicant and his engineer.
- B. The lots in question shall merge into a single parcel, and a deed shall be drawn up by the Owner and submitted to the Solicitor for approval before recording and issuance of building permit, and said deed shall reference this grant of exception and merger.
- C. The upgrading, maintenance and repair of Coniston Street as determined to be necessary hereafter from time to time by the Public Works Director, shall be the responsibility of the Owner of said parcel, and not the Town of Gloucester, and this shall be stated in the aforementioned deed.
- D. Other than emergency fire and rescue, no Town services shall be provided to the Owner of the parcel, and this shall be stated in the aforementioned deed.
- E. The Owner, that term as used throughout including all future owners as well, shall obtain necessary approvals for installation of a septic system to be located on the premises and shall insure that Coniston Street is kept passable and in proper repair as determined by said Director, notwithstanding said system.
- F. The Director of Public Works and the Building Official, and others as appropriate, shall oversee compliance with these conditions and certify to such compliance prior to the issuance of a building permit.

- G. The grant of this exception is not a precedent and shall not suggest that other exceptions will be granted on this street or elsewhere.
- H. The Applicant/Owner shall make every reasonable effort during construction to limit disturbance or interference with the rights of others currently using Coniston Street for access.
- I. Unless an extension of this exception is granted, the Owner shall obtain a building permit and shall commence construction on the premises on or before October 15, 2010.
- J. The Town shall have no responsibility or liability for claims or damages that arise from disputes over the ownership of Coniston Street and/or the upgrading, maintenance and repair thereof.
- K. That the Applicant/Owner provide a surety bond in an amount determined by the Public Works Director to protect against any damage to Waterman Lake Drive and Tucker Street.
- L. That no excavators be walked down Waterman Lake Drive and Tucker Street.
- M. That the stone wall on Coniston Street which borders the O'Connors property not be disturbed. *(NOTE: see "Consent Items" of November 5 regarding item M.)*
- N. That any jack-hammering be restricted between the hours of 8:00 a.m. to 6:00 p.m. with no jack-hammering done on Sundays and legal holidays.
- O. Trucks in and out of the site shall be coordinated with the school bus schedules.

Seconded by Councilor G. Steere.

Discussion:

Councilor Burlingame expressed his opinion that if the Council denies the application, it will end up in Court costing the Town a lot of money, and will eventually be approved by the Court. Councilor Burlingame noted that he sympathizes with the residents in the area, but from a legal point of view, he feels that there is no other option but to approve the exception. Councilor Walsh expressed his agreement regarding the legal issue and pointed out that the Council was able to add conditions which would protect the people of the neighborhood.

Councilor W. Steere asked if the other residents who use the road would assume any responsibility for its maintenance and upkeep. Tim Kane, Assistant Town Solicitor, stated that in the past, the responsibility has been put on the person who applies for the Exception to the Ordinance. Councilor Walsh added that if anyone else applied in the future, the Council could stipulate that the new applicant would share the maintenance.

Colleen Silipigni stated that currently the only maintenance that is required on Coniston Street is plowing to allow access to her property, adding that she has somebody who plows after a snowstorm. However, C. Silipigni noted that with the new road going in, further maintenance will be needed. Councilor Walsh replied that the applicant will be responsible and it will be stated in the deed to the property.

Sharon Lyman asked how the applicant can be responsible for the road when he does not own it. T. Kane replied that this has been done many times as a condition of approval which the Council has the authority to do when someone wants to build a house on a private right-of-way or substandard road. S. Lyman asked if the map would be amended to change the stipulations which are already in place. The response was in the negative. S. Lyman questioned the legality of not changing the stipulation on the plat which is filed at the Town Hall.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

Bradley L. Steere, attorney for the Applicant, asked that the Council retain jurisdiction over the amount of the bond in the event that the amount determined by the Public Works Director is onerous. Councilor Walsh replied that the Director of Public Works will calculate the “worst case scenario” regarding how much it would cost to fix any damage to the road and will set the bond at that amount.

Attorney Steere asked if his client could have some input at that time. Councilor Walsh stated that if the applicant has a problem with the amount indicated by the Director of Public Works, he could come back to the Council. Councilor Walsh added that he is certain that the Director of Public Works will set the bond at a reasonable amount.

VI. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- October 1, 2009

B. Finance Director’s Monthly Report - September 2009

C. Tax Assessor’s Additions & Abatements

MOTION was made by Councilor W. Steere to APPROVE the Town Council Minutes of October 1, 2009; to TABLE the Finance Director’s September report; to APPROVE the Tax Assessors Abatements for the 2009 Tax Roll in the amount of \$2,602.48 & Additions to the 2009 Tax Roll in the amount of \$2,326.90; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

VII. New Business - Discussion and/or Action

A. Bid Award.

1. I.F.P. #2010-03 Hot Mix Asphalt

Councilor Walsh read the following recommendation from the Board of Contracts and Purchases:

October 15, 2009

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Award of **IFB 2010-03** ~ Hot mix asphalt

- I. IFB 2010-03 was advertised in accordance with current rules and procedures.
- II. Eight (8) companies bid.
- III. The Hot mix asphalt bid consisted of separate bids consisting of:
 - Primary bid: for hot mix asphalt > 500 tons, and a
 - Secondary bid: for hot mix asphalt < 500 tons

Regarding the primary bid:

After review and discussion with the Director of Public Works, it was noted that the difference between the lowest and second lowest bidder was \$1,005. It was related to the Board that the Dept of Public Works has used the services of the lowest bidder in the past but was not pleased with the work that was done. Given the minimal difference in price, the Board recommends the bid be awarded to the second lowest qualified bidder.

T. Miozzi Inc., 960 Tiogue Avenue, Coventry, RI 02816

Primary bid only: Bid price for hot mix asphalt > 500 ton:

\$10.50 per sq. yd. in place (includes fine grade, compaction and driveway aprons)

1.45 per lineal ft. construct Cape Cod berm (asphalt)

.25 per sq. yd. for tack coat

1.00 per lineal ft. for asphalt cuts

150.00 each to reset manhole frames and covers and gutter grates to grade

Regarding the secondary bid:

The Board recommends the bid be awarded to the lowest qualified bidder:

Narragansett Improvement Company, 223 Allens Avenue, Providence, RI 02903

Secondary bid only: Bid price for hot mix asphalt < 500 ton:

\$ 11.70 per sq. yd. in place (includes fine grade, compaction and driveway aprons)

1.50 per lineal ft. construct Cape Cod berm (asphalt)

.35 per sq. yd. for tack coat

1.00 per lineal ft. for asphalt cuts

75.00 each to reset manhole frames and covers and gutter grates to grade

Bid price for hot mix asphalt < 500 ton:
\$54.48 per ton for hot mix asphalt
.25 per sq. yd. for tack coat
2.00 per lineal ft. for asphalt cuts

Respectfully submitted,
Lawrence Desormier - B/ZO Official
Jean M. Fecteau - Town Clerk
Thomas P. Mainville ~ Director of Finance
(end of memo)

Primary Bid (greater than 500 ton)

MOTION was made by Councilor Burlingame to AWARD I.F.P. #2010-03 Hot Mix Asphalt to T. Miozzi Inc. for the Primary Bid amount of \$10.50 per sq. yard in place; \$1.45 per lineal foot for berm; \$.25 per sq. yard for tack coat; \$1.00 per lineal foot for asphalt cuts; & \$150.00 each reset manhole frames and grates; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

Secondary Bid (less than 500 ton)

MOTION was made by Councilor G. Steere to AWARD I.F.P. #2010-03 Hot Mix Asphalt to Narragansett Improvement Company for the Secondary Bid amount of \$11.70 per sq. yard in place; \$1.50 per lineal foot for berm; \$.35 per sq. yard for tack coat; \$1.00 per lineal foot for asphalt cuts; & \$75.00 each reset manhole frames and grates; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

2. I.F.P. #2010-02 Full Depth Pavement Reclamation

Councilor Walsh read the following recommendation from the Board of Contracts and Purchases:

October 15, 2009

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Awarding of **IFB 2010-02** ~ Full depth pavement reclamation

- I. IFB 2010-02 was advertised in accordance with current rules and procedures.
- II. Five (5) companies bid.
- III. IFB 2010-02 was bid in conjunction with IFB 2010-03 *Hot mix asphalt*. When reviewing both bids, it was related to the Board that in order to achieve the most synergy on the job, it would make sense to have the company doing the paving also do the reclamation. It was noted that the difference between the low bidder and the bidder being recommended for the paving (IFB 2010-03 Hot mix asphalt) was \$1,134.00.

The Board recommends the bid be awarded to the same bidder that the Board is recommending for IFB 2010-03 *Hot mix asphalt*.

T. Miozzi Inc.
960 Tiogue Avenue
Coventry, RI 02816

Bid price:
\$1.30 per sq. yd. for full depth pavement reclamation
2.35 per sq. yd. for liquid calcium chloride

Respectfully submitted,

Lawrence Desormier - Building/Zoning Official
Jean M. Fecteau - Town Clerk
Thomas P. Mainville - Director of Finance

(end of memo)

MOTION was made by Councilor G. Steere to AWARD I.F.B. #2010-02 Full Depth Pavement Reclamation to T. Miozzi Inc. for the Bid amount of \$1.30 per sq. yd. for full depth pavement reclamation, and \$2.35 for Per sq. yd. for liquid calcium chloride; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Resignations

1. Parade Committee (Tabled from 10/1/2009)
One (1) position

Councilor Walsh stated that the Clerk has received the resignation of William Valentine from the parade committee as a voting member. This resignation is on file in the Clerk's office.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of William Valentine as a voting member of the Parade Committee; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame
NAYS: 0
MOTION PASSED

B. Appointments

1. Zoning Board of Review (Tabled from 10/1/2009)
Recording Clerk
 - a. Appointment of replacement

Discussion: It was noted that a name has not come forward yet.

MOTION was made by Councilor W. Steere to TABLE the appointment of a Zoning Board of Review, Recording Clerk; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame
NAYS: 0
MOTION PASSED

2. Historic District Commission (Tabled from 10/1/2009)
One (1) Three Year term to expire 11/2011

MOTION was made by Councilor Burlingame to APPOINT Carol Healy to the Historic District Commission for one three year unexpired term to expire 11/2011; seconded by Councilor G. Steere.

Discussion: Councilor Burlingame noted that Carol Healy previously served on the Planning Board and will be happy to serve on the Historic District Commission.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame
NAYS: 0
MOTION PASSED

One (1) One Year Alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for one alternate one year term to expire 11/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

3. Parade Committee (Tabled from 09/17/09)
One (1) position

MOTION was made by Councilor G. Steere to APPOINT Ariane Ferland to the Parade Committee; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

One (1) alternate position

MOTION was made by Councilor W. Steere to TABLE the appointment to the Parade Committee for one alternate position; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

4. Community Resource Commission (Tabled from 09/17/09)
One (1) Term to run concurrent with Council (to expire 12/31/2010)

MOTION was made by Councilor W. Steere to TABLE the appointment to the Community Resource Commission for one term to expire 12/31/2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

5. Historic District Commission
Three (3) three year terms set to expire 11/16/09

MOTION was made by Councilor W. Steere to TABLE the appointments to the Historic District Commission for three year terms to expire 11/2012; seconded by Councilor Burlingame.

Discussion: Councilor Walsh stated that the chair of the Historic District Commission will contact the three (3) current members to determine if they wish to continue to serve.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

6. Zoning Board of Review
One (1) five year term set to expire 11/16/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Zoning Board of Review for one three year term to expire 11/2012; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commission

Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, informed the Council that on October 19th, the Planning Board will hold their workshop at which time home occupations will be discussed. J. Fecteau added that the Council members are invited to attend.

J. Fecteau stated that the new Economic Development Committee has scheduled their first meeting for October 26th at 7:00 p.m. and the Community Resource

Commission will meet the same evening at 7:30 p.m. Councilor W. Steere noted that he will be in attendance at both meetings.

J. Fecteau stated that there will be a Veterans' Day celebration on November 11th at 11:00 a.m. at the Senior Center.

2. Lawrence Desormier, Building/Zoning Official, stated that he has issued a cease and desist order on a portion of the work at the high school. L. Desormier explained that H. V. Collins proceeded to install fire suppression in the energy lab portion of the school without proper approvals or permits. L. Desormier stated that he must meet with the Town Solicitor regarding a quote in the paper which stated that the energy lab "will be a full operation", adding that this is not what he or the Fire Department are going to approve. L. Desormier added that the building will not meet code if certain chemicals are used in the lab.

L. Desormier stated that the Council had asked if there were any issues regarding the septic system at the middle school. L. Desormier stated that he directly asked Joe McGovern who replied that the system is inspected three times per week and is working fine. Councilor Walsh asked if L. Desormier has heard anything from the Department of Health regarding water quality and any fines to be imposed. L. Desormier replied in the negative, adding that he will look into the matter.

L. Desormier stated that there is a situation at Davis Mobile Home Park concerning erosion and sediment control which is in the process of being rectified.

B. Boards and Commissions

1. Walter Steere, Jr., School Committee member, spoke regarding the energy lab at the high school. W. Steere, Jr. stated that H. V. Collins is still working on a punch list but expects to be finished by the end of November. Councilor Walsh asked about the punch list at the middle school. W. Steere, Jr. stated that most of it is done, but they are working on an odor problem in one of the units.

W. Steere, Jr. stated that the biomass boilers at both schools will be ready to go as soon as they are cleaned. W. Steere, Jr. noted that the price quotes are quite high and stated that additional prices are being sought. W. Steere, Jr. expressed concern regarding how much savings will actually be realized considering the continuous expenses which have been incurred. W. Steere, Jr. noted that we are paying Con-Ed to oversee the systems.

Councilor Burlingame asked when the certification to Con-Ed will take place. W. Steere, Jr. stated that both schools must be fully done before the certification is allowed. L. Desormier, Building/Zoning Official, stated that he attended a meeting at which the architect commented that the biomass at the middle school has not yet been signed off on and it is possible that they are waiting for a simple request from H. V. Collins. W. Steere, Jr. noted that the roof unit must be straightened out before it can be signed off.

Councilor Steere stated that, according to an article in the Observer, there will be two new employees at the high school at a salary of \$10,000 each per year to create curriculum and to organize after-school programs. W. Steere, Jr. stated that these positions are possibly funded with stimulus money and when the funding runs out, the positions will be eliminated.

Councilor Steere commented that it may make sense for the Council to send a letter to the School Committee asking them to press the Building Committee to get these things resolved so the taxpayers can begin seeing the savings from the wood boilers. There was Council consensus to put their concerns in the form of a letter to the School Committee.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter was forwarded to the Safety Commission with regard to two (2) traffic issues, one on Jackson Schoolhouse Road and the other on Chestnut Hill Road. Jamie Hainsworth, Chief of Police, stated that a meeting will be scheduled to address these issues.
- B. Councilor Walsh stated that correspondence was received from the Exeter, East Greenwich and South Kingstown School Committees expressing support for Gloucester's resolution regarding binding arbitration. It was noted that similar support was expressed by both the Gloucester and Foster-Gloicester School Committees.
- C. Councilor Walsh stated that the Office of Housing and Community Development has released \$210,000 with regard to the Community Development Block Grant.
- D. Councilor Walsh stated that correspondence was received from the Trust concerning the Safety Enhancement Grant Program.

XI. Open Forum

- A. Lorraine O'Connors, of Tucker Street, stated that she was disappointed with the Council's decision regarding the application by Barry King for an Exception to the Ordinance Regulating the Issuance of Building Permits. L. O'Connors asked what standard has now been approved for this road. L. O'Connors stated that initially, she believed that it would be considered a platted street and would require a width of thirty (30) feet. L. O'Connors feels that a lesser standard has been granted and asked for clarification. Councilor Walsh replied that the road must be paved, eighteen (18) feet wide with a two (2) foot berm on each side.

L. O'Connors also asked when the decision will be made regarding the amount of the surety bond, and will the applicant be able to do anything prior to that. Councilor Walsh replied that no permits will be issued until the Council has the bond in hand. Councilor Walsh further explained that the Director of Public Works will assess the area and come up with a figure which would cover any damage to Waterman Lake Drive and Tucker Street.

L. O'Connors pointed out that Mr. King had stated that he had not tracked any vehicles in during his last project, but L. O' Connor's husband has photographs of the vehicles going up and down Tucker Street. Councilor Walsh assured L. O'Connors that the Council will be watching closely.

L. O'Connors stated that the Planning Board looked at this application very carefully and after much deliberation, denied the request. L. O'Connors referred to Councilor Burlingame's comment that legal action would take place if the application was denied and stated that the threat of legal action is not justification for making a poor decision for the community. L. O'Connors stated that she seriously questions what constitutes a private road.

L. O'Connors stated that the Waterman Lake Shores Association owns the road and the Town Council has essentially given the road to the applicant. L. O'Connors stated that this was a self-inflicted situation because the applicant had two (2) other means of access, but he chose to sell that property. Councilor Walsh pointed out that the Council had no control over the lot, the septic system or anything else related to the property on which Mr. King plans to build. L. O'Connors stated that she understands the position the Council is in and places fault on DEM for approving an ISDS on the property.

XII. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Collective Bargaining- Discussion and/or Action
 - 1. Dispatchers LIUNA Local #1322
 - a. Dispatcher's Contract 2008-2011
 - 2. Gloucester Town Hall Clerks Local #1322

MOTION was made by Councilor W. Steere to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:34 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, and Burlingame

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the November 5, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 5, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Trembl, Public Works
Director; Viviane Valentine, Tax Assessor; Jane Steere, Tax Collector;
Jamie Hainsworth, Chief of Police; and Susan Harris, Deputy Town
Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walter M. O. Steere, III.

IV. Open Forum

A. Bob Lyons, of Harmony, spoke regarding the application by Fast Lane Investments,
stating that the Town Council did a great job in placing restrictions. B. Lyons asked
that the Council be diligent in enforcing the restrictions. Councilor Walsh stated that
the roads have already been videotaped.

B. Charles Wilson, owner of the Town Trader, stated that Candlelight Shopping will be
held on the 3rd, 10th and 17th of December from 6:00 p.m. to 9:00 p.m. C. Wilson noted
that there are fourteen businesses which will participate. C. Wilson further stated that
the hayrides will be conducted from the rear parking area of the Senior Center to keep
the rides off the public roadways.

V. Resolutions - Discussion and/or Action

A. Resolution #2009-19 Veterans Day

Councilor Walsh stated that on November 11, 2009 we will celebrate Veterans Day with a
ceremony at the Gloucester Senior Center at 11:00 a.m. at which time the following resolution
will be read:

**RESOLUTION
2009-19**

WHEREAS, on November 11, 2009 the Town of Gloucester will celebrate Veterans Day
in honor of Veterans from every branch of service in our community; and

WHEREAS, throughout the years Americans have been willing to fight and die to
preserve our rights and freedoms as guaranteed in the US Constitution and

the Bill of Rights. We owe a great debt to those who have served in defense of our proud nation as their sacrifices have preserved our form of government dedicated to human rights for each and every individual; and

WHEREAS, for many this sacrifice has been great, resulting in permanent injury, both physically and mentally, and for some even death; however, their spirit and hope still remains for the continued preservation of our freedoms. In honor of our Veterans, men and women alike, we continue to defend our nation so that their sacrifice will live on in our pursuit of lasting freedom and democracy; and

NOW THEREFORE BE IT RESOLVED, that the Town Council, Town Clerk, and all residents of the Town of Glocester would like to thank all our veterans who have endured and sacrificed so much for the freedoms we enjoy as Americans; and we urge everyone to honor our Veterans and dedicate themselves to the preservation of our liberties under the Constitution that these brave men and woman have fought to preserve.

Kevin P. Walsh, President Glocester Town Council
Jean M. Fecteau, Town Clerk

seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Resolution #2009-21
Tax Law Legislation

Councilor Burlingame stated that the Tax Collector, in conjunction with the Rhode Island Tax Collectors' Association, has asked for support in the opposition of House Bill 5931 and Senate Bill 606A. Councilor Burlingame explained that these bills, if passed, would shorten the amount of time a person has to redeem their property from a tax sale if purchased by Rhode Island Housing:

**RESOLUTION
2009-21**

WHEREAS, Legislation was passed in 2006, referred to as the "Madeline Walker Bill", that amended Tax Laws to require local Tax Collectors to notify RI Housing & Mortgage Finance Corp. of pending Tax Sales in their City or Town. Said notification was to be made 90 days prior to the sale and gives Rhode Island Housing first option to act on a sale; and

WHEREAS, amendments to that act, H 5931 & S 606 are now proposed. These proposed amendments, if passed, would reduce the Rhode Island Housing foreclosure

period from five years to one or two years depending upon property owned circumstances; and

WHEREAS, the Rhode Island Tax Collectors Association recommends changing the process to eliminate RI Housing & Mortgage Finance Corporation from the initial tax sale process, thus reducing both the cost and work associated with tax sale. Switching from the pre-sale process to a process at the end of the one year right to redeem deadline would also reduce the legal and processing costs passed on to defaulting; and

WHEREAS, This change would move the state housing agency's role from the costly and risky position of acquiring tax liens to a more appropriate job of offering counseling and financing help to the homeowners at the point where they have exhausted all other avenues. This could ultimately save the homeowners money and possibly their homes while assisting the General Assembly in creating a more efficient and effective process; and

NOW THEREFORE BE IT RESOLVED that Resolution 2009-21, in opposition to House Bill 5931 & Senate Bill 606, be forward to all our cities and towns as well as our State Senator and State Representatives for their support.

Kevin P. Walsh, President
Glocester Town Council

seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Resolution #2009-22 Amendment to RI LEAP Agreement
Rhode Island D.O.T. LEAP Agreement

Councilor W. Steere stated that the Director of Public Works has requested an amendment to the recent 2009 L.E.A.P. agreement between the Town of Glocester and the Department of Transportation. Councilor W. Steere stated the original agreement has a listing of roads to be repaired using these funds and due to time constraints, the Town has proceeded with those repairs and we now need the funding for a different road repair:

**RESOLUTION
2009-22**

**AMENDMENT
TO THE ROADWAY INVESTMENT-LOCAL EQUITY AID PROGRAM
(RI-LEAP)**

WHEREAS, this Resolution will amend the original Agreement dated September 14, 2009 which was made between the State of Rhode Island and Providence Plantations, acting through its Department of Transportation, and the Town of Glocester; and

WHEREAS, the Town of Glocester has instituted a change in its overall resurfacing plan and has decided to repave the roads listed in the RI-LEAP Agreement with other (Non-RI-LEAP) funds and acknowledges that the State of Rhode Island is not responsible for any funding for the roads currently being paved; and

WHEREAS, the project the Town will be using the RI-LEAP money for is the repairing and/or resurfacing of Pine Orchard Road; and

WHEREAS, the Town of Glocester, Department of Public Works, certifies that Pine Orchard Road is on a public right-of-way and no land condemnation is necessary for this work; and

NOW THEREFORE BE IT RESOLVED that the Town Council approves of the changes to this Agreement and, after it is signed, will forward a copy to RIDOT for inclusion in the amended Agreement.

Kevin P. Walsh, President
Glocester Town Council

seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Consent Items -Discussion and/or Action

A. Approval of Town Council Minutes- October 15, 2009

B. Finance Director's Monthly Report - September 2009

Councilor Walsh noted that the Clerk has asked that the minutes reflect an error to the motion made during the October 15, 2009 meeting regarding the Exception to the Ordinance. Councilor Walsh stated a question has come up regarding stipulation M. which reads as follows: "That the stone wall on Coniston Street which borders the O'Connors property not be disturbed." The applicant has indicated that the stone wall referenced should be on Silipigni's property.

Discussion: Tim Kane, Assistant Town Solicitor, stated that the Council's intent was that all stone walls would remain undisturbed or if they were disturbed, they would be restored. T. Kane stated that the Council has the jurisdiction and authority to amend the motion to reflect that the Silipigni's stone wall will not be disturbed and if the O'Connor's wall is disturbed, it will be rebuilt. J. Fecteau, Town Clerk, asked if she could make reference in tonight's minutes that there

was a correction in the minutes of October 15th. T. Kane responded in the affirmative. (The Clerk will note the correction in the recorded decision)

MOTION was made by Councilor Burlingame to APPROVE the Town Council Minutes of October 15, 2009 (as amended) and to ACCEPT the Finance Director's Report for September 2009; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. New Business - Discussion and/or Action

A. Authorization to Submit

Pre-Disaster Hazard Mitigation Grant to FEMA

Councilor W. Steere stated that he has received communication from the Town Planner regarding this request which indicates that they will not be going forward with this. There was Council consensus to remove this request from the table at this time.

B. Western Rhode Island Home Repair

1. Community Development Block Grant

2009/2010 Contract #9/13/2023

Councilor Walsh stated that the Clerk has received a request from the Program Manager of Western Home Repair. Elinor Tetreault is asking the Council to sign the contract for 2009/2010 between the State of Rhode Island, Division of Planning, Office of Housing and Community Development (the OHCD) and the Town of Glocester.

MOTION was made by Councilor G. Steere to AUTHORIZE the signing of the CDBG 2009/2010 Contract #9/13/2023 between the State of Rhode Island (OHCD) and the Town of Glocester; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Discussion and/or Action

1. Resident complaints

Gazza Road

Councilor Carroll stated that he has received several calls regarding shooting which is taking place at property on Gazza Road every day, at all times and there is concern that it is not only the

property owners, but others who are coming onto the property to shoot. Jamie Hainsworth, Chief of Police, stated that there is nothing in our Ordinance which prohibits this activity. J. Hainsworth added that there are approximately five (5) locations in Gloucester where property owners have their own shooting range.

Tim Kane, Assistant Town Solicitor, stated that if the noise became unbearable to a neighbor, they could attempt a private nuisance action. T. Kane stated that this activity is taking place in A-3 and A-4 zones, noting that it would be difficult to preclude in those zones. T. Kane added that it becomes a public policy question which the Council could regulate if they wish. Councilor W. Steere asked if the laws in place prohibit anyone other than the property owner to shoot at these ranges. T. Kane replied that this would be hard to enforce and the question would be if the property owner is charging a fee for people to shoot, which would make it a commercial business. Councilor Walsh asked what is done in other towns. T. Kane stated that he will look into what other communities allow.

- D. Budget 2009/2010
 - Discussion and/or Action
 - 1. Allocations
 - 2. Expenditures

Councilor Burlingame stated that the Council is about to sign contracts with the dispatchers and clerks. Councilor Burlingame noted that there are significant changes resulting from health care co-shares and the reduction of the buyback program to an annual amount of \$3500. Councilor Burlingame stated that the contracts state that these changes will take place upon signing. Councilor Burlingame noted that the non-union employees have been paying the extra cost or receiving the reduced buyback since July 1st.

Councilor Burlingame recommended that, assuming that the contracts are signed in the next week or two, the non-union employees be made whole so that everyone is on the same playing field. The Finance Director has stated that this would result in a cost of \$25,000. There was discussion regarding where the funding would come from. Councilor Burlingame recommended that the appropriation to Northwest Nursing be limited to the one quarter payment of \$12,000, adding that Northwest Nursing and Tri-Town have received 2.4 million dollars in stimulus money.

Councilor Burlingame stated that another \$8,000 is available due to the loss of a police officer. Councilor Burlingame further stated that there was an employee who left the Public Works Department who will not be replaced immediately, resulting in a savings of approximately \$6,000. Councilor Burlingame stated that this amounts to the \$25,000 needed without any cost to the taxpayers. Councilor Burlingame stated that this will make sure that all employees are treated fairly and will prevent having two classes of employees, union and non-union.

Councilor Walsh expressed agreement, stating that the Council has always said that all sixty Town employees will be treated the same and receive the same benefits. Councilor Walsh expressed his opinion that if we have the funds, they should be dispersed for the period of July 1st to the present.

Councilor G. Steere expressed his agreement with the recommendation. Councilor Carroll stated that he agrees with the end result but expressed concern regarding the impact on the budget process.

Councilor Burlingame stated that if we were cut by the State, we would be required to make the necessary adjustments. Councilor Burlingame stated at the time that the budget was being put together, that they looked very carefully at who was to receive funding and who was not. Councilor Burlingame stated that they were unaware that any stimulus money was going to offset any reduction of Northwest Community Health.

MOTION was made by Councilor Burlingame not to expend the balance of the appropriation of Northwest Community Nursing and allocate the funds toward the buy-backs and health care costs for the non-union employees; seconded by Councilor G. Steere.

Discussion: Councilor W. Steere asked if we are certain that Northwest Community Nursing received the stimulus funds. Councilor Burlingame replied in the affirmative.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Authorization to sign

1. Condemnation Release

Rhode Island Dept. of Transportation & Town of Glocester
Chestnut Hill Road Bridge

Councilor Walsh stated that the State of Rhode Island, Dept. of Transportation, has requested the Town sign a Condemnation Plat #2625 Full Release. Councilor Walsh explained that this document provides for the taking of certain rights relative to the Chestnut Hill Road bridge replacement due next spring as follows:

Parcel 4B	Temporary easement 3-year period	2,798 Square Feet
Parcel 4C	Permanent aerial easement	2,445 Square Feet.

Discussion: Councilor W. Steere clarified that this property is not private homeowners' property, but Town property which is being condemned.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the Full Release, Condemnation Plat #2625 between the Town of Glocester and the Rhode Island Department of Transportation; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. Regionalization opportunities
Discussion and/or Action

Councilor Walsh stated that the Council has received correspondence from School Committeeman Sette regarding possible opportunities for the regionalization of certain town services.

Discussion:

Councilor W. Steere stated that if we are proactive in the matter of regionalization, we will be able to decide who to be partnered with as opposed to having the State tell us what we must do. Councilor Walsh commented that while he agrees that regionalization for some issues can be good, there is a downside to it also. For example, Councilor Walsh pointed out that Glocester has a better bond rating than other communities, even better than the State's rating. Councilor Walsh further stated that some communities have unionized fire departments where ours is volunteer.

Jean Fecteau, Town Clerk, stated that the Council has received an invitation from the North Smithfield Town Administrator to attend a meeting of Mayors and Town Administrators scheduled for Thursday, November 19th to discuss these issues.

Councilor Burlingame expressed his opinion that we should at least start the process, perhaps by joining Burrillville in their Municipal Court. Councilor Burlingame stated that he will attend the aforementioned meeting. Councilor Walsh stated that he has also signed up to attend.

G. Glocester Code of Ordinance-Discussion and/or Action
Proposed "Home Occupation" Ordinance

This proposal was discussed at a workshop with Council and the Planning Board.

Discussion: Councilor Burlingame stated that there are some real issues regarding this matter and suggested forming a sub-group to review and make recommendations to the Planning Board. Councilor Burlingame stressed that the Council must be very careful in dealing with this issue. Councilor Burlingame stated that the Planning Board's proposal has the appearance of targeting certain types of business uses which causes him concern.

Councilor Burlingame further stated that this proposed Ordinance would add another layer of administration which would result in more cost to the taxpayers. Councilor Burlingame noted that if we add extra regulations such as inspections, it would add to the Zoning Officer's workload and may require hiring additional personnel. Councilor Walsh asked if Councilor Burlingame had a list of items which were suggested to the Planning Board. Councilor Burlingame replied that he will forward a copy to each Council member.

H. Community Resource Commission-Discussion and/or Action
1. Budget requests

Councilor W. Steere stated that there is no money in the budget for advertising, etc. for this new Commission and asked how this could be funded. Tim Kane, Assistant Town Solicitor, advised

that the Finance Director be consulted regarding funding after the Commission's charge is submitted to the Council for approval. T. Kane also stated that the Commission is working on by-laws which should be in order before funding is discussed.

2. Code of Ordinance Amendment
1st Reading

There was Council consensus that no action is necessary regarding this item.

VIII. Boards/Commissions - Discussion and/or Action

A. Appointments

1. Zoning Board of Review (Tabled from 10/15/2009)
Recording Clerk
 - a. Appointment of replacement

Councilor Walsh stated that the Council has received recommendations from the Building/Zoning Administrative Aide and the Chairman of the Zoning Board for Debra Rogala. Ms. Rogala has previous experience in this capacity as she served as secretary to the Senior Center Building Comm. and the Senior Center Board of Directors. The current rate for Zoning Board recording clerk is \$145.00 per meeting.

MOTION was made by Councilor Carroll to APPOINT Debra Rogala to the position of Zoning Board of Review, Recording Clerk, at the current rate of \$145.00 per meeting; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Historic District Commission (Tabled from 10/15/2009)
 - 3 (three) three year terms set to expire 11/16/09
 - 1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to REAPPOINT Dr. Clayton D. Lanphear, Robin M. Meek and Molly Harrington to the Historic District Commission for three year terms to expire 11/16/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year term Alternate term to expire 11/16/2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Community Resource Commission (Tabled from 09/17/09)
1 (one) Term to run concurrent with Council (to expire 12/31/2010)

Councilor Walsh stated that the Council has received a talent bank application from a resident that wishes to be considered for the open position on the Community Resource Commission, George Kain.

Discussion: None.

MOTION was made by Councilor Carroll to APPOINT George Kain to the Community Resource Commission for a two year term to expire 12/31/2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

4. Zoning Board of Review (Tabled from 10/15/2009)
1 (one) five year term to expire 11/16/2009

Councilor Walsh stated that this appointment is for the position held by the current chairman, Gregory Meinertz.

MOTION was made by Councilor W. Steere to REAPPOINT Gregory Meinertz to the Zoning Board of Review for a five year term to expire 11/16/2014; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commission
Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that Central Nurseries has done some planting at the entrance of the Senior Center. J. Fecteau stated that she has sent a thank-you card on behalf of herself and the Council members. J. Fecteau stated that she also wishes to thank Gary Treml, Director of Public Works, and his crew for their help in this project. Councilor Walsh commented that it looks very nice.

J. Fecteau reminded the Council members that the Veterans' Day commemoration will take place at 11:00 a.m. on November 11th at the Senior Center.

2. Jane Steere, Tax Collector, expressed thanks to the Town Council for the Resolution regarding tax legislation.

B. Boards & Commissions

1. George Charette, chair of the Economic Development Commission, stated that the commission held their first meeting which lasted 2 ½ hours and was very productive. G. Charette stated that he asked the members to introduce themselves and offer opinions regarding what they see happening in the Town and what their concerns are.

G. Charette noted that he was elected chair and in turn nominated Chris LaButti as vice-chair and Mike DeGrange as secretary. G. Charette stated that he has submitted unapproved minutes to the Town Clerk. G. Charette noted that the Commission has decided to meet twice monthly in November and December due to the amount of work that has to be done. G. Charette commented on the number of businesses in the village that are empty or for sale.

2. Russell Gross echoed Councilor Burlingame's comments regarding the Planning Board's workshop on a proposed Home Occupation Ordinance, stating that the suggestions made to the Board were totally ignored.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that the Council has received several Resolutions from different towns in favor of Gloucester's objection to binding arbitration with the schools. Councilor Walsh noted that the legislation has been removed from the docket for now.

- B. Councilor Walsh stated that if Gloucester is planning on installing a water treatment facility in the future, the pipes must be run now. Councilor Walsh commented that this project would be important in helping to solve the problem of septic systems in the village. There was consensus to place this on the agenda for discussion at the next Town Council meeting.

- C. Councilor W. Steere stated that he received phone calls regarding softball at Winsor Park on Sunday mornings. Councilor Carroll stated that he will follow up on this matter.
- D. There was discussion regarding reports that alcohol was being consumed outdoors, in unauthorized areas, at Sticks Tavern. Tim Kane, Assistant Town Solicitor, recommended that this be on the agenda for the next meeting to discuss whether Council wants to schedule a show cause hearing for the following meeting
- E. Councilor Walsh spoke regarding the Wheels to Meals program, stating that Mr. Torti is no longer involved. Marie Plante, Senior Center member, explained that Mr. Torti supplied the van which was driven by volunteers. M. Plante stated that Jaques Bus Lines has donated the gasoline for the van and after eleven years, Mr. Torti has indicated that the insurance is too high and he cannot continue to pay for it.

Doris Villandry, Senior Center member, asked about the van which the Town uses to transport residents to medical appointments. D. Villandry asked if this vehicle could be used for a short period of time each day to give rides to and from the Meal Site. Councilor Walsh pointed out that there is more to it than just the availability of the van. Councilor Walsh stated that he will speak with the Senior Center Board of Directors regarding this matter.

XI. Open Forum
None.

XII. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Litigation-Discussion and/or Action
 - 1. Providence Water Supply
- B. R.I.G.L. 42-46-5(a) 2 Collective Bargaining- Discussion and/or Action
 - 1. Dispatchers LIUNA Local #1322
Contract 2008-2011
 - 2. Gloucester Town Hall Clerks Local #1322

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Litigation & 42-46-5(a)2 Collective Bargaining; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

Votes on Executive Session Items:

1. R.I.G.L. 42-46-5(a) 2 Litigation-Discussion and/or Action
Providence Water Supply

MOTION was made by Councilor E. Burlingame to APPROVE the contract between the Town of Gloucester and Providence Water Supply Board subject to the Town Solicitors review; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Dispatchers LIUNA Local #1322
Contract 2008-2011

MOTION was made by Councilor Carroll to ADOPT the Dispatchers LIUNA Local #1322 Contract 2008-2011, after Town Solicitor review, effective November 14, 2009; with certain stipulations as identified by the Finance Director; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Gloucester Town Hall Clerks Local #1322

MOTION was made by Councilor W. Steere to ADOPT the Gloucester Town Hall Clerks Local #1322 Contract 2009-2011, after Town Solicitor review, effective November 14, 2009; with certain stipulations as identified by the Finance Director; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:22 p.m.; seconded by Councilor W. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the November 5, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 19, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Gary Treml, Public Works
Director; Lawrence Desormier, Building/Zoning Official; Joe Peters,
Senior Center Board of Directors member; and Susan Harris, Deputy
Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum

A. Rose LaVoie noted that the Blackstone Valley Tourism Council had their annual
meeting at which time Liz MacIntyre from Brown & Hopkins was honored due to the
fact that the store has been in operation for 200 years.

R. LaVoie spoke regarding a recent article in the Observer concerning historic barns in
Foster, Gloucester and Scituate. R. LaVoie asked the Council to consider giving tax-
exempt status to barns which were built prior to 1900 and are not used for commercial
purposes.

R. LaVoie inquired about the status of the repairs to the Chepachet River Bridge.
Councilor Walsh replied that the work is scheduled to begin in April.

B. Gerald Blessing, of Saunders Brook Road, asked if the Town Council has considered
all options regarding transportation for disabled residents who wish to attend the meal
site. Councilor Walsh replied that this subject will be addressed during the
correspondence portion of the agenda.

V. Public Hearings - Discussion and/or Action

A. Renewal of Victualing Licenses

24-HOUR VICTUALING LICENSE RENEWAL

1. Chepachet Deli, Gregory Doura, 842 Putnam Pike
2. Dave's Kitchen 44, David R. Stockford, 722 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on
Nov. 4, 10 & 18th, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak regarding the 24-hour victualing license renewals.

Discussion: None.

Councilor Walsh asked again if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Carroll to GRANT the 24-hour Victualing License to: 1) Chepachet Deli, Gregory Doura, 842 Putnam Pike; and 2) Dave's Kitchen 44, 722 Putnam Pike pursuant upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2009 to November 30, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

B. VICTUALING LICENSE RENEWALS

1. Aegean Pizza, Saad Souleiman, 1195 Putnam Pike
2. Agio's Inc., 617 Putnam Pike
3. April's on the Pike, April M. Young, 401 Putnam Pike
4. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike
5. Chepachet Donuts, Inc., 1006 Putnam Pike
6. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
7. Chester's Inc., 102 Putnam Pike
8. DLM Variety, Inc., 365 Snake Hill Road
9. DLUM Restaurant LLC., 1157 Putnam Pike
10. Europa Food Inc., 2400 Putnam Pike
11. Glocester Little League, 1011 Putnam Pike (Concession Stand)
12. Glocester Memorial Park, Town of Glocester, 46 Adelaide Road (Concession Stand)
13. Knight Farm, LLC, 1 Snake Hill Road
14. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike
15. Melody Hill Country Club, Inc., 55 Melody Hill Lane
16. NC Pelski, Inc., 812 Putnam Pike
17. Prickly Pear, Inc., 16 Terry Lane
18. Putnam Properties Inc., 417 Putnam Pike
19. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road
20. Tyo-Ristaino Corp., 2168 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on Nov. 4, 10 & 18, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the victualing license renewals.

Discussion: None.

Councilor Walsh again asked if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor W. Steere to GRANT the issuance of Victualing Licenses to: 1. Aegean Pizza, Saad Souleiman, 2. Agio's Inc., 3. April's on the Pike, April M. Young, 4. Burrillville/Glocester Youth Soccer Association, 5. Chepachet Donuts, Inc., 6. Chepachet Farms, Neil Esposito, Jr., 7. Chester's Inc., 8. DLM Variety, Inc., 9. DLUM Restaurant LLC., 10. Europa Food Inc., 11. Glocester Little League, 12. Glocester Memorial Park, 13. Knight Farm, LLC, 14. Ko-Pa Food Enterprises, Inc., 15. Melody Hill Country Club, Inc., 16. NC Pelski, Inc., 17. Prickly Pear, Inc., 18. Putnam Properties Inc., 19. Snowhurst Farm, Daniel J. O'Connor, Jr., & 20. Tyo-Ristaino Corp., pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2009 to November 30, 2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Liquor License Renewals

CLASS A - RETAILER

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike
2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on November 4th and November 10th, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the liquor Class A license renewals.

Discussion: None.

Councilor Walsh asked again if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor W. Steere to GRANT a Class A - Retailer Liquor License to: 1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike; and 2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike; contingent upon 1) Building/Zoning approvals as needed; 2) Fire Chief approval as needed; 3) Rhode Island Certificate of Good Standing; 4) Rhode Island Permit to Make Sales; 5) payment of all Town taxes; these licenses shall be for the interior of the premise only and the license will be valid from December 1, 2009 to November 30, 2010; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

CLASS B -RETAILER LICENSES

1. Europa Food Inc., George Melanis, d/b/a Europa, 2400 Putnam Pike
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Patricia Johnson and Barbara Royer, d/b/a Chester's, 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. NC Pelski Inc., Charlene & Neal Pelski, d/b/a Char's Bar & Grille, 812 Putnam Pike
5. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
6. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike
7. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
8. Tyo-Ristaino Corp., Stephen & Robin L. Tyo & Robert Ristaino, d/b/a Cady's Tavern, 2168 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on November 4th & 10th, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the Class B liquor license renewals.

Discussion: None.

Councilor Walsh asked again if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to GRANT a Class B - Retailer Liquor License to: 1. Europa Food Inc., George Melanis, d/b/a Europa, 2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Patricia Johnson and Barbara Royer, d/b/a Chester's, 3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 4. Tyo-Ristaino Corp., Stephen & Robin L. Tyo and Robert Ristaino, d/b/a Cady's Tavern, 5. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 6. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 7. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 8. NC Pelski Inc., d/b/a Char's Bar & Grille, contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) Diagram of the complete service area; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu to remain on file; these licenses shall be for the interior of the premise only with the exception of NC Pelski Inc., d/b/a Char's Bar & Grille 812 Putnam Pike and Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike (additional stipulations apply); these licenses are valid from December 1, 2009 to November 30, 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

D. CLASS BT-TAVERN

1. DLUM Restaurant, LLC., David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on November 4th & 11th, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the BT-Tavern liquor license renewal.

Discussion: None.

Councilor Walsh again asked if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor W. Steere to GRANT a Class BT-Tavern License to: DLUM Restaurant, LLC, David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike pursuant to: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) maintaining an up to date diagram of the complete service area in the Town Clerk's office; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu

maintained on file; this license shall be for the interior of the premise only and is valid from December 1, 2009 to November 30, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

E. Entertainment Licenses

1. Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
2. Chester's Inc., d/b/a Chester's, 102 Putnam Pike
3. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
4. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike
5. Tyo-Ristaino Corp., d/b/a Cady's, 2168 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised in the Providence Journal on November 11th, 2009.

Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the entertainment license renewals.

Discussion: Jean Fecteau, Town Clerk, noted for the record that one establishment, Sticks Tavern, was inadvertently omitted from the advertisement. J. Fecteau stated that the entertainment license renewal will be before the Council at the second meeting in December. J. Fecteau added that the licensee will continue to operate under his current license until that time.

Councilor Walsh again asked if anyone wished to speak. Hearing none, Councilor Walsh DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Carroll to GRANT an Entertainment License to: 1. Europa Food Inc., d/b/a Europa, 2. Tyo-Ristaino Corp. d/b/a Cady's, 3. Chester's Inc., d/b/a Chester's, 4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 5. NC Pelski Inc., d/b/a Char's Bar & Grille, contingent upon 1) Payment of all Town taxes; 2) Building Official approval as needed; 3) Fire Inspector approval as needed; 4) Police Chief approval as needed; these licenses shall be for the interior of the premise only and are valid from December 1, 2009 to November 30, 2010 and are subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.
2. That all windows on the premises are kept closed, but not permanently, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of

- Glocester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time promulgate.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License.

Seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- November 5th , 2009
- B. Finance Director's Monthly Report - October 2009
- C. Tax Collectors Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of November 5, 2009; to ACCEPT the Finance Director's Report of October 2009; and to APPROVE the Tax Collectors Abatements to the 2009 Tax Roll in the amount of \$923.12 and the 2008 Tax Roll in the amount of \$79.41, with No Additions; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. New Business - Discussion and/or Action

- A. Glocester Licensing Board
 1. Sticks Tavern
Liquor License Violation

Councilor Walsh stated that the Council has received notice of a violation to the stipulations of the Liquor License for Sticks Tavern. Councilor Walsh further stated that the Council may choose to set a Show Cause Hearing to discuss with applicant.

Discussion: Councilor Walsh explained that Jamie Hainsworth, Chief of Police, has reported that the police responded to the establishment and discovered several people drinking outdoors in front of the building. Upon entering the building to determine the number of people inside, it was noted that there was no employee at the door as stipulated in the liquor license.

Councilor Walsh stated that Chief Hainsworth has asked if the Council wishes to set a show cause hearing regarding the outdoor alcohol consumption. Councilor W. Steere stated that a

hearing should take place at which time both sides can give their account of the incident. Councilor Burlingame concurred. Councilor Carroll also agreed, adding that a hearing gives the opportunity to be heard.

MOTION was made by Councilor G. Steere to CALL a Show Cause Hearing for Putnam Properties, Inc., d/b/a Stick's Tavern, 417 Putnam Pike for December 17, 2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. M.E.D.'s Contract Agreement Amendment
Rhode Island Dept. of Health & Town of Gloucester
Medical Emergency System Contract
October 2009 to July 31, 2010

Councilor Walsh stated that the Clerk has received a proposed amendment to the M.E.D.'s Contract authorized by Council on October 1, 2009. The cover letter from the Department of Health states "The purpose of this modification is to INCREASE the agreement by the stated amount to support municipal efforts to ensure safety and security at school-based H1N1 vaccination clinics."

Discussion: Councilor Walsh explained that this agreement was signed by the Council in October, adding that an extra \$11,000 has been added which will be used if necessary.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the amendment to the M.E.D.'s Contract Agreement between the Rhode Island Dept. of Health & Town of Gloucester, October 2009 to July 31, 2010; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- C. Capital Improvements for possible future use - Discussion and/or Action
Water supply/sewer system

Councilor Walsh stated that he brought this up at the last meeting. Councilor Walsh stated that beginning in April of next year, the Department of Transportation will be ripping apart the roads in the village to install storm lines. Councilor Walsh commented that if we have any intention of installing a sewer system for the village, the pipe must be put in at the time of the road construction.

Councilor Walsh noted that the original estimate was \$200,000 for the pipe to extend from the former Texaco station as far as Tavern on Main. Councilor Walsh stated that it is a viable system which will work, and asked if the Council wishes to put up capital funding to install the pipe now for future use.

Councilor Burlingame asked what is the time line for approval. Councilor Walsh replied that the Council must decide in the near future in order for it to be included in the design for the road work. Councilor Burlingame asked if the approval would have to be put to a vote of the people. Councilor Burlingame stated that the Council can agree that we want to put the pipe in, but the voters will have to agree to move the capital money to spend on the project.

Councilor G. Steere asked if the State engineers will incorporate this into their plan at their expense or will the Town have to pay engineering fees? Councilor Walsh replied that we are already paying Horsely-Whitten Group to design the system.

Tim Kane, Assistant Town Solicitor, stated that the actual cost of the project must be determined first, then we can work on the process.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to start discussions with the Finance Director and Town Solicitor to determine what the cost would be, and to get back to the Council with a specific recommendation; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

There was discussion among members of the audience (inaudible) and the Town Council.

D. Recreation Department - Discussion and/or Action

1. Winsor Park

Use by Leagues

Councilor Carroll stated that he and other Council members wanted to address this matter which deals with the use of the field by two softball teams. It was noted that the team that presently uses the field has done so for the past twenty years. Another team, represented by resident Charlie Vallor, has asked for permission to use the field and is awaiting a decision by the Town Council.

Councilor Carroll stated that the Recreation Director has indicated that it is too difficult to coordinate two teams on the same field. Councilor Carroll also stated that Mr. Vallor has pointed out the fact that many of the people who play in the league now are non-residents. Councilor Carroll stated that the Council must decide whether or not to change the current policy.

Charlie Vallor stated that he brought up this issue over a year ago, asking the Council to make a decision. C. Vallor expressed his opinion that the Council will not make a decision because they are afraid to “stick their neck out”. C. Vallor noted that Anthony Parrillo, Recreation Director, is not a Gloucester resident. C. Vallor stated that he took care of the field for a long time, adding that the team that is now there on Sunday mornings has not been there for ten years. C. Vallor stated that the Council told him they would give him their decision in October.

Councilor W. Steere commended Mr. Vallor for taking care of the fields, however, Councilor W. Steere stated that the league that is there now has been there for about thirty years. Councilor W. Steere noted that they have the proper permits and have done nothing wrong, therefore there is no reason to kick them out.

Councilor Burlingame expressed agreement with the Recreation Director. Councilor Burlingame added that he does not want to throw anybody out that has been there for a long time. Councilor Burlingame read from a letter from Anthony Parrillo, Recreation Director, which stated that the permit policy which is in effect gives right of first refusal to any league which currently uses the field.

Councilor Burlingame also stated the policy further states that if a field becomes available, permit applications will be considered with preference given to Gloucester residents. Councilor Burlingame noted that the Recreation Director personally does not think it is right to kick a league that has been playing over twenty years out of Winsor Park because one person wants a permit. Councilor Burlingame expressed his support for the Recreation Director’s opinion.

Michael DeGrange, Chopmist Hill Road, stated that a baseball game does not last all morning or all day and asked why these teams cannot figure out a schedule that works for all parties. Councilor G. Steere replied that everybody wants Sunday morning for their games. Councilor Carroll stated that he suggested to Mr. Vallor that he speak to the other party to try to reach a solution, but his advice was not taken.

MOTION was made by Councilor Burlingame to support the Recreation Director’s recommendation in his letter to the Town Clerk dated November 2, 2009; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- E. Public Works Department - Discussion and/or Action
 - 1. Mechanic Differential Salary

Councilor Walsh stated that the Council has received communication from the Public Works Director requesting a pay differential of \$1.00/Hr. be transferred to the new supervisor, Joseph Baxter effective November 30, 2009.

Discussion: None.

MOTION was made by Councilor G. Steere to AUTHORIZE a pay differential of \$1.00 per hour to Public Works mechanic Joseph Baxter effective November 30, 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Resignations

1. Senior Center Board of Directors

Councilor Walsh stated that the Council has received the resignation of Karen Emond from the Senior Center Board of Directors.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of Karen Emond from the Senior Center Board of Directors; seconded by Councilor G. Steere.

Discussion: Councilor Walsh commented that Karen Emond has been a member of the Board since the beginning and has done a great job and will be missed.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Senior Center Board of Directors

Councilor Walsh read the following recommendation from the Board of Directors:

DATE: November 18,2009

TO: Town Council

FROM: Joseph Peters

SUBJECT: Senior Center Board of Directors

At the Board meeting, Karen Emond, will be leaving the Senior Center Board of Directors. She has been with us since the start of the Board. The Board of Directors would like to appoint Pat Lawrence in her place. Pat has been helping Fran Ballou for the past year and a half. She works in the office and does different jobs during the daily operations. When Fran is out, Pat has been filling in for her. I respectfully request the appointment of Pat Lawrence to the Board of Directors once Karen's resignation is received by Council.

Sincerely,

Joseph Peters

Senior Center Board of Directors

(end of memo)

MOTION was made by Councilor Burlingame to APPOINT Pat Lawrence to the Senior Center Board of Directors; seconded by Councilor W. Steere.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Historic District Commission (Tabled from 10/15/2009)
 - 1 (one) one year alternate term to expire 11/2010

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for the alternate term to expire 11/2009; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Community Resource Commission

1. Charge of Committee

Councilor Walsh stated that Tim Kane, Assistant Town Solicitor, has forwarded a proposal of a revised charge to Mr. Skeffington for the Commission's consideration.

Peter Skeffington of 48 Anan Wade Road, member of the Community Resource Commission, expressed his concern regarding the charge which has been added to the new ordinance #68. P. Skeffington noted that the charge says one thing and the purpose of the Ordinance states something else. P. Skeffington asked for verification that the charge overrides the purpose. Tim Kane, Assistant Town Solicitor, stated that the Ordinance makes the Community Resource Commission an advisory board. T. Kane stated that he will review the Ordinance again to determine if any changes should be made to the wording to make the charge consistent with the purpose.

MOTION was made by Councilor Carroll to TABLE the revisions to the charge of the Community Resource Commission until the Town Council meeting of December 17, 2009; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commissions
Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that the recent advertisements for Victualing and Liquor licenses were quite large and wanted the Town Council to know that the Town does not pay for the cost of the ads and that these ads were offered at a “one time discounted price”. J. Fecteau further stated that she changed newspapers to cut down on the cost, which is passed on to the establishments, some of whom are struggling financially.
2. Tom Mainville, Finance Director, stated that he attended the meeting today in North Smithfield regarding shared services. T. Mainville noted that Councilor Walsh was also present as were representatives from North Smithfield, Woonsocket, Smithfield and Burrillville. There was discussion at the meeting concerning several Towns borrowing equipment from each other.

T. Mainville noted that if an employee performs services for another Town, the responsibility for the employee would be assumed by the Town that employs the individual. T. Mainville stated that there was also discussion regarding creating a co-op of various Towns for services such as dispatching.

Councilor Walsh stated that we are in contact with other communities with regard to making purchases together for items such as road salt in an effort to reduce costs. Councilor Walsh stated that he also attended a meeting with several Rhode Island mayors regarding the same concept. Councilor Walsh noted that some of the smaller ideas discussed would be easier to implement.

3. Lawrence Desormier, Building/Zoning Official, reported that there have been problems recently at the middle school regarding the water which tested positive for coliform. L. Desormier stated the system was then chlorinated and subsequently flushed out, which took several days. L. Desormier stated during that time, cooking water was boiled before using and bottled water was used for drinking. L. Desormier stated the system has been corrected and tested negative for chlorine, but the source of the problem has not yet been determined and that the water is tested on a monthly basis.

L. Desormier stated that November 30th is the deadline for the high school project to have everything eligible for a Certificate of Occupancy and that no additional temporary CO's will be issued. Councilor Burlingame asked if the issuance of the Certificate will trigger the certification of the energy savings. L. Desormier replied that this is independent from his issue, which is life safety.

Councilor Walsh stated that the auditors have questioned an item from the Building Department. L. Desormier explained that a percentage of permit fees collected must be forwarded to the State, adding that they are currently behind and are trying to catch up.

B. Boards & Commissions

1. George Charette, Chair of the Economic Development Commission, stated that he has submitted a report documenting the work that the Commission has done so far. G. Charette noted that the members of the Commission feel that the issue of water, sewers, and storm water in the center of the village is very important. G. Charette stated that they also understand that this would require a lot of money but they do not know where the money will come from.

G. Charette noted that once the paving is completed by the State, there will be a five-year term during which the roads cannot be cut open, unless the State discovers that they have done something wrong. Therefore, G. Charette stated that if a sewage treatment plant is being considered, the water lines should be placed before the paving is done to avoid waiting five years.

2. Lawrence Desormier, Building/Zoning Official, spoke regarding Phase II of the stormwater pollution prevention plan, stating that each city and town has been directed to update their erosion and sediment control program and ordinance. L. Desormier stated that he and Ray Goff, Town Planner, have been working on rewriting the ordinance and will forward it to the Solicitor for review. Jean Fecteau, Town Clerk, stated that a First Reading must be held, followed by a Public Hearing.
3. Joe Peters, Senior Center Board of Directors, stated that he has received correspondence from Doris Villandry in which she refers to the GSC (Glocester Senior Center) Action Group. J. Peters noted that neither the Board of Directors nor the Town Council has authorized this group. Tim Kane, Assistant Town Solicitor, stated that freedom of speech and freedom of association cannot be infringed upon, therefore he will review the matter carefully.
4. Councilor Walsh spoke regarding the Senior Center and the "Wheels to Meals" program. Tom Mainville, Finance Director, explained that Larry Torti cannot continue to provide this service due to the increasing cost of the liability insurance. T. Mainville stated that we must approach this matter cautiously because once we accept the responsibility for this, we will be in the transportation business.

T. Mainville stated that if the Senior Van is used for this purpose, there may be a conflict with people who need to be transported to medical appointments. T. Mainville stated that there are other questions which must be addressed before the Council makes a decision.

Doris Villandry of the Glocester Seniors stated that Joe Peters claimed that he was unaware of the Grievance Committee. D. Villandry noted that Mr. Peters has known about the committee for at least a year. D. Villandry spoke regarding the "Wheels to Meals" van. D. Villandry noted that the Town has two (2) vehicles which are used to transport seniors and the handicapped. D. Villandry stated that the van is only used on occasions when a wheelchair lift is needed or on Fridays when it is used to take people shopping.

D. Villandry expressed her concern that some seniors cannot attend the Senior Center because they do not have transportation. D. Villandry stated that the Senior Center is being run more like a strict business than it is for the seniors. Councilor Walsh stated that there is a Board of Directors to take care of these issues and to make the Senior Center operate. Councilor Walsh noted that 2-½ million dollars was spent to provide a beautiful facility to the senior citizens to allow them to get together. D. Villandry stated that she is bringing this to the Council's attention because the Board of Directors does what they want instead of what the seniors want.

Councilor W. Steere stated that a list should be compiled of seniors who are unable to get to the center due to lack of transportation. Gerald Blessing, Gloucester Seniors, stated there are several disabled seniors who are affected, adding that he is considering involving the American Disabilities Act. Councilor W. Steere stated that we are not ignoring anyone, but there is a chain of command. G. Blessing stated that the chain of command does not work.

Marie Plante, Gloucester Senior, spoke but was inaudible on the tape.

Councilor Burlingame pointed out that when the Senior Center was first developed, there was no mention of the Town providing transporting for members to and from the facility. Councilor Burlingame explained that this was not feasible because the Senior Center was partially funded with federal money. Mr. Torti and Mr. Jaques, as private citizens, decided to provide the transportation services as a favor. Councilor Burlingame stated that some people will be inconvenienced, but there is no money in the budget to continue the service.

Marie Plante again spoke, but was inaudible on the tape.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that a letter of support was received from North Providence regarding Gloucester's Resolution 2009-18 Fiscal Stress for RI Cities and Towns.

XI. Open Forum

- A. Rose LaVoie spoke regarding the water supply and sewer system proposed for the Village, stating that when she served on the Chepachet Village Planning Committee and Chepachet Economic Development Commission, she believed that Gloucester should tie in with Burrillville's system. R. LaVoie expressed hope that there is grant money available for this project and urged the Town Planner to look into the matter.
- B. Marie Plante, 56 Victory Highway, stated that she and other diabetic patients used to take their used hypodermic needles to CVS for disposal, but they are no longer accepted. M. Plante stated that she was told to put them in a plastic container and dispose of them with the regular trash. M. Plante expressed concern that when the trash is processed at the landfill, it may cause a health and safety hazard. M. Plante stated

that she called several other pharmacies, but was told that they do not accept the needles.

M. Plante called the Department of Health and was informed that the only alternative is to bring the needles to her doctor or the hospital. M. Plante stated that neither her doctor nor the hospital will accept them because they would have to pay to have hazmat pick them up. M. Plante asked if there was the possibility of the Transfer Station installing some type of container for collecting the used needles. Councilor Burlingame stated that he is not willing to get involved in any hazardous material collection.

Councilor Burlingame suggested that M. Plante continue to contact the Department of Health for a solution. Councilor W. Steere thanked Marie Plante for bringing this to the Council's attention and recommended that she contact our State Representatives regarding the matter.

- C. George Charette spoke regarding the former State Police Barracks, stating that he and the other members of the Economic Development Commission feel that the property should be used for commercial purposes.
- D. Walter Steere, Jr., School Committee member, recommended that a letter of appreciation be sent to Larry Torti and the Jaques family for their years of supplying transportation to and from the Gloucester Meal Site.

XII. Executive Session

- A. R.I.G.L. 42-46-5(a) 2 Litigation-Discussion and/or Action
 - 1. Providence Water Supply

MOTION was made by Councilor W. Steere to ADJOURN to closed Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Litigation; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

MOTION was made by Councilor Carroll to AUTHORIZE the Council President to sign the Settlement Agreement/ Tax Treaty between Providence Water Supply and the Town of Gloucester, to be dated November 19, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9.43 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 3, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **December 3, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor;
Thomas Mainville, Finance Director; Lawrence Desormier,
Building/Zoning Official; and Gary Treml, Public Works Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by David Fecteau.

IV. Open Forum

A. Linda Nichols, 493 Durfee Hill Road, spoke regarding a neighbor who has built a dirt bike track on his property. L. Nichols stated that the police have warned the individual regarding the noise, but the problem continues. L. Nichols stated that the police have told her that it is his property and he can do whatever he wants. L. Nichols expressed that she has the legal right to voice her opinion. L. Nichols added that the dirt bikes also travel up and down Durfee Hill road late at night. Councilor Walsh stated that he will speak to the Chief of Police regarding the matter.

V. Public Hearings - Discussion and/or Action

A. Entertainment License

1. Putnam Properties, Inc.,
d/b/a Sticks Tavern , 417 Putnam Pike

Councilor Walsh stated that this Public Hearing was advertised November 26th in the Providence Journal. Councilor Walsh DECLARED the Public Hearing open and asked if anyone wished to speak for or against the Entertainment License renewal.

Discussion: None.

Councilor Walsh again asked if anyone wished to be heard. Hearing none, Councilor Walsh DECLARED the Public Hearing closed.

MOTION was made by Councilor Burlingame to GRANT an Entertainment License to Putnam Properties, Inc. d/b/a Sticks Tavern, 417 Putnam Pike, contingent upon 1)Payment of all Town taxes; 2)Building Official approval as needed; 3)Fire Inspector approval as needed; 4)Police Chief approval as needed; this license shall be for the interior of the premise only and is valid from December 1, 2009 to November 30, 2010 and is subject to the following stipulations:

1. That all entertainment be confined to the inside of the building.
2. That all windows on the premises are kept closed, but not permanently, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of Gloucester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time promulgate.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

Seconded by Councilor W. Steere

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VI. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- November 19th, 2009

MOTION was made by Councilor Carroll to APPROVE the Town Council Minutes of November 19, 2009; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. New Business - Discussion and/or Action

- A. Community Septic System Loan Program Agreement

Councilor Walsh explained that the Rhode Island Clean Water Finance Agency has stated the application submitted by the Town of Gloucester for continued financing, dated 4/30/08, has been approved. The next step is for Council to sign the loan agreement.

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Community Septic System Loan Program Agreement, per the approved loan application dated 4/30/2008, seconded by Councilor Carroll.

Discussion: Tom Mainville, Finance Director, stated that the interest rate for the loans has gone down to 4%.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Computer Policy

Councilor Walsh stated that the Council has received a memo from Ed Juare regarding a potential computer policy.

Discussion: Councilor Burlingame stated that this is important because our computer system is very sensitive and subject to certain viruses. Councilor Burlingame noted that this policy is strictly focused on protecting our system and is not intended as a tool to deal with discipline regarding improper use of computers. Councilor Burlingame stated that the employees must be made aware of the problems caused by downloading and streaming. Councilor Burlingame added that it is up to the department directors to enforce proper procedures.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town of Gloucester's IT Administrator and Finance Director to complete a policy for use of Town Hall computers for adoption, by Town Council, at a later date; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

C. Gloucester Code of Ordinance

1st Reading - Proposed Amendment

Chapter 68. Community Resource Commission

Tim Kane, Assistant Town Solicitor, explained that the Community Resource Commission has specific goals focused on green energy resources and will attempt to acquire grants for the installation of such resources. T. Kane noted that the Commission was originally set up to be more of an advisory board and the proposed amendment will give them more authority to do certain things with the approval of the Town Council.

MOTION was made by Councilor W. Steere to WAIVE the 1st reading of the Proposed Amendment Chapter 68. Community Resource Commission; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Carroll to set a Public Hearing, January 7, 2010, for the consideration of the proposed amendment to the Gloucester Code of Ordinance, Chapter 68, Community Resource Commission; seconded by Councilor G. Steere.

Discussion: There was discussion concerning the requirement to advertise the Public Hearing and there was consensus to change the date to the second meeting in January.

MOTION was made by Councilor Carroll to AMEND his motion to change the Public Hearing date to January 21, 2010; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Vote on main Motion:

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. Boards/Commissions - Discussion and/or Action

A. Resignations

1. Gloucester Economic Development Commission

1 (one) position

Councilor Burlingame stated that the Town Clerk has received and filed the resignation of Thomas D'Angelo from the Economic Development Commission.

MOTION was made by Councilor W. Steere to ACCEPT the resignation of Thomas D'Angelo from the Economic Development Commission for a three year term to expire in May, 2012; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

B. Appointments

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District for a one year alternate term to expire 11/2010; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

2. Gloucester Economic Development Commission
1 (one) position

Councilor Walsh explained that with the resignation of Tom D'Angelo, Council could move up the alternate to this spot and then fill the alternate seat.

MOTION was made by Councilor W. Steere to APPOINT Alternate member Julian Fogue to the Gloucester Economic Development Commission for a full term to expire May, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

3. Gloucester Economic Development Commission
1 (one) position - Alternate

MOTION was made by Councilor Carroll to APPOINT Russell Gross to the Gloucester Economic Development Commission as Alternate for a one year term to expire May 2010; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Department Heads/Boards & Commission
Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, stated that the Town Hall will open for a half-day on the 24th and will be closed on Christmas Day, with the same schedule the following week for New Year's.
2. Gary Treml, Public Works Director, stated that some of our neighboring communities have announced that they will no longer provide sand and salt to their residents. G. Treml stated that he sees a problem arising where people from out of town will attempt to get sand and salt from us, adding that he has no way to monitor this situation. It was recommended that the distribution take place at the Transfer Station.

G. Treml replied that this would require the Transfer Station attendant to monitor the sand pile and check for residency. G. Treml noted that last year there were problems with people bending the fence to gain access when the Highway Department was closed. Councilor Walsh suggested that the distribution take place at the Transfer Station during regular hours and if it begins to get out of hand, it will be discontinued. Councilor Walsh pointed out that unfortunately, there are very few things that the Town can give to its residents.

Councilor Burlingame commented that if a resident pulls into the Transfer Station with a pick-up truck, the attendant will see this and prevent the resident from filling his truck with sand, which was commonly done when the sand was stored at the Highway Department. G. Treml expressed his opinion that this will get out of control. There was Council consensus to try the idea of storing the sand at the Transfer Station for residents to pick up.

G. Treml spoke regarding recycling, stating that by the year 2012, the Town will have to be at 35%, by law, adding that right now we are at 22.81%. G. Treml stated that steps must be taken to increase recycling. G. Treml stated that he is considering putting a stricter enforcement on sticker requirements at the Transfer Station, adding that this will reduce the number of out-of-town people using the facility.

G. Treml noted that increased education regarding recycling is also needed. G. Treml stated that he would like to install message boards as well as place advertisements and provide handouts, which will cost several thousand dollars. G. Treml noted that Middletown is the only town in the state to have a "pay as you throw" program and they are at 38% recycling. Councilor Walsh asked about this program. G. Treml stated that trash bags with the Town logo are provided for a cost of \$1.50 each, of which the Town receives 85%.

G. Treml noted that each year, the cap at the landfill is reduced and our tipping fees go up. Councilor Burlingame suggested letting the residents know the potential steps in the hopes that they will cooperate without having to implement a pay as

you go program. G. Treml stated that some communities use other measures, such as charging an annual fee for dump stickers or charging for bins. Councilor Walsh asked G. Treml to set up a presentation for the first meeting in February.

3. Lawrence Desormier, Building/Zoning Official, reported that the Certificate of Occupancy for the high school will be issued as soon as the in-house paperwork is completed. L. Desormier also stated that there may be funding available to relocate the administration offices from the Town Hall to the high school. L. Desormier noted that the Family Dollar store is scheduled to open for business on December 10th. Councilor G. Steere asked if the “no parking” signs in the parking lot are legal. L. Desormier replied in the affirmative, adding that the owner of the lot is entitled to place restrictions on parking.

- B. Boards & Commissions
None.

X. Council Correspondence/Discussion

- A. Councilor Walsh stated that the Ponaganset Middle School will be hosting an event called “Wreaths Across America” on December 8th at which time our veterans will be honored. Councilor Burlingame stated that he will attend the ceremony. Jean Fecteau, Town Clerk, stated that she will prepare a Resolution to be presented at the ceremony and ratified at the next Town Council meeting.
- B. Councilor Walsh stated that there is correspondence thanking the Town for allowing a charity bike ride to travel through Gloucester in September.
- C. Councilor Walsh stated that a letter was received from Steve Kopeski, owner of Dino’s Park & Shop. Councilor Burlingame stated that he would like to address the letter at the next Town Council meeting.
- D. Councilor Walsh stated that a request was received from Vin Iannuzzi asking the Council to reconsider the show cause hearing. There was Council consensus to hold the hearing as scheduled.
- E. There was discussion concerning a policy for the Senior Van. It was decided to add to the agenda for the next meeting.
- F. Councilor Walsh stated that the Gloucester Heritage Society has asked that old barns in Town be made tax exempt to allow the owners to use the funds to repair the structures. Councilor Burlingame suggested that this matter be addressed at the next meeting to determine the impact from a tax point of view. Jean Fecteau, Town Clerk, stated that she will refer the request to the Tax Assessor.
- G. There was discussion regarding the disposal of hypodermic needles which was brought up by Marie Plante at the last meeting. Councilor Burlingame stated that he has been in

contact with the Department of Health and has forwarded information to the Senior Center, Laurel Crest and Pine Meadow.

XI. Open Forum

None.

XII. Executive Session

A. R.I.G.L. 42-46-5(a) 2 Litigation-Discussion and/or Action

1. Shea/Grange vs. Town of Gloucester

B. R.I.G.L. 42-46-5(a) 2 Collective Bargaining- Discussion and/or Action

1. Dispatchers LIUNA Local #1322

MOTION was made by Councilor W. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Litigation and 42-46-5(a)2 Collective Bargaining; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session:

Disclosure of Votes Taken in Executive and/or Vote on Executive Session Item.

No votes were taken in Executive Session.

MOTION was made by Councilor G. Steere to SEAL the Executive Section minutes; seconded by Councilor Burlingame.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

MOTION was made by Councilor W. Steere to AUTHORIZE the Town Council President to sign the Collective Bargaining Agreement and the Pension Agreement between Dispatchers LIUNA, Local 1322 and the Town of Gloucester; seconded by Councilor Burlingame.

Discussion: none

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:45 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 17, 2009 Town Council Meeting.

At a meeting of the Town Council holden in and
for the Town of Gloucester on **December 17, 2009**

I. Call to Order

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

II. Roll Call

Members present: Kevin P. Walsh, President; Walter M. O. Steere, III, Vice-President;
George O. Steere, Jr.; Edward C. Burlingame; and Patrick J. Carroll.

Also present: Jean Fecteau, Town Clerk; William Bernstein, Town Solicitor, Timothy
Kane, Assistant Town Solicitor; Lawrence Desormier, Building/Zoning
Official; Jamie Hainsworth, Chief of Police; Gary Treml, Public Works
Director; David Steere, Budget Board chair; Viviane Valentine, Tax
Assessor; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by William Bernstein, Town Solicitor.

IV. Open Forum

- A. George Charette, Chair of the Economic Development Commission, spoke regarding the former State Police barracks. G. Charette stated that it has been suggested that the property be used for affordable housing, according to the State's requirements. G. Charette noted that the Economic Development Commission has discussed this proposal and agrees that affordable housing is important, but feels that it does not belong in the center of town. G. Charette stated that there are other viable options, such as an urgent care center, professional building or general mercantile business.
- B. Walter Steere, Jr. spoke regarding agenda item VII. E, which addresses tax relief for historic barns. W. Steere, Jr. expressed his objection, stating that if tax relief is given to one group, another group will have to pay more.

V. Resolution

- A. Ratification
"Wreaths Across America"

Councilor Walsh stated that the ceremony for Wreaths Across America was held on December 8, 2009 at Ponaganset Middle School. The Clerk forwarded a Resolution to the school for that day that now needs to be ratified by Council.

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

**RESOLUTION
2009-23**

WHEREAS, the Town Council of the Town of Gloucester would like to recognize Wreaths Across America which began more than fifteen (15) years ago when the Worcester Wreath Company began a tradition of placing wreaths on the headstones of the nation's fallen heroes at Arlington National Cemetery during the holidays; and

WHEREAS, "Remember - Honor - and Teach" is the mission of Wreaths Across America; holiday wreaths are laid to remember the fallen, honor those who serve, and to teach schoolchildren the value of freedom; and

WHEREAS, Patriot Guard Riders, a world-wide motorcycle and motor vehicle group with more than 15,000 members nationally, escort the tractor-trailer trucks loaded with donated wreaths from Maine to Arlington National Cemetery in Virginia; and

WHEREAS, as participants of Wreaths Across America, founded by Morrill Worcester of the Worcester Wreath Company in Maine, Ponaganset students are part of a nation-wide project to honor veterans by laying wreaths at graves in veterans' cemeteries all over the country; and

WHEREAS, Ponaganset Middle School is the first and only school to take the Wreaths Across America motto of "Remember, Honor, Teach," to this school-wide level and that is why it was chosen to host a stop by the Wreaths Across America Program; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester praise Wreaths Across America as such an important and worthy cause to honor men and women alike who have given their lives for our independence and freedom and feel honored and privileged to have one of our schools chosen to hold a ceremony to honor our local military veterans during this holiday season.

Kevin P. Walsh, President
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Councilor Burlingame stated that he attended the ceremony which was very impressive. Councilor Burlingame noted that the Middle School was chosen because they decided to incorporate recognition of veterans as part of their curriculum. Councilor Burlingame complimented the students for the presentation.

VI. Gloucester Licensing Board

- A. Liquor License Show Cause Hearing
Putnam Properties, Inc.,
d/b/a Sticks Tavern , 417 Putnam Pike

Councilor Walsh explained that the Town Council, serving as the Licensing Board for the Town of Gloucester has, after notification to the license holder, called for a Show Cause Hearing.

Councilor Walsh DECLARED the Hearing Open and stated that this hearing is the result of a police report filed regarding drinking alcohol outside of the building. Lt. Matthew Fague of the Gloucester Police Department was sworn in by the Town Clerk.

Discussion:

Lt. Fague explained that on 10/24/09 at approximately 8:57 p.m., he and Patrolman Moriarty responded to Sticks Tavern on Putnam Pike. Lt. Fague noted that there were approximately thirty (30) vehicles parked in the establishment's lot as well as the parking lot for the Harmony Marketplace, which was closed at the time. Lt. Fague added that people were milling about their vehicles in the lot. Lt. Fague commented that the weather conditions were dark, rainy and windy.

Lt. Fague stated that he and Officer Moriarty observed 12 or 13 males standing outside under the overhang in front of the establishment. All were wearing bikers' garb. One of the individuals was holding a beverage and when asked what it was, responded "I'm drinking a beer." Lt. Fague explained to the individual that this was a violation of the liquor establishment's license. When told to go inside, several did so, but most remained outside. Lt. Fague stated that he was approached by a man in the bar who stated that he was running a function for a friend who was burned out of his house.

Lt. Fague stated that he spoke with the bartender, Katie Soulliere, regarding occupancy of the bar. Ms. Soulliere stated that there was somebody working at the door, but she did not know who. Ms. Soulliere told Lt. Fague that Mr. Iannuzzi, the owner, was present on the property. When Lt. Fague tried to speak to Mr. Iannuzzi by the door of the establishment, several bikers started their motorcycles and began revving their engines. Lt. Fague informed Mr. Iannuzzi that the police came to perform an occupancy check and upon arrival, it was observed that alcohol was being consumed outside. Lt. Fague stated that Mr. Iannuzzi shrugged and apologized.

Lt. Fague directed everybody to go inside for a head count and was told by Mr. Iannuzzi that he was nowhere near capacity which, is 199 persons. It was determined that the total count was 138 persons. Lt. Fague asked Richard Press, who was working the door, if he had an occupancy count for the evening. Mr. Press replied in the negative. Lt. Fague suggested that Mr. Press get a clicker to keep

track of occupancy at future events. Lt. Fague stated that he checked with Stuart Pearson, Harmony Fire Chief, who confirmed that 199 is the maximum capacity of the establishment.

Councilor Walsh asked Lt. Fague what the people out front said when asked if they were drinking alcohol. Lt. Fague replied that the first gentleman responded that he was drinking a beer, unaware that this was not allowed outside.

Vincent Iannuzzi, owner of Sticks Tavern, was sworn in by the Town Clerk. Councilor Walsh reminded Mr. Iannuzzi that the reason for this hearing is the consumption of alcohol outdoors and asked that he limit his comments to that subject. Mr. Iannuzzi stated that when he took over the establishment, it had a rough reputation. Mr. Iannuzzi stated that he has made many changes and has spent over \$350,000 after purchasing the place. Mr. Iannuzzi stated that this is a tough town to work in, noting that in the last two months, 18 traffic violators have been pulled over in his parking lot.

Mr. Iannuzzi expressed his concern that people driving by see the police with lights flashing and assume that something is wrong at the tavern. V. Iannuzzi stated that on October 31st, there was a Halloween party and as people were attempting to leave at closing time, the Police pulled over a traffic violator, blocking off all the exits. V. Iannuzzi further stated that the Police conduct frequent occupancy checks which close his business for a half-hour each time. Mr. Iannuzzi stated his credentials as 22 years in the military including commander in the Air Force and test pilot.

Mr. Iannuzzi also stated that he is one of the first persons to become a Federal Marshal after September 11th. Mr. Iannuzzi stated that the police report has good information, some of it truth, some quite vague, and some not true at all. Mr. Iannuzzi stated that he is a crowd control manager, one of the few in town. V. Iannuzzi stated that he was working in the back that night, along with Rick Press. They were fixing something outside and were drenched from the rain. R. Press went to change his clothes and asked the bartender to watch the door until he returned.

Regarding the parking situation, V. Iannuzzi stated that it is nobody's business if his patrons park in the lot next door. Perhaps he has an agreement with the owners of Big Bear and Balfour Insurance. Mr. Iannuzzi also noted that his maximum occupancy is 192, not 199. V. Iannuzzi stated that this means he could have 192 cars. V. Iannuzzi stated that on the night in question, 148 was the highest number of people in the tavern. Regarding the clicker for the door attendant, V. Iannuzzi stated that he had one which broke three days prior and he just ordered six more.

V. Iannuzzi commented that he is not required to have a doorman. V. Iannuzzi objected to the counting of individuals who were outside, stating that according to the RI State Fire Marshal, occupancy for the building is to include people inside the premises only. Councilor Walsh reminded Mr. Iannuzzi that occupancy is not the purpose of this hearing. Mr. Iannuzzi replied that he is trying to show that errors and flaws were made.

Vincent Iannuzzi stated that there was no alcohol consumed outdoors that evening, adding that he was stunned when he found out that he was being cited for the violation. V. Iannuzzi stated that he did not apologize to Lt. Fague, adding that he was furious and would not apologize for something that he did not do. V. Iannuzzi again stated that the police report is inaccurate.

Councilor Walsh stated that the only thing that can be discussed at this hearing is the outdoor alcohol consumption issue. Councilor Walsh stated that Mr. Iannuzzi can write a letter to the Town Council asking to be put on the agenda to discuss the other matters. V. Iannuzzi stated that if a head count is conducted, it should be done properly. Councilor Walsh again stated that this is irrelevant to this show cause hearing. Councilor Walsh asked if any of the Councilors had questions for Mr. Iannuzzi.

Councilor W. Steere stated that if an employee had been at the door with a clicker, a physical count may not have been done by the Police. Councilor Walsh expressed his opinion that there are lapses in management at the establishment. V. Iannuzzi disagreed, stating that the bartender was watching the door. Councilor W. Steere stated that if the management was better and tighter, this may not have gotten to this point.

V. Iannuzzi again stated that there was no alcohol consumed outside. Councilor G. Steere noted that the police report states that a patron outside told the officer that he was drinking beer. V. Iannuzzi replied that this was incorrect, adding that there were several inaccuracies in the report. V. Iannuzzi asked if it is against the law to drink outside. William Bernstein, Town Solicitor, replied that it is a violation of the conditions of Mr. Iannuzzi's license. W. Bernstein further stated that Mr. Iannuzzi is responsible for his immediate premises, including the parking lot. V. Iannuzzi stated that there is a State law regarding public intoxication and if somebody was drinking outside, they should have been cited. W. Bernstein commented that drinking and being intoxicated are two different things.

Councilor Burlingame read an excerpt from the police report which stated that an individual standing outside the entrance door said he was drinking a beer and that other males standing outside were holding the same clear plastic cups. Councilor Burlingame asked Mr. Iannuzzi if this is what he is refuting. V. Iannuzzi replied in the affirmative, adding that there were people milling outside, but they were drinking Dr. Pepper and bottles of water. Councilor Walsh directed Mr. Iannuzzi to call his witnesses.

1. Richard Press was sworn in by the Town Clerk. R. Press stated that he is at the bar approximately 16 hours a day watching the door and does not let anybody, including the owner, take liquor outside.
2. David Madison, president of Vengeance Motorcycle Club, was sworn in by the Town Clerk. D. Madison stated that it was his club's party which was taking place on the night in question. D. Madison explained that when an individual wishes to join a motorcycle club, that person comes in as a prospect. At events, the prospects remain outside watching and do not drink.

D. Madison stated that this was the group of people referred to in the police report, adding that there was no alcohol being consumed. D. Madison stated that they made sure of that so there would be no issue. D. Madison stated that V. Iannuzzi should be commended for hosting the fund-raising event for a member of the motorcycle club who lost everything in a fire. D. Madison noted that Mr. Iannuzzi did this out of the goodness of his heart to help someone in need. D. Madison again stated that there was no drinking outside. Councilor Walsh asked D. Madison to clarify the rules and regulations for the club

prospects. D. Madison replied that the prospects usually stand outside and watch the bikes. D. Madison stated that there were six prospects from his club as well as prospects from the other clubs, which would account for the number of people that the officer saw out front. D. Madison noted that the prospects are not allowed to drink when they are on duty.

3. Katie Soulliere, the bartender on duty on 10/24/09, stated she was watching the door and that no one went outside with a drink.

Councilor Walsh stated that someone could have gotten out unnoticed with just a turn of the head.

Councilor Carroll asked if there was a trash can near the entrance. The answer was in the affirmative.

4. Rebecca Thurber questioned if generally speaking someone where drinking outside, wouldn't that persons name be taken for the record.
5. Wayne (Dennis Leary) stated he has spent fourteen months as a "prospect." When questioned how many people where outside, Mr. Leary responded 14 or 15, 6 of which were from his club. When asked what he recalled Mr. Leary responded the Police officers went right through the door and there were no beverages outside.
6. Sgt. Fague stated the person who claims to have been at the door was not the person he spoke to that night at the door. Sgt. Fague also stated there were cups outside.

Councilor Walsh asked if there were any further questions for Sgt. Fague and reiterated that the police were not present to instigate a situation. Councilor Carroll questioned if the intent was for an occupancy check. Sgt. Fague stated in the affirmative.

7. D. J. Gregoire questioned the name of the gentleman drinking as there is no drinking allowed outside.

Town Solicitor Bernstein explained the parameters per R.I.G.L. 3-5-21.

Councilor G. Steere question Mr. Iannuzzi as to whether the prospects had any drinks. Mr. Iannuzzi stated to the negative.

Discussion followed between Council members on what may have happened and what penalties, if any, should be assessed. There was a consensus of the Council that anything that may have happened, intentional or not, is the responsibility of the management. Councilor Burlingame stated he supports the police report but does not believe the actions were intentional. Councilor Walsh also agreed with supporting the police report.

Councilor Burlingame recommended a three strikes rule and suggested a letter or warning and notice that if there is another violation there could be serious consequences.

Solicitor Bernstein reviewed the record on file for this establishment and stated there were two violations within the last three year period and one violation outside the three year period.

MOTION was made by Councilor Burlingame to send a letter advising Vincent Iannuzzi, owner , Putnam Properties, Inc., d/b/a Sticks Tavern , 417 Putnam Pike, that constitutes a warning and that if another violation occurs, the consequences will be consistent with State law; seconded by Councilor Carroll.

Discussion: None

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VII. Consent Items -Discussion and/or Action

- A. Approval of Town Council Minutes- December 3, 2009
- B. Finance Director's Report - November 2009
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Carroll to APPROVE the Town Council minutes of December 3, 2009; to TABLE the Finance Director's Report of November 2009; and to APPROVE the Abatements to the 2009 Tax Roll of \$391.75 and Additions to the 2009 Tax Roll of \$648.84; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

VIII. New Business - Discussion and/or Action

- A. Appointments
 - 1. Tax Assessor term to expire 12/31/2009
New term to run 1/1/10-12/31/11

Councilor Walsh noted that the Tax Assessor's term of office is a two year term to expire in the "off" election years.

MOTION was made by Councilor Carroll to APPOINT Viviane Valentine to the position of Tax Assessor for a two year term to expire 12/31/11; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

- B. Human Services - Discussion and/or Action
 - 1. Food Pantry: procurement of food
 - 2. Van policy

MOTION was made by Councilor Burlingame to TABLE this discussion until the Town Council meeting of January 21, 2010; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- C. Extension of Bid Award - Discussion and/or Action
 - 1. IFB # 2006-07 (materials) Adler Bros. Construction
 - 2. IFB # 2008-09 (road sand) Barnes Concrete

Councilor Walsh explained that the Public Works Department has received bid extension agreements from Adler Brothers Construction and Barnes Concrete.

MOTION was made by Councilor Carroll to GRANT the extension of IFB #2006-07 (materials) to Adler Brothers Construction and IFB #2008-09 (road sand) to Barnes Concrete to December 31, 2010; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

- D. 2010 Revaluation Contract - Discussion and/or Action
Complete Reappraisal and Revaluation Effective 12/31/2010

Councilor Walsh stated that after the successful award of RFP 2010-01, Council now is required to sign a contract with the successful bidder, Certified Revaluation Company. The Solicitor's office has reviewed the contract.

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Contract Agreement between the Town of Gloucester and Certified Revaluation Company, Inc. effective December 17, 2009 ; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll
NAYS: 0

MOTION PASSED

E. Tax relief historic barns/outbuildings - Discussion and/or Action

Councilor Walsh stated that a member of the Heritage Society had inquired about the possibility of tax exemptions for historic barns. The Tax Assessor has researched this and has calculated out the possible tax impact.

Tim Kane, Assistant Town Solicitor, stated that this tax exemption would require enabling legislation from the State. Larry Desormier, Building/Zoning Official, stated that the definition of "historic" as it pertains to barns would have to be created. L. Desormier further stated that the barns would have to be registered with the national registry. L. Desormier expressed concern that the requirements under the Rhode Island Rehab Code may create problems for the owners of the barns.

Councilor W. Steere expressed concern that if an exemption is given to some taxpayers, others may object. Councilor W. Steere also stated that the unemployment rate in Gloucester as of September was 9.3%, noting that even with a tax credit, the owners of the barns may not have the funds to do the work. Councilor W. Steere stated that while the intention is good, the timing is bad. Councilor Carroll concurred with Councilor W. Steere. Councilor Burlingame pointed out that there would be an administrative cost involved, such as record-keeping.

MOTION was made by Councilor Burlingame to REMOVE from the table Tax Relief Historic Barns/Outbuildings; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

F. Budget FY 2009/2010 - Discussion and/or Action

1. State Aid Cuts
2. State unfunded mandated programs

Councilor Burlingame stated that after discussion with the Finance Director, we are not in a position to make any comment at the moment. Councilor Burlingame stated that research needs to be done regarding unfunded mandates. Councilor Burlingame noted that the town of Coventry had a study done and would like to come up with a similar cost estimate for Gloucester. Councilor W. Steere stated that the Council needs to sit down with the Regional and Gloucester Schools to work as a community and figure out how we will handle whatever comes down the road.

Anne Ejnes, School Committee member, asked Councilor Burlingame to forward a copy of the study done by Coventry, noting that Coventry's school mandates will be similar to ours. Walter Steere, Jr., School Committee member, stated that the Committee has scheduled a special meeting for Wednesday, January 13, 2010, to discuss the budget and suggested that the Council members attend.

G. State Trooper Chepachet Barracks

Further discussion and/or action: viable options

Councilor Walsh stated that the Council has received correspondence from the Economic Development Commission regarding potential uses for the above mentioned property. Councilor Walsh noted that the town does not own the property, therefore, cannot make the decision regarding how the property will be used. Councilor Walsh stated that the State originally offered to sell the property to the town for \$350,000, but this was not feasible. There was discussion of several viable options for use of the building.

H. Recreational vehicle encroachment and/or complaints - Discussion and/or Action

Discussion: Bruce Payton of 26 Lake Washington Drive, chair of the Gloucester Land Trust, spoke regarding the unauthorized use of recreational vehicles on Land Trust properties. B. Payton stated that the situation poses a danger to people who hike or ride horses on the properties. Councilor W. Steere stated that he has contacted our representatives regarding the problem.

I. Route 44 & Route 102 traffic light - Discussion and/or Action

Discussion: Councilor Burlingame stated that last week, the traffic light was inadvertently left on blinker and there were no traffic problems in the village. Councilor Burlingame asked if the light could be left on this setting. Jamie Hainsworth, Chief of Police, stated that the Department of Transportation has indicated that the traffic count has increased to warrant the traffic light. Councilor Walsh asked if the number of accidents has been reduced since the installation of the light. Chief Hainsworth replied that he would have to look it up, but stated that he believes that it has been about the same as without the light.

Marie Plante, 56 Victory Highway, commented that some drivers heading east on Route 44 consider the intersection to be a right hand turn and are doing so when the light is red. It was decided to refer this matter to the Safety Commission.

Kevin Lavoie stated that it is apparent that the traffic flow through town is better when the traffic light is on blink. K. Lavoie commented that the traffic light sometimes causes traffic to back up to CVS and beyond. K. Lavoie stated that it has become more than a nuisance and is affecting businesses in Town. Kevin Kitson expressed agreement, noting that it is difficult for emergency vehicles to get through. K. Lavoie stated that the light could be changed back if more pressure was placed on the State.

MOTION was made by Councilor Burlingame to send a letter to the Department of Transportation and our State Representatives requesting the elimination of the traffic light at the intersection of Route 102 and Putnam Pike; seconded by Councilor G. Steere.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

J. Authorization: Application for "Tree City" designation - Discussion and/or Action

Councilor Walsh stated that the Tree Warden, Bruce Payton, has forwarded an application for Council review. Bruce is asking, if Council agrees with the filing of the application, for the Council President to sign the application when complete. The filing deadline is December 31, 2009.

Discussion: Bruce Payton explained that this designation would benefit the Town by helping us to "go green." B. Payton added that there would be no cost to the Town.

MOTION was made by Councilor Carroll to AUTHORIZE the Town Council President to sign the application for the "Tree City USA Program" a community improvement project sponsored by the USDA Forest Service & the National Association of State Foresters, dated December 2009; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

IX. Boards/Commissions - Discussion and/or Action

A. Appointments

1. Historic District Commission (Tabled from 11/19/09)
1 (one) one year alternate term to expire 11/2009

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a one year alternate term to expire 11/2010 until the Town Council meeting of 1/21/10; seconded by Councilor Carroll.

Discussion: None.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

X. Department Heads/Boards & Commission

Report/Discussion

A. Department Heads

1. Jean Fecteau, Town Clerk, thanked the students at Fogarty Elementary School for the gingerbread houses which are on display at the Town Hall. J. Fecteau further stated that she wished to thank the Ponaganset High School Agricultural Education classes for the greenery which was delivered today.
2. Gary Treml, Director of Public Works, stated that the sand pile has been relocated to the Transfer Station and seems to be working out quite well. G. Treml also stated that

a sign has been placed to notify residents that required stickers will now be more strictly enforced.

3. Larry Desormier, Building/Zoning Official, stated that the Family Dollar store is now open for business.
4. Jamie Hainsworth, Chief of Police, commented on the show-cause hearing, stating that he has no doubt that Lt. Fague was telling the truth. Chief Hainsworth noted that the owners of liquor establishments are responsible for their patrons if they are drinking outside. Councilor Carroll expressed agreement regarding Lt. Fague's credibility. Chief Hainsworth stated that there are 2 police officers working 58 square miles. Chief Hainsworth added that there are 13 liquor license holders in Gloucester, a town with less than 10,000 people, which is more licenses than any town around us.

B. Boards & Commissions

1. George Charette, chair of the Economic Development Commission, spoke regarding the Commission's request to be the first group to speak with businesses in Town concerning any situations or problems that they are facing. G. Charette stated that the Town Planner is not present this evening, but has expressed support for the Commission's request. G. Charette noted that the entire Commission feels strongly about this also.

G. Charette stated that patrons of the businesses in the village who used to park in the lot that is now Family Dollar are no longer allowed to do so. G. Charette noted that the State is planning to do work on the road and suggested several situations that could possibly be done to add parking in the village.

G. Charette recommended that the Economic Development Commission meet with every member of the Town Council. G. Charette stated that he will notify the Council with a date sometime in February.

2. Walter Steere, Jr., School Committee member, stated that when the last payment is made on the bond for the high school in 2012, the bond will not go down the following year. Councilor Walsh asked for an explanation. W. Steere replied that the bond will drop slightly the following year, but will go right back up. W. Steere added that no savings will be realized.

W. Steere stated that he serves on the budget sub-committee for the Region and noted that he feels that a level-funded budget will be submitted. W. Steere explained that enrollment has gone down and other cuts have been made to the budget. W. Steere stated that he is also on the Gloucester budget sub-committee and expressed hope that they can come in with a level-funded budget as well.

Councilor Walsh asked if the unused rooms at the schools are kept at a lower temperature. W. Steere, Jr. replied that he does not know off-hand, but will find out.

W. Steere, Jr. stated that there is a School Committee meeting on January 13th and urged all to attend.

Councilor Burlingame asked for the status of the biomass certification from Con-Ed. Anne Ejnes, School Committee member, replied that it should be soon. Councilor G. Steere commented that at a School Committee meeting in March it was stated that it would be soon.

Kevin Lavoie spoke regarding the bond for the high school, asking for clarification. Councilor Burlingame stated that the payback on the note was poorly structured.

3. Viviane Valentine, Tax Assessor, thanked the Council for her reappointment and wished everyone happy holidays.
4. Peter Skeffington, Community Resource Committee member, spoke regarding the possibility of installing hydro-electric generation in the Chepachet River at the Smith and Sayles Reservoir. P. Skeffington stated that he has spoken with the President of the Sand Dam Association and the Town Planner about this matter. P. Skeffington asked if the Town Solicitor could research the ownership of the dam. Regarding the Community Resource Committee, P. Skeffington stated that he has high hopes about this new commission and will keep the Council updated on a regular basis.

XI. Council Correspondence/Discussion

- A. Councilor Walsh asked the Town Clerk to notify the Town Hall employees that they should not be parking in front of the building, adding that these parking spaces are for people coming to Town Hall to do business.
- B. Councilor Walsh stated that notification has been received that negotiations are about to begin regarding the Police contract. The Town Clerk stated that she will send a letter to the Police Union acknowledging receipt of their notification.
- C. Councilor W. Steere expressed congratulations to the Ponaganset High School Football Team on their undefeated season and State Championship. Councilor W. Steere stated that a Resolution will be presented at the next Town Council meeting.
- D. Lawrence Desormier, Building/Zoning Official, stated that his department has met with the Fire Departments to discuss code issues and will continue to do so on a quarterly basis.

XII. Open Forum

- A. David Laplante spoke regarding Sticks Tavern, stating that there is a website which advertises it as a “biker bar.” D. Laplante stated that the bikers present at the show-cause hearing were here to intimidate. D. Laplante stated that he believes that drug activity is taking place at the bar and expressed concern that a tragedy will occur.

- B. Walter Steere, Jr. stated that he disagrees with the decision rendered in the show-cause hearing. W. Steere, Jr. commented that the decision would have been appropriate if this was a first-time offense. W. Steere, Jr. expressed his opinion that the fines should escalate with each offense. W. Steere, Jr. stated that if the Police officers are not backed up by the Town Council, they may no longer stop at the establishment. W. Steere, Jr. stated that he hopes the Council takes stiffer action the next time, especially due to the past record of the establishment. Councilor Burlingame stated that he expects that they will be back before the Council at some point.

- C. Bruce Payton, Gloucester Land Trust chair, thanked the Department of Public Works for transporting their equipment around Town, adding that without their help, the Land Trust would not be able to do the work that they do. B. Payton also thanked the Town Council for their support.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:16 p.m.; seconded by Councilor Carroll.

VOTE: AYES: Walsh, W. Steere, G. Steere, Burlingame and Carroll

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 10, 2010 Town Council Meeting.