

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **January 5, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Planner; Susan Harris, Deputy Town Clerk; Jane Steere, Tax Collector; Viviane Valentine, Tax Assessor; Walter Steere, Jr. & Anne Ejnes, School Committee members; and Judith Branch, Director of Human Services.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris, Deputy Town Clerk.

IV. Open Forum for Agenda Items

None.

V. Public Hearing - Discussion and/or Action

A. CONTINUATION OF PUBLIC HEARING from Dec. 15, 2011

Gloucester Code of Ordinance - Proposed Amendment - Discussion and/or Action

1. Chapter 350 - Zoning

- a. Proposed addition of Article XIII, "Village Overlay District"
- b. AMEND Art. II, Zoning District Use Regulations
- c. ADDITION Chapter 350, Attachment #5
- d. AMEND Zoning Map

Councilor W. Steere stated that this Public Hearing was opened on December 15, 2011, all were heard and the hearing was continued to tonight to allow for advertising and notice corrections.

Discussion:

1. Anne D'Errico-Smith, 1214 Putnam Pike, stated that she is an attorney and serves on the Historic District Commission. A. Smith further stated that she is the president of the Gloucester Business Association. A. Smith noted that she is present tonight in the capacity of a homeowner in Town. A. Smith stated that she is very much in favor of business, adding that she operates her law practice from her home.

A. Smith stated that she would love to see more business come into the Town because we need it, but stated that she has two problems with the proposed amendment. Ms. Smith stated the first issue is that the overlay would extend into the agricultural-

residential district heading out on Route 44 west, which is currently houses and farmland. A. Smith commented that her biggest problem with the proposal is the allowance of a drive-thru.

A. Smith noted that we already have three of these in Town; a bank, Dunkin Donuts and a pharmacy. A. Smith stated that she is concerned about a drive-thru restaurant. A. Smith stated that she and her husband have lived in their house for thirteen years and already one of the houses next to them has been removed for the Senior Center.

A. Smith stated that when Bess Eaton Donuts wanted to purchase the property, she attended the Planning Board, Zoning Board and Town Council meetings to oppose the special permit application. A. Smith recommended that the wording of the ordinance be tweaked to allow a drive-thru at another bank or pharmacy, but a fast-food restaurant would be prohibited.

A. Smith stated that commercial use has already extended to the east, asking how far west will it go before we cease to be the quaint little village of Chepachet and become more like Greenville or North Providence.

2. Charlie Wilson, resident of the Village & Chairman of the Historic District Commission, stated that he has read the proposal and feels that a few things need to be tweaked. C. Wilson stated that in the Center District, there is listed a mortuary or funeral home. C. Wilson expressed his opinion that this may cause a problem with regard to traffic and parking.

C. Wilson further suggested that the district be extended down Routes 100 and 102 toward Burrillville and east on Route 44 as far as Pinewood Park, stating that there are already businesses in these areas. C. Wilson stated that this extension could be instead of going further west on Route 44, as this is mostly residential. Other than these points, C. Wilson stated that he is in favor of the amendment.

3. Jim Thompson, of 100 Money Hill Road, stated that he operates a business at 1182 Putnam Pike. J. Thompson expressed agreement with comments made by Charlie Wilson, adding that at some point in the future he may wish to work from his home.
4. Rose LaVoie, 31 Wilmarth Road, stated that she owns rental and commercial property in the zone and is in favor of the overlay district. R. LaVoie commented that many commercial properties in the Village are empty and this amendment will be beneficial to the Town.
5. Lori Blanchflower, 30 Douglas Hook Road, asked for clarification with regard to the Table of Use Regulations, stating that it says that an orchard or nursery is allowed in the A-4, A-3 and R-2 zones, but not in the Village Overlay District or Central District. L. Blanchflower stated that she is in an R-2 zone where a lunch room, restaurant, tavern, etc. are not allowed; however, if this amendment is passed, these businesses would be allowed next door to her property.

L. Blanchflower stated that she lives in a residential area and would like it to remain as such. L. Blanchflower agreed that the district should be extended to the Burrillville line and toward Greenville because there are already businesses in those areas. L. Blanchflower pointed out that there is plenty of room there for businesses with a drive-thru. L. Blanchflower commented that she is not opposed to a fast-food restaurant, stating that these businesses are good taxpayers.

Councilor Burlingame stated that he is uncomfortable regarding expanding into these residential areas. L. Blanchflower stated that we need business in this Town because our taxes are too high, but we should be expanding the areas that are already commercial and not the residential neighborhoods.

6. Mark Rechter, 1218 Putnam Pike, stated that his property is located in the A-4 zone, but previously there was a law office and a tea room in his home. M. Rechter stated that these uses are already allowed, but he wishes to preserve the area going west on Route 44. M. Rechter noted that two new businesses, Dunkin Donuts and CVS, have put a local family-owned business out of business.

M. Rechter stated that he would like to see the overlay district extend toward the Adler property and the motel there, as there are already businesses in that area. M. Rechter stated that the Adler Brothers had approached the Town Council with regard to light industrial businesses and office buildings on their property and were turned down.

M. Rechter stated that maybe it is time to reconsider this plan. With regard to night clubs in an A-4 district, M. Rechter stated that we seem to already have problems with the existing night clubs in Town. M. Rechter stated that these businesses put a stress on our Police force. M. Rechter also stated that he is opposed to the inclusion of the Gloucester Memorial Park ball field in the proposed overlay district.

Councilor W. Steere asked if anybody else wished to be heard regarding this subject. Hearing none, Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, what are the Council's options.

T. Kane replied that, procedurally, if the Council wishes to change the proposed amendment by removing some of the properties from the overlay district, the Public Hearing must be continued. T. Kane further stated that if any properties will be added to the district, the process must start over. This would require that the matter be tabled and again advertised for Public Hearing.

Councilor W. Steere asked if "start over" means sending the proposal back to the Planning Board. T. Kane replied that if substantial amounts of property are added to the proposed district, such as extending to the Burrillville line, it must go back to the Planning Board.

Councilor Burlingame stated that the comments made have been good and he would be inclined to remove some of the proposed properties and to expand to other properties which have not been proposed. Councilor Burlingame also expressed concern regarding expanding the overlay district beyond the Historic District.

Councilor Burlingame recommended that the Public Hearing be continued and the Council consider expanding the district in a north/south direction, but not east/west. Councilor Burlingame stated that if necessary, the Council could send it back to the Planning Board.

Councilor G. Steere agreed, adding that by continuing the Public Hearing, we can avoid additional advertising fees. Councilor G. Steere stated that if the Council decides to add properties to the district, it can be advertised one more time. Tim Kane concurred, stating that once the Council reaches a consensus, the matter can be sent back to the Planning Board and tabled on the Council level.

Councilor G. Steere stated this would allow the Council to evaluate all input and to do it once and do it right. Councilor Hainsworth recommended that the Council hold a workshop with the Planning Board to discuss the issues brought up at the Public Hearing. Councilor W. Steere stated that no final decision will be made until everyone has had a chance to speak, either for or against the proposed amendment.

Rose LaVoie stated that she wonders how many people have read the entire proposal from the Planning Board. R. LaVoie commented that the Planning Board put a lot of work into it and tried to keep everyone happy. R. LaVoie stated that this is a good plan which will help commercial property owners in the village.

Councilor W. Steere agreed that much thought and effort was put into the amendment and the Council needs to move forward on it. Councilor W. Steere noted that while he does not agree with everything in the proposal, it has many good points.

George Charette, Planning Board chair, suggested that the Council members attend the Planning Board workshop in February. G. Charette noted that the general public is also welcome to attend. Councilor W. Steere explained that the Public Hearing will be continued until the Town Council meeting of March 1<sup>st</sup>, at which time there will be discussion regarding the outcome of the joint meeting between the Town Council and the Planning Board.

MOTION was made by Councilor G. Steere to CONTINUE the Public Hearing until the Town Council meeting of March 1, 2012; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

## VI. Resolution - Discussion and/or Action

### A. Request to Amend R.I.G.L. §16-7-23 (Foundation Level School Support)

Councilor W. Steere stated that in 2011, the Town Council forwarded this resolution to our legislators to request an amendment to Rhode Island General Law regarding funding schools.

Councilor Hainsworth read the following into the record:

**GLOCESTER TOWN COUNCIL  
RESOLUTION 2012-1  
REQUESTING AMENDMENT TO R.I.G.L. §16-7-23**

WHEREAS, the Town of Glocester is part of the Foster Glocester Regional School District (“the District”) said District being created by Chapter 109 of R.I. Public Laws of 1958 (“the Act”); and

WHEREAS, pursuant to Chapter 109 of R.I. Public Laws 1958, the Regional School Budget is determined by the taxpayers at the annual regional school district budget meeting and subsequently the Towns of Glocester and Foster must contribute their proportionate share of said budget; and

2

WHEREAS, Chapter 109 of the Act entitled “Budget” states as follows:  
*“The regional school district financial meeting shall determine the annual regional school district budget as to overall amount.”; and*

WHEREAS, R.I. General Laws §16-3-13 states in part:  
*“The regional school district financial meeting shall determine the regional school budget as to overall amounts ...” and*

WHEREAS, R.I. General Laws §16-7-23 states in part:  
*“...a community which experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval of the commissioner. The courts of this state shall enforce this section by writ of mandamus.”; and*

WHEREAS, the District has incurred significant debt service in relation to school construction projects; and

WHEREAS, because of the budgetary procedures as stated above there exists a possibility that an overall budget may be passed at the District’s annual meeting which reflects prior year(s) debt service which is no longer on the books of the District, thereby binding the Town of Glocester to fund an expenditure which is no longer occurring; and

WHEREAS, there is an inherit ambiguity and conflict in the budgetary procedures as set forth above and Title 16 of R.I. General Laws should be amended to address the ambiguity and conflict as the same applies to Regional School Districts; and

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council for the Town of Gloucester respectfully request that the General Assembly amend R.I. General Laws §16-7-23(a) by adding the following language at the end of section (a):

- (1) Provided, however, that notwithstanding any provision of Title 16 to the contrary, with respect to regional school districts, debt service that is no longer carried on the books of any regional school district shall not be included in any annual regional school district budget of said district, nor shall non-recurring debt service be included in maintenance of effort as set forth herein in subsection (1) above, nor shall any non-recurring debt service be included in the operating budget of a regional school district. For the purposes set forth above non-recurring capital lease payments shall also be considered non-recurring debt service. As used herein, the term “regional school district” shall refer to a regional school district established pursuant to the provisions of Chapter 16-3 (“Establishment of Regional School Districts”).

And further, The Gloucester Town Council respectfully requests that Senator Paul W. Fogarty; Representatives Michael Chippendale, Cale Keable, and Thomas Winfield introduce legislation to enact the proposed amendments. The Town Clerk will forward this Resolution, upon passage, along with a request to the Town of Foster to request their legislators to support this proposed legislation as well as copies to all thirty-nine cities and towns requesting their support.

Walter M. O. Steere, III - President Gloucester Town Council  
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Reichert.

Discussion:

Councilor G. Steere explained that this compares to a loan on a car or a mortgage on a house; once it is paid off, payments are no longer made. Councilor G. Steere stated that at the Regional School District, that expense may be deducted from the budget, but only with the approval of the Commissioner of Education. Councilor G. Steere expressed his opinion that it will not be deducted from the budget and will stay in the School Committee’s pocket to spend any way that they want.

Councilor G. Steere noted that there was a 7-year capital lease taken out to pay for some of the over-expenditures made by the Building Committee. Councilor G. Steere stated that they have built a 2 million dollar surplus which goes up every year while they continue to ask for more money. Councilor G. Steere commented that people are losing their homes, can’t feed their families or heat their homes. Councilor G. Steere reiterated that when this debt is paid off, it must come out of the budget to give the taxpayers a break.

Councilor G. Steere noted that the Regional Schools take up over 50% of our tax dollars. Councilor G. Steere stated that Representative Mike Chippendale is in support of this Bill and urged all to contact their Senator and Representatives to ask for their support.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

A. Town Council Minutes: December 15<sup>th</sup> and December 21<sup>st</sup>, 2011 Special Meeting

B. Finance Director's Report - October and November, 2011

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of December 15<sup>th</sup> and December 21<sup>st</sup>; and to Table the Finance Directors's report for October and November of 2011; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Historic District Commission

a. One 1-Year Alternate term to expire 11/2012

Charlie Wilson, chair of the Historic District Commission, asked that the Council table this appointment at this time.

MOTION was made by Councilor Burlingame to TABLE until the next Town Council meeting the appointment to the Historic District Commission for a one year alternate term to expire 11/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. Winsor Park Easement - Discussion and/or Action

Discussion:

Tim Kane, Assistant Town Solicitor, explained that over a year ago, the Town was approached by Mr. and Mrs. MacNeil with regard to a deeded easement in their chain of title, which goes back to Byron Winsor who sold to the Tuckers, who sold to somebody else. A man named

DiRocco ended up with the property. T. Kane stated that in 2000, there were concerns as to the location of the easement and an agreement was made with Mr. DiRocco to define or perhaps move the easement. T. Kane stated that the easement goes over lot 25, which is Winsor Park, to lot 26, which is now the MacNeils' property.

The Council entered into an easement agreement with the MacNeils by which some parameters were placed, such as the actual width of the easement would be 12 feet, Mr. MacNeil could clear up to 15 feet, the easement would be gated and Mr. McNeil would have liability insurance, and the easement could not be used for future development. Since that time, T. Kane stated that he has walked the property and has met with Mr. Winsor, who is very concerned about the easement.

Steve Winsor, 375 Snake Hill Road, stated that he was born and raised on Winsor Park property and disagrees with the location of the easement. S. Winsor stated that Winsor Park was a Green Acres project, with State and Federal money being used to help get the park off the ground. S. Winsor quoted State law 32-4.11, which states that land acquired by the State shall not be disposed of or diverted to use for other than recreation or conservation purposes without the approval of the Governor.

S. Winsor further stated that Blanchard Lane is referenced in several deeds and asked where Blanchard Lane is located. S. Winsor stated that in 1961, he had a racetrack which went through the middle of his yard, second base, third base, the bleachers and up to the dump. S. Winsor stated that if Blanchard Lane ends up being a right of way through the park, he hopes that it could be given back to the Town. S. Winsor expressed concern that somebody could get hurt with logging equipment on this property. S. Winsor distributed copies of a map to the Council members.

Councilor W. Steere stated that a motion is not necessary at this time, adding that Tim Kane, Assistant Town Solicitor, will look into the matter.

B. EMA Director - Discussion and/or Action  
Update on filling position

Tom Mainville, Finance Director, stated that he is working on the job description and will place an ad in the paper.

C. Finance Director - Discussion and/or Action  
Vacation/Comp Time Reimbursement

Discussion:

Councilor Burlingame stated that, due to the Town picking up the responsibilities of the School Department, the Finance Director has not taken any vacation time in at least six years. Councilor Burlingame stated that the Council needs to address this. Councilor Burlingame stated that the accumulated vacation and comp time is approximately 988 hours over this period of time.

Councilor Burlingame stated that this amount of \$39,109 is covered through post-employment benefits. Councilor Burlingame pointed out that since Tom Mainville has worked for the Town,



our bond rating has improved dramatically, saving the Town hundreds of thousands of dollars in interest. Councilor Burlingame noted that we have never had a deficit while Tom has been on board. Councilor Burlingame recommended that the Town pay T. Mainville this amount, with the understanding that he will begin to take his vacation time. Councilor Burlingame noted that this will not affect the tax rate as there is already money set aside for this purpose.

MOTION was made by Councilor Burlingame to pay the amount of \$39,109.00 to Tom Mainville, Finance Director, for unused vacation and comp time, out of post-employment benefits; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

Councilor Reichert commented that Tom Mainville has done an excellent job and is worth every penny.

- D. Emergency Operating Plan for Town of Gloucester - Discussion and/or Action
  - 1. Letter of Promulgation - Update of Plan

Councilor W. Steere explained that the Chief of Police, Charlie Miller, (former EMA Director) and the Town Clerk met with Rhode Island EMA regarding updates to the Town's EOP (Emergency Operating Plan). The plan was updated and will be ready for implementation soon. The RIEMA has asked Council to sign a letter of promulgation to be included in the updated plan.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign the Letter of Promulgation and update of plan documents to be included in the current Gloucester Emergency Operating Plan; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

- E. Pascoag Reservoir Dam District - Discussion and/or Action
  - Resident request

Councilor W. Steere read the following letter from a resident with regard to the Pascoag Reservoir Dam District:

Dec. 15, 2011  
To Gloucester Town Council,

I have recently sent a letter to Pascoag Dam Management District. I asked them for me to be excluded from their lake fee due to the fact that the 2 lots in question - plat 7 Lot 24 & 44, are on Brandy Brook, not the reservoir. I was told Gloucester Town Council had decided what lots were to be considered to have lake access. It is my feeling that if these 2 lots have lake access then you should charge everyone on Brandy Brook with this fee. Because they could access it with a kayak as I would have to. I am asking that you look again at the maps and please excuse me from this fee.

Sincerely,  
Bruce Barnes  
(End of letter)

Discussion:

Viviane Valentine, Tax Assessor, stated that she has looked into this matter and has spoken with Leo Plouffe and Kevin Menard of the Pascoag Dam Management District. V. Valentine stated that these gentlemen are of the opinion that it is the Town Council that needs to address this issue. V. Valentine stated for the record that there was no action by the Assessor's office to say who would be in the district and who would not. V. Valentine stated that there was a specific list which was provided to her by the district itself.

Tim Kane, Assistant Town Solicitor, read from the ordinance as follows:

“The intent in formulating the area of the district is to include all those properties which adjoin and abut Pascoag Reservoir/Echo Lake or have direct access to the lake, as well as those properties which may not abut or adjoin, but enjoy access by deed or some other recorded instrument.”

T. Kane noted that there is a tiny portion of this property which abuts the reservoir, although the water is only about a foot deep. Therefore, T. Kane stated that the owner has technical access, but not practical access. Councilor G. Steere noted that, technically, everybody on Brandy Brook would have the same access. T. Kane replied that what makes this property different from others on the brook is that a small piece actually abuts the lake itself.

Councilor G. Steere stated that when he voted on the matter, his intent was for people who could actually jump off a dock and swim or had deeded rights to the lake to be included in the district. T. Kane stated that this is the only property in question, adding that it was included because it touches the reservoir. Councilor Burlingame asked if this is the Council's call. T. Kane replied in the affirmative, stating that the ordinance would have to be amended to delete the lot in question.

Councilor W. Steere asked Mr. Menard and Mr. Plouffe if they wished to comment. Kevin Menard, president of the Pascoag Lake Dam Management District, stated that pictures and maps used to identify the properties indicated that Mr. Barnes' lot is located where the brook meets the lake and therefore was part of the district. From a practical perspective, K. Menard stated that he can understand Mr. Barnes' concerns and sympathizes with him.

K. Menard stated that Google Earth shows that there is no path to the water from the property. K. Menard pointed out that even when the lake is full, it is too shallow to launch a boat from the property. K. Menard stated that because it is the Town's ordinance that dictates the District's actions, he feels that only the Town has the authority to change the ordinance.

T. Kane expressed agreement. Councilor G. Steere asked Mr. Menard if he agrees that these lots should not be included in the District. K. Menard replied that the board has not discussed the matter, but it is his personal opinion that since there is no access to the lake, the property should be excluded.

There was Council consensus to amend the ordinance as such. Jean Fecteau, Town Clerk, stated that a first reading could be done at the next Town Council meeting, followed by a Public Hearing as soon as possible.

- F. Ratification - Discussion and/or Action
  - 1. Public Works used vehicle purchase

Gary Treml, Director of Public Works, explained there was an opportunity to purchase a used Mack 10-wheeler in good condition from a dealer in New Hampshire. G. Treml stated that he used money already appropriated for that purpose and now needs the Council to ratify the purchase.

MOTION was made by Councilor G. Steere to RATIFY the purchase of a 2005 Mack, CV713, used truck for Public Works at a price of \$83,500 (in July 2011); seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Councilor G. Steere commented that the cost of the used truck is approximately half of what a new model would cost.

- G. Correspondence - Discussion and/or Action
  - 1. Pension Reform/State proposals

Councilor W. Steere stated that after a consensus of the Town Council at the last Council meeting to forward correspondence to the Governor regarding the bail out of Central Falls,

Councilor Burlingame formulated the Council's concerns:

January 5, 2012

Office of the Governor  
222 State House  
Providence , RI 02903

Dear Governor Chafee,

The Gloucester Town Council expresses its displeasure with your proposed \$2.6 million bailout of Central Fall's Municipal Retirement Fund.

While we are sympathetic to the retirees' plight, this proposal clearly places the State of Rhode Island on a slippery slope that could lead to an expansion of bailouts for other communities whose municipal pension plans are in peril. A bailout would drain funds from our General Fund that otherwise would be used to support local education and sorely needed infrastructure projects.

What is equally disturbing is that your proposal would reward the questionable behavior of prior public officials who apparently chose the expedient route of not raising taxes when they were required to in an attempt to curry the favor of voters at election time.

Past and present Gloucester Town Councils, and the taxpayers of Gloucester, have continuously met our financial obligations, even when it wasn't convenient to do so. We specifically avoided setting up municipal pension plans that could have "candy store" provisions that have spawned the apparent misuse of these funds in other municipal pension systems throughout the state.

Gloucester does not want to be "penalized" for meeting its fiscal obligations by being part of a bailout to communities that did not. It is our feeling that we, and other communities, would be victimized for fulfilling our obligations. Accordingly, the Gloucester Town Council respectfully requests that you withdraw your proposal of bailing out the Central Falls Municipal Retirement Fund. We are also asking our legislative representatives to reject this proposal if it is introduced in the next legislative session.

If Central Falls and other communities are bailed out, the question then becomes "Why should the municipalities that have followed the rules and met their obligations continue to do so?" The perception would be that the only true reward comes with **not** fulfilling the promises that you have made.

Sincerely,

Walter M.O. Steere III, President  
Gloucester Town Council

CC: Sen. Paul Fogarty, Rep. Mike Chippendale, Rep. Cale Keable  
(end of memo)

MOTION was made by Councilor Burlingame to send correspondence to the Governor regarding Pension Reform; seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere stated that the letter is well-put and he agrees whole-heartedly. Councilor W. Steere commented that he sympathizes with the retirees in that community, but expressed concern that nobody will go to jail over this. Councilor Burlingame stated that he attended the Governor's conference where there was discussion which made it clear that some communities are severely under water with respect to their pension plans.

Councilor Burlingame noted that Gloucester is fine because years ago, we decided not to get involved with our own municipal plan. Councilor W. Steere thanked Councilor Burlingame for representing Gloucester at the conference.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

#### H. DEM Chepachet River Park - Discussion and/or Action Letter of Responsibility

Ray Goff, Town Planner, explained that we have a Brownfields Grant with DEM for the purpose of cleaning up the site of the park, which contained some contamination when the Town purchased the property. R. Goff stated that we have been working with DEM and EPA since 2004 to identify what is there. R. Goff stated that the Letter of Responsibility is one of the steps which must be taken in order to move forward with this project.

R. Goff explained that the Letter of Responsibility was sent by DEM and the Town must respond with information regarding our plans for the cleanup. R. Goff stated that Fuss & O'Neill, engineering firm, has identified three different ways to perform the cleanup. R. Goff noted that the least expensive option is to cap one area where the highest concentration of contaminants is located. R. Goff stated that his suggestion would be to cap the area with concrete, as this is a more permanent solution.

R. Goff stated that the only concern would be regarding mill ruins which would be disturbed. R. Goff noted that Rhode Island Historic Preservation must weigh in on this because federal funds are involved. R. Goff stated that he will be meeting with Fuss & O'Neill and the Director of Public Works to discuss the options. R. Goff asked the Council to authorize the signature of the letter. R. Goff noted that there is approximately a \$5,000 difference in the cost of capping with concrete or soil.

Councilor Burlingame asked what is the total cost of the project. R. Goff replied that the estimate is \$400,000, adding that DEM will work with the Town to get as much done as possible with the grant money and Town funding already set aside for the project. R. Goff commented that this cost can be reduced by utilizing Town staff for some of the work. Councilor W. Steere asked when the letter must be returned to DEM. R. Goff replied that DEM is asking for a 7-day turnaround.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council President to sign a response to the Letter of Responsibility for D.E.M. Chepachet River Park following review by the Town Planner and Public Works Director; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Boards & Commissions

A. Resignation - Discussion and/or Action

1. Senior Center Board of Directors

One five year term to expire 11/19/2014

Councilor W. Steere stated that the Council has received the resignation of Pat Lawrence from the Senior Center Board of Directors, this resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Patricia Lawrence from the Senior Center Board of Directors for a five year term to expire 11/19/2014, effective as of this date; seconded by Councilor Hainsworth.

Discussion:

On behalf of the Town Council, Councilor W. Steere thanked Mrs. Lawrence for her service on the Senior Center Board of Directors.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Appointments - Discussion and/or Action

1. Senior Center Board of Directors

MOTION was made by Councilor Burlingame to APPOINT David G. Lohr to the Senior Center Board of Directors for a five year unexpired term to expire 11/19/2014; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Budget Board

Two 3-year terms to expire 1/2015

Councilor W. Steere explained that these appointments are for the expired terms of David Steere and Joel Wrona. Both have expressed their interest in reappointment.

MOTION was made by Councilor G. Steere to REAPPOINT David Steere and Joel Wrona to the Budget Board for three year terms to expire 1/2015; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

3. Zoning Board

Two Alternate 1-year terms to expire 1/2013

Councilor W. Steere stated that these appointments are for the expired one year alternate terms of Cyril Crawley and Tracey Donnelly. The Chair has indicated that both members would like to be reappointed.

MOTION was made by Councilor Reichert to REAPPOINT Cyril Crawley and Tracey Donnelly to the Zoning Board for one year alternate terms to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

4. Conservation Commission

Three 3-year terms to expire 1/2015

Councilor W. Steere commented that these appointments are for the expired three year terms of Albert K. Aubin, Daniel Pearson and Roy Najecki. The Chair has indicated that they would all like to be reappointed.

MOTION was made by Councilor Reichert to REAPPOINT Albert K. Aubin, Daniel Pearson and Roy Najecki to the Conservation Commission for three year terms to expire 1/2015; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

## XI. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, spoke regarding recycling. G. Treml stated that a resident placed hot ashes in the container at the Transfer Station, resulting in a small fire. In order to extinguish the fire, the container was dumped onto the parking lot. Many of the bags opened to reveal that much of the contents was material which could have been recycled. G. Treml showed photographs to the Council members.

G. Treml commented that December's recycling rate was 29% and we are now at 48.6% of our cap with six months remaining. G. Treml stated that at this rate, we will reach or exceed the cap within the year. G. Treml stated that an informational flyer is being mailed to each household with the Gloucester Advocate and expressed hope that residents will increase their recycling.

Councilor W. Steere stated that maybe it is time to start looking at enforcement of the recycling regulations. Anne Smith, resident, suggested a bulk mailing to all residents which indicates that if rules are not adhered to, a fine would be imposed. Councilor W. Steere replied that a notice is going out in the Advocate this month and expressed hope that this will get the message across. Councilor G. Steere stated the Advocate is mailed to all households.

### Bds. & Commissions - Discussion

- A. Connie Leathers, Parade Committee chair, reported that she is leaving Gloucester and thanked the Council for the opportunity to serve on the Parade Commission for the past 8 years. C. Leathers noted that there are several members who will take over but stated that she wishes that more people would express interest in serving on the Commission.

The Council members thanked C. Leathers for her hard work and wished her well. Ariane Ferland, Parade Committee member, stated that she will be working as interim co-chair along with Richard Cournoyer. A. Ferland pointed out that the Parade is planned with only five or six people and stated that they really need help. A. Ferland suggested that students volunteer as part of their community service requirement for high school graduation.

- B. Bruce Payton, Land Trust chair, stated that he has not yet submitted his budget because he is waiting for figures regarding the dam. B. Payton reported that the Hawkins House will be taken down next Tuesday. B. Payton stated that Factory Mutual employees continue to help the Land Trust in many ways. B. Payton stated that this weekend, a walk is planned to outline some work for them for next year.

B. Payton noted that some of these employees have expressed interest in becoming involved with the Friends of the Land Trust and the Land Trust itself. Councilor W. Steere stated that a Proclamation will be drafted to recognize Factory Mutual for what they have done for many boards and commissions.



- C. Anne Ejnes, School Committee member, noted that Factory Mutual has assisted the schools as well. A. Ejnes reported that the preliminary budget for the Glocester Schools has been received by the School Committee, but discussion has not yet taken place. A. Ejnes stated that the proposal does not ask for any increase, however there is an ongoing concern regarding drawing down on their fund balance as the Town receives less in State funding each year.

A. Ejnes suggested that the Council, School Committee and Finance Director meet to discuss long-range plans. A. Ejnes stated that binding arbitration is coming before the legislature again and suggested that we get our representatives from the Senate and the House to come to the next School Committee meeting. A. Ejnes stated that the School Committees and the Town Council will disagree on some issues, but they need to stand together on other issues. A. Ejnes stated that she would like to have some sort of forum so the legislators can hear how what they do affects the School and Town budgets. Councilor Burlingame offered his assistance in arranging a group meeting.

- D. Walter Steere, Jr., School Committee member, encouraged residents to attend the upcoming budget meetings for the School Department. W. Steere, Jr. stated that the Public Hearing is scheduled for March 6<sup>th</sup> and the Regional Financial Meeting is scheduled for March 20<sup>th</sup>. It was stated that the sound systems at the school libraries are not efficient. W. Steere, Jr. stated that the meetings are now held at the middle school.

Councilor G. Steere asked about the debt service which is to be paid off. W. Steere, Jr. stated that one of the bonds is due to be paid this year. There was discussion concerning raises for the administrators. W. Steere, Jr. commented that there are several individuals who may not take the raise, as a good-faith effort. W. Steere, Jr. noted that due to the new funding formula, the State took money away from both the Glocester Schools and the Region, but the Region will be receiving a “transportation bonus” from the State which will be split 64%/36% with the town of Foster.

Councilor W. Steere asked if there has been discussion regarding improvements to the sports complex at the high school. W. Steere, Jr. replied that the repairs could cost close to a million dollars in capital projects, adding that in this economy, the School Committee may not want to use surplus funds for these improvements.

## XII. Council Correspondence/Discussion

None.

## XIII. Open Forum

- A. Rose LaVoie spoke regarding Chepachet River Park. R. LaVoie stated that when the first plan was drawn up, it was only supposed to be walkways through the back to allow people to observe the remains of the old mill and water wheel. Regarding the contamination at the site, R. LaVoie expressed hope that the Rhode Island Historic Preservation Commission will come out and decide the best way to address the problem without using cement and bulldozers. R. LaVoie commented that the Finance Director is a valued employee who deserves everything he gets.

R. LaVoie thanked Councilor G. Steere for his diligence regarding school matters and Councilor Burlingame for taking the time to attend the Governor's meeting. R. LaVoie mentioned a poem called "The House With Nobody In It" which was submitted to the Bargain Buyer by Eunice Cuff as a reference to the Hawkins House. R. LaVoie stated that it is a travesty that this house has been neglected and is about to be taken down. R. LaVoie stated that she fears that the same fate will be met regarding the Cora Kent property which is almost beyond repair.

- B. Tom Sanzi reported that this year's Candlelight Shopping was a success. T. Sanzi noted that visitors came from all over New England. T. Sanzi stated that Connie Leathers has done a good job on the Parade Committee and thanked her for her service.
- C. Bruce Payton stated that he received correspondence from Eunice Cuff concerning the Hawkins House. B. Payton stated that Mrs. Cuff explained that the poem she placed in the Bargain Buyer was not intended to cast criticism of the Land Trust. Mrs. Cuff stated that she has personal feelings about the house and the poem came to mind every time she passed the property. Mrs. Cuff apologized for any criticism that she may have caused. B. Payton noted that Henry Hawkins was the first Fire Chief in West Gloucester and using the house for firefighter training purposes is a tribute to his memory.
- D. Mark Rechter thanked whomever is responsible for removing the fallen pine tree from the Kent property. M. Rechter stated that it is nice to hear the bells at St. Eugene's Church, which ring each day at noon and 6:00 p.m.
- E. Edna Kent, Town Historian, stated that she recently came across a wedding announcement for George Greenhalgh and Edith Cutler which took place at the Hawkins House. Councilor W. Steere stated that below the Land Trust property on Sand Dam, you can see where they used to quarry stone for the Town. Councilor W. Steere added that now that the water level is down, one can see about 300 feet of road bed where chips of stone were taken. Councilor W. Steere stated that he took some photos and will get them to E. Kent.
- F. Walter Steere, Jr. commented on the Winsor easement, stating that he feels that the property owner went far beyond what the Council envisioned. W. Steere, Jr. stated that a cease and desist order be placed on the project. W. Steere, Jr. commented that the Finance Director put a lot of time in and should get paid for it. W. Steere, Jr. stated that the new lines at Routes 44 and 102 are a traffic hazard. Councilor G. Steere stated that the Chief of Police has spoken to DOT regarding these lines.
- G. George Charette asked if there has been any progress regarding the installation of a sign indicating parking behind the Town Hall. Councilor Burlingame replied that a wooden sign will be placed on Douglas Hook Road within a week or so. G. Charette suggested that clear trash bags be required at the Transfer Station so the contents will be visible to the attendant on duty. G. Charette stated that if any recyclable materials are in the bag, a fine could be imposed.

G. Charette spoke about the Economic Development Commission, asking what will become of the projects that were being worked on, such as the "Welcome to Gloucester" signs that were proposed for four locations. G. Charette stated that if the Council agrees, the signs will be completed this Spring. G. Charette noted that Charlie Wilson, Jim Thompson and Edna Kent have been taking care of the mini-park. G. Charette stated that the business owners in Town have been discussing the formation of a Village Enhancement Plan to do something to revitalize the appearance of the Village. Councilor W. Steere requested that a written proposal be submitted to the Town Council.

- H. Charlie Wilson stated that he will be working with Ray Goff, Town Planner, with regard to the next State project, which will be sidewalks. C. Wilson stated that a meeting will take place with DOT concerning the number of signs which will be placed.
- I. Rose LaVoie suggested that George Charette obtain a copy of the Chepachet Village Plan which was done when the Town had a Chepachet Village Coordinator.
- J. Councilor W. Steere spoke about planning an event to show appreciation to Boards and Commissions. Councilor G. Steere stated that there could be an Open House at the Town Hall for which the Council members could chip in so it would not be funded with taxpayer money. Councilor W. Steere stated that it should also include all Town employees because they do a good job.

XIV. Seek to Convene to Executive Session - Discussion and/or Action

- A. R.I.G.L. 42-46-5(a) 2 - Litigation
  - 1. Claim against Town

MOTION was made by Councilor G. Steere to ADJOURN to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Litigation; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

No votes were taken in Executive Session.

MOTION was made by Councilor to Reconvene Open Session and to SEAL the minutes of Closed Executive Session; seconded by Councilor

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XVI. Adjourn

MOTION was made by Council G. Steere to ADJOURN at 10:10 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the January 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **January 19, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Anne Ejnes, School Committee member; Bruce Payton, Land Trust chair; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor W. Steere.

Councilor W. Steere called for a moment of silence in memory of Martha Fogarty, mother of Senator Paul Fogarty.

MOTION was made by Councilor Hainsworth to move item VI. Resolution, A. Factory Mutual Global Employee Contributions to this point on the agenda.

Seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Resolution - Discussion and/or Action

A. Factory Mutual Global Employee Contributions

Councilor W. Steere explained that Factory Mutual has instituted a program whereby their employees are allowed to work in the community during their regular work hours in addition to providing materials and resources for different projects. Councilor W. Steere stated that the Town Council would like to recognize this contribution to the Town.

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

**RESOLUTION 2012-2**  
**FACTORY MUTUAL VOLUNTEERS**

WHEREAS, in the past year, Factory Mutual Global adopted a Volunteer Time Off Policy for their employees. The purpose of the program was stated as follows: The Volunteer Time Off policy supports activities that enhance and serve communities in which we live and work and encourages employees to participate in giving back and supporting the community. At the same time, we recognize that volunteering enriches the lives of our employees; and

WHEREAS, Richard A. Chmura, Gloucester's FM Global Research Campus Manager, expressed his interest to his employees by saying "The local communities are all strapped for funds to take on projects such as these so this is a great chance for FM Global to show our support and commitment to the local community;" and

WHEREAS, to date the following employees of the Gloucester campus of FM Global have stepped up and contributed their time to the community:  
Dwight Cutler, Deb DeRosa, Kris Perry, Leslie Tripp, Janine Pitocco, Denise Bernier, Russ Michaels, George Nichols, Joe Denault, Randy Mongeau, Robert Montie, Myles Silva, & John Tucker; and

WHEREAS, in 2011 these employees from Factory Mutual built a bridge over a spill way, cleared brush, secured a shed roof, winterized the machine house at the Hawkins Pond property; and they also cleared a new walking trail at Steere Hill; and

WHEREAS, in 2012 these volunteers are planning to construct a pavilion at West Gloucester Elementary School; and install wood guardrails in a new parking area at Phillip's Farm; and

WHEREAS, Volunteers are an important, vital part of our town. When residents and local businesses are willing to offer their services, their time, and their talent to help others, not only does it renew our faith in humanity, it makes our community a better place to live.

NOW THEREFORE BE IT RESOLVED, the Gloucester Town Council and the Town Clerk extend their sincerest thanks to FM Global and the employees at the Gloucester Facility for their gift of giving to our Town.

Walter M.O. Steere, III, Town Council President  
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

Councilor W. Steere signed the Resolution and presented it to Mr. Chmura. Mr. Chmura spoke briefly, thanking the Council for the recognition.

IV. Open Forum for Agenda Items  
None.

V. R.I.D.O.T. - Discussion and/or Action

Councilor W. Steere stated that representatives from the Department of Transportation are present this evening to answer questions from the Town Council with regard to the intersection of Routes 44 and 102 and the Route 44 project in general.

Discussion:

Bob Smith, of DOT, stated that he is aware of some concerns with the configuration at the intersection. B. Smith noted that Senator Fogarty and Representative Chipendale have spoken to the Director of the DOT regarding the situation. B. Smith stated this was a temporary trial before the road was paved. B. Smith stated that the plan calls for the curb to be bumped out where the striping is now located. B. Smith stated that some drivers turning onto Route 102 were following the striping while others were driving over it, causing them to come together.

B. Smith stated that “duck paddles” (also a trial solution) were installed to have the same effect that a curb would have in the future. B. Smith stated that feedback was received that vehicles, especially large trucks, were having difficulty making the corner without striking the paddles. Mr. Smith stated they are open to feed back and there are alternatives, including leaving the intersection as it is. B. Smith stated that while the intersection does not have a high incidence of accidents, it does have some accidents with injuries.

B. Smith, again, stated that there is an alternative to this plan, or the current plan can be implemented with better striping and delineation. Mr. Smith stated he was advised if the Town wants the paddles removed they would be. Councilor Burlingame stated he was under the impression that was being done already. Mr. Smith stated he was directed to come to this meeting to discuss the matter first and then DOT would mobilize maintenance to handle it.

Councilor W. Steere asked Mr. Smith to present the alternative, adding that what is there now does not work. B. Smith explained that other similar intersections have been designed with a small island to direct drivers. Councilor G. Steere asked Mr. Smith how a tractor trailer coming west on Route 44 would be able to take a left turn onto 102 without running over the curb of the island. B. Smith stated that the intersection is unorganized chaos and the turn is already difficult.

Councilor G. Steere pointed out to Mr. Smith that he, himself, just acknowledged it is already difficult at times with the area wide open and now you propose confining it. Councilor Reichert suggested that the striping be eliminated, bring the center line over, and turning lanes be created.

Mr. Smith stated it could be done any number of ways. Councilor Burlingame stated that there are not many accidents at the intersection and asked if the solution would cause more of a problem than is already there. Councilor Burlingame agreed there is a lot of asphalt there but it allows tractor trailers to make their swing. B. Smith reiterated that although there is a low incidence of accidents, the accidents that do occur consistently involve injuries.

Councilor G. Steere stated especially since DOT added the white lines. Councilor Burlingame disagreed, stating that the majority of accidents occur on Route 44 and not at the intersection of Routes 44 and 102. Councilor Reichert noted that adding to the problem is that drivers come out of Chestnut Hill Road at a high rate of speed. B. Smith replied that having less available asphalt would slow things down a bit, thereby become a form of traffic calming.

Councilor Burlingame commented that Council has stated for some time that more space is needed at the intersection at the other end of Routes 44 and 102 to allow trucks to turn without coming close to the computer store and now we have issues at this intersection.

G. Marion, of the Department of Transportation, spoke regarding how the designs are drawn up. G. Marion noted that one of the rationales is that when a vehicle turns onto Route 102, it is now in a residential area and the design will cause the vehicle to slow down. Councilor Burlingame pointed out that if a driver is traveling through the village at 50 miles per hour in a 30 MPH zone, the Police will cite the driver for speeding. G. Marion stated that his Department has to do their work, adding that they try to work with the community to reach compromises. G. Marion noted that a lot of thought went into this plan.

Councilor G. Steere questioned the geometry, the math and the computer models, stating that the design forces an east bound tractor-trailer that wants to take a ride to head south on route 102 to go out into the most dangerous part of that corner, the westbound lane, into the oncoming traffic and then loop around to avoid the curb you are purposing , which can blow tires. Councilor G. Steere stated you then you have to try to straighten out with 2 cars sitting there, as your trailer goes straight, it does not follow the same as the cab.

Councilor G. Steere stated again the geometry is not correct and invited those present from DOT to try it with a trailer truck. Councilor G. Steere stated you have to use both lanes or run over the curbing. Councilor G. Steere stated he is tired of running over curbs and blowing out tires. Councilor G. Steere stated the DOT has “screwed up” three other intersections in Burrillville where he has to go over curbs: Serios’, Town Hall, & Steere Farm Road.

Bob Smith stated that he will leave the designs with the Council for their review and will have the paddles removed from the intersection until a decision is made regarding which alternative will be implemented. Councilor W. Steere asked when a final decision would be made regarding the design. B. Smith replied that advertising for bids will take place in about three months giving us six weeks to discuss the options.

Councilor G. Steere asked if the Department is proposing something similar at the intersection of Routes 100 and 102 at Citizens Bank. B. Smith replied that there is a plan, noting that while that intersection is similar, there is not as much channelization. Councilor G. Steere commented that



it would still be difficult for trucks to make the turn. Councilor G. Steere pointed out that there is a lot of truck traffic there due to the industrial park in Burrillville. Councilor G. Steere stated that the Department wants to “screw up” the two intersections in Town that work, yet cannot do anything about the one that needs fixing. B. Smith stated that this intersection would require property-taking, which is not an easy fix.

Councilor W. Steere stated that he was not notified that these experiments would take place except for an e-mail he received from the Town Planner the day before. Bob Smith stated that he will leave the plans with the Council for their further review and discussion. The Council thanked the representatives from DOT for their attendance at the meeting.

- VI. Resolution - Discussion and/or Action
  - A. Factory Mutual Global Employee Contributions
  - B. Ponaganset High School - Girls Tennis Team

Councilor W. Steere stated that Item A. has been completed. Regarding Item B., Councilor W. Steere explained that in October, the Girls’ Tennis Team won the State Title after an undefeated season. Councilor W. Steere stated the Team Coach has asked that we hold off on this resolution to the next Council meeting to allow the team to be here for the presentation.

MOTION was made by Councilor G. Steere to TABLE the item B. Ponaganset High School - Girls Tennis Team to February 2, 2012; seconded by Councilor W. Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- VII. Consent Items - Discussion and/or Action
  - A. Town Council Minutes: January 5, 2012
  - B. Finance Director’s Report - October, November and December, 2011
  - C. Tax Assessor’s Additions and Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of January 5, 2012; to TABLE the Finance Director’s Reports for October, November, December, 2011 and January 2012; and to state there are no Additions or Abatements to the 2011 Tax Roll through December 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Boards/Commission Appointments - Discussion and/or Action

1. Historic District Commission

- a. One 1-Year Alternate term to expire 11/2012

Councilor G. Steere stated that he spoke with Charlie Wilson, chair of the Historic District Commission, and was informed that there is no recommendation at this time.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission, One 1-Year Alternate term to expire 11/2012; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. Personnel

1. Police Department

- a. Authorization - Family Medical Leave Act  
Discussion and/or Action

Discussion:

Joseph DelPrete, Chief of Police, stated that Officer Brian D'Amato has been out on sick leave for the last three months due to elective surgery and has expended all of his sick time, vacation and personal days. Chief DelPrete requested that the Council authorize Officer D'Amato to keep his position and benefits under the Family Medical Leave Act. Chief DelPrete noted that Officer D'Amato should be back to work on or about March 1<sup>st</sup>.

MOTION was made by Councilor G. Steere to AUTHORIZE Police Officer Brian D'Amato to continue sick time under the Family Medical Leave Act (FMLA); seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- B. Gloucester Code of Ordinance - 1<sup>st</sup> Reading - Discussion and/or Action  
Chapter 223, Pascoag Reservoir/Echo Lake Dam Management District  
Section 3.B Area

Councilor W. Steere explained that this is the first reading of a proposed amendment to the Gloucester Code of Ordinance and noted that in lieu of reading the ordinance in its entirety, Council can make a motion to waive the first reading and then explain the proposed ordinance.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, what the Council's options are. T. Kane replied that this is a joint effort between the Towns of Gloucester and Burrillville, therefore whatever Gloucester does must be approved by Burrillville, and vice versa. Councilor G. Steere stated that when the Ordinance was passed, his intent was for property owners who had practical access to the lake, not just access to a brook, to be part of the district.

Councilor G. Steere noted that the owner who is requesting removal has nowhere to swim or dock a boat and should not have been included in the district. Councilor W. Steere stated that he has not heard of any other properties with the same situation, but recommended that the Council make sure before amending the Ordinance. Councilor G. Steere stated during discussion with a Board member there was agreement that this was the only property affected. Councilor G. Steere also stated these two lots are the furthest away from the water body.

T. Kane stated that it was represented at the last meeting that these lots are the only ones which should be removed. Councilor Burlingame stated that he is inclined to proceed and then send it to Burrillville. Councilor G. Steere agreed, stating that if these two lots are taxed, all other lots on Brandy Brook should be taxed.

MOTION was made by Councilor Burlingame to WAIVE the 1<sup>st</sup> reading of the proposed amendment to the Gloucester Code of Ordinance, Chapter 223, Pascoag Reservoir/Echo Lake Dam Management District, Sect. 3.B Area; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere explained that the proposed amendment is to remove two properties from the Pascoag Reservoir/Echo Lake Dam Management District.

MOTION was made by Councilor Burlingame to set a Public Hearing for the consideration of an amendment to the Code of Ordinance, Chapter 223, Pascoag Reservoir/Echo Lake Dam Management District, Sect. 3.B Area for February 16, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Authorization: Blackstone Valley Stormwater Project - Discussion and/or Action  
Contract Extension - July 1, 2007 to December 31, 2012.

Councilor W. Steere stated that Ray Goff, Town Planner, is not present and suggested that this matter be tabled until the next meeting.

MOTION was made by Councilor Hainsworth to TABLE the authorization of the Town Council President to sign the Blackstone Valley Stormwater Project, Contract Extension - July 1, 2007 to December 31, 2012 between the Town of Gloucester and Rhode Island D.E.M. for the purpose of "Designing and Building Wastewater and Stormwater Treatment Systems;" seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

D. Foster/Glocester Regional Charter - Discussion and/or Action

Councilor Burlingame stated that this is a follow-up to discussion regarding debt service which will be excluded from the total appropriations once it is paid off. Councilor Burlingame stated that he put this item on the agenda in the event that there were any other issues to discuss. Councilor Hainsworth noted that other regional high schools may wish to become involved as this matter affects them also.

Councilor Burlingame stated that at the recent Governor's conference, he learned that Coventry had legislation passed that requires Town Council approval for any raises agreed to by the School Committee. T. Kane, Assistant Town Solicitor, stated that several municipalities did this by amending their charters. Councilor Burlingame pointed out that since we have a regional charter, the Town of Foster would have to approve the amendment. Councilor Burlingame stated that if we wished to amend the charter, it would have to be done by August in order to have it on the ballot in November.

Anne Ejnes, School Committee member, stated that if the Town Council is going to be involved in ratifying a contract, they need to be at the negotiating table to be part of the discussion. Councilor Burlingame expressed agreement. There was Council consensus to think about this matter until the next Town Council meeting at which time the Council will discuss whether to reconvene the Charter Review Commission to consider the amendment. T. Kane stated that another way to accomplish this is to get the General Law changed statewide.

Councilor W. Steere stated that he is in agreement that once debt service is paid off, it should come out of the operating budget; however, on the Town side, we have a couple of bonds which will be coming off this year, so we need to think the same way.

- X. Boards & Commissions
  - A. Resignation - Discussion and/or Action
    - 1. Parade Committee

Councilor W. Steere stated that the Council has received the resignation of Connie Leathers from the Parade Committee. The resignation is on file in the Town Clerk's Office.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Connie Leathers from the Parade Committee effective January 12, 2012; seconded by Councilor G. Steere.

Discussion:

The Council thanked Connie for serving on the Parade Committee for the last eight years.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- B. Appointments - Discussion and/or Action
  - 1. Parade Committee

MOTION was made by Councilor Steere to APPOINT Sierra Ferland, Richard Cournoyer and Ernest Little as voting members of the Parade Committee; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- C. Land Trust - Policies & Procedures - Discussion and/or Action

Discussion:

Councilor Burlingame stated that he wished to resurrect some recommendations that he made back in November. Councilor Burlingame stated that he feels that the Council should have the authority to appoint a member from the Planning Board and Conservation Commission to the Land Trust. Councilor Burlingame further stated that there should be discussion in Executive Session prior to the acquisition of land by the Land Trust after which another meeting should be held with the Town Council to get their approval to purchase said land.

Councilor Burlingame noted that the Town of Smithfield mirrored our Ordinance but later made several changes, such as having the Council appoint and remove the representatives from the Planning Board and Conservation Commission as well as input as to whether to purchase certain properties. Councilor Burlingame stated that there should be a plan for the management of each Land Trust property which reflects the use of the Realty Tax Stamp money given to the Land Trust. Councilor Burlingame stated that there should be accountability concerning how that money is spent. Councilor Burlingame asked the other Council members to think about this between now and the next Council meeting.

Councilor W. Steere stated that he agrees that the Council should be the appointing authority since it is the Council that makes all other appointments to Boards and Commissions. Councilor W. Steere expressed concern regarding land acquisition, stating that this could open the door to making it a political thing. With regard to conveyance tax, Councilor W. Steere stated that he has not seen it documented that the funds must go to maintenance of properties. Councilor Burlingame explained that the voters decide on bonds for the purchase of property, therefore, tax stamp money should not also be used for land acquisition. Councilor Burlingame stated that he would like this on the agenda for the next meeting.

Bruce Payton, Land Trust chair, suggested that the Council communicate with the Planning Board and Conservation Commission prior to the appointment of their representatives to the Land Trust. B. Payton noted that the legislation would have to be changed to give the Town Council the authority to appoint. Councilor Burlingame stated that his hope is that the Planning Board and Conservation Commission would put forth a recommendation to the Council for approval. B. Payton stated that the Council should keep in mind, when appointing to the Planning Board or Conservation Commission, that the appointee might become a representative on the Land Trust in the future.

Bruce Payton stated that he located the file regarding Realty Transfer Tax Stamps which was kept by Bob Hawksley, former Land Trust chair. B. Payton noted that the original intent was to use these funds for preservation of open space. B. Payton stated that there is no problem and asked why the Council wants to make changes. Councilor G. Steere replied that there is a conflict regarding a husband and wife both serving on the same board. B. Payton stated that there may be husband/wife conflicts on other boards, commissions or town employees and suggested that the Council look at the Town as a whole and not just the Land Trust. Regarding land acquisition, B. Payton stated that the Land Trust is very careful and does not buy everything that is offered.

## XI. Department Head Report/Discussion

- A. Joseph DelPrete, Chief of Police, stated that he received a letter from the Connecticut State Police regarding Officer Daniel Moriarty, who recently, while off-duty, apprehended an individual suspected in several housebreaks in Connecticut. Chief DelPrete noted that Officer Moriarty has been nominated for a commendation from the Connecticut State Police. Chief DelPrete reported that an arrest was made yesterday at a Gloucester residence with regard to the distribution of marijuana which was shipped to Gloucester from California. Chief DelPrete commended his department and the US Postal Service for their work on the case.

## Bds. & Commissions - Discussion

- A. Bruce Payton, Land Trust chair, stated that an invoice and progress report were received concerning the Hawkins Dam. B. Payton noted that the house on the property has been removed. B. Payton thanked the Public Works Department for leveling the new parking area at the Steere Hill property. Councilor W. Steere commented that the

trails are now clearly marked and are immaculate. B. Payton credited Roy Najecki for his hard work on the trails.

- B. Anne Ejnes, School Committee member, noted that several meeting dates of the Gloucester School Committee have been changed due to school vacations and the Regional Financial Meeting. A. Ejnes stated that she has obtained the numbers concerning recycling at the region. A. Ejnes stated that the schools have recycled 53.27 tons of material since they began recycling in the middle of 2009. A. Ejnes stated that this saved the region over \$2,700 in disposal fees.
- C. Ariane Ferland, Parade Committee member, stated that the Committee will meet on the second Tuesday of February. A. Ferland stated that she and Rich Cournoyer will be interim co-chairs of the Parade Committee for this year.
- D. Walter Steere, Jr., School Committee member, reported that academic test results have improved in all areas at the middle and high school level. Regarding budget matters, W. Steere, Jr. stated that next year, study halls will be discontinued per State law and the School Committee will try to start a second language and expand the music program. W. Steere, Jr. further stated that the Committee will add more vocational-technical classes in the hope of getting some students back from Cranston Vocational. W. Steere, Jr. expressed concern that the Funding Formula will result in reduced funding over the next several years.

## XII. Council Correspondence/Discussion

None.

## XIII. Open Forum

- A. Rose LaVoie commented that the volunteers in this Town are wonderful and she does not know where we would be without them. Rose LaVoie expressed hope that when the road work is finished, we can start working on a plan for the Village. R. LaVoie noted that the Village Overlay District, if passed, will be beneficial to the Town. R. LaVoie stated that the Heritage Society Gala is planned for Wednesday, April 25<sup>th</sup> at which time Edna Kent will be honored with the Thomas Wilson Dorr award. R. LaVoie noted that the Statewide Historic Preservation Commission will be holding their annual conference in Woonsocket on Saturday, April 21<sup>st</sup> and recommended that somebody attend to represent the Town.

XIV. Adjourn

MOTION was made by Councilor Hainsworth to ADJOURN at 9:06 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the February 16, 2012 Town Council Meeting.



At a meeting of the Town Council holden in and  
for the Town of Gloucester on **February 2, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Walter Steere, Jr., School Committee member; Bruce Payton, Land Trust chair; George Charette, Planning Board chair; Charlie Wilson, Historic District Commission chair; and Roy Najecki, Conservation Commission chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

None.

V. Resolution - Discussion and/or Action

A. Ponaganset High School - Girls Tennis Team

Councilor Burlingame read the following Resolution:

**Resolution #2012-3**

WHEREAS: the Ponaganset High School Girls Tennis Team capped off a perfect season record of 17-0 as the **Northern Division Champions & Undefeated 2011 Division III State Champions**; and

WHEREAS: the Town of Gloucester takes great pride in recognizing the following athletes for this outstanding accomplishment:

Coach Jamie LaRose  
Sadie Campanella, Capt. 2<sup>nd</sup> Team All State, Undefeated 1<sup>st</sup> Singles  
Sierra Ferland  
Hailey Glasko  
Kate Fusco 2<sup>nd</sup> Team All Division, Undefeated 2<sup>nd</sup> doubles  
Julie Keedy, Capt. 2<sup>nd</sup> Team All Division, Undefeated 3<sup>rd</sup> singles  
Mary Arnold  
Vera Dionne 1<sup>st</sup> Team All Division  
Nadia Dionne Undefeated 4<sup>th</sup> singles

Lina Mansolillo 1<sup>st</sup> Team All Division, Undefeated 1<sup>st</sup> doubles  
Jackie Smith Varsity 3<sup>rd</sup> doubles  
Kathryn Lamontagne  
Marisa Harding 2<sup>nd</sup> Team All Division, Undefeated 2<sup>nd</sup> doubles  
Halley Martin 1<sup>st</sup> Team All Division, Undefeated 1<sup>st</sup> doubles  
Samantha Sollecito Varsity 3<sup>rd</sup> doubles  
Julia Conte  
Mackenzie Ferretti  
Dimpi Patel  
Marjorie Alvarado

Walter M.O. Steere, III, Council President  
Jean M. Fecteau, CMC, Town Clerk

Seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

On behalf of the Council, Councilor W. Steere congratulated the Ponaganset High School Girls' Tennis Team for their undefeated season, stating that it is quite an achievement. A round of applause followed.

VI. Public Hearing  
A. Community Development Block Grant - 2012

Councilor W. Steere stated that this is the first Public Hearing as required by law for the CDBG 2012. Councilor W. Steere stated that this public hearing was advertised on January 26<sup>th</sup> and Feb. 1<sup>st</sup>, 2012 in the Valley Breeze-Observer.

Councilor W. Steere DECLARED the Public Hearing OPEN.

Councilor G. Steere read the following correspondence from the Program Manager:

Glocester Town Council  
Walter M.O. Steere III, President

**RE: Community Development Block Grant 2012 1<sup>st</sup> Public Hearing  
Program Performance/Letter of Intent**

Dear Council Members,

The Town of Glocester received \$176,500.00 in Community Development Block Grant funding for FY 11. Awards are as follows:

Housing Program/Mobile Home Replacement Program/Administration---	<b>\$171,500.00</b>
Food Bank-----	<b>\$3,500.00</b>
Community Housing Land Trust-----	<b>\$1,500.00</b>
<b>TOTAL GRANT AWARD-----</b>	<b>\$176,500.00</b>

To date the Western RI Home Repair Housing Rehabilitation Program has received 16 applications for home repairs. We funded 28 projects. The completed projects include new roofs, new boilers, well pump, new floor, electrical upgrade, windows, siding, gutters, new oil tanks, lead paint encapsulation, bathroom rehab, onsite wastewater system and design, hot water tank, handicap ramp and remove underground oil tank.

The Mobile Home Replacement program project will be closing sometime around February 1<sup>st</sup>. The new mobile home is located at 31 Hemlock Rd. at the Village on Chopmist Hill.

To date the Western RI Home Repair Program has replaced 7 substandard units. All of the replaced units are monitored by Housing Network formally Community Housing Land Trust and will keep the units affordable. This program has helped the Town of Glocester to provide affordable housing to the Town Low/Mod residents and also comply the with State of RI 10% affordable housing requirement.

Please be advised that the Town of Glocester has 14 outstanding Housing Rehabilitation Loans through The Western RI Home Repair Program totaling approx. **\$450,000.00**.

As I know you are aware, the Town of Glocester’s Western RI Home Repair Program is the first organization to offer the Mobile Home Replacement Program in the State of RI. The Program received an award in 2007 for their accomplishments from the State of RI Office of Housing and Community Development.

The Western RI Home Repair Program will continue to offer the Housing Rehabilitation Loan Program and the Mobile Home Replacement Loan Program for FY 2012. The Program will apply for the maximum amount of grant funding available for FY11 which is \$200,000.00. Please note that amount has been decreased from \$250,000.00 due to decrease in funding at the State Level.

The Community Development Block Grant has provided employment opportunities for local residents and local tradesmen. The grant has provided the Town of Glocester’s low mod income residents with a safe home and has helped keep the value of the Town of Glocester’s housing stock. This grant has provided funding to support the local food pantry located in the Glocester Town Hall. The Grant has also provided much funding throughout the years that has benefitted the low and moderate income residents of Glocester.

The Town of Glocester filed its initial application in 1986. Over the years, the grant has provided well over **2.5 million** in grant funds that have gone back into the Town of Glocester’s local economy.

The proposed activities for FY 12 CDBG Grant will be presented to the local Planning Board on 3/5/2012.

The second Public Hearing for the Community Development Block Grant is scheduled for April 5, 2012. At that time the Grant will be complete and available for review. The Town Council President will sign the application at that time.

The application will be delivered to The State of Rhode Island before April 20, 2012.

Sincerely,  
Elinor C. Tetreault  
Program Manager

(end of memo)

Councilor W. Steere noted that, as stated in the Program Manager's correspondence, after this Public Hearing requests received will be forwarded to the Planning Board for 3/5/2012. The Planning Board will then give Council their opinion on whether they feel these requests are consistent with the Comprehensive Plan. The 2<sup>nd</sup> Town Council Public Hearing will then be advertised and held on April 5, 2012. After completion of that hearing the application will be finalized and forwarded to the State.

Councilor W. Steere read the following request:

1/19/2012

To Whom It may concern,

My intention is to request a Community Development Block Grant in the amount of \$4,000.00 in order to defray the costs of food supplies needed for our Gloucester food pantry.

Yours truly,  
Judith Branch  
Gloucester Human Services Director

(End of memo)

Councilor W. Steere read the following request from the Community Housing Land Trust of Rhode Island:

Dear Ms. Tetreault,

The Community Housing Land Trust of Rhode Island, a program of the Housing Network, is applying for CDBG funding in the amount of \$3,000 for FY 2012 in your community.

Many Rhode Island cities and towns are working towards their state mandated goal of 10% affordable housing. The CHLT is committed to working with Rhode Island municipalities to match people of low and moderate incomes with housing that is "affordable" as defined by federal law and helps by providing technical assistance such as standardized documentation, income certification, and certifying housing affordability. It is also one of the few Rhode Island Housing certified Affordable Housing Monitoring Agencies in the state.

This past year we developed the State Housing Acquisition & Rehabilitation Program (SHARP) a loan program to support the acquisition and rehabilitation of properties in non-entitlement communities for the purpose of affordable housing. The program is currently accepting applications for funding.

The CHLT has seventy seven units in its portfolio- in a combination of home ownership and rental units held in land trust or through monitoring agreements. We continue to work with communities in establishing a replacement mobile home program for income eligible residents. Also, we are in the second printing of the very successful Housing Resource Guide which was requested by many municipalities and will be distributed again to all interested communities in Rhode Island to utilize.

In 2011 the CHLT was funded by 23 municipalities including Glocester. The Community Housing Land Trust is grateful for your support and looks forward to working with you on this year's CDBG FY 2012.

Thank you.

Sincerely,  
Chris Hannifan  
Executive Director, Housing Network

(end of memo)

Discussion: Councilor W. Steere asked if anyone wished to be heard regarding the Community Development Block Grant 2012. Hearing none, Councilor W. Steere declared the Public Hearing closed and asked for a motion to set a date for the next Public Hearing.

MOTION was made by Councilor Burlingame to set the second Public Hearing for the Community Development Block Grant 2012 for April 5, 2012; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

A. Town Council Minutes: January 19, 2012

B. Finance Director's Report - October, Nov, & Dec. 2011

MOTION was made by Councilor G. Steere to TABLE the Town Council Minutes for January 19, 2012 and to TABLE the Finance Director's monthly report for October, Nov. & Dec. 2011; seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A. Boards/Commission Appointments - Discussion and/or Action
  - 1. Historic District Commission
    - a. One 1-Year Alternate term to expire 11/2012

Charlie Wilson, chair of the Historic District Commission, stated that he will speak to a candidate who was interested several years ago. C. Wilson stated that if the individual still wishes to serve on the Commission, he will inform the Council.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission until the next meeting; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

- B. Authorization: Blackstone Valley Stormwater Project - Discussion and/or Action  
Contract Extension - July 1, 2007 to December 31, 2012

MOTION was made by Councilor Burlingame to AUTHORIZE the Council President to sign the Contract Extension for the Blackstone Valley Stormwater Project to December 31, 2012; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

IX. New Business

- A. Foster/Glocester Regional Charter - Discussion and/or Action

After discussion, there was Council consensus that no action is required at this time.

- B. Appointment: Tree Warden 2012

Councilor W. Steere stated that each year D.E.M.'s division of Forest Environment requests the Town to appoint a Tree Warden. Councilor W. Steere read the following into the record:

TO: City and Town Clerks  
FROM: Frank Mastrobuono  
Coordinator, RI Urban & Community Forestry Program  
SUBJECT: Tree Warden Appointments for 2012

Greetings,

This notice serves as your annual reminder with regard to the appointment of community tree wardens. Pursuant to RIGL Sect. 2-14-2, every council must appoint a tree warden at its regular meeting in January.

Please note the appointed warden must be a licensed arborist or must become a licensed arborist within six ( 6) months of assuming the office of tree warden. If your community needs help finding a licensed arborist to serve as tree warden please call us to request a list of licensees in your area.

Thank you for your attention to this matter. Enclosed you will find two copies of the appointment form for 2012.

Please complete and return both forms by February 17, 2012 to:

Cecile Drouin  
DEM Division of Forest Environment

After approval, one of the forms will be returned to you for your records. If you have any questions, or require any additional information, please do not hesitate to contact me.

(End of memo)

Discussion:

Councilor W. Steere stated that he has spoken to our current Tree Warden, Bruce Payton, who has indicated that he wishes to be reappointed.

MOTION was made by Councilor G. Steere to REAPPOINT Bruce Payton as the Town of Gloucester Tree Warden for 2012; seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

C. Land Trust - Policies & Procedures - Discussion and/or Action

1. Discussion - General
2. Charter & Legislative proposed Amendments
3. Schedule joint meeting with Gloucester Land Trust to discuss meeting schedules, policies, and procedures

Councilor Burlingame stated that he had made some recommendations for changes with regard to the Land Trust. Councilor Burlingame stated that he is looking for more accountability and commented that the Town Council should have the authority to appoint the Land Trust representatives from the Planning Board and the Conservation Commission.

Councilor Burlingame stated that he has reviewed the charters from the towns of Smithfield and Richmond, where Land Trust purchases must be approved by the Town Council or Town Administrator.

Councilor Burlingame also spoke about the Land Trust receiving 75% of the Town's Realty Tax Stamp revenue, noting that the wording of the legislation has changed. Councilor Burlingame further recommended that land purchases be done in concert with the Town Council. Councilor Burlingame expressed concern that many of the Land Trust properties contain easements to the Department of Environmental Management.

Councilor Burlingame stated that he would like to see some of the property used for ball fields which we will need in a few years. Councilor Burlingame further stated that some of the land could be used for hydro power or windmills.

Councilor Burlingame spoke regarding the Friends of the Land Trust, expressing his concern that the majority of Land Trust Trustees are also members of this private LLC. Councilor Burlingame stated that he will recommend that these members make a choice between the two groups.

Councilor Burlingame stated that more discussion will take place regarding these issues at the joint meeting of the Town Council and the Land Trust.

Councilor W. Steere stated his opinion that when a Town Council makes the final decision regarding a land purchase, it becomes politicized. Councilor W. Steere expressed agreement that the Land Trust members from the Planning Board and Conservation Commission should be appointed by the Town Council. Councilor W. Steere questioned why these issues have come up over the past year. Councilor W. Steere stated that a joint meeting of the Town Council and Land Trust will be scheduled and strongly urged all members to attend.

Bruce Payton, Land Trust chair, stated that he was formerly a member of the Friends of the Land Trust, but resigned. B. Payton explained that the Friends of the Land Trust was formed because people sometimes wish to give their land to the Land Trust, but it does not fit in with the Land Trust's goals. B. Payton stated that this was the case with the Cook family, adding that full disclosure was given at a Land Trust meeting. Councilor Burlingame asked to see the minutes of the meeting. B. Payton stated that the sale of the land by a non-profit organization would help the Land Trust.

B. Payton noted that the Land Trust has existed for 24 years and asked why the Council is trying to fix something that is not broken. Councilor Reichert asked when the Friends of the Land Trust was established. B. Payton replied in 1991. Tim Kane, Assistant Town Solicitor, noted that the Secretary of State's website indicates that the Friends of the Land Trust was incorporated in February of 2001. B. Payton stated that it is similar to a Fire District which has a Ladies' Auxiliary to help raise funds for the benefit of the Fire Department.

B. Payton stated that the Friends help raise funds for the benefit of the Land Trust. Councilor Reichert commented that the same people are on both. B. Payton replied that he recommended that the Land Trust members find somebody to take their place because it has the appearance of impropriety.

Regarding the Land Trust, B. Payton stated that the Council has full access to their records. B. Payton expressed concern that if this funding source is stopped, there will be no money to repair the dam. B. Payton stated that the goal of the Land Trust is to make their properties self-sufficient.



Roy Najecki, treasurer of the Friends of the Land Trust, explained that the Friends is a 501(c)3 non-profit organization set up to raise funds for the Land Trust. R. Najecki estimated that there is approximately \$800.00 in the treasury at this time. R. Najecki stated that he has received eight (8) applications for membership within the last several days. R. Najecki stated that three (3) members of the Land Trust are presently on the Friends, which constitutes less than a quorum.

Councilor G. Steere stated that the problem was that five (5) Land Trust members were on the Friends at the same time. R. Najecki disagreed, stating that there were four (4) members until Bruce Payton resigned, making it three (3). R. Najecki added that the reason there were that many Land Trust members on the Friends was to keep it viable until new members joined.

Rose LaVoie asked if the joint meeting between the Land Trust and the Town Council will be an open meeting. Councilor W. Steere replied in the affirmative. A member of the audience asked if public comment would be allowed. Councilor W. Steere said yes, the public will be allowed to speak. There was discussion regarding how the meeting will be posted. Tim Kane stated that it will be posted as a joint workshop between the Town Council and the Land Trust.

Janine Pitocco stated that while she shares some of the Town Council's concerns, she strongly disagrees that the Council should have a greater involvement in decisions to purchase land. J. Pitocco stated that this would politicize and undermine the main purpose of the Land Trust.

The joint workshop was scheduled for Thursday, February 9, 2012 at 7:30 p.m. in the Town Council chambers. Jean Fecteau, Town Clerk, stated that she will post the meeting as a Town Council meeting. Bruce Payton asked if the Land Trust must also post notice. T. Kane replied in the negative.

#### D. Dispatcher services proposal to Town of Foster- Discussion and/or Action

Councilor G. Steere stated that there has been preliminary discussion regarding providing Police and Fire dispatcher services to the Town of Foster in an effort for them to save some money. G. Steere there has been an inquiry. Councilor G. Steere stated that Joseph DelPrete, Chief of Police, has done research on the subject and asked him to explain.

Chief DelPrete stated that this project, which we reviewed last year, would require approximately \$40,000 in equipment upgrades for the Town of Foster. Chief DelPrete stated that there would be some hurdles, mainly because of the Fire Departments.

Councilor G. Steere stated that Foster is pursuing other avenues also. Councilor G. Steere commented that we already handle their Animal Control and there is no reason that we could not also do their dispatching. Councilor G. Steere noted that it would generate revenue and would justify having dispatchers on duty 24/7. Councilor W. Steere stated we sent those preliminary figures out last year and never heard back from them.

Chief DelPrete noted that Foster is currently under contract until June which would give us time to put together a proposal for their consideration. Councilor W. Steere asked, if Foster decided to accept our proposal in June, how long would it take to implement. Chief DelPrete replied "a couple of months."

Councilor Reichert asked if we invest in this proposal, would we be locked in. Chief DelPrete replied that it would be Foster making the investment. It was agreed this could be beneficial to both towns.

Councilor G. Steere stated they may be forced to do something come June 30<sup>th</sup> and he doesn't want to "miss the boat." Councilor Burlingame asked what the next step would be. Councilor G. Steere stated Foster is looking for a proposal. Chief Delprete stated there is a movement afoot for communities to consolidate services and this could be a good step.

MOTION was made by Councilor Burlingame to develop a proposal for dispatching services for Foster to be reviewed by the Town Solicitor, the Chief of Police, the Finance Director and Councilor G. Steere, and to put said proposal before the Foster officials.  
Seconded by Councilor Reichert.

Discussion: None.

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

- X. Boards & Commissions
  - A. Conservation Commission
    - 1. One Expired Alternate - 1 year term expires 2/2012

MOTION was made by Councilor Reichert to REAPPOINT Jacob Bailey to the Conservation Commission for an 1 year alternate term to expire 2/2013; seconded by Councilor G. Steere.

Discussion: None.

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

- B. Land Trust
    - 1. Town Council Liaison - Discussion and/or Action

Councilor W. Steere stated that due to the prior discussion regarding the Land Trust, he would recommend that this item be tabled until after the joint workshop between the Town Council and Land Trust.

MOTION was made by Councilor Reichert to TABLE the Town Council liaison; seconded by Councilor G. Steere.

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

C. Land Trust

1. One Expired 5 year term to expire 2/2012

Councilor W. Steere stated that as mentioned previously, he would like to table this appointment until after the joint meeting of the Town Council and the Land Trust. Councilor G. Steere disagreed, stating that there is nothing to gain by tabling the appointment. Councilor G. Steere stated that there has been discussion regarding members resigning and commented that he does not like being held hostage by the threat of someone resigning.

MOTION was made by Councilor Reichert to REAPPOINT Mark Karmozyn to the Land Trust for a 5 year term to expire 2/2017; seconded by Councilor G. Steere.

Discussion:

Bruce Payton, Land Trust chair, stated that the Council has asked the chairperson of every Board or Commission for his or her opinion regarding appointments, except for this time.

Tim Kane, Assistant Town Solicitor, cautioned B. Payton against speaking specifically about the appointee.

B. Payton stated that there has been discourse in the Land Trust. B. Payton stated that some people work very hard to make things occur for the Land Trust while others just cause trouble and stress. B. Payton requested that the Town Council table this appointment and interview more candidates. B. Payton stated that the Land Trust has gone along with everything the Town Council has asked them to do.

Tom Bazalak, secretary of the Gloucester Land Trust, recommended that the Town Council consider the other candidates who are interested in serving on the Land Trust.

VOTE: AYES: G. Steere, Burlingame and Reichert

NAYS: W. Steere

MOTION PASSED

Councilor W. Steere stated that he believes that the Council should have waited until after the joint meeting, considering all of the turmoil surrounding the Land Trust, adding that one week would not have made a difference. Councilor G. Steere responded that all of the turmoil is not caused by the one member. Councilor W. Steere further stated that we did not have the full Council at tonight's meeting.

2. Two Expired @ Large Members – 1 year terms exp. 2/2012

Councilor W. Steere stated that these are from the two members at large expired terms: the Planning Board representative is currently Russell K. Gross and the Conservation Commission representative is Roy P. Najecki. Councilor W. Steere asked if the Planning Board and Conservation Commission confirmed these candidates at their last meeting.

Roy Najecki, Conservation Commission chair, stated that the Commission met in December and voted that he would be the designee to serve on the Land Trust.

George Charette, Planning Board chair, stated that the Board elects the chair and vice-chair of the Board, but does not designate who will serve on the Land Trust. G. Charette stated that the Board provides a recommendation to the Town Council but this has not been voted on as of yet. G. Charette stated that the Planning Board has a workshop scheduled for February 13<sup>th</sup> and suggested that this matter be placed on the agenda for that meeting.

Russell Gross stated that it is up to the members of the Planning Board to appoint a member to serve as Land Trust at-large member. T. Kane read from the charter and concurred that the chair or the chair's designee will serve as member of the Land Trust.

MOTION was made by Councilor Burlingame to APPOINT Roy Najecki At-Large Member of the Land Trust representing the Conservation Commission, 1-year term to expire 02/2013; seconded by Councilor Reichert.

Discussion: None.

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

MOTION was made by Councilor Burlingame to TABLE the appointment of At-Large Member of the Land Trust representing the Planning Board, 1-year term to expire 02/2013; seconded by Councilor G. Steere.

Discussion: None.

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

#### XI. Department Head Report/Discussion

- A. Joseph DelPrete, Chief of Police, stated that the application period for the EMA Director has closed. Chief DelPrete stated that approximately ten (10) applications were received and asked for authorization to begin the interview process. Councilor W. Steere asked how long the process would take. Chief DelPrete replied that he should have a recommendation by the second meeting in March.

Chief DelPrete reported that the Police Department has received a \$1000.00 safety grant to enhance security at the Police Station and Records Center.

#### Bds. & Commissions - Discussion

- A. Walter Steere, Jr., School Committee member, stated that the Committee has a meeting on Tuesday at which the budget and contract negotiations will be discussed. W. Steere, Jr. noted that the meeting will be held at the Middle School at 6:15 and will begin with Executive Session.

- B. George Charette, Planning Board chair, reminded all present that an important workshop with the Town Council is scheduled for February 13<sup>th</sup> to discuss the Village Overlay District.
- C. Roy Najecki, Conservation Commission chair, stated that there is the likelihood that legislation will be proposed regarding zoning issues such as minimum lot size, steep slope restrictions and the modification of wetland definitions within the Conservation Development Ordinance. R. Najecki noted that this is a perennial issue that gets tabled every year. R. Najecki stated that he will keep the Council informed.

## XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter was received from the Department of Revenue in response to the Council's correspondence regarding the settlement with retirees in Central Falls.
- B. Councilor W. Steere stated that the Town Planner sent correspondence to the Department of Transportation with regard to the Chepachet Village improvement project. Councilor W. Steere stated that the letter indicates that there will be "no adverse effect on historic properties referenced in the project".
- C. Councilor W. Steere stated that a request for funding was received from the Northern RI Conservation District.
- D. Councilor W. Steere stated that the Town Clerk received a letter from Senior Services, Inc. requesting funding for the current year.
- E. Councilor W. Steere stated that a letter was sent to RMZ, LLC from the Town Clerk with regard to their liquor and victualing licenses. Jean Fecteau, Town Clerk, explained that the license-holder is proposing a change in his stock distribution due to the addition of a 50% partner. J. Fecteau stated that a liquor license transfer will be required. J. Fecteau stated that the name of the establishment will also be changed.
- F. Councilor G. Steere stated that he forgot to put on the agenda discussion regarding the two intersections on Routes 44 and 102. Councilor Burlingame stated that a letter was received from a school bus driver regarding the difficulty of making the turn. There was Council consensus to forward correspondence to the Department of Transportation.
- G. Councilor Reichert spoke regarding the Land Trust, stating that most of their votes are 5 to 2. Councilor Reichert commented that members should be able to vote against something if they want to. Councilor W. Steere stated that he agrees, but the dissenting members should not be made to feel uncomfortable.

## XIII. Open Forum

- A. Rose LaVoie commented that candidates for Boards and Commissions should be interviewed prior to being appointed to find out what their interests are.

R. LaVoie asked that she be notified when the Council meets with the Department of Transportation regarding the intersection at Routes 44 and 102. Councilor W. Steere stated that a meeting was held last month where the Town Council voiced their displeasure. Councilor Burlingame stated that representatives from DOT stated that the paddles and white lines would be removed, adding that the paddles are gone, but the lines remain.

Councilor G. Steere stated that it is important that we send the message that we do not want the same thing done at the intersection at Citizens Bank. Councilor Burlingame suggested that the Council send a letter to that effect. R. LaVoie stated that Arlene Violet has an editorial in the Valley Breeze which states that the Department of Transportation is inept and needs an overhaul.

R. LaVoie spoke regarding recycling, stating that the mandates are handed down by the State, not RI Resource Recovery. R. LaVoie stated that we do not have to go to RI Resource Recovery and suggested that we contact our representatives and ask that the laws be changed.

#### XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:08 p.m.; seconded by Councilor Reichert.

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

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Jean M. Fecteau, Town Clerk

Approved at the March 1, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **February 9, 2012**

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, President; George O. (Buster) Steere, Vice-President; Edward C. Burlingame; Jamie A. Hainsworth and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Land Trust Members: Roy Najecki, Debra Najecki, Henry Gold, Tom Bazelak, Russell Gross, Mark Karmozyn, & Chairman Bruce Payton

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

III. Workshop- Discussion

A. Land Trust - Policies & Procedures - Discussion

1. Charter & Legislative proposed Amendments - Discussion

Councilor Burlingame stated this item was not necessary at this time and suggested focusing on the Land Trust policies and procedures during this meeting. Councilor Burlingame stated that the Council needs to discuss legislation as a whole Council.

MOTION was made by Councilor Burlingame to Table for discussion Land Trust, Charter & Legislative Amendments for discussion at a future Town Council meeting; seconded by Councilor G. Steere .

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Meeting schedules, policies, and procedures -Discussion

Councilor W. Steere stated his intention for this meeting was for each trustee to give a brief synopsis of the “challenges” they have and then discuss proposals on how to move forward as a group. Councilor W. Steere stated he “strongly cautions” everyone to be careful as we are here to move forward and to be careful not to make accusations about individuals.

Councilor Burlingame first questioned the “Friends of the Gloucester Land Trust.” Council noted that Land Trust member Najecki has prepared an outline of events that have occurred and thanked him for his efforts.

Councilor Burlingame stated it could give the perception of a conflict of interest when members of the “Friends” also sit on the Land Trust. Councilor Burlingame recommended that no regular Land Trust member sit on the Friends, and that each member should choose which they would like to be on. Councilor Burlingame stated he would like to get some feedback from the Trust members as to whether this will be taken care of in March, as outlined.

Councilor G. Steere agreed with the perception that could be there. Councilor G. Steere also suggested the members pick one or the other, and acknowledged the Chair has already resigned from the Friends of the Gloucester Land Trust. Councilor W. Reichert agreed. Discussion followed and it was noted the Trustees only joined the “Friends” because membership was dwindling.

Other issues were discussed:

R. Gross would like more information regarding agenda items to be given to the members. R. Gross noted that he also serves on another board and has received all the necessary information for the next meeting of that board. R. Gross stated it is not right to have to vote on issues, such as expenditures, when you do not have all the information beforehand. R. Gross stated he will pass to the next person who wishes to speak.

Councilor W. Steere encouraged all to speak their mind this evening so that the problems don’t get out of hand and encouraged R. Gross to speak.

R. Gross stated that the Land Trust recently scheduled a special meeting for which he did not receive an agenda. R. Gross noted that he still does not know what took place at the meeting.

Councilor Hainsworth asked how he was notified of meetings. R. Gross stated he receives his in the mail because he does not use a computer.

M. Karmozyn agreed with R. Gross regarding receiving information before hand. Mr. Karmozyn also stated that the Board should all be kept informed and a member shouldn’t have to find out information from the public. M. Karmozyn stated there is huge communication problem. M. Karmozyn stated the minutes should be edited by the whole board not by an individual. M. Karmozyn stated the minutes do not go directly from the secretary to the individual board members.

M. Karmozyn stated that decisions are not carried out by the Board. Councilor Hainsworth questioned how minutes were received. M. Karmozyn stated minutes are received via email. Councilor Hainsworth questioned if members receive audio tapes. M. Karmozyn stated no, but due to a new policy of not including everything in the minutes he stated perhaps the members should get copies of the audio tapes. M. Karmozyn stated there has been a big problem with tapes, disappearing, not working, it is an ongoing problem.

Councilor Burlingame asked for an example of the Board not following through on decisions . Mr. Karmozyn referred to the electrical service for the schoolhouse. M. Karmozyn stated there was discussion at a meeting about putting the service underground or above ground and the board had decided to get a price on both ways. M. Karmozyn went on to say the underground electric was installed without a vote of the board. M. Karmozyn stated the board voted to pay for a safety training



class for some of the members, and they were never paid. M. Karmozyn stated another example was for contract work, stating he believes the board should have more than one person signing off on projects as things are not being completed. M. Karmozyn gave an example that the original clearing at the dam was not completed 100% and also stated that the rotted trees/unsafe trees were to be removed, they were not. M. Karmozyn stated he was told this was not in the contract, and it was in the contract.

Councilor Hainsworth questioned if Land Trust contracts are awarded following Town procedures.

B. Payton stated the Board follows town procedures.

M. Karmozyn asked about sub-committees and stated it was decided they would not have “major” decision making authority and this has not been the case.

Councilor W. Steere asked for an example.

M. Karmozyn referred to the contract with E & A Engineering, (for the dam project). M. Karmozyn stated the contract was signed the day before the meeting and asked why it couldn't have been given to everyone before hand. M. Karmozyn noted that there was a vote (by the Board) to hire E & A, but felt the rest of the board should have been allowed to review the final contract before signing.

The award process and procedures for the Hawkins dam repair project was discussed.

Councilor Hainsworth questioned if this contract went through the Board of Contracts & Purchases.

B. Payton, Chair, stated T. Mainville was present at the award and ensured that procedure was followed but that Mr. Mainville had stated he would not review the bid as it was out of his purview. B. Payton stated that there was a meeting prior to the award with the contractor and noted there were members of the Council & the Town Solicitor present.

Henry Gold stated that town procedures were followed and T. Mainville & T. Kane reviewed everything every step of the way.

T. Kane stated he believes the vote was made by the board to award the contract to E & A and then the Board sub-committee signed. M. Karmozyn stated the board had suggested changes in discussion but never got to see if those discussions were taken under consideration in the final contract before it was signed.

After further discussion, where it was stated that the contract was signed after review by the Solicitor, it was agreed the Board could have review of contracts before signing in the future.

There was further discussion on the authority of sub-committees. Councilor Burlingame stated the Council does not authorize a Town Council sub-committee to make expenditures/or sign contracts without the vote of the full council and recommended this procedure be followed.

B. Payton stated there was a policy/procedure agreed upon by the Board. B. Payton stated when the majority votes, the problem is after the vote, there is stirring to try to discredit the group. B. Payton further stated that people cannot seem to accept the majority vote and that is why we have controversy, people cannot move on.

Councilor Burlingame stated by law the Land Trust has to have policies & procedures approved by the Council. Councilor Burlingame further stated the policies currently in place should be given to the Council at which time they will be checked for consistency with Town Council procedures and these policies could then be adopted by the Council.

B. Payton asked if the intention is for the Land Trust to adopt their policies & procedure again, go through each one and have a clear understanding of each one and then send to Council.

Councilor Burlingame agreed to this process. B. Payton agreed to the plan.

Councilor W. Steere asked Mr. Payton for his input. Mr. Payton again expressed his concern that the Board should move forward after the vote. Councilor Burlingame agreed once a vote is taken the Board should move on.

B. Payton said that he believes some information given to the Council is not always accurate. B. Payton stated these facts should be proven before spoken. B. Payton stated if someone is lying they should be removed from the board they are serving on.

B. Payton referred to sub- committees for projects and stated there are times when after a few months nothing has been done on the project, and there is no followup or explanations. B Payton stated the board should be able to move on by a re-vote or by reassigning those tasks.

B. Payton stated in regards to a Minutes policies, recordings are now available. Mr. Payton stated there have been issues on where to keep cd's of meetings. Mr. Payton further stated if a record is to be a public record, the town clerk is the keeper of the records. Mr. Payton stated which records will be kept should have a discussion with the Town Clerk and Council or the liaison. Mr. Payton stated it is his understanding that the Town Clerk's office has issues with the Land trust, therefore that discussion should take place with the Council liaison, and/or the Council.

B. Payton discussed the subject of board minutes stating if a board member asks for certain statements that board member should request that it be included. B. Payton stated the clerk will then include that statement in the minutes. B. Payton stated that policy will be put forward to the Council

B. Payton discussed the subject of contracts stating once a person is put in charge of a project and the amount is agreed upon, as long as we don't exceed that contract, and the board member has followed through to the best of their ability the board does not need to hold up payment to the contractor. B. Payton stated he feels one person should have the responsibility to determine if that job is done. Councilor Burlingame disagreed and stated he believes we have multiple checks and balances to be sure there is no problem.

Mr. Payton asked for a copy of the town's policy of this double standard. Councilor Burlingame stated the town has been shut down to wait for additional checks on a job and recommended the

Land Trust implement this practice in their policies and procedures. Councilor W. Steere agreed with the double sign off. Mr. Payton stated he would like to see that policy so they could use it when formulating their policies as the premise has been all along that the Land Trust follows town policies.

B. Payton stated we also make sure everyone has all their licenses in place before they work for the Land Trust and two people in place on each job could now handle those guidelines.

B. Payton stated he works often with the Finance Office.

Councilor Reichert informed the board that the exemption for the hoister's & tractor operator has been lifted and now anyone who operates machinery will have to get that license.

B. Payton stated payments to members are done before the fact, not after the fact. B. Payton stated T. Mainville said "we don't pay for training, just for the license". B. Payton stated he received that information in an e-mail from Town Mainville.

Councilor G. Steere asked if the Board had voted to pay for that training. B. Payton stated yes, but if the Town procedure is to not pay, the Board will not pay. R. Gross stated the Board voted to pay their training (Najecki & Karmozyn). B. Payton stated the Board was then told, by the Town Finance Office, that the Town didn't pay for training.

Councilor W. Steere stated maybe when these kind of questions come up perhaps it should be tabled. B. Payton stated these licenses should only be used for Land Trust purposes and no other uses if the Trust is paying for it. Councilor Reichert stated he felt this is wrong, and further that Public Works takes training and the individuals do not pay. Councilor Burlingame stated that is a board decision and asked if this was voted on by the board. Councilor G. Steere stated he was at the meeting when the Land Trust voted to pay the bill. Mr. Payton stated at the next meeting it was rescinded. Mr. Karmozyn stated the Chair rescinded that action, not the board.

Councilor W. Steere stated he has a message from T. Mainville, and that Mr. Mainville stated a non-employee or a board member do not usually get paid.

T. Bazalak stated most of our problems have to do with protocol and procedures. Mr. Bazalak felt as though he was "bushwhacked" into making the decision to pay for the training. Mr. Bazalak stated he made the motion to rescind the payment vote. Mr. Bazalak expressed his concerns with all the email that follow votes of the committee and stated these issues should just come up at public meetings. Regarding the issue with dam contract, Mr. Bazalak stated the board voted for E & A but certain people did not like all aspects of the proposal.

T. Bazalak further stated it was agreed that two items had to be rewritten and once that was done H. Gold sign a contract that only had these two items different. Mr. Bazalak agreed two people signing off may be a good idea going forward. Mr. Bazalak asked if there is a code of ethics for the Council, and if so, there should be one for the Board.

R. Gross questioned if one of our town mechanics trained to fix Ford vehicles does that mean he can't go to work somewhere else or work part time on Ford vehicles. Councilor W. Steere stated Mr. Gross would have to ask T. Mainville for that answer. M. Karmozyn stated fire departments pay for EMT & other training and those people go on to other jobs.

Jean Fecteau, Town Clerk, stated she has comments related to procedures. Regarding minutes, the clerk stated all boards & commissions file written minutes in the office of the town clerk. The clerk further stated she does not have the capability nor will she spend the money to provide listening devices so that people can listen to tapes. The Clerk further stated the minutes are also microfilmed to preserve them for the future. The Clerk stated this has always been her procedure and that will not change. The Clerk clarified a statement made by B. Payton, and stated she does not have "issues" with the Land Trust, she has had issues with Mr. Payton. The Clerk stated she believed that to be between her and Mr. Payton.

Councilor Hainsworth questioned where the tapes go. Some of the Board members stated they did not know.

Discussion followed on whether tapes need to be maintained. The Clerk stated she did not believe the tapes had to be saved, but that she saves the Councils. Councilor Hainsworth asked if the tapes just disappear after the minutes are approved. T. Kane stated the Clerks responsibility for the minutes was as she stated. T. Kane stated that a board could make arrangements with their recording clerk regarding tapes.

B. Payton said they will follow Town policy.

T. Kane stated the Board could address some of the issues above in their own proposed policy.

H. Gold stated the Land Trust serves a vital purpose and currently there are personality problems and expresses his concerns that the Board fix the situation and move forward.

R. Gross asked the Solicitor if the Board votes to do a specific item can the Board then re-vote the idea. T. Kane stated if the Board chooses to they may reconsider, usually at the next meeting following the vote. T. Kane stated one of the members that previously voted in the majority could ask for a new motion. T. Kane pointed out that if the job has been started or monies expended there may be a practical problem at that point.

R. Najecki spoke regarding his opinions on the topics discussed. R. Najecki stated that there are some situations where the Board should revisit issues. R. Najecki agreed with R. Gross that requests for reimbursement for expenditures should be clearer and more information should be provided. R. Najecki reiterated that the issue of members on the Friends of the Land Trust will be addressed some time in March. R. Najecki stated that the Council should take a closer list of all appointees to boards and possibly potential appointees should be interviewed by the liaison and the chair.

R. NajECKI questioned whether or not proposed appointees should agree with the goals and beliefs of the Land Trust in order to be appointed. Councilor G. Steere stated he does not agree with that. Councilor W. Steere pointed out the benefits of different opinions on a board.

Councilor W. Steere stated that a liaison or a chair has normally spoken to candidates before appointments.

Councilor Burlingame spoke regarding policies of the Land Trust. Councilor Burlingame asked if someone expressed an interest in selling (or donating) land to the Land Trust does the Land Trust, as a whole, consider the proposals. Councilor Burlingame stated the entire board should consider whether they want it or not and recommended that be in the policies.

The question was asked if is there a policy that any and all monies received by the Land Trust be put back into the land trust account. Chairman Payton referred to the Treasurers office and legislation that reads “all funds collected by the Trust shall be deposited in a fund to be set up in a revolving sinking account by the Treasurer of the Town of Gloucester.” Councilor Burlingame stated nothing then needs to be done with that.

B. Payton stated it was discussed that any acquisitions should be brought to the Council. Councilor Burlingame stated that might be part of a future discussion. B. Payton stated it could be a policy or just a courtesy. Councilor Hainsworth asked Mr. Payton if that issue could be made part of the policy if the board votes too. A consensus was reached to include this as a policy.

Councilor Burlingame explained it may be a good idea because Council may have knowledge of funding issues, or land use changes that the Land Trust does not. Discussion followed on easements or restrictions. B. Payton stated there is a property with no restrictions that he would like to be able to utilize for a town use. B. Payton stated he had received a request from the Planner regarding the Land Trust purchasing a piece for the Town but that the Land Trust had just received correspondence from the Council asking the Trust not to purchase any more properties.

Councilor G. Steere asked B. Payton if he previously stated the Land Trust was currently looking at multiple properties yet he had told the Town Planner the Land Trust was not interested in purchasing property for a ballfield. B. Payton stated he had advised the Planner they would participate but they could not buy it. B. Payton explained that negotiations (discussions) can go on for a long time, purchase or no purchase.

Councilor Reichert stated that each piece of land the Land Trust purchases places more burden on the backs of taxpayers. Councilor Reichert stated that the Land Trust can't handle the pieces it currently owns.

B. Payton stated he has turned down many properties. B. Payton explained the criteria they follow before considering purchase and further that the Trust has had to say no to properties because they did not meet that criteria. B. Payton offered to meet with Council in Executive Session when considering any property. Councilor Burlingame agreed with this idea and further stated other communities follow that practice and supported Mr. Payton's plan.

Public Comments:

K. Kitson: (inaudible)

George Charette: Agreed the Land Trust currently owns enough land to maintain. G. Charette stated this board has a definite problem with procedures for its members to make informed decisions. G. Charette referred to the last voted Bond Issue on and stated he does not believe the voters connect the taxes they will pay when this bond comes due. G. Charette stated he does not believe the voters are aware that any sale of property in town provides the Land Trust with funds in the amount of approx. 75% of the Real Estate Conveyance Tax.

G. Charette spoke of the tax burden to all residents and the need for the input of the Council, Planning Board, and other boards (as necessary). G. Charette expressed his concern for the Town's current status. G. Charette stated that he has attended several Land Trust meetings as an observer at the request of a person whom he declined to name. Councilor W. Steere asked G. Charette if he has served on the Land Trust at any time.

G. Charette replied in the negative but stated that he was involved with it due to his position on the Planning Board. G. Charette stated we should all work together to determine what should be purchased or not. G. Charette stated the former EDC could not do much to encourage business because the Land Trust has purchased so much of the land.

Discussion followed on how the taxpayers voted on the bond issue.

Rose Lavoie: Referred to a meeting held at the Town Hall years ago with the Atty. General's office on policies and procedures of boards and commissions. Ms. Lavoie stated it was very helpful to her over the years serving on boards.

Consensus was that calling a workshop with the state would be helpful.

Councilor Hainsworth thanked all the participants and expressed his concern that everyone treat each other with respect.

B. Payton stated the representatives from other boards to the Land Trust should report back to their boards what occurred at a Land Trust meeting.

R. Lavoie stated, in the past, the Council created a committee that was comprised of one member from each board was a member and stated it was a good tool.

Councilor W. Steere thanked everyone for attending. Councilor W. Steere summarized that clear communication between members and other boards was needed, and the policies and procedures of the Land Trust could be "tweaked".

MOTION was made by Councilor Burlingame and seconded by Councilor Hainsworth to ADJOURN at 9:21 p.m.

MEETING ADJOURNED.

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Jean M. Fecteau, Town Clerk

Approved at the April 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **February 16, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Planner; Susan Harris, Deputy Town Clerk; Walter Steere, Jr. and Anne Ejnes, School Committee members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Hainsworth.

IV. Open Forum for Agenda Items

None.

V. Johnson & Wales Presentation – “Chepachet Village Water System Feasibility Report”

Councilor W. Steere introduced the following students from Johnson & Wales: Josh Willard, Matthew Taber, Pedro Arevalo, Najee Ware, Erainee Acosta and Jaclyn Pereyo. Professor Eric Army was also present. Councilor W. Steere thanked them for the work that they have done to prepare this presentation.

Professor Army explained that the students spent the semester working on a water system feasibility project for the village of Chepachet. The professor stated that after the presentation, questions will be answered and noted that a written report will follow.

Each student explained his or her research and findings with regard to a public water system for the Village. Professor Army stated that the service area is similar to that which was looked at by Horsley-Whitten for the Stormwater analysis. Professor Army noted that there is a repaving project on the horizon which could be coordinated with this project to minimize cutting and patching. The professor asked if the Council members had any questions.

Councilor G. Steere commented that it was stated that the setback requirement from a public well is 200 feet, adding that he thought it was 400 or 500 feet. Professor Army replied that the setback is 400 feet for a gravel developed well, but is 200 feet for a well drilled into bedrock, per the Department of Health.



Councilor Reichert questioned the cost of drilling the well and the tanks which would supply the water. Professor Army replied that a study was conducted by C & E Engineering in 2011, which estimated the cost at \$20,000 for two supply wells and \$300,000 for a treatment building and storage tanks. Professor Army noted that this would be for a smaller core area of the Village.

Councilor Burlingame asked if there would be one well on each side of the bridge. Professor Army replied that both wells would be on the same site to allow the treatment and storage facilities to be combined.

Councilor W. Steere commended the students for the work they have done as well as for their presentation to the Town Council.

#### VI. Public Hearing

##### A. Gloucester Code of Ordinance: Proposed amendment to Chapter 223 Pascoag Reservoir/Echo Lake Dam Management District, Sect. 3.B. Area

Councilor W. Steere stated that this Public Hearing was duly advertised in the Valley Breeze/Observer on Feb. 2, 2012. The first reading was held on January 19, 2012 and was explained to all.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the amendment.

Discussion: None.

Councilor W. Steere again asked if anyone wished to speak. Hearing none, Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor G. Steere to APPROVE the amendment to the Gloucester Code of Ordinance, Chapter 223, Pascoag Reservoir/Echo Lake Dam Management District, Section 3.B. Area to delete A.P. 7, Lots 24 & 44; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Discussion:

Tim Kane, Assistant Town Solicitor, stated that a copy of the motion should be sent to the Burrillville Town Council along with a letter asking them to make the same amendment.

MOTION was made by Councilor G. Steere to forward the previous Motion to the Burrillville Town Council and ask for their approval; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

- A. Town Council Minutes: January 19 & February 2, 2012
- B. Finance Director's Report - October, Nov, Dec. 2011 & January, 2012
- C. Tax Assessor's Additions and Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council Minutes of January 19, 2012; to TABLE the minutes of February 2, 2012; to ACCEPT the Finance Director's report through December 31, 2011, to TABLE the Finance Director's report for January, 2012; and to APPROVE the Tax Assessor's Addition to the 2010 Tax Roll in the amount of \$1,026.59 & the Abatement to the 2011 Tax Roll in the amount of \$78.98; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A. Boards/Commission Appointments - Discussion and/or Action
  - 1. Historic District Commission
    - a. One 1-Year Alternate term to expire 11/2012

Charlie Wilson, chair of the Historic District Commission, stated that he has somebody who is interested in the position and will have a recommendation at the next Town Council meeting.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission for a One year Alternate term to expire 11/2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- 2. Land Trust At-Large Member
  - b. Planning Board designee 1-year term to expire 02/2013

Councilor W. Steere stated that this position is currently held by Russell Gross, and noted that at the Planning Board meeting of February 13<sup>th</sup>, 2012 the Planning Board voted to appoint Mr. Gross as the designee.

MOTION was made by Councilor Reichert to REAPPOINT Russell Gross to the Land Trust At-Large Member from the Planning Board for a one year term to expire 2/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. Land Trust Legislation/Resolution - Discussion and/or Action

Councilor Burlingame stated that he would like a legislative change which would accomplish two things: (1) the Council would be responsible for appointing all seven members, including the Planning Board member and the Conservation Commission member, who serve on the Land Trust; and (2) the Council would have the authority to remove members from the Land Trust per the Town's policies and procedures. Councilor Burlingame recommended that the Council submit the change as soon as possible in order to have it introduced at this legislative session.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council to sign a Resolution to the effect of revising the legislation which created the Land Trust to provide that the Council appoint the members from the Conservation Commission and Planning Board, strike the current language that they are automatically there as the Chair or Designee, and to provide a statement that removal will be consistent with Town policies and procedures; seconded by Councilor Reichert.

Discussion: Councilor W. Steere commented that the Council would take into consideration the recommendation from the Planning Board and Conservation Commission regarding who will represent them on the Land Trust.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Parking Sign for Town Hall Public Parking: Discussion/Action

Councilor W. Steere stated that the Council has received a diagram and proposal for a sign to invite public parking to the back Town Hall parking lot during non business hours. Councilor Burlingame explained that the sign is in conformance with Zoning and Historic District regulations regarding material and size.

MOTION was made by Councilor Burlingame to AUTHORIZE the Finance Director to purchase the signage as proposed from Rhode Island Signs for the approximate price of \$410; seconded by Councilor Hainsworth.

Discussion:

Rose LaVoie asked if the sign makes mention of Betty the Elephant and the Schoolhouse. Councilor Burlingame replied that there is not enough room on the sign.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

X. Boards & Commissions  
A. Land Trust

1. Town Council Liaison - Discussion and/or Action

Councilor W. Steere stated that he will continue serving as liaison to the Gloucester Land Trust.

B. Resignations

1. Recreation Committee

a. One unexpired two year term to expire 1/2013

Councilor W. Steere stated that the Council has received the resignation of Sally Ryan from the Recreation Committee. Councilor W. Steere noted that Sally served on that board faithfully since 1999, and we thank her for her service.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Sally Ryan from the Recreation Committee as of 1/31/2012, for the unexpired two year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

2. Parade Committee

a. One Alternate Voting Member

Councilor W. Steere stated that the Council has received the resignation of Doris Villandry from the Parade Committee.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Doris Villandry from the Parade Committee for an alternate voting member term; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

- C. Appointment
  - 1. Recreation Committee
    - a. One two year term to expire 1/2013

Councilor W. Steere stated that Anthony Parrillo, Recreation Director, has recommended William Elderkin, Jr. to the position vacated by Sally Ryan.

Discussion: None.

MOTION was made by Councilor Hainsworth to APPOINT William Elderkin Jr. to the Recreation Committee for a two year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- 2. Parade Committee
  - a. One Alternate Voting Member

MOTION was made by Councilor G. Steere to APPOINT Lawrence T. O'Keefe to the Parade Committee for an Alternate Voting member position; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

## XI. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, reported that the Voter ID law has passed, which will require that voters present identification at the polls for the 2012 elections. J. Fecteau further stated that in 2014, a photo ID will be required. J. Fecteau noted that the Secretary of State's Office will be at the Town Hall on April 3<sup>rd</sup> from 1:00 to 3:00 p.m. to issue free Voter ID's to those who need one.

J. Fecteau stated that the new redistricting maps have been delivered and she will be working on this for the next several months. J. Fecteau noted that the Presidential Preference Primary in April will not be affected by the changes, but voters will be notified of the new district lines before the September Primary.

J. Fecteau reported that Building Permit applications are now available on the Town's website, which can be filled out, printed, and brought to the Town Hall.

J. Fecteau announced that Gloucester's land evidence records dating back to 1965 can now be searched online at [www.uslandrecords.com](http://www.uslandrecords.com). J. Fecteau stated that there is no charge for searching or viewing, but documents from 2002 to the present may be printed for a fee, of which the Town will receive 50%. Councilor W. Steere thanked the Town Clerk for her efforts to implement this program.

- B. Gary Treml, Director of Public Works, spoke regarding recycling. G. Treml stated that the Tanyard Lane project is due to begin soon, starting with the collapsed wall. G. Treml stating that he is waiting for approval from the Indians with regard to the archaeological study which was conducted on the site.

#### Boards and Commissions - Discussion

- A. Anne Ejnes, School Committee member, gave an update regarding the budget process. A. Ejnes stated that some of the School Committee members were concerned about what was to be taken from the Fund Balance, therefore some adjustments were made. A. Ejnes noted that due to the Transportation Pass-Through, approximately \$120,000 will be received from the State. A. Ejnes pointed out that this is a one-year occurrence.
- B. Walter Steere, Jr., School Committee member, reported that the parking area at the West Gloucester Elementary School will be expanded by approximately 55 spaces. W. Steere, Jr. asked if the Public Works Department could assist with this project using the paving machine. Councilor G. Steere commented that the Public Works Department has several projects pending, some of which must be completed before the State can do their work. A. Ejnes stated that this was just a suggestion that the Town may be able to help in some way, adding that the parking lot paving must be completed prior to June 30<sup>th</sup> due to the moratorium on school capital projects. After discussion regarding bonding and prevailing wage issues, there was Council consensus that the Director of Public Works meet with Joe McGovern to determine the scope of the project.
- C. Bruce Payton, Land Trust chair, thanked the Council for the Resolution regarding the Land Trust, stating that it will be helpful. B. Payton stated that the Clarkville Schoolhouse will have power soon when the meter is installed and connected. B. Payton spoke about the dam, stating that a presentation will be given by EA Engineering at the next Land Trust meeting. B. Payton stated that walks are conducted on the third Saturday of each month, noting that the next one will be at Sprague Farm. B. Payton stated that, to avoid any violation of the Open Meeting Laws, they are posting notice each time any members of the Land Trust will be together. B. Payton reported that their recording clerk has resigned.

#### XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from Ariane Ferland, Chepachet resident, expressing her objection to the proposed Overlay District for Chepachet Village.

- B. Councilor W. Steere stated that a letter was received from the Division of Planning regarding Gloucester's application for the Planning Challenge Grant. Councilor W. Steere stated that the application was not selected for funding at this time.
- C. Councilor W. Steere stated that a survey was received from the Emergency Management Agency concerning preparedness levels.
- D. Councilor W. Steere stated that correspondence was received from the Eastern Rhode Island Conservation District regarding the Canada goose abatement program.
- E. Councilor W. Steere stated that Hazardous Tree Workshop is scheduled for Feb. 24<sup>th</sup> at the George Washington Management Area.
- F. Councilor W. Steere read the letter of resignation from the Land Trust Recording Clerk (letter on file in the Town Clerk's office).
- G. Councilor W. Steere stated that a letter was received from Pepsi Beverages Company regarding their employee volunteer program.
- H. Councilor W. Steere read the following letter from Michael Calenda into the record:  
"Good morning, I just wanted to take a few minutes of your time to bring a matter to your attention. During the past year and a half I have had several opportunities to work with Chief DelPrete. Many times he has volunteered his personal time to attend functions at the middle school and high school. Most recently for the Wreaths Across America Ceremony in which his department handled all of the traffic that day.  
  
Yesterday at the middle school Chief DelPrete was present for an assembly on seatbelts and driving while impaired. He addressed the students in a professional manner and more importantly he spoke from the heart, regarding general safety and concern for our students. Chief DelPrete has always been a person of high standards and character throughout his law enforcement career. It is a pleasure to work with him."  
(End of letter)
- I. Councilor W. Steere stated that we received a State of Rhode Island report re: Tropical Storm Irene.

### XIII. Open Forum

- A. Rose LaVoie expressed disappointment that there will be nothing on the parking sign with regard to Betty the Elephant and the Evans Schoolhouse. R. LaVoie complimented the Johnson and Wales students for their report on the feasibility of a water system in the Village.

R. LaVoie stated that she saw an RFP in the paper for a pump house at the new middle school and commented that with all the money spent on the building, we must now spend more. R. LaVoie questioned the addition of 55 parking spaces at the West Gloucester Elementary School. R. LaVoie complimented the Council with regard to their meeting with the Planning Board to discuss the proposed Village Overlay District. R. LaVoie expressed hope that the plan will go forward.

- B. Mike DeGrange stated that there is an abandoned building on Chopmist Hill Road which is collapsing, causing a threat to safety. M. DeGrange stated that the Building Official was told that construction would begin months ago, but nothing has been done. M. DeGrange stated that the building is an eyesore and a danger.
- C. Walter Steere, Jr., School Committee member, stated that the 55 new parking spaces are for events in the evening for which people are now parking on Reynolds Road.

Regarding the new pump house, W. Steere, Jr. clarified that it is at the high school and should have been included in the building project. W. Steere, Jr. noted that this project is necessary as it is a health hazard.

W. Steere, Jr. stated that NECAP test scores at the middle school have improved in every area, but the high school did not do as well.

W. Steere, Jr. spoke regarding the Land Trust, stating that they now own 2200 acres of land, which would equate to approximately \$96,000 on the tax rolls. W. Steere, Jr. expressed his opinion that it is worth it because many people enjoy activities such as hiking on these properties. W. Steere, Jr. stated that going forward, we should try not to have so many restrictions on the land, but feels that the Land Trust is doing a great job.

#### XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:44 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the March 1, 2012 Town Council Meeting.



At a meeting of the Town Council holden in and  
for the Town of Gloucester on **March 1, 2012**

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, President; George O. (Buster) Steere; Vice-President; Jamie A. Hainsworth; and William E. Reichert

Member Absent: Edward C. Burlingame

Also present: Susan Harris, Deputy Town Clerk; Jean M Fecteau, Town Clerk (arrived at 8:15 p.m.); Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Bruce Payton, Land Trust chair; George Charette and Michael DeGrange, Planning Board members; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Hainsworth.

IV. Open Forum for Agenda Items

George Charette spoke regarding item VIII. A., Ratification: Land Trust Legislation Resolution, asking if the public would be allowed to provide input. Councilor W. Steere replied that this resolution deals only with membership of the Land Trust and not procedures.

V. Public Hearing

A. Gloucester Licensing Board - Liquor License Transfer - Discussion and/or Action

1. FROM: Robert M. Zalewski, RMZ LLC, d/b/a Shakerz: 2461 Putnam Pike  
TO: Robert M. Zalewski, RMZ LLC, d/b/a Shakerz/Clambox: 2461 Putnam Pike & Daniel Saad, RMZ LLC, d/b/a Shakerz/Clambox: 2461 Putnam Pike

Councilor W. Steere stated that this public hearing is to address the transfer of a Class BV Liquor License as the current holder of the license is requesting that his business be allowed to take on a 50% shareholder. Councilor W. Steere stated that per State Law this is to be considered a transfer of a license. Councilor W. Steere stated this Public Hearing was advertised in the Providence Journal on February 10, 17, & 24, 2012. Councilor W. Steere stated that the Council will also determine whether the outdoor service will apply to the new license.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding the liquor license transfer

Daniel Saad, applicant, stated that this is his seventh restaurant and noted that the atmosphere will be changing to a more family-friendly establishment.

George Charette expressed support for this application, stating that it will bring tax revenue into the Town.

Councilor W. Steere asked if anyone else wished to speak. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

Tim Kane, Assistant Town Solicitor, questioned the recent sale of the property and also informed Council there are liquor liens which must be satisfied before the license can be issued. Councilor G. Steere asked if there would be a problem regarding the outdoor permit which was previously granted by the Town Council. T. Kane replied that since the LLC remains the same, he does not see a problem with the outdoor license. Councilor G. Steere stated that he is in favor of it, adding that if it becomes a problem, the Council can take it away.

Councilor W. Steere stated that the Council has received the BCI check for the proposed new shareholder, and there is no criminal record in Rhode Island.

Joseph DelPrete stated that he has no issues with the transfer, as there have been no complaints regarding the establishment.

MOTION was made by Councilor Hainsworth to APPROVE the transfer of a Class BV Liquor License from Robert M. Zalewski, RMZ LLC, d/b/a Shakerz: 2461 Putnam Pike TO: Robert M. Zalewski, RMZ LLC, d/b/a Shakerz/Clambox: 2461 Putnam Pike & Daniel Saad, RMZ LLC, d/b/a Shakerz/Clambox: 2461 Putnam Pike, contingent upon the following stipulations: 1) satisfaction of all claims against the license; 2) payment of all Town taxes and all Town fees, including advertising; 3) Building/Zoning, Fire Inspector, Police Chief 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) Current diagram of the complete service area on file in the Town Clerk's Office; 9) outdoor use is limited to stipulations granted on June 16, 2011; and is valid to November 30, 2012; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance

CONTINUATION OF PUBLIC HEARING from Dec. 15, 2011 & January 5, 2012  
Gloucester Code of Ordinance - Proposed Amendment - Discussion and/or Action

1. Chapter 350 - Zoning

- a. Proposed addition of Article XIII, "Village Overlay District"
- b. AMEND Art. II, Zoning District Use Regulations
- c. ADDITION Chapter 350, Attachment #5
- d. AMEND Zoning Map

Councilor W. Steere stated that this Public Hearing was continued from January 5, 2012. There was a workshop between the Planning Board and the Council regarding this proposal. The

Planning Board was to consider the discussions and/or suggestions and make a recommendation to the Council. The Planning Board will hold their next meeting on March 5, 2012.

Discussion:

Councilor W. Steere asked George Charette, Planning Board chair, if a recommendation would be ready by the next Town Council meeting. G. Charette replied that the Planning Board wishes to move forward on this matter and will try to forward a decision for discussion at the next Town Council meeting. Councilor W. Steere stated that the Public Hearing is still open and asked if anyone wished to speak regarding the proposed amendment to the Code of Ordinance. Hearing none, Councilor W. Steere recommended that the Public Hearing be continued until the meeting of March 15<sup>th</sup>.

MOTION was made by Councilor G. Steere to CONTINUE the Public Hearing for the proposed amendment to the Gloucester Code of Ordinance, Chapter 350-Zoning addition of Village Overlay District to the Town Council meeting of March 15, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

#### VI. Consent Items - Discussion and/or Action

##### A. Town Council Minutes: February 2, 9 & 16 , 2012

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of February 2 and 16, 2012; and to TABLE the minutes of February 9, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

#### VII. Unfinished Business

##### A. Boards/Commission Appointments - Discussion and/or Action

##### 1. Historic District Commission

##### a. One 1-Year Alternate term to expire 11/2012

MOTION was made by Councilor Hainsworth to TABLE the Appointment to the Historic District Commission for a one year Alternate term to expire 11/2012 to the Town Council meeting of April 5, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

VIII. New Business

A. Ratification: Land Trust Legislation Resolution - Discussion and/or Action

Councilor W. Steere stated the following Resolution has been forwarded to our legislators by Council consensus at the Council meeting of February 16, 2012 and this resolution should now be ratified.

MOTION was made by Councilor Hainsworth to RATIFY the following Resolution:

**RESOLUTION #2012-4**

RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND CHAPTER 548 OF THE 1987 PUBLIC LAWS OF THE STATE OF RHODE ISLAND, AN ACT RELATING TO THE PRESERVATION OF FARM LAND AND OPEN SPACE IN THE TOWN OF GLOCESTER AND ESTABLISHING A LAND TRUST;

WHEREAS: Chapter 548 provides for the formation of the Gloucester Land Trust, a body that “shall have the authority to acquire, hold and manage real property & interests therein situated in the Town of Gloucester, consisting of open, agricultural, or littoral property,”

WHEREAS: the Gloucester Town Council, as the governing body of the Town, has determined the need to be the appointing authority of all the members who serve on the Land Trust and therefore propose the replacement of Section 2 with the following:

SECTION 2. The trust shall be administered by seven (7) trustees whom shall be appointed by the Town Council. One trustee shall be a member of the Gloucester Planning Board and one trustee shall be a member of the Gloucester Conservation Commission **each of whom shall serve a term of one (1) year**. The **other** trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Thereafter, trustees **other than those trustees who are appointed for a one (1) year term as set forth above** shall be appointed as aforesaid for a term of office of five (5) years, except that all vacancies occurring during a term shall be filled for the unexpired term. Trustees shall be electors of the town of Gloucester, shall serve without compensation and shall hold office until their successors have been named. No trustee may be an elected officer of the town. **Trustees may be removed by the Town Council in accordance with applicable town procedures.**

WHEREAS: at the Gloucester Town Council of February 16<sup>th</sup> 2012 meeting the Town Council unanimously voted to forward this resolution to our legislators for their immediate consideration.

On Behalf of the Gloucester Town Council:  
Jean M. Fecteau, CMC  
Town Clerk

Seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere stated that this Resolution would allow the Town Council to have control over appointing and removing members of the Land Trust.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- B. Public Safety Department - Appointment - Discussion and/or Action
  - 1. EMA Director

Councilor W. Steere read the following recommendation from the Chief of Police:

TO: The Honorable Town Council  
FROM: Joseph DelPrete, Chief of Police  
DATE: February 21, 2012  
RE: EMA Director Appointment

Eleven individuals applied for the advertised part time Emergency Management Director position for the Town of Gloucester. On Monday February 13, 2012 members of the interview committee designated by the Town Council including the three local Fire District Chiefs (Robert Dauphinais, Chepachet; Stu Pearson, Harmony; and Lawrence Goodnough, W. Gloucester); Gary Treml Director of Public Works; and myself interviewed seven candidates for this position.

The committee overwhelmingly supported applicant Jason M. Rhodes of 32 Sprague Hill Road, Chepachet as the best and most qualified candidate for this position. Jason Rhodes is presently employed by the Rhode Island Department of Health as Chief of the Division of Emergency Medical Services, and has served as the Town of Burrillville Emergency Management Director for the past three years. He has the education, training, and local emergency management experience to assume and effectively fulfill the duties of Emergency Management Director for the Town of Gloucester.

I would respectfully request that members of the Town Council consider and appoint Jason M. Rhodes to the part time position of Emergency Management Director for the

Town of Gloucester. The fiscal year 2011/2012 2012/2013 budgeted salary of \$6,559.00 will be prorated from his date of hire starting on Monday March 12, 2012.

Respectfully Submitted,  
Joseph DelPrete

(end of memo)

MOTION was made by Councilor Reichert to APPOINT Jason M. Rhodes to the position of Emergency Management Director for the Town of Gloucester at the budgeted salary of \$6,559 with date of hire being March 12, 2012; seconded by Councilor Hainsworth.

Discussion:

Councilor Hainsworth thanked the Police Chief, Highway Director and Fire Chiefs for their efforts in screening candidates for this position.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

Jason Rhodes thanked the Council for the opportunity to serve the Town of Gloucester.

#### IX. Boards & Commissions

##### A. Land Trust: Update on Policies and Procedures, Management Plans - Discussion and/or Action

Councilor W. Steere stated that Councilor Burlingame wanted an update from Bruce Payton, Land Trust chair and an estimate as to when the Procedures will be ready for Council review and approval. It was noted that Councilor Burlingame is not present due to illness.

Discussion:

B. Payton stated that four items were discussed at their last meeting, and that unapproved minutes were sent to the Council. B. Payton stated that a policy for Land Trust minutes has been developed and will be forwarded to the Council. Regarding a policy for recordings, B. Payton stated that a motion was made to table this matter. Concerning public access to records, the Land Trust has decided to follow the Town's guidelines. B. Payton stated that a property purchase notification to Council process was passed stating that any purchase of land will be discussed first with the Town Council in Executive Session.

Councilor G. Steere commented that the Planning Board should also be involved in decisions regarding land acquisition. B. Payton stated that it is the responsibility of the Planning Board liaison to bring information to the Planning Board and report their input. B. Payton further stated that the Conservation Commission representative also provides a report on Land Trust activity to the Commission at their monthly meetings. Councilor W. Steere cautioned that anything discussed in Executive Session cannot be made public.

Councilor Hainsworth expressed concern about the storage of audio tapes after they have been transcribed. B. Payton stated that the Land Trust is attempting to find a way to store the recordings electronically. Councilor Hainsworth stated that once the meetings are transcribed, the tapes are no longer needed. Councilor G. Steere pointed out that the minutes are not word-for-word. Councilor Hainsworth stated that if the tapes are disposed of, it should not be B. Payton's responsibility.

B. Payton stated that the Secretary of State's rules state that the tapes must be kept, but does not indicate where or how. Councilor Hainsworth suggested that they be stored in the Planning Office. B. Payton stated that there are several online storage services, such as Cox Cable, but pointed out that these services incur a monthly fee. Councilor W. Steere pointed out that the Land Trust is a volunteer board that does not have an office at the Town Hall and stated that it make sense to store the recordings where they can be easily accessed.

Bruce Payton stated that the Land Trust has lost their recording clerk at the same time that they will begin meeting twice per month. B. Payton stated that they will expand the responsibilities of the recording clerk to include keeping the records and retrieval of information.

Bruce Payton stated that the Land Trust does not use a recording device in Executive Session. It was stated that the Town Council records Executive Sessions, but the minutes are sealed. Regarding regular meetings, B. Payton stated that the Land Trust has only been keeping tapes for the past five months, adding that in the past, the tapes would be reused after the minutes had been transcribed.

Councilor Hainsworth again stated that the tapes should be kept at the Town Hall because the building has an alarm system. Councilor Hainsworth further stated that the tapes would be more easily accessible if stored at the Town Hall.

Mike DeGrange, Planning Board member, stated that the liaison to the Land Trust finds out about property transactions after the fact and noted that nothing can be done at that point. Councilor W. Steere stated that it is not the Planning Board's purview to approve land purchases. M. DeGrange replied that the Planning Board is there to make recommendations to other boards regarding land uses.

Councilor W. Steere stated that the Land Trust and Planning Board are two separate groups, but there should be some communication through the liaison who can base an opinion on the Comprehensive Plan. M. DeGrange stated that the Comprehensive Plan also mentions recreation and economic development. Councilor W. Steere stated that a property owner has the right to sell their land to the Land Trust if they wish.

Mike DeGrange stated that he does not feel that Land Trust purchases should be kept behind closed doors as the public has a right to know, since they will ultimately be paying for it. Councilor Hainsworth stated that when purchasing land, you don't want to disclose the amount of your bid to other bidders. Councilor Hainsworth stated that the Land Trust is no different. M. DeGrange disagreed, stating that the Land Trust uses public money to purchase land. Councilor Hainsworth stated that you want to buy a piece land at your best advantage, whether it is the

Land Trust or John Q. Public. Tim Kane, Assistant Town Solicitor, stated that the Land Trust will now be coming to the Council before purchasing land. T. Kane also noted that the Planning Board designee brings a certain expertise to the Land Trust, such as knowledge regarding wetlands and subdivisions. Councilor G. Steere agreed with this point. Councilor W. Steere stated that we are losing sight of individual property rights. Councilor Reichert stated that with the new policies and procedures in place, there will be more discussion prior to land purchases.

Mike DeGrange spoke about storage of the records, stating that the files are small and could be easily stored on a computer. Councilor Hainsworth stated that it would still require personnel hours to retrieve a file, copy it and get it to the person requesting it.

Bruce Payton noted that it takes a year or more to close on a purchase of property. B. Payton stated that this allows time for Planning Board input, but it would have to be in Executive Session. B. Payton stated that it is important that any information discussed in Executive Session does not become public.

George Charette stated that there was a consensus among Planning Board members that the Planning Board should make suggestions to the Land Trust regarding land use. Citing the Lorenzo property, G. Charette stated that a business park would have been feasible due to its size and location, however, the Land Trust purchased the parcel before it could be developed. G. Charette stated that the general public has the right to do whatever they want with their land. G. Charette stated that there are options which would be good for preservation and taxpayers alike, such as proper development which would not impact the area. G. Charette commented that the Land Trust owns 2,300 acres, most of which is tied up.

Councilor W. Steere stated that the 2,300 acres costs the Town \$96,800 per year in taxes. In comparison, Councilor W. Steere stated that if houses were built on the land resulting in children enrolling in the Gloucester schools, the cost would be much higher. G. Charette stated that if the taxpayers must pay taxes on lost land, they should be allowed to have use of the land. Councilor W. Steere noted that many people use Land Trust properties for hiking activities. Regarding Executive Sessions, Councilor W. Steere stated that if more people attend, there is more of a chance that information will get out. G. Charette agreed, stating that Planning Board members should not attend Land Trust Executive Sessions.

George Charette spoke regarding recordings, stating that taxpayers should have the right to listen to the tapes because the written minutes are not word-for-word. G. Charette further stated that he feels that the tapes should be deposited at the Town Hall.

## B. Appointments

### 1. Planning Board

2 Expired five-year terms to expire 3/2017

Councilor W. Steere stated that these appointments are for the 2 expired five year terms of Michael DeGrange and Doug Folcarelli. The Chair and both members have been contacted, both would like to be reappointed.



MOTION was made by Councilor G. Steere to reappoint Michael DeGrange and Douglas Folcarelli to the Planning Board for five year terms to expire 3/2017; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, spoke about the West Gloucester Elementary School parking lot, stating that an engineering firm is working on the design. G. Treml stated that he advised the School Department not to wait until the last minute to arrange for the paving of the lot. G. Treml stated that he also spoke to Joe McGovern concerning the running track and tennis courts at the high school. G. Treml noted that preliminary designs have been done and he has asked to be given an opportunity to look at the job before it goes out to bid, stating that perhaps his department can do a portion of the work.

B. Susan Harris, Deputy Town Clerk, reported that the Land Trust recording clerk's resignation will be on the agenda for the next Town Council meeting.

S. Harris stated that the Town Clerk's office will be open on Saturday, March 24<sup>th</sup> from 1:00 to 4:00 p.m. for voter registration. S. Harris stated that this date is the deadline to register to vote in the Presidential Preference Primary to be held on April 24<sup>th</sup>.

S. Harris noted that the Regional School Public Hearing on their proposed budget is scheduled for March 6<sup>th</sup> at the middle school and the Town Budget Public Hearing will be held on March 29<sup>th</sup> at 7:00 p.m. at the Town Hall.

Bds. & Commissions - Discussion

A. Bruce Payton, Land Trust chair, commented that it was stated by the chair of the Planning Board that the Land Trust owns 25% of the Town, which would be over 8,768 acres. B. Payton stated the Land Trust actually owns 6%, or approximately 2,200 acres. B. Payton stated that people repeat comments without getting the facts. B. Payton stated that the comment appeared in the paper and he received calls asking what the Land Trust was doing with all their land. G. Charette, Planning Board chair, acknowledged that he made that statement, but noted that he heard it from the Council. G. Charette stated that this is why tape recordings are important. Councilor W. Steere expressed agreement. Councilor Hainsworth noted that the Town consists of 58 square miles, which would mean that the Land Trust does not own 25%.

B. Walter Steere, Jr., School Committee member, reported that there was a problem with one of the wood boilers at one of the schools. W. Steere, Jr. stated that the Capital

Projects Committee met last week to discuss the track, the tennis courts and the pump house. W. Steere, Jr. stated that it was hoped that the Town could assist with some of the work, but it was stated that it would have to be separate from what goes out to bid, due to liability issues. G. Treml, Director of Public Works, stated that his department would be able to do at least part of the project.

W. Steere, Jr. stated that the Committee voted to go ahead with this project and send it to the School Committee for approval, adding that he was the only member that opposed. W. Steere, Jr. explained that there was very little discussion about how we were going to pay for this. W. Steere, Jr. noted that the pump house must be done before June 30<sup>th</sup> to qualify for reimbursement, otherwise, the money would have to come from surplus, which will be needed in a couple of years just to run the schools.

#### XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a request for funding was received from the Western Rhode Island Home Repair program. Councilor W. Steere stated this request was for \$2,500 to help with Workers' Compensation and liability insurance for the program.
- B. Councilor W. Steere stated that a letter of support was received from the Charlestown Town Council with regard to the Town of Gloucester's Resolution requesting an amendment to RIGL §16-7-23(a).
- C. Councilor W. Steere stated that two (2) Resolutions were received from the City of Woonsocket.
- D. Councilor W. Steere stated that correspondence was received from the RI League of Cities and Towns regarding the on-line availability of three workshop presentations which took place in January.
- E. Councilor W. Steere stated that an invitation to the Annual St. Patrick's Day Parade was received from the City of Newport.
- F. Councilor W. Steere stated that correspondence was received from Keep Blackstone Valley Beautiful regarding a free recycling educational tour on Saturday, May 12<sup>th</sup>.

#### XII. Open Forum

- A. Mike DeGrange, member of the Fogarty Elementary School PTO, thanked Bruce Payton and Henry Gold for their assistance in the trimming of trees in front of the school. M. DeGrange stated that his neighbor has been picking up trash on Route 102 from the Scituate line to Snake Hill Road. M. DeGrange stated that he plans to send her a letter of thanks.

XIII. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:18 p.m.; seconded by Councilor Reichert.

Discussion: None.

VOTE:      AYES:    W. Steere, G. Steere, Hainsworth and Reichert

          NAYS     0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the April 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **March 15, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Susan Harris, Deputy Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; and Ray Goff, Town Planner.

III. Pledge of Allegiance

IV. Open Forum for Agenda Items

Lorraine O'Connors, of Tucker Street, spoke in favor of the Resolution in Opposition of Binding Arbitration, stating that she thoroughly supports this position. L. O'Connors stated that for years, the unions have had professional negotiators dealing with 39 cities and towns.

V. Legislative Update

Michael Chippendale, State Representative District 40, stated that he has received Resolutions regarding binding arbitration from communities across the State, not only those in his district. Councilor Burlingame questioned if a bill has been introduced in the Senate. Rep. Chippendale replied that he does not know of a bill which has been introduced in the Senate. Rep. Chippendale noted that things happen in the Senate more quickly than in the House.

Rep. Chippendale stated that the piece of legislation which he will be reporting on this evening relates to the funding of our schools. Rep. Chippendale pointed out that the legislation is a product of a Resolution passed by the Gloucester Town Council. Rep. Chippendale stated that the schools are "sucking the life blood" out of every city and town in the state with the autonomy that they have. Rep. Chippendale explained that this legislation would prevent school committees from putting into next year's budget any non-recurring expense or any expired debt service. Rep. Chippendale expressed his opinion that it is counter-intuitive to allow this practice to happen.

Rep. Chippendale stated that the bill was formally introduced early in the legislative season on February 2, 2012. Rep. Chippendale stated that while Gloucester's Resolution pertains to regional schools, the bill which was introduced speaks to every school in the State. Rep. Chippendale stated that he has not met a person in the House who opposes this bill, however he cannot guarantee that it will pass. Rep. Chippendale recommended that the Council members attend a finance hearing to explain how this bill would help the Town.

Rep. Chippendale also encouraged members of the public to attend. Rep. Chippendale noted that each Representative is asked to select three bills that they most want to see passed, adding that this bill will be the only one he will ask for. Rep. Chippendale promised to stay on top of this and will keep the Town Council updated.

Councilor G. Steere asked if Rep. Chippendale has received Resolutions from Coventry or Foster.

Rep. Chippendale replied that he has sent copies of Gloucester's Resolution to both Towns, but has not received anything from them. Rep. Chippendale stated that the funding formula will adversely affect regional schools first. Councilor G. Steere suggested that we send this Resolution to all the other cities and towns asking for support. Councilor Burlingame stated that the region is untouchable from the local Town Council's point of view. Rep. Chippendale stated that other regional school districts seem to work more harmoniously than Foster-Glocester.

Rep. Chippendale stated that a bill has been introduced which would give Town Councils the final say regarding school budgets. Councilor Burlingame asked how this would be handled for communities with regional school districts. Rep. Chippendale stated that he does not think the bill has much of a chance since it is the first year that it is introduced. The Council members thanked Rep. Chippendale for the update on pending legislation.

Councilor G. Steere noted that Senator Paul Fogarty has introduced a sister bill in the Senate on March 8<sup>th</sup>.

Tim Kane, Assistant Town Solicitor, stated that the personnel matter listed under Executive Session will be discussed in Open Session, as requested by the individual. T. Kane noted that according to the Attorney General's Office, the agenda must be amended as such.

MOTION was made by Councilor Burlingame to move item XV. A. Personnel - Discussion and/or action to Open Session after Open Forum; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: )

MOTION PASSED

VI. Resolution - Discussion and/or Action

A. Opposition of Binding Arbitration

Councilor Burlingame read the following:

**Town of Gloucester  
Resolution 2012-5  
In Opposition of House Bill 2012-7617**

WHEREAS; School districts and cities and towns have seen staggering reductions in state aid and payroll costs remain the largest single expenditure in most school budgets; and

WHEREAS; cities and towns must comply with RIGL §44-5-2, that caps the property tax levy imposed by municipalities and RIGL 16-2-9 which states: (d) "The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt." and;

WHEREAS; current state law does not provide for mandatory binding arbitration on monetary matters for school teachers and other school employees; and if passed into law mandatory binding arbitration would take away from locally elected officials the ability to control this component of local budgets; and

WHEREAS; taxpayers are already over burdened by high property taxes mainly due to our school systems; and;

WHEREAS; the proposed mandatory binding arbitration legislation being advanced by its proponents does not take into account student welfare, existing property tax caps, recognition of management responsibilities, the cost of implementing education program and the numerous unfunded mandates passed along to all cities and towns, both educational and town wide; and

NOW, THEREFORE, BE IT RESOLVED that we the Town Council of the Town of Gloucester respectfully requests the Rhode Island General Assembly to oppose 2012 - H 7617 and reject any and all binding arbitration legislation currently being considered for teacher and other school employee contracts; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every Rhode Island Municipality, our State Senator and our State Representatives with a request for their support.

Walter M.O. Steere, III  
President Gloucester Town Council

Seconded by Councilor Hainsworth

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

## VII. Public Hearings

### A. Gloucester Code of Ordinance

CONTINUATION OF PUBLIC HEARING from Dec. 15, 2011, January 5<sup>th</sup> & March 1, 2012

Gloucester Code of Ordinance - Proposed Amendment - Discussion and/or Action

#### 1. Chapter 350 - Zoning

- a. Proposed addition of Article XIII, "Village Overlay District"
- b. AMEND Art. II, Zoning District Use Regulations
- c. ADDITION Chapter 350, Attachment #5
- d. AMEND Zoning Map

Councilor W. Steere stated this public hearing was continued from March 1, 2012. Councilor W. Steere stated there was a Planning Board meeting on March 5, 2012 in which a recommendation was made to the Town Council regarding this proposal.

Ray Goff, Town Planner, stated that two (2) Planning Board meetings have taken place since the last Town Council meeting, one being a joint workshop with the Town Council. R. Goff noted that the Planning Board took into consideration most of the comments made at the Public Hearing and amended the map to move the western boundary to the east. It had also been suggested that the boundaries be moved to add areas to the district, but the Planning Board recommended that this not be done at this time.

R. Goff stated that the text was amended to add the A-4 district and to allow churches, lodges, private clubs and fraternal organizations in the Center District. R. Goff noted that the drive thru section was amended to only allow for banks and pharmacies. Food and beverage establishments would have to apply for a special permit, not unlike what is required now. R. Goff stated that several sections of the Zoning Table of Use Regulations were amended. R. Goff stated that the changes made are not substantial, but reflect the comments made by the public. Overall, R. Goff stated that this a very good ordinance which will help the Town in the long run.

Councilor W. Steere asked if the area was condensed. R. Goff replied in the affirmative, stating that the western boundary was moved from Adelaide Road to the Senior Center.

Kevin LaVoie expressed concern regarding the drive thru restriction, stating that Dunkin Donuts has one. K. LaVoie stated that it is not right to allow some businesses to have a drive thru and not others. T. Kane explained that food and drink establishments can apply to the Zoning Board for a drive thru. R. Goff stated that drive thru windows are allowed in certain districts by Special Use Permit, but the Planning Board is trying to loosen that up a bit by allowing businesses that would not become a problem, such a banks and pharmacies, to be allowed a drive thru by right.

Anne D'Errico-Smith, 1214 Putnam Pike, thanked the Planning Board and Town Council for listening to her concerns and stated that she appreciates the revisions made regarding the western boundary and the drive thru regulations.

Charlie Wilson, 1177 Putnam Pike, expressed his opinion that this is a great plan which should go forward. For the record, C. Wilson stated that he would like to consider this part one, with part two in the future possibly expanding the district to the north and east. Councilor Burlingame stated that he agrees, but we should try this plan now and if successful, perhaps expand later.

Councilor G. Steere stated for the record that he supports the Village Overlay District and thanked the Planning Board for their work, adding that it is a good plan which can later be expanded to the east and north.

Councilor Hainsworth pointed out that the Planning Board voted unanimously in this decision. Councilor Hainsworth expressed his appreciation to the Planning Board, who worked for over a year on this plan.

Councilor W. Steere asked if anyone else wished to be heard on this matter. Hearing none, Councilor Steere DECLARED the Public Hearing CLOSED and asked the Council members if they had any comments.

Councilor Burlingame asked if the Council is in a position to vote on this amendment tonight. Councilor W. Steere replied in the affirmative but stated that he has a couple of questions first. Councilor W. Steere referred to Section 1 #6 of the Table of Use and asked if we are saying that people cannot have beehives on their property in certain areas. R. Goff replied that this is correct, beehives are not allowed in the Village or Central District. Councilor W. Steere expressed concern that we would not allow agricultural uses.

Tim Kane stated that if any amendments are made, the Public Hearing will have to be reopened to allow for public comment.

MOTION was made by Councilor G. Steere to reopen the Public Hearing; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

Charlie Wilson stated that there is not enough room in the Center District to have beehives. C. Wilson stated that the area is too confined. C. Wilson also noted that there is not sufficient room to place farm stands in the village. R. Goff concurred, stating that the purpose of the Overlay District is to encourage people to open small retail shops.

Councilor W. Steere asked why new single family dwellings are prohibited. R. Goff replied that the rationale is that we wish to encourage multi-use structures in the village.



Tim Kane, Assistant Town Solicitor, pointed out that drive throughs are prohibited in the Center District only, and are allowed in the expanded Overlay District, banks and pharmacies by right and other establishments by Special Use Permit.

The Planning Board motion is as follows:

**PLANNING BOARD MINUTES - MARCH 5, 2012 - UNAPPROVED**

**VI. Other Business**

**1. Village Zoning Overlay Ordinance**

Discussion and/or action of Draft Zoning Amendment.

**MOTION** was made by Member DeGrange to forward to the Town Council a positive recommendation for the adoption of the “Village Overlay District.”

This amendment will add a new section to Article XII, Village Overlay District, for the new zoning ordinance. It will amend the Article II, Zoning District Use Regulations, 350-11, 350 Attachment 1, Table of Use Regulations, which will show the uses within the district. The amendment will also add a new attachment for the district boundary map, which will be identified as 350, Attachment 5, Village Overlay District Boundaries. This proposal, if approved, would amend the Official Zoning Map for the parcels identified in the Village Overlay Zone, as shown on the supplied map. In making this decision, the Board considered the following correspondence, information, and comments:

- Those presented at the February 13, 2012 joint Town Council and Planning Board meeting
- Email from Laurie Grange, dated January 5, 2012, regarding the inclusion in the Village Overlay plan of AP 10D, Lots 20, 21, 22 34, 38 and AP 10, Lot 160;
- Email from George Resnevic, dated December 12, 2011, regarding the inclusion of lots beyond Sentry Auto to Terry Lane;
- Concerns for the future economic growth of the village and the vitality of the Town to be self sustaining;
- Town Council and Public testimony and discussions heard at the February 13, 2012 meeting;
- Discussions by and with the Planning Board that have occurred during the development and public presentation of this ordinance over the past year.

This amendment is found to be consistent with the Gloucester Comprehensive Community Plan sections:

- 3.4.3** Consider a mixed use zoning district for the village areas as recommended in the Chepachet Village Plan;
- 3.4.4** 6) to establish an appropriate commercial mixed use village zoning district such as recommended by the Chepachet Village Plan, with use, dimensional, and site plan regulations suitable to the Village as a special planning area, including allowing variable setbacks in Chepachet;
- 4.3.5** Consider innovative or flexible housing design and layout regulations, such as those recommended in the Plan for Chepachet Village, that protect and enhance

the unique living characteristics of Gloucester but that do not contribute to, inflate housing cost unnecessarily;

- 5.2.1 Allow for future economic development to occur that does not conflict with or degrade the desirable attributes of the Town and that help to sustain the Gloucester Vision;
- 5.2.2 Prevent the traditional problems created by economic growth, such as environmental degradation, dramatic changes to community character, and unsightly highway strip development, from occurring in the Town;
- 5.2.3 Broaden and diversify the Town's economic base to reduce the residential sector's property tax burden;
- 5.4.7 a) establish a Village Zone district or overlay district in designated areas to allow for mixed use activities such as business and residential uses in the same building, alternative dimensional regulations and incentives for the rehabilitation and innovative use of historic structures and as recommended by the Chepachet Village Planning Project.

The Planning Board hereby recommends adoption of a new Article XII, Village Overlay District to the Zoning Ordinance. This amendment will also amend the Article II, Zoning District Use Regulations, 350-11, 350 Attachment 1, Table of Use Regulations and add a new attachment for the district boundary map, which will be identified as 350 Attachment 5, Village Overlay District Boundaries and Parking section 350-34 through 41 and forwards this recommendation to the Town Council for consideration.

The Planning Board is also considering, for the future, the areas located outside the Village Overlay District for flexible zoning overlays.

**MOTION** was seconded by Vice-Chairman Calderara.

**DISCUSSION:** None

**VOTE:** AYES - Unanimous

(Charette, Calderara, Furney, Gross, Pitocco, Folcarelli, DeGrange)

(End of Planning Board motion)

Councilor W. Steere Declared the Public Hearing Closed.

MOTION was made by Councilor Burlingame to approve the proposed Village Overlay District Ordinance. Specifically Gloucester Code of Ordinance by Adding Article XIII, Section 350-106, Village Overlay; Amend; Table of Use Regulations; 350-11; Amend Chapter 350 by Adding Attachment 5; Map showing Village Overlay District Boundaries; as amended and forwarded to the Gloucester Town Council by the Gloucester Planning Board on March 5, 2012; said amendments having resulted from further study and views expressed at the public hearing. In making this motion the Gloucester Town Council finds that the proposed amendments are consistent with the Gloucester Comprehensive Community Plan and adopts the findings of the Gloucester Planning Board as to consistency with the Gloucester Comprehensive Community Plan; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

B. Earth Removal License Renewals

1. Applicant: Adler Brothers Construction, Inc.  
Location of Business: 604 Putnam Pike, further described  
as AP 14, Lots 18, 19 and 20

Councilor W. Steere stated that this Public Hearing was advertised March 1, 2012 in the Valley Breeze and abutters were notified.

Councilor W. Steere Declared the Public Hearing Open and asked if anyone wished to speak regarding this matter.

Discussion: None.

Councilor W. Steere Declared the Public Hearing Closed.

MOTION was made by Councilor Reichert to Grant the Earth Removal License to: Applicant: Adler Brothers Construction; Location of Business: 604 Putnam Pike, further described as AP 14, Lots 18, 19 and 20; contingent upon : 1) Building/Zoning approval; 2) all Town fees being paid; 3) current bonding secured; said license to be valid April 1, 2012 to March 31, 2014; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

2. Applicant: George O. Steere, Jr. et als  
Location of Business: Route 102, further described as AP 13, Lot 2

Councilor W. Steere stated that this Public Hearing was advertised March 1, 2012 in the Valley Breeze and abutters were notified.

Councilor G. Steere recused himself from this matter.

Councilor W. Steere Declared the Public Hearing Open and asked if anyone wished to speak regarding this license renewal.

Discussion: None.

Councilor W. Steere Declared the Public Hearing Closed.

Motion was made by Councilor Hainsworth to Grant the Earth Removal License to: George O. Steere, Jr. et als; Location of Business: Route 102, further described as AP 14, Lot 2; contingent upon: 1) Building/Zoning approval; 2) all Town fees being paid; 3) current bonding secured; said license to be valid April 1, 2012 to March 31, 2014; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

RECUSAL: G. Steere

MOTION PASSED

3. Applicant: Bella Sand, LLC

Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lots 105, 106, 106A and 116

Councilor W. Steere stated that this Public Hearing was advertised March 1, 2012 in the Valley Breeze and abutters were notified.

Councilor W. Steere declared the Public Hearing Open and asked if anyone wished to be heard regarding this matter.

Discussion: None.

Councilor W. Steere Declared the Public Hearing Closed.

Motion was made by Councilor G. Steere to Grant the Earth Removal License to: Bella Sand, LLC; Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lots 105, 106, 106A and 116; contingent upon: 1) Building/Zoning approval; 2) all Town fees being paid; 3) current bonding secured; said license to be valid April 1, 2012 to March 31, 2014; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

#### VIII. Consent Items - Discussion and/or Action

A. Town Council Minutes: February 9 & March 1, 2012

B. Finance Director's Report - January & February, 2012

C. Tax Assessor's Additions & Abatements

Motion was made by Councilor Reichert to TABLE the Town Council minutes of February 9 & March 1, 2012; to ACCEPT the Finance Directors report for January & February, 2012 and to Approve the Tax Assessor's Addition to the 2011 Tax Roll in the amount of \$359.46 and the

Abatement to the 2010 Tax Roll in the amount of \$311.11 and the Abatement to the 2011 Tax Roll in the amount of \$2,431.39; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

IX. Unfinished Business

- A. Land Trust: Update on Policies and Procedures, Management Plans - Discussion and/or Action

Bruce Payton, Land Trust chair, stated that the Land Trust has not met since the last Town Council meeting, therefore there has been no further discussion regarding rules and regulations. B. Payton stated that the matter is on the next Land Trust agenda.

X. New Business

- A. Boards & Commissions Public Records Policy

Councilor W. Steere stated that Jean Fecteau, Town Clerk, has drafted a solution to the issue of storage of public records at the Town Hall. Since the Town Clerk was not present at the meeting, there was Council consensus to continue this matter until the next Town Council meeting.

MOTION was made by Councilor G. Steere to CONTINUE Boards & Commissions Public Records Policy until the Town Council meeting of April 5, 2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

XI. Boards & Commissions

- A. Resignation  
1. Land Trust Recording Clerk

Councilor W. Steere stated that the Town Clerk's Office has received a resignation from Cheryl Commendatore, the Clerk for the Gloucester Land Trust. Cheryl stated in her letter of resignation that her last Land Trust Meeting would be February 21, 2012. Councilor W. Steere noted that the Town Council appointed Cheryl on June 19, 2008.

Discussion:

Tim Kane, Assistant Town Solicitor, stated that under the Land Trust's enabling legislation, they have the authority to hire their recording clerk. T. Kane pointed out that the clerk is paid out of the Land Trust's budget. Councilor Burlingame noted that after the clerk was appointed by the Town Council in 2008, the Town decided not to fund the position any longer. At that time, the Land Trust began to fund the position out of their budget. It was decided that since the Council made the appointment, it is appropriate for them to accept the resignation, however it is now the Land Trust's responsibility to fill the position.

MOTION was made by Councilor Burlingame to accept the resignation from Cheryl Commendatore as clerk to the Gloucester Land Trust effective February 21, 2012;  
Seconded by Councilor Hainsworth.

Discussion:

The Town Council extended thanks to Ms. Commendatore for her service.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Appointments

1. Board of Canvassers

One 6-year term to expire 3/2018

Councilor W. Steere stated that this appointment is for one expired six year term. Deborah Charron stated that she would like to be reappointed.

MOTION was made by Councilor Hainsworth to reappoint Deborah Charron to the Board of Canvassers for a six year term to expire 3/2018; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XII. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, reported that the Tanyard Lane drainage project will begin on Monday. G. Treml stated that the DPW employees have completed their 40 hour Haz Mat course. Regarding recycling, G. Treml stated that we are still at 30%. G. Treml stated that the legislature is looking at enforcing that all cities and towns recycle at the mandated rate of 35%.

G. Treml noted that this should be considered seriously. Councilor W. Steere stated that after we discussed the proposal for "pay as you throw", there was a rebuttal from

Resource Recovery published in the Observer. Councilor W. Steere stated that the article said that “Resource Recovery would make it easy for Gloucester to reach 35%”. Councilor W. Steere suggested reaching out to the individual to ask her what she meant.

- B. Susan Harris, Deputy Town Clerk, stated that the Regional Financial meeting will be held on Tuesday, March 20<sup>th</sup> at 7:00 p.m. in the High School auditorium.
- C. Joseph DelPrete, Chief of Police, stated that a 5K road race will take place on April 5<sup>th</sup> as part of the Wellness Fair at Ponaganset Middle School.

#### Bds. & Commissions - Discussion

- A. David Steere, Budget Board chair, stated that the proposed budget has been submitted and a Public Hearing will be held on March 29, 2012.
- B. Bruce Payton, Land Trust chair, reported that a walk is scheduled for this Saturday, March 17<sup>th</sup> at Steere Hill beginning at 10:00 a.m.

#### XIII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter was received from Cayer Caccia, LLP, the firm which performs financial audits for the Town. Councilor W. Steere stated the letter indicated that there are two areas which could be improved.
- B. Councilor W. Steere stated that a letter was sent to the Department of Transportation from the Town Planner with regard to the Chepachet Bridge project.
- C. Councilor W. Steere stated that correspondence was received from DOT Director Michael Lewis in response to a letter sent by the Town Council regarding the intersections of Routes 44 and 102 and Routes 100 and 102. Mr. Lewis states that the Department is developing conceptual design plans and will present these alternatives to the Town.
- D. Councilor G. Steere stated that he received calls from business owners in the Pinewood Park area expressing concern regarding the condition of the road. Councilor G. Steere asked Gary Treml, Director of Public Works, to address the situation.
- E. Councilor Burlingame stated that he also received calls regarding the direction of water flowing on Gold Mine Road. G. Treml stated that the water tends to accumulate in the middle of the roadway, which could cause damage to the road itself. G. Treml noted that there is only so much he can do as this is a private road.

#### XIV. Open Forum

- A. Rose LaVoie asked for the bill numbers for binding arbitration and debt service. R. LaVoie stated that the Gala will be held on April 25<sup>th</sup>.

AMENDMENT TO THE AGENDA, per Town Council vote.

Personnel - Discussion and/or action

Councilor Burlingame explained that at the request of Bruce Payton, Land Trust chair, this item will be discussed in open session.

Councilor Burlingame stated that an e-mail was sent by the Town Clerk to a board chair whose response was inappropriate. Councilor Burlingame stated that it is the Town Clerk's responsibility to post agendas and the board chair was obstructing her from doing her job.

Tim Kane, Assistant Town Solicitor, cautioned that this discussion can only be about the e-mail response to the Town Clerk, and not about the Clerk herself, as she is not present this evening.

Bruce Payton, Land Trust chair, stated that he feels that this discussion should not take place without the Town Clerk present. B. Payton stated that this matter is between him and the Town Clerk.

Councilor Burlingame stated that we must put things that happen in the passion of the moment behind us. Councilor Burlingame stated that people must settle things between themselves, adding that the Town Clerk was trying to conduct business.

Bruce Payton stated that if he continues to receive e-mails such as this, he will continue to respond that way.

MOTION was made by Councilor Reichert to TABLE this discussion until the Town Council meeting of April 5, 2012; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

XV. Seek to Convene to Executive Session

A. Pursuant to R.I.G.L. 42-46-5 (a) 1 Personnel - Discussion and/or action - ABOVE

B. Pursuant to R.I.G.L. 42-46-5 (a) 2 Potential Litigation - Discussion and/or action

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; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED



XVI. Reconvene to Open Session  
Disclosure of Votes Taken

MOTION was made by Councilor Burlingame to Reconvene to Open Session and to Seal the minutes of Executive Session (no votes were taken); seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XVII. Adjourn

Motion was made by Councilor Burlingame to ADJOURN at 9:21 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the April 5, 2012 Town Council Meeting.

At a Public Hearing of the Town Council holden in and  
for the Town of Gloucester on **March 29, 2012**

I. Call to Order

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

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Thomas Mainville, Finance Director; David Steere, Budget Board chair; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Gary Treml, Director of Public Works; and Patricia Dubois, Gloucester School Superintendent.

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Public Hearing

A. Budget 2012/2013

Operating & Capital Improvement Budgets

Councilor W. Steere stated that this Public Hearing was duly advertised per requirements of the Home Rule Charter.

Councilor W. Steere DECLARED the Public Hearing OPEN and explained that Tom Mainville, Finance Director and David Steere, Budget Board chair will present the Town and School budgets. Councilor W. Steere stated that questions and comments will then be taken from the public.

Discussion:

Councilor W. Steere stated that the Council has received the proposed budget for 2012/2013 and thanked the Budget Board for their time and effort. However, Councilor W. Steere expressed his disappointment with the Budget Board regarding some of the aspects of the budget as presented. Councilor W. Steere explained that the Council had a joint meeting with the Budget Board at which time the Council requested that no employee rate increases be included this year.

Councilor W. Steere stated that the budget reflects a 2.75% increase in salaries. Councilor W. Steere noted that the Council had negotiated in good faith with the unions and added that he would not be able to go forward with this budget as it stands. Councilor G. Steere stated that he agrees that there should be no increases and stated that this was conveyed to the Budget Board.

Councilor Reichert noted that it is not that the employees do not deserve a raise, but the contracts that were negotiated do not include an increase. Councilor Burlingame also agreed, stating that

the dispatchers agreed on no increase. Councilor Burlingame further stated that the clerks were concerned that non-union employees would receive raises, therefore, a clause was added to their contract which states that if any other employees receive an increase, the contract would be reopened for salary negotiations. Councilor Burlingame stated that the Council had no objections because the intent was that there would be no increases, due to the situation with the pension fund.

Councilor Burlingame stated that it would be a problem if the contract was reopened for the clerks as the dispatchers have no such clause in their contract. Councilor Burlingame also stated that the Council advised the Budget Board, and there may have been a misunderstanding, that \$300,000 of FM Global money go as an offset to taxes as far as appropriations and a minimum of \$200,000 (of the \$500,000) should go toward infrastructure and capital expenditures. Councilor Burlingame stated that did not happen and he recommends it does.

Councilor W. Steere reiterated that it is not that the employees do not deserve an increase, but our community is in a difficult situation regarding unemployment, which is at 10.2%, and the number of foreclosures, which is 57 in the past two years. Councilor W. Steere noted that a bill has been introduced which would take away 50% of our building permit fees, which may seem like a small thing, but questioned what would be next. Councilor W. Steere pointed out that no employees were laid off during the last recession, unlike many other communities.

David Steere, Budget Board chair, stated that we will begin with the Gloucester School Budget, followed by the Capital Budget and the Town Budget.

Tom Mainville, Finance Director, noted that the total operating expenses for the Gloucester Schools have decreased by \$373,000 as indicated on page 1. T. Mainville stated that on page 2, State Aid has been decreased by \$143,000, partly due to the funding formula. T. Mainville further stated that there is a decrease of \$135,000 for the Education Jobs Fund, a one-time revenue which will not be continued.

T. Mainville stated that the net increase in expenses for the West Gloucester Elementary School is \$4,350 (3.64%) and for Fogarty Memorial School, \$3,995 (3.22%). T. Mainville reviewed page 13, bus transportation, and stated that it comprises 15% of non-salary and non-benefit expenses. T. Mainville noted that the Medicaid expense of \$96,000 (page 15) is offset in the revenue section (page 2).

T. Mainville referred to page 16, noting that there are 2 increases of \$20,000 each. T. Mainville explained that in order to qualify for Housing Aid Reimbursement, we must hire an engineer to inspect old school buildings, which may amount to \$20,000 for each school. Councilor Burlingame stated that this budget item is important as we will get it back with the reimbursement. Councilor G. Steere pointed out that this one-time expenditure will get us five years of funding.

T. Mainville spoke regarding salaries, stating that there has been a reduction in both certified and non-certified staff.

Tom Mainville noted that the Gloucester School Budget is level-funded for the 4<sup>th</sup> year in a row.

Councilor Burlingame commented that there will be a change in State reimbursement which is a result of the new formula by which the amount of funding will be based on the number of students. Councilor Burlingame stated that Gloucester has a good fund balance which will help address the issues going forward and gave credit to the Superintendent and Finance Director. Councilor Burlingame stated that he has not seen anything from the Region with regard to how the drop in student population will affect their budget.

Councilor Reichert asked if there are any funds in the Capital Budget for a generator at West Gloucester Elementary School. T. Mainville replied that a generator is not in the plan at this time. Councilor Reichert stated that it would be a worthwhile investment.

Kevin LaVoie, of Pound Road, stated that the bus company pays \$1.65 per gallon for fuel with the Town paying the rest and inquired how these charges are determined. T. Mainville stated that he has compared our rates and we get a better rate from our bus companies than surrounding communities. Walter Steere, Jr., Putnam Pike, commented that we have been doing business with the Jaques and Hopkins Bus companies for many years and have received good customer service at a reasonable price from both.

David Steere, Budget Board chair, gave an overview of the proposed municipal budget. D. Steere noted that the 2.75% salary increase in the proposed budget amounts to \$55,471. D. Steere stated that the budget also includes an increase in health benefits. D. Steere stated that since this is an election year, there is a line item for poll workers under Board of Canvassers.

Under Operational Expenses, D. Steere stated that the proposed amount for utilities is \$53,330, or a decrease of \$22,950, due to the installation of the geothermal heating system. After explaining other aspects of the proposed budget, D. Steere stated that the proposed expenditures are \$26,531,142 which reflects a decrease of \$1,059,133. D. Steere reviewed page 2, Revenues, and stated that the 2 major ones are the FM Global Payment in Lieu of Taxes, Phase I and II. D. Steere noted that the total revenue is \$6,111,796 for a decrease of \$71,497. D. Steere stated that the amount to be raised by taxes prior to adjustments is \$20,419,346. After adjustments, the total to be raised by taxes is \$20,734,346, which is a decrease of \$218,260.

D. Steere continued with the Capital Budget on page 19. D. Steere noted that under Town Hall repairs and renovations, \$32,500 is proposed and \$17,500 for network and phone cabling. Next, there is \$5,000 proposed for the Chepachet River Park. Under Police Department, two vehicles are proposed for a total of \$52,000. Under Public Works, a total of \$383,431 is proposed for road construction and equipment. D. Steere stated that the total of the proposed capital expenditures is \$490,431.

Regarding the proposed salary increases, D. Steere stated that the Budget Board met with the Town Council as a courtesy, but added that it is the Budget Board's budget. D. Steere stated that the members felt that the employees deserve the raises. D. Steere pointed out that the Police are getting an increase in both wages and longevity. D. Steere further stated that at the Regional

level, teachers are receiving a 2% raise and non-certified employees are getting 1.5%. D. Steere stated that the Budget Board also feels that the Town is in good financial shape.

Councilor W. Steere asked if anyone had any comments or questions.

Jean Fecteau, Town Clerk, stated that she will need additional funds in the Board of Canvassers budget. J. Fecteau explained that due to the State's redistricting, she will have to have new maps drawn, advertise in the newspaper and mail a notice to each registered voter in Gloucester. J. Fecteau noted that there currently is \$3,500 in the budget for postage, but this will not take place until after July 1<sup>st</sup>. J. Fecteau stated that if she uses the State's vendor, the cost would be \$60,000.

However, J. Fecteau stated that if the project is performed in-house, with the help of Ed Juaire, the cost would be approximately \$6,700. J. Fecteau pointed out that there has been a lawsuit filed which, if successful, may cause the district lines to be reversed before the September primary and November election. J. Fecteau requested that a new Redistricting account be created with \$7,000 to \$7,500 available for these jobs. J. Fecteau stated that the \$3,500 under postage could be eliminated and the miscellaneous expense account could be reduced. Councilor Burlingame agreed that a separate account would make sense because the redistricting project is a one-time thing and should not be included with the budget for Board of Canvassers.

Bob Lyons of Anan Wade Road commended the Public Works Department for their work on roads throughout the Town and stated that he supports any funds proposed for this purpose. B. Lyons noted that a previous Town Council had approved the allocation of FM Global money for infrastructure, but the next Council reversed that decision in order to balance the budget. B. Lyons pointed out that the FM Global funds will be increasing by a half million dollars and recommended that this allocation be reestablished.

Linda Nichols of Durfee Hill Road asked if the Town received a tax credit for the recent geothermal installation. Tom Mainville replied that most of the work was paid for by grant money and suggested that Ms. Nichols speak to the Town Planner for more information. L. Nichols spoke regarding raises for employees, stating that nobody should receive an increase. L. Nichols noted that she is employed by a large company where raises have been put on hold.

L. Nichols commented that this is the first time she has seen this proposed budget and stated that it is difficult to follow. T. Mainville noted that the budget has been available for review on the Town's website for several weeks. T. Mainville stated that this is a public hearing for the purpose of answering questions regarding the budget. T. Mainville further stated that once adopted, the budget will be presented at the Financial Town Meeting, where further questions may be raised and changes may be made prior to a vote.

Councilor Burlingame responded to L. Nichols and reiterated that the Council did not want wage increases in the budget. Councilor Burlingame explained that it is the recommendation of the Budget Board to include increases, but the Council will not support that recommendation. David Steere pointed out that there will be increases in the budget as the Police are getting raises according to their contract.

Councilor W. Steere explained that the Police are in a 3-year contract which includes a raise this year. Councilor W. Steere stated that due to Binding Arbitration, it would cost the Town more to go to court than the cost of the increases. Joseph DelPrete, Chief of Police, noted that the Police Department gave up a lot the first year of the contract and stated that their salaries are in line with neighboring communities. Councilor W. Steere stated that the Budget Board is not privy to all the information and must base their decision on the information that they have.

Ron Bachman of Pine Orchard Road expressed his opinion that the Highway Department, Police Department, and Town Hall workers deserve to be rewarded for their work. Speaking as a member of the School Committee, R. Bachman stated that all teachers did not get a raise, adding that step increases are mandated by the State. R. Bachman noted that the teachers have gone from paying 1.5% to 20% co-share for health insurance. R. Bachman stated that from a service standpoint, Town employees should receive raises if possible. Councilor Burlingame asked if the teaching staff has been reduced as a result of decreased enrollment. R. Bachman replied in the affirmative.

David Steere spoke with regard to the Chief of Police's comment that the Police Department has given up a lot. D. Steere noted that the Town employees have also given up a lot several years ago. Councilor W. Steere stated that the wages were frozen for that year, but the employees have since received a 1% increase and a 2% increase. Councilor W. Steere pointed out that the schools have reduced their staff, while the Town has not.

Gary Treml, Director of Public Works, spoke regarding the line item of Fuel Monitoring System on page 19 of the proposed budget. G. Treml stated that he has requested \$15,000 to purchase a system to monitor fuel used by Town vehicles. Dave Steere asked if G. Treml suspects that people are stealing gas from the Town pumps. G. Treml replied in the negative, but stated that there is no way to know. Councilor Burlingame agreed that there should be controls in place. Councilor G. Steere stated that although we purchase our fuel from a trusted source at this time, we may not always and this is a way to monitor inventory.

Katie Franklin of Well One Primary Medical & Dental Care of Pascoag, Foster and North Kingstown thanked the Council for their continued support of the agency she represents. K. Franklin stated that the agency serves over 13,000 patients and the Pascoag and Foster facilities serve over 10,000 northern Rhode Islanders. K. Franklin noted that Well One has been in the community for over 100 years and they intend to be here for another 100 years.

David Chace, member of the Senior Center Board of Directors, brought up an issue regarding the Senior Lunch Program. Tom Mainville stated that \$4,225 was requested, but there is no allocation in the proposed column of the budget. Councilor Burlingame explained that while the suggested donation for a meal is \$3.00, in fact \$4.00 could be charged. Councilor Burlingame stated that there is another issue of people ordering meals and not showing up, but we still have to pay for the meal. Councilor Burlingame stated that the problem is that there is a State mandate that we cannot charge more than \$3.00 for a meal. Councilor Burlingame stated that if we do not fund this properly, Woonsocket Senior Services could shut us off completely.

Councilor Burlingame stated that those who do not show up should pay for their meal. Regarding the differential between the \$3.00 and \$4.00 charge, Councilor Burlingame recommended that we support this because we do not want to eliminate the meals at the Senior Center. It was stated that not only Gloucester residents attend the Senior Center for lunch. D. Steere suggested that the money be taken from the members' dues. D. Chace stated that the bottom line is that it would be money well spent for the comradery and companionship of the thirty seniors who attend on a daily basis.

Linda Nichols of the Community Resource Commission stated that last year they requested a budget of \$1,000, which was not sufficient. L. Nichols stated that the Commission has since been combined with the Wastewater Advisory Committee and is requesting \$3,500 in this budget. L. Nichols explained that donations and grants are not easy to obtain and asked the Council to honor this request. L. Nichols distributed an itemized list to substantiate the request.

L. Nichols stated that members use their own gas to travel back and forth to the gardens and to obtain supplies. L. Nichols pointed out that the produce grown is donated to the Food Bank. L. Nichols stated that she is aware that the Town is strapped for money, but stated that they should give the Commission some leeway. Councilor W. Steere pointed out that the Community Resource Commission's proposed budget is \$1,500, based on their request of \$4,000 for advertising. Councilor W. Steere stated that he would be willing to increase the proposed amount slightly.

Councilor Burlingame stated that he feels that the Budget Committee did not have enough information regarding the mission of the combined Resource Commission/Wastewater Advisory Commission. Councilor Burlingame recommended giving the Commission \$3,500 as requested. Councilor G. Steere commented that it is not up to the Town to reimburse the members for gas, adding that they have volunteered their services. Councilor G. Steere noted that he uses gas while doing things for the Town, and other than his Town Council stipend, he does not receive reimbursement.

Councilor G. Steere stated that the Resource Commission does good things for the Town, such as the flags on the telephone poles, and he is willing to increase their budget. L. Nichols noted that when she came to the Budget Board meeting to present her request, another member of the Commission had already spoken to the Budget Board. It was stated that this was a lack of communication on the part of the Community Resource Commission members. Councilor W. Steere commented that the Commission initiated an energy audit which saved the Town at least \$3,000 this year. After discussion, there was Council consensus to recommend a budget of \$3,000 for the Community Resource Commission.

Rose LaVoie stated that in this economy, raises should not be given. R. LaVoie pointed out that the cost of benefits continues to go up. R. LaVoie stated that independent business owners must pay for their own pension, health and dental even when business is down. R. LaVoie stated that the Council has done a good job negotiating contracts. R. LaVoie commented that the Senior Center budget is a large amount of money. R. LaVoie also stated that she volunteers and does not get reimbursed for gas and other expenses.

Councilor W. Steere asked the Council members for their comments regarding the proposed budget.

Councilor G. Steere spoke regarding the salary issue. Councilor G. Steere stated that the Council negotiated in good faith. Councilor G. Steere stated that the clerks wanted that clause in the contract as a way to ensure that nobody else would receive a raise. Councilor G. Steere noted that all of the Union contracts will now be due at the same time, however, the Police did receive a raise as this is the last year of their existing contract.

Councilor G. Steere stated that Binding Arbitration will probably be there for the next contract unless our representatives at the State House can change things. Councilor G. Steere stated that it creates an uneven playing field in his opinion, which puts the Town at a disadvantage. Councilor G. Steere stated that the Police Department did make concessions the first two years and are getting a little bit back this year. Councilor G. Steere stated that the unemployment figures for the State could probably be doubled for Gloucester, adding that there are many self-employed people who are either out of work entirely or working just a day every couple of weeks, including himself. Councilor G. Steere stated that this weighs heavily on his decision.

Councilor Reichert expressed his opinion that the gas monitoring system for the Public Works Department would be a good investment, considering the high cost of gas.

Councilor Burlingame spoke about correspondence received from Ray Goff, Town Planner, with regard to a grant application for ball fields for Gloucester Memorial Park Annex. Councilor Burlingame stated that the Council authorized the Town Planner to apply for this grant at their meeting of December 1<sup>st</sup>. Councilor Burlingame stated that this is an Open Space Grant of \$150,000 which would require local appropriation and in-kind services. Councilor Burlingame stated that he has not had the opportunity to review this correspondence and recommended that the Council discuss it at their next meeting.

Jean Fecteau stated that the letter was only received today at 4:00. Councilor W. Steere stated that FM Global money could be placed in a Capital account to fund things such as this. Councilor W. Steere pointed out that the ball fields at Acotes will not be available forever and this is something we must think about now. Councilor Burlingame commented that the Land Trust is sitting on \$400,000, some of which could be used to foster this project.

Councilor Burlingame stated that the Land Trust charter states that their funds can be used for both open space and recreation. Councilor Burlingame asked the Council to consider this idea. Councilor W. Steere stated that we do not know if \$400,000 is an accurate number. Russell Gross stated that the Land Trust budget has \$302,000 to purchase land, adding that this money cannot be used to work on the Hawkins Dam. Councilor Burlingame pointed out that the Land Trust also receives a percentage of the Realty Tax Stamps collected by the Town. Councilor G. Steere stated that this grant is limited to a certain piece of property which may not even be available at this time.

Jean Fecteau, Town Clerk, thanked the members of the Budget Board for their show of support to the Department Heads.



Councilor G. Steere stated that Gary Treml, Director of Public Works, had originally asked for \$25,000 for a truck body for one of the older trucks. Councilor G. Steere stated that it is not in the budget presented tonight. David Steere stated that this request was not submitted. Councilor G. Steere stated that we could possibly find a used truck body for approximately \$6,000. Tom Mainville stated that he will consult with the Town Solicitor to determine if anything can be added to the budget at this point.

Ron Bachman stated that tonight's meeting was not posted on the Town's website. J. Fecteau explained that the calendar on the website consists of regular monthly meetings only.

Councilor W. Steere asked if anyone else wished to be heard regarding the proposed budget. Hearing none, Councilor W. Steere declared the Public Hearing CLOSED and stated that the Council will place the budget on their agenda for adoption. Per the Home Rule Charter, the budget is to be adopted 15 days preceding the Financial Town Meeting. After discussion, there was Council consensus to place Adoption of the Budget on the agenda for the Town Council meeting of April 5<sup>th</sup>.

MOTION was made by Councilor Burlingame to place Adoption of the 2012/2013 Operating and Capital Improvement Budget on the Town Council meeting agenda for April 5, 2012; seconded by Councilor Reichert.

Discussion: None.

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

Councilor W. Steere stated that the Financial Town Meeting will be held on May 5<sup>th</sup>, 2012 at 1:00 p.m. at Ponaganset High School Auditorium.

V. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:59 p.m.; seconded by Councilor G. Steere.

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

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Jean M. Fecteau, Town Clerk

Approved at the April 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **April 5, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Jane Steere, Tax Collector; Viviane Valentine, Tax Assessor; and Ray Goff, Town Planner.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scouts Seth Plante and Evan Lapierre.

IV. Open Forum for Agenda Items

None.

V. Gloucester Police Department

A. Swearing In - Police Officer

Councilor W. Steere stated that this evening, Donald Sousa will be sworn in as a member of the Gloucester Police Department. Councilor W. Steere stated that Donald graduated from the RI Municipal Academy on December 21, 2011 and on March 15, he completed his field training with the Gloucester Police Department. Councilor W. Steere stated that Officer Sousa is currently on his own as a probationary officer until 12/21/12. Councilor W. Steere also stated that Officer Sousa is married with a 2-½ year old daughter.

The Town Clerk administered the Oath of Office and Officer Sousa's badge was pinned on by his wife.

The Town Council expressed congratulations to Office Sousa.

VI. Resolution

A. Chepachet Grange Citizen of the Year  
Discussion and/or Action

Councilor W. Steere stated that Rose LaVoie has been chosen the Chepachet Grange Citizen of the Year. Councilor G. Steere read the following Resolution into the record:

**Resolution 2012-6**

WHEREAS: The National Grange, founded in 1867, is a nonprofit, nonpartisan, fraternal organization that advocates for rural America and agriculture. With a strong history in grassroots activism, family values and community service, the Grange is part of more than 2,100 hometowns across the United States; and

WHEREAS: The Chepachet Grange has a mission is to help the community and to celebrate the importance of citizens in our community that share their ideals and give unselfishly of their time and effort; and

WHEREAS: Nationally, April is recognized as Grange Month. Therefore, on April 17<sup>th</sup>, Chepachet Grange will honor people in our community from different walks of life. This year the Chepachet Grange has chosen:

**Rose LaVoie as “Citizen of the Year” 2012**

WHEREAS: Rose is a tireless advocate for the betterment of the Town of Glocester and Chepachet Village. Rose LaVoie is being honored for her past and present work on the progress and preservation of our town. Rose’s work has included: serving on the Town’s Bi-Centennial Committee, Glocester’s 250<sup>th</sup> anniversary celebration committee, Glocester Business Association; the Blackstone Valley Tourism Council, and the Glocester Heritage Society to name a few.

NOW THEREFORE BE IT RESOLVED, the Glocester Town Council and the Town Clerk wish to congratulate Rose LaVoie on this occasion and we wish to thank the membership of the Chepachet Grange for their hard work, sense of community, dedication to our Town; and good sense to honor Rose LaVoie.

Walter M.O. Steere, III, Council President  
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

There was a round of applause for Rose LaVoie.

B. Opposition of House Bill H-7867  
An Act Relating to Health and Safety - Taxation - Impact Fees

Councilor Burlingame read the following Resolution in opposition to House Bill 7867 regarding fees and taxes associated with construction:

**Resolution 2012-07**  
**In Opposition of House Bill 2012-7867**

WHEREAS; cities and towns continue to fight their way out of financial shortfalls while withstanding staggering reductions in state aid and higher education costs; and

WHEREAS; House Bill #7867 as proposed would “create temporary reductions of certain fees and taxes relating to building and construction, specifically permit fees, and impact fees” by imposing that these fees be reduced by fifty percent for a period of twenty-four months; and

WHEREAS; this reduction in fees would negatively affect the revenue generated by municipalities and thereby potentially create the need for additional taxation; and

WHEREAS; this bill represents another mandate being placed on municipalities that is an intrusion of the Municipality’s ability to manage its finances according to its own policies and procedures; and

WHEREAS; if our legislature genuinely wants to assist local communities it would eliminate the multitude of existing mandates currently imposed by statute and not disingenuously propose more.

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Glocester respectfully requests the Rhode Island General Assembly to oppose 2012- H 7867 as passage could result in the need to impose additional taxes; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every Rhode Island Municipality, our State Senator and our State Representatives with a request for their support.

Walter M. O. Steere, III  
President Glocester Town Council

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Public Hearings

A. 2012 Community Development Block Grant - 2<sup>nd</sup> & final hearing - Discussion and/or Action

Councilor W. Steere stated that this Public Hearing is the second of the two required by law for the 2012 Community Development Block Grant and was advertised on March 15, 2012 in the Valley Breeze/Observer.

The first hearing was held on February 2, 2012.

Councilor W. Steere DECLARED the Public Hearing Open.

The proposed allocations are as follows:

Housing Rehabilitation & Mobile Home Replacement	\$ 191,750.00
Food Pantry	\$ 4,000.00
Community Housing Land Trust	\$ 1,250.00
Administration/Operating	\$ 3,000.00
<b>Total Proposed Activities</b>	<b>\$200,000.00</b>

Council has received the Planning Board opinion regarding this application:

1. 2012-2013 Community Development Block Grant Application - Review of activities and make a recommendation to the Town Council for Comprehensive Community Plan consistency (copy enclosed). Chairman Charette said a letter has been received from Elinor Tetreault, Program Manager for the Western Rhode Island Home Repair Program, listing the proposed activities included in the 2012 CDBG application. He noted that the Town Council conducted a Public Hearing relative to the filing of the Grant application on February 2, 2012.

MOTION was made by Member DeGrange to forward a positive recommendation to the Gloucester Town Council for the 2012 Community Block Grant application, dated February 6, 2012 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 Program, specifically the Housing Rehabilitation and Mobile Home Replacement Program, Public Service Programs, specifically the Gloucester Food Pantry, and Planning Activities, specifically the Community Housing Land Trust. The application, as submitted, is found to be consistent with the Comprehensive Community Plan:

Section 4.2.4 "To remain flexible to current and future economic, social and environmental characteristics by allowing housing opportunities for all citizens;"

Section 4.3.3 "To consider the special physical, social or economic needs of citizens when adopting housing design, density or locational regulatory provisions;"

Section 4.3.7 "To preserve and expand housing opportunities insured and/or assisted by the federal and/or state governments, including the provision of housing for special needs of Town residents;" and

Section 7.2.1 "To provide for a planned, economically sound and functionally adequate community facility and service network for Gloucester's current and expected future community needs."

MOTION was seconded by Member Furney

DISCUSSION: None

VOTE: AYES Unanimous

(Charette, Calderara, Furney, Gross, Pitocco, Folcarelli, DeGrange)

(end of motion)

Councilor W. Steere asked if anybody wished to be heard regarding the 2012 Community Development Block Grant.

Discussion: None.

Councilor W. Steere again asked if anyone wished to speak. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor G. Steere to APPROVE the 2012 Community Development Block Grant Application, as prepared by Western Rhode Island Home Repair, for submittal to the State of Rhode Island, Department of Administration, with aid requests as prioritized as follows:

**Housing Program:**

Housing Rehabilitation & Mobile Home Replacement	\$ 191,750.00
Food Pantry	\$ 4,000.00
Community Housing Land Trust	\$ 1,250.00
Administration/Operating	\$ 3,000.00
<b>Total Proposed Activities</b>	<b>\$200,000.00</b>

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Analysis of Brownfields Clean-up Alternatives  
Chepachet River Park - Discussion and/or Action

Councilor W. Steere stated that the hearing has been advertised in the Valley Breeze/Observer as follows:

The Gloucester Town Council will hold a public meeting regarding the Analysis of Brownfields Clean-up Alternatives (ABCA) prepared for the Chepachet River Park site as part of the Town's Brownfields Clean Up Grant from the United States Environmental Protection Agency. A public comment period on the plan to address environmental conditions at the site begins March 15, 2012 and ends April 16, 2012. Material will be available for review in the Town Planner's Office during normal business hours as well as on the Town's web site. A public meeting is scheduled for April 5, 2012 to discuss any comments or concerns from the public.

Ray Goff, Town Planner, introduced Pat Dowling from Fuss & O'Neill, and explained that this project began when contamination was identified at the site. R. Goff stated that one area of concern is the former site of a mill, where dyes and other substances were dumped. R. Goff stated that the second area is a path leading to the dam, where several feet of soil must be removed and replaced.

R. Goff noted that in another area, capping will be done instead of soil removal. R. Goff stated that soil which is removed will be trucked off-site to the Central Landfill or other location. R. Goff commented that a small area of the 17 acre site is contaminated. R. Goff stated that the majority of the work will be performed by the Public Works Department and the trucking of soil will be done by a material handling company.

Pat Dowling, of Fuss & O'Neill, stated that further information is available in the Town Planner's office and on the Department of Environmental Management website. P. Dowling stated that a site report has been submitted to DEM, who has conceptually agreed that the alternatives proposed are appropriate and will be effective. P. Dowling added that final approval can be given after this public comment period.

P. Dowling stated that the next step will be engineering designs and permitting of the proposed remedies. P. Dowling noted that since the Department of Public Works will be doing most of the work, the Town will save a considerable amount of money.

Councilor W. Steere asked if anybody had any questions.

Discussion:

1. Edna Kent, Town Historian, stated that one of the areas of contamination is the site of the Solomon Owens oil mill, which is an important part of the history of Oil Mill Lane. R. Goff stated that only the path will be affected, not the building itself. R. Goff explained that a berm will be created. E. Kent expressed concern that the berm will obliterate all of the structures. R. Goff replied that the berm will follow the foundations and will not block the view. Pat Dowling further explained the area to be affected.

2. Rose LaVoie, Wilmarth Road, asked what is the size of the contaminated site. P. Dowling replied that one area of contamination consists of 2,500 square feet, and the pathway is 10 feet wide by 80 feet long. R. LaVoie stated for the record that DEM has never been involved in anything where they have not found contamination.
3. Paul Pagliarini, of Central Nurseries, asked how long the project would take to complete. P. Dowling replied that, once the permits are in place, the actual remediation activities should only take a few weeks. P. Pagliarini asked what measures will be taken to keep particulate matter from going down stream. P. Dowling replied that the back channel will be segregated by large sandbags and a silt fence.
4. Walter Steere, Jr., of Putnam Pike, asked how much this project will cost, and whether it will be paid for by a grant or taxpayer money. W. Steere, Jr. also inquired if more contamination is expected to be found after this project is completed. W. Steere, Jr. further asked if the public will be allowed to use this area after the contamination is removed.

Ray Goff, Town Planner, replied that there will be a barrier around the area as a protective measure. With regard to the cost of the project, R. Goff stated that \$200,000 will be covered by an EPA grant, while the Town will be responsible for \$40,000. Concerning any further contamination, P. Dowling stated that the whole property was assessed and the DEM approval will be for the entire site.

5. Allen Clawson asked about long range plans for the property. R. Goff replied that for several years, there have been plans to create a historic park using the existing foundations. R. Goff stated that there will be walking trails of approximately 1/4 mile from Route 44 to Oil Mill Lane.
6. Councilor Hainsworth asked who will take the contaminated soil. P. Dowling replied that some of the soil is barely over the State's threshold for clean soil and will be brought to the Central Landfill in Johnston. The remainder of the contaminated soil may have to be taken out of state.
7. Councilor G. Steere asked how deep is the contamination. P. Dowling replied that regarding the raceway itself, they will only be going down about two feet to remove the top layer of sediment. P. Dowling stated that he feels that if not for the presence of the mill ruins, the whole area would have to be capped.

Councilor W. Steere asked if anyone else had any questions or concerns. Hearing none, Councilor W. Steere thanked R. Goff and P. Dowling for their presentation.



VIII. Consent Items - Discussion and/or Action

A. Town Council Minutes: February 9, March 1, 15 and 29, 2012

MOTION was made by Councilor Hainsworth to TABLE the minutes of February 9 and March 1, 2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of March 15, 2012 and to TABLE the minutes of March 29, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. Unfinished Business

A. Land Trust: - Discussion and/or Action

1. Update on Policies and Procedures
2. Friends of the Gloucester Land Trust membership - update

Councilor W. Steere noted that there are no representatives from the Land Trust present at the meeting.

MOTION was made by Councilor G. Steere to TABLE Land Trust - Discussion and/or Action until the next Town Council meeting; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Personnel: Land Trust Chair - Discussion and/or Action

(Continued from meeting of March 15, 2012)

MOTION was made by Councilor Reichert to TABLE Personnel: Land Trust Chair - Discussion and/or Action until the next Town Council meeting; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

C. Boards & Commissions Public Records Policy - Discussion and/or Action

Councilor W. Steere stated that we have a policy prepared by the Clerk and the Solicitor which would establish a procedure for the storing of audio media and minutes for boards and commissions regular, special and executive session meetings in the office of the Town Clerk.

Discussion:

Jean Fecteau, Town Clerk, explained that we will now have three (3) meeting rooms with digital recording capability. J. Fecteau stated that each Board and Commission will bring their digital media to the Town Clerk's Office, where it will be copied to a disc. J. Fecteau stated each recording will be logged in with the date and the name of the person who drops it off.

J. Fecteau stated that if any Boards or Commissions have older recordings on cassette tapes, they may also store them at the Town Hall. J. Fecteau stated that copies of meeting minutes have always been available, but now copies of the audio recordings can also be obtained for the cost of the materials used to reproduce the recording. Regarding Executive Session recordings, J. Fecteau noted that these are more protected and would not be available to anyone other than members of the Board at the time of the Executive Session.

Tim Kane, Assistant Town Solicitor, stated that in the case of Town Council Executive Sessions, only members of the Town Council at the time that the minutes were sealed and who still serve on the Council would have access. T. Kane pointed out that some municipalities only allow this with a vote of the Council. J. Fecteau stated that, in the case of Executive Session recordings, she would always request an opinion from the Town Solicitor prior to allowing anybody to listen. J. Fecteau stated recordings will be secure under this proposed policy, adding that at this time, the whereabouts of many of them is unknown.

Councilor Burlingame stated that he has reviewed the recommendations put forth by the Town Clerk and Assistant Town Solicitor and suggested that the Council approve the policy.

MOTION was made by Councilor Burlingame to ADOPT the Boards & Commissions Records Policy effective upon passage; seconded by Councilor G. Steere.

Discussion: Councilor W. Steere asked if a board member would have access to the recording of an Executive Session from which he or she was absent. T. Kane replied that if the person was a member of the board at the time of the session, access would be allowed. Councilor Burlingame noted that this would bring the member up to speed regarding what took place in his absence.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

X. New Business

A. Budget - Fiscal Year 2012/2013

1. Amendments - Discussion and/or Action

Discussion:

Tom Mainville, Finance Director, stated that he has given the Council an amended Budget which reflects the changes made at the Public Hearing. Councilor W. Steere asked what is the decrease in this year's budget. T. Mainville replied that the net decrease in the levy is \$300,000 which will result in a tentative decrease in the residential tax rate from \$22.05 per thousand to \$21.27 per thousand.

2. Adoption - Discussion and/or Action

MOTION was made by Councilor Burlingame to ADOPT the Proposed Operating Budget, including debt service, in the amount of \$26,426,577 for Fiscal Year 2012-13 for presentation at the Town Financial Meeting on May 5, 2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to ADOPT the Proposed Capital Improvement Budget in the amount of \$515,431 for Fiscal Year 2012/13 for presentation at the Town Financial Meeting on May 5, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

B. Authorization: E 911 Municipal Liaison designation - Discussion and/or Action

Councilor W. Steere stated that the Building/Zoning Office has received the E-911 Municipal Liaison form from the Rhode Island E-911 Executive Department to be signed by the Council. The previous Building/Zoning clerk was appointed to this position.

MOTION was made by Councilor G. Steere to APPOINT Sylvie Gauvin to the position of E-911 Municipal Liaison and Authorize the Town Council President to sign the Rhode Island E-911 Municipal Liaison form; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Western Rhode Island Home Repair Program  
1. Create Revolving Fund - Discussion and/or Action

Councilor Burlingame explained that the State will no longer send funding in advance, but will require municipalities to spend money up front and get reimbursed. Councilor Burlingame stated that there is not enough money in the Western RI Home Repair Program account to cover the cost of their projects. Councilor Burlingame recommended that the Council pass a Resolution authorizing the Finance Director to set up a certain amount of money as necessary to front the Program, with the understanding that the fund would be reimbursed by the State. Councilor Burlingame noted that the Program is not in any immediate risk, but stated that it should be put on record for future Councils.

Councilor G. Steere asked if it would be for the full amount of the grant from year to year. Elinor Tetreault, Program Manager, replied that in the event that it is needed, the whole grant amount would be good. E. Tetreault pointed out that she may not need it, but the revolving account would make things easier for her. E. Tetreault stated that the State is now referring to the CDBG program as a reimbursement program.

E. Tetreault stated that she and T. Mainville are suggesting an amount of approximately \$100,000 for now, adding that if it doesn't work, she could come back to the Council. Councilor Burlingame recommended that the fund be capped at the grant amount, noting that the Town's surplus could be used to offset the cash flow of the Home Repair Program.

Tom Mainville stated that there should be two (2) stipulations; that the funds be returned to the Town if the Western RI Home Repair Program is dissolved, and that the Town has the right to ask for the money to be returned. T. Kane inquired if there should be any special requirements or terminology with regard to GASB. T. Mainville replied in the negative.

E. Tetreault stated that she has been assured by the State that draw downs would only take between 2 and 4 weeks with the new system that is being implemented.

Councilor Burlingame stated that the Motion should be very clear and suggested that this matter be tabled until the next meeting. T. Mainville stated that he will also check with the auditors.

MOTION was made by Councilor Burlingame to TABLE the Western RI Home Repair Program Revolving Fund until the next Town Council meeting; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

- D. Appointments  
1. Public Works - Maintenance  
Part Time Janitor - Discussion and/or Action

Councilor W. Steere read the following request from the Director of Public Works:

April 5, 2012  
To: Town Council  
From: Gary Trembl  
Public Works Director  
Re: Appointment Part-Time Police Station Custodian

I received 14 applications for the Part Time Police Station Custodian position advertised in the March 7, 2012 Bargain Buyer, Burrillville Edition. Chief DelPrete, Captain Mattera and Bob Dauphinais, Building/Maintenance Supervisor, reviewed the applications and chose 4 applicants to interview. After interviewing the 4 applicants it was decided that David Heon from Pulaski Road, Gloucester was the best candidate for the position.

I am requesting David Heon be appointed to the position of Part Time Custodian at the Police Station. David will be working 16 hours per week at a rate of \$14.40 per hour starting the week of April 16, 2012 and will be reviewed after a three (3) month probationary period .

Thank you,  
Gary Trembl  
(end of memo)

MOTION was made by Councilor Hainsworth to APPOINT David Heon to the position of Part-time Janitor, Public Works Dept., at an hourly rate of \$14.40 per hour, for approximately 16 hours per week, effective April 16, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Human Services Department  
Part Time Van Driver - Discussion and/or Action

Councilor W. Steere stated that the Director of Human Services has requested that this item be tabled at this time.

MOTION was made by Councilor G. Steere to TABLE the appointment of a Human Services Department, Part Time Van Driver to a date to be determined, seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

E. Taxation - Mobile Homes - Discussion and/or Action

Councilor G. Steere stated that he has had discussion with the Tax Collector regarding the collection of taxes on mobile homes. Councilor G. Steere stated that in the event that taxes are owed on real estate, the property can be put up for tax sale; however, this is not the case with mobile homes.

Councilor G. Steere stated that the Tax Collector files UCC's on those mobile homes which have taxes owed, but pointed out that these have little value and in some cases are abandoned. Councilor G. Steere stated that this is a statewide problem and we need to come up with a solution. T. Kane stated that enabling legislation is needed for anything which pertains to taxation.

Jane Steere, Tax Collector, explained that there are several mobile homes on which taxes are owed which are about to be removed from the park. J. Steere pointed out that while they are called "mobile homes", they are actually manufactured homes, and people who live in houses are required to pay their taxes. J. Steere stated that once a mobile home is vacated, there is no incentive to pay the taxes. J. Steere further stated that there are new mobile homes on which nothing has been paid toward 2011 taxes.

Councilor G. Steere stated that something must be done to fix this problem. J. Steere stated that she files UCC liens with the State, but nobody wants to stand behind them. J. Steere stated that the Building Inspector has three (3) demolition permits for which she has refused to receive the permit fee until the taxes are paid.

Councilor G. Steere asked if there are other mobile homes with taxes owed. J. Steere replied that there outstanding taxes on 27 homes for a total of \$25,000. Councilor G. Steere suggested that a UCC tax sale be conducted on mobile homes that have several years of unpaid taxes.

Councilor Hainsworth stated that if he was behind in his taxes, he would not be able to obtain a building permit. Councilor G. Steere stated that the problem is that a mobile home sits on real

estate owned by somebody else. J. Steere stated that some states treat mobile homes as motor vehicles, whereby a lien sale is held every year and if a lien is purchased, there is a one-year redemption period after which the buyer can foreclose.

MOTION was made by Councilor Burlingame to direct the Town Solicitor to work with the Tax Collector to draft an Ordinance and enabling legislation regarding the taxation of mobile homes; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

F. Board of Contracts & Purchases - Discussion and/or Action

Award of RFP 2012-01 ~ Audit services for the Town's financial records  
Councilor W. Steere stated that the Council has received the following recommendation from the Board of Contracts & Purchases:

April 4, 2012

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: **Award of RFP 2012-01 "Professional Audit Services"** specifically, to perform an audit of the financial records of the Town of Glocester and Glocester Public Schools for fiscal year ended June 30, 2012 with an option to extend annually for two additional years.

- I. RFP 2012-01 was advertised in accordance with current rules and procedures.
- II. Five 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:

Baxter Dansereau & Associates, LLP

207 Quaker Lane, Suite 203

West Warwick, RI 02893

For the bid amounts:

\$24,830	Fiscal Year Ending	June 30, 2012
25,730	" " "	June 30, 2013 (optional)
26,475	" " "	June 30, 2014 (optional)

Respectfully submitted,

Susan Harris- Deputy Town Clerk [representing Jean Fecteau- Town Clerk]

Jane Steere- Deputy Town Treasurer

Viviane Valentine- Tax Assessor

(end of memo)

Discussion: Councilor Reichert asked why the bid award must be approved by the Auditor General. (It was noted that approval has been received.) Tom Mainville explained that this is to ensure that the auditors chosen are qualified and have the necessary experience.

MOTION was made by Councilor G. Steere to AWARD RFP 2012-01 Professional Audit Services to Baxter Dansereau & Associates, LLP for bid amounts as stated in above recommendation; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

G. Community Septic Loan Program - Discussion and/or Action  
Waiver - Debt to Income Ratio

Councilor W. Steere stated that the Council has received a request from the Finance Director regarding a pending Community Septic Loan Program loan. Councilor W. Steere stated the Finance Director informed the Council that the debt-to-income ratio, per Rhode Island Housing, cannot exceed 45% unless a waiver by the Town is granted. Councilor W. Steere stated, in this case, the debt-to-income ratio is 129% and that pertinent information regarding the client's credit worthiness was given to the Finance Director.

Discussion:

Tom Mainville, Finance Director, stated that there have been six (6) waivers granted in the past, adding that none of the borrowers have defaulted on their loan. Councilor Reichert asked if the Town would be protected in the event of a default. T. Mainville replied that the loan is administrated by Rhode Island Housing and in the event of a default, Rhode Island Housing would expect the Town to make the payments.

T. Mainville further explained that Rhode Island Housing would place a lien on the property, which would transfer to the Town. Tim Kane, Assistant Town Solicitor, pointed out that if there is a first mortgage on the property which gets foreclosed, the Town would be second and would not get paid. T. Kane noted that the applicant in this case has been at the location for ten (10) years and there is equity in the house. T. Mainville stated that the credit report has no derogatory information, however, the loan is quite large and the debt to income ratio is also high.

Councilor G. Steere stated that the applicant is self-employed and it would be difficult for him to show enough of what is needed to meet the criteria for obtaining the loan. Councilor G. Steere further stated that the applicant is an honest person who has never cheated anyone in his life.

MOTION was made by Councilor G. Steere to WAIVE the Debt to Income Ratio for Rhode Island Housing, Loan # 2041100081, through the Community Septic Loan Program; seconded by Councilor Hainsworth.



Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

H. Rhode Island Clean Water Finance Agency - Discussion and/or Action  
Funding for Septic Loan Program

Councilor W. Steere stated the Council has received correspondence from the Rhode Island Clean Water Finance Agency indicating their efforts to enter into a “pooled wastewater bond issue” effort later this year. Councilor W. Steere also stated the Town needs to forward the form provided by April 9<sup>th</sup>, 2012 if the Town wants to be considered for more funding for the Septic Loan Program.

This item removed from the table per Tom Mainville, Finance Director.

I. Authorization of correspondence: RIDOT - Route 44, Chepachet Improvements  
Discussion and/or Action

Discussion: Ray Goff, Town Planner, explained that he and Charlie Wilson met with representatives from the Department of Transportation with regard to the proposed improvements to Route 44 in the Village. R. Goff stated that discussion took place concerning the number of signs that DOT is planning to install and asked that the Council forward correspondence requesting that some signs be eliminated from the plan.

R. Goff also stated that the proposed plan would remove some of the parking on the Chepachet Bridge due to the proximity of the Chepachet Fire Station. R. Goff stated that this will negatively affect the merchants in the Village and requested that parking be allowed on the bridge. R. Goff stated that many events take place in the Village and asked that this be taken into consideration when construction is scheduled. R. Goff also requested that some of the work be done at night to lessen the impact of traffic during heavy travel periods.

Councilor Hainsworth noted that crosswalks are important in the village but are not always clearly visible. R. Goff stated that the crosswalks will be well-marked. Jean Fecteau, Town Clerk, stated that she has been asked repeatedly about the crosswalks signs which are actually in the road. R. Goff stated that we can ask DOT for these signs.

R. Goff stated that he has drafted a memo to the Department of Transportation for the Council President’s signature if the Council finds the memo acceptable. Councilor Reichert asked when this project will go out to bid. R. Goff replied that the Department of Transportation is expecting to start construction in September.

Councilor W. Steere expressed concern regarding working at night. Councilor W. Steere stated that we need to be clear about what time they will begin setting up for work in order to avoid the evening commute. Councilor W. Steere commented that residents of the Village may also have

some concerns. R. Goff stated that they will not tear up the entire area at once, but will work on sections of 200 feet at a time. Regarding night construction, R. Goff stated that this will expedite the project.

Charlie Wilson stated, they were informed, that pipes will be installed in the road in 30 foot sections which will be covered with steel plates to minimize the impact to commuter traffic.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to forward correspondence to R.I. D.O.T. regarding the pending project: Construction of Route 44, Chepachet Village; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

#### XI. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has arranged for a representative of the Attorney General's Office to come to the Senior Center on May 30<sup>th</sup> to conduct a presentation for Board and Commission members.
- B. Gary Treml, Public Works Director, reported that his department has finished work on Tanyard Lane and Oil Mill Lane. G. Treml stated that 1,100 feet of pipe and 10 drainage manholes were installed to help alleviate the water issues in the area.
  - G. Treml stated that work is being done on the ball fields at Winsor Park in preparation for the Spring season.
  - G. Treml noted that recycling has improved slightly to 31%.
  - G. Treml stated that the next project on Tanyard Lane will be a detention pond and water issues on Tanyard Lane itself will be addressed.
- C. Ray Goff, Town Planner, reported that the Town was awarded a grant from DEM in the amount of \$157,500 for the construction of new ball fields and stated it was up to the pleasure of the Council now. Councilor W. Steere thanked R. Goff for his efforts regarding this matter.

#### Bds. & Commissions - Discussion

- A. Walter Steere, Jr., School Committee member, stated that the teachers' new three-year contract was ratified at the last School Committee meeting. W. Steere, Jr. stated that the contract includes salary increases of 1%, 2% and 2%, and increases in health care co-shares of 10%, 20% and 20%.

W. Steere, Jr. stated that the Committee has approved getting prices on the track, tennis courts and new windows at the high school, which have been there since 1964. Councilor G. Steere questioned why windows were not included as part of the original project. W. Steere, Jr. replied that he believes the windows were taken out of the building project because they were running out of money.

W. Steere, Jr. stated that the Committee accepted a bid for the pump house in the amount of \$260,000 which will hopefully be reimbursed by the State next year. W. Steere, Jr. noted that this was also taken out of the original building project for financial reasons. W. Steere, Jr. stated that the School Department is spending between \$135,000 and \$150,000 per year to make up for the million dollar overrun on the building project. W. Steere, Jr. commented that the worst part is that we do not get the 55% to 60% reimbursement from the State that we received on the rest of the project.

## XII. Council Correspondence/Discussion

- A. Councilor G. Steere expressed his thanks to the Budget Board members for their time and hard work with regard to putting together the budget.
- B. Councilor Reichert stated that he met with the Johnston coordinator of surplus equipment.

## XIII. Open Forum

- A. Rose LaVoie commented that there is a trash problem on Wilmarth Road lately. Regarding signs in the Village, R. LaVoie commented that DOT puts up so many signs that it takes away from what they are trying to do.

## XIV. Seek to Convene to Executive Session

A. Pursuant R.I.G.L. 42-46-5 (a) 5 Acquisition of Property - Discussion and/or action MOTION was made by Councilor Burlingame to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)5 Acquisition of Property; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

## XV. Reconvene to Open Session

Disclosure of Votes Take

MOTION was made by Councilor G. Steere to reconvene to Open Session. No votes were taken in Executive Session; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to SEAL the minutes of Executive Session; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XVI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:40 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the April 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **April 19, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; Timothy Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Susan Harris, Deputy Town Clerk; Gary Treml, Director of Public Works; Walter Steere, Jr., School Committee member; Henry Gold, Land Trust vice-chair; Russell Gross, Planning Board member; Roy Najecki, Conservation Commission chair; and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

After the Pledge of Allegiance was recited, a moment of silence was observed in memory of Providence Police Officer Maxwell Dorley who was killed in the line of duty today (car accident) while responding to a call.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Support Senate Bill 2012 – S 2673 & House Bill 2012 – H 7561  
Re: Elections mailing addresses

Councilor Reichert read the following Resolution into the record:

Resolution 2012-08  
**In Support of Senate Bill 2012 – S 2673 & House Bill 2012 – H 7561**

WHEREAS; there are communities in Rhode Island whose residents receive their mail via post office box instead of home delivery. There are many Gloucester residents that either choose to receive their mail that way or must receive their mail by post office box per the U.S. Postal service; and

WHEREAS; Rhode Island General Law 17-9.1-25 currently does not allow for local canvassing boards to mail confirmation notice of new voter registrations or change of residence notices to post office boxes. These notices are then

returned to the local board as “undeliverable.” This action could then cause that voter to be placed on an “inactive voter” list; and

WHEREAS; on an election day that voter marked with that status must prove their residency; and “hopefully” be allowed to vote; and

WHEREAS; proposed **Senate Bill 2012 – S 2673 & House Bill 2012 – H 7561** as submitted would allow these state acknowledgments to be mailed to a post office box in the instances where postal customers are not eligible to receive home delivery; and

WHEREAS; these bills would be another step towards the elimination of disenfranchised registered voters and would also eliminate the local boards from mailing to addresses knowing they will be only be returned by the Postal service; and

NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of Glocester respectfully request the Rhode Island General Assembly to consider passage of **Senate Bill 2012 – S 2673 & House Bill 2012 – H 7561**; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every Rhode Island Municipality with a request for their support.

Walter M. O. Steere, III  
President Glocester Town Council

Seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VI. Proclamations

A. Earth Day

The following was read into the record by Councilor W. Steere:

**Earth Day  
PROCLAMATION  
2012-1 Earth Day**

WHEREAS, the Town of Glocester recognizes 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, as well as superfund legislation putting a lasting framework for our future in place; and

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

WHEREAS, in observation of Earth Day, April 22<sup>nd</sup>, the Conservation Commission is planning a walking trail cleanup at Heritage Park and roadside litter cleanup at Cutler Brook, Williams Mills Conservation Area, and Shady Oak Brook Orchard ; and

WHEREAS, Earth Day is being recognized in Rhode Island by activities that will take place statewide all month. The Town Council supports the activities of the 42<sup>nd</sup> year of Earth Day in Gloucester, statewide, nationally, and on a global level and we encourage our youth and adults alike to take a pledge to keep Rhode Island Clean and Green; and

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

Walter M.O. Steere, III President  
Jean M. Fecteau, CMC, Town Clerk  
Gloucester Town Council

seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Arbor Day

The following was read into the record by Councilor G. Steere:

**PROCLAMATION**  
**2012-2 Arbor Day**

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, in observation of Arbor Day, April 27<sup>th</sup>, the Conservation Commission will hold its 38<sup>th</sup> Annual Tree Give Away on Saturday, May 5<sup>th</sup>, on the front lawn of Town Hall, where 750 trees and shrubs, consisting of Norway Spruce, Winterberry Holly, Northern Bayberry, and Old Fashioned Lilac will be distributed free of charge to Gloucester residents; and

WHEREAS, the Gloucester Land Trust will plant Spruce trees along the parking area at Steere Hill to create a screen for the neighbors to the east of the parking area; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 27<sup>th</sup> 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 for future generations.

Walter M.O. Steere, III, President, Gloucester Town Council  
Jean M. Fecteau, CMC, Town Clerk

Dated this 19<sup>th</sup> Day of April, 2012

seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VII. Consent Items - Discussion and/or Action

A. Town Council Minutes: February 9<sup>th</sup>; March 1<sup>st</sup>, 29<sup>th</sup>, & April 5<sup>th</sup>, 2012

B. Finance Director's Report - March 2012

C. Assessor's Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of February 9<sup>th</sup>, March 1<sup>st</sup>, March 29<sup>th</sup>, & April 5<sup>th</sup>, 2012; to TABLE the Finance Director's Report of March 2012; and to APPROVE the Abatement to the 2011 Tax Roll in the amount of \$2070; No Additions to the 2011 Tax Roll; seconded by Councilor Reichert.



Discussion: None.

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

NAYS: 0

MOTION PASSED

#### VIII. Unfinished Business

##### A. Land Trust: - Discussion and/or Action

##### 1. Update on Policies and Procedures

Henry Gold, Land Trust vice-chair, reported that the Land Trust has been working on establishing standards and practices. Councilor Burlingame noted that the Council had given the Land Trust a list of suggestions with regard to policies. Councilor W. Steere stated that the Land Trust has begun going through the list and will report back to the Council when finished. Councilor G. Steere commented that H. Gold ran a very good meeting (the other night).

##### 2. Friends of the Gloucester Land Trust membership - update

Roy Najecki, past treasurer of the Friends of the Gloucester Land Trust, reported that at their meeting in March, officers were elected and noted that there are no Land Trust trustees serving as officers on the Friends of the Land Trust. R. Najecki further stated that neither board has veto power over the other. Councilor G. Steere asked if the Land Trust trustees who also serve on the Friends vote to elect officers.

R. Najecki replied that they vote to elect the slate of officers, but only officers vote on issues. Councilor Burlingame asked how many members are on the Friends. R. Najecki replied seventy-five (75) members. Councilor Burlingame stated that at a recent Land Trust meeting, Tom Bazalak made a motion to authorize the Friends to organize a clean-up on GLT property for Earth Day. Councilor Burlingame stated that T. Bazalak was also chair of the Friends at the time and commented that this was a potential conflict.

R. Najecki stated that this was discussed at their next meeting and it was stated that either T. Bazalak mis-spoke or the motion was transcribed incorrectly. Councilor G. Steere asked how many officers are authorized to make decisions. R. Najecki replied that there are five (5) elected officers.

Councilor Burlingame asked if the entire Land Trust makes decisions regarding transferring property or funds to the Friends of the Land Trust. Councilor Burlingame stated that he would be concerned if these decisions were made by a subcommittee of two or three members as opposed to the full board. R. Najecki concurred. Councilor Burlingame stated that we do not want to create the perception of a conflict of interest when hundreds of thousands of taxpayer dollars are being expended.

Russell Gross stated that a meeting is scheduled to discuss the Hawkins Dam project and suggested that the Council members attend.

R. Gross stated that the \$500,000 bond issue states that the money can only be used for passive recreation. Councilor W. Steere informed R. Gross that this does not pertain to the Friends of the Gloucester Land Trust and stated that he could bring up the matter in Open Forum.

B. Personnel: Land Trust Chair - Discussion and/or Action

Councilor G. Steere stated that this matter has been addressed and should not be continued further. There was Council consensus to remove this item from future agendas.

C. Western Rhode Island Home Repair Program

1. Create Revolving Fund - Discussion and/or Action

Councilor W. Steere stated that at the Town Council meeting of April 5<sup>th</sup>, 2012 a motion was made and passed to table this item until a policy was written.

Discussion: Timothy Kane, Assistant Town Solicitor, stated that he has drafted a Resolution for the Council to adopt.

Councilor Burlingame read the following into the record:

WHEREAS, the Western Rhode Island Home Repair Program (“WRIHRP”) receives funding from the Community Development Block Grant Program (“CDBG”) which is administered by the State of Rhode Island; and

WHEREAS, the CDBG program has changed its procedures and is no longer awarding funds prior to expenditures made by WRIHRP but rather is now reimbursing WRIHRP for funds expended; and

WHEREAS, the Town of Gloucester, acting through the Town Council, has determined that it is in the public interest to ensure that WRIHRP is able to function efficiently and meet its obligations to contractors and suppliers in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED that the Town Council adopts the following policy with regard to advancing funds to WRIHRP:

Upon request of the WRIHRP, the Town Council, through the Director of Finance, shall advance to WRIHRP an amount determined by the Director of Finance but not to exceed the annual amount awarded by the CDBG Program. Said not-to-exceed amount for each year shall, at minimum, be reduced by any payments or reimbursements from the State of RI to WRIHRP for those program years.

Funds advanced to WRIHRP by the Town of Gloucester may not be used to cover or pay for expenditures made by any other member entity in WRIHRP.

Within five (5) days of request by the Town Council or the Director of Finance, any funds advanced by the Town shall be returned to the Town by WRIHRP.

In the event the WRIHRP ceases to exist, all funds advanced by the Town shall be returned to the Town.

Walter M. O. Steere, III - President  
Glocester Town Council

Attest: Jean Fecteau, Town Clerk

Seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

IX. New Business

A. Western Rhode Island Home Repair Program

1. Authorization administration assistance

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

2/22/2012

Town Council Members

Re: Contribution (Western RI Home Repair Program)

I am again requesting that the Town of Glocester make a contribution towards administration cost of the Home Repair Program.

Last year the contribution was \$2,000.00.

I am asking that you consider contributing \$2,500.00 for 2012 to help with the Worker's compensation insurance and Liability insurance cost for the program which continues to increase each year along with the advertising cost for the public hearings for the Community Development Block Grant application.

The Western RI Home Repair program will continue to work diligently to assist the low/mod residents of the Town of Glocester with your continued support.

I can be reached at 568-6206 ext. 6, please feel free to call me with any questions you might have.

Sincerely,

Elinor C. Tetreault, Program Manager  
(end of memo)

Discussion:

Councilor W. Steere noted that the Town contributed \$2,000 in 2010 and asked the members for their input. Councilor Burlingame stated that he is in favor of taking \$2,500 from the contingency fund to help the program with its administrative costs.

Councilor G. Steere asked if these funds would be used for the other towns which are part of the Western RI Home Repair Program. David Fecteau, Housing Specialist, replied that the funds would be strictly for Glocester, adding that the Program will request funding from each town that is serviced.

MOTION was made by Councilor Burlingame to GRANT the allocation of \$2,500 to Western Rhode Island Home Repair to assist in the administration of the Community Development Block Grant; (said funds to be paid from the Town Council Contingency Account;)

seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

B. Bid Award: IFB #2012-02 Hot Mix Asphalt

Councilor W. Steere read the following recommendation from the Board of Contracts & Purchases:

April 17, 2012

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Award of IFB 2012-02 ~ Hot mix asphalt

- I. IFB 2012-02 was advertised in accordance with current rules and procedures.
- II. Five (5) companies bid.
- III. The Hot mix asphalt bid consisted of separate bids:
  - Primary bid: for hot mix asphalt > 500 tons, and a
  - Secondary bid: for hot mix asphalt < 500 tons

Regarding the primary bid:

The Board recommends the bid be awarded to the lowest qualified bidder:

Cardi Corporation

400 Lincoln Avenue

Warwick, RI 02888

Primary bid only: Bid price for hot mix asphalt > 500 ton:

\$ 11.79 per sq. yd. 3" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
\$ 15.29 per sq. yd. 4" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
1.50 per lineal ft. construct Cape Cod berm (asphalt)  
.01 per sq. yd. for tack coat

Regarding the secondary bid:  
The Board recommends the bid be awarded to the lowest qualified bidder:  
D' Ambra Construction Co., Inc.  
800 Jefferson Boulevard  
Warwick, RI 02887

Secondary bid only: Bid price for hot mix asphalt < 500 ton:  
\$ 13.00 per sq. yd. 3" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
\$ 15.95 per sq. yd. 4" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
2.00 per lineal ft. construct Cape Cod berm (asphalt)  
.50 per sq. yd. for tack coat

Respectfully submitted,  
Jean M. Fecteau - Town Clerk  
Ray Goff - Town Planner  
(End of memo)

Discussion: Councilor Reichert stated that he must recuse himself from this matter.

MOTION was made by Councilor G. Steere to AWARD the Award of IFB 2012-02  
Hot mix asphalt, Primary bid: for hot mix asphalt > 500 tons, to:

Cardi Corporation  
400 Lincoln Avenue  
Warwick, RI 02888

Bid price for hot mix asphalt > 500 ton:  
\$ 11.79 per sq. yd. 3" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
\$ 15.29 per sq. yd. 4" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
1.50 per lineal ft. construct Cape Cod berm (asphalt)  
.01 per sq. yd. for tack coat

and to Award Secondary bid: for hot mix asphalt < 500 tons, to:

D' Ambra Construction Co., Inc.

800 Jefferson Boulevard  
Warwick, RI 02887

Secondary bid only: Bid price for hot mix asphalt < 500 ton:  
\$ 13.00 per sq. yd. 3" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
\$ 15.95 per sq. yd. 4" compacted (in place)  
[includes fine grade, compaction and driveway aprons]  
2.00 per lineal ft. construct Cape Cod berm (asphalt)  
.50 per sq. yd. for tack coat

seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

RECUSED: Reichert

MOTION PASSED

X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that a request was received from the Gloucester Business Association for reimbursement for plantings along Main Street in the village. J. Fecteau noted that the cost is between \$125 and \$200, adding that the Council has approved this reimbursement for the past three years. There was consensus of the Council to add this item to the next agenda.

J. Fecteau stated that on May 30<sup>th</sup> at 7:00 the Attorney General's Office will be at the Senior Center to discuss the Open Meetings Act. J. Fecteau stated that all Board and Commission members have been notified and urged to attend.

J. Fecteau stated that her office has been contacted by the Northern RI Chamber of Commerce to request that a shredding event be held on May 12<sup>th</sup> in Gloucester. J. Fecteau explained that the shredding company would donate their services and bring a mobile unit to Town.

J. Fecteau further stated that there would be no charge for a 2 box maximum per person, however, donations would be accepted and would go towards a scholarship fund for a Ponaganset student. There was discussion regarding how this would affect our recycling goal as the shredding company would be taking the paper away. J. Fecteau stated that she also has questions regarding the Town's liability of having such an event on Town property.

J. Fecteau noted that Tuesday is the Primary Election and all voting will take place at the Town Hall from 7:00 a.m. to 8:00 p.m.

J. Fecteau stated that the Animal Control Officer will be using an empty office at the Town Hall, temporarily, until renovations at the Animal Control Office are complete.

- B. Gary Treml, Director of Public Works, reported on his progress with the drainage project, Tanyard Lane. G. Treml stated he has met with Horsley/Whitten and they are pleased with the work being done. G. Treml stated Public Works has contracted with Green Cut LLC (same company used last year) to perform lawn care at the Town Hall, Police Station and Senior Center. G. Treml noted that his department will continue to take care of the ball fields, etc. Councilor Reichert commended the Public Works Department for their work.
- C. Anthony Parrillo, Recreation Director, spoke about the summer recreation program. A. Parrillo stated that the application period is in progress and he would like to have the appointments on the agenda for the May 17<sup>th</sup> Town Council meeting.

#### Bds. & Commissions - Discussion

- A. Henry Gold, Gloucester Land Trust, discussed the first phase of work to be performed on the Hawkins Dam. H. Gold noted that a meeting is scheduled (with the engineer) for May 1<sup>st</sup> to discuss the next phase (spillway) and encouraged the Council members to attend. Councilor G. Steere stated that there are many discrepancies in the engineer's report and advised H. Gold to use caution. Councilor Burlingame asked if the report was going to anyone else or only us. H. Gold replied that the report was just for us.

H. Gold stated that all members of the Land Trust will attend the meeting with the Attorney General's Office on May 30<sup>th</sup>.

H. Gold reported that he caught two people taking stones from the stone wall at Steere Hill, noting that this is the second time somebody has taken stones from Town property. H. Gold stated that the person asked if there was an ordinance which prohibits taking the stones. Joseph DelPrete, Chief of Police, stated that an ordinance is not necessary as this is considered larceny.

H. Gold stated that there has been a good turnout at the Saturday walks at Steere Hill. H. Gold stated that the events will continue for four (4) more months and will be advertised. H. Gold stated that there will be improvements done to the parking area by Harris Construction. There was Council consensus that stumps removed should be disposed of at Smithfield Peat rather than buried on the property.

#### XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that two (2) bills have been introduced by Senator Fogarty. The first one deals with taxation of mobile and manufactured homes, and the other pertains to schools and debt service being included in the maintenance of effort. Councilor W. Steere noted that these bills will be heard on Tuesday, April 24<sup>th</sup>.

- B. Councilor W. Steere stated that the Council has been invited to Foster Boy Scout Troop 101 Eagle Court of Honor to be held on June 4<sup>th</sup>. Councilor Burlingame stated that he will attend the ceremony and present the Eagle Scouts with a Resolution.
- C. Councilor W. Steere stated that correspondence was received from the Department of Environmental Management regarding the “America the Beautiful Tree Grants Program”.
- D. Councilor W. Steere stated that a letter was received from the Department of Revenue Division of Municipal Finance, with regard to the Notice of Proposed Property Tax Rate Change for fiscal year 2012-2013. It was stated that the notice was approved by the Department of Revenue.
- E. Councilor W. Steere stated that correspondence was received from the Department of Transportation Engineering Division indicating that they have found no adverse effect resulting from the projects planned for the village.
- F. Councilor W. Steere stated that we received a template for a possible Resolution with regard to the Governor’s proposed Resolution to help distressed communities in the State. Councilor W. Steere commented that there is no mention of the communities that did the right thing over the last several years during the fiscal crisis.

Jean Fecteau, Town Clerk, stated that the Governor’s Office has asked that the Town Council adopt the Resolution at their next meeting. Councilor G. Steere stated that unless the Resolution eliminates the mandates to Gloucester, the Council should not adopt it. Councilor Burlingame stated that the proposed legislation would set up two classes of communities by allowing only certain ones to suspend the mandates. Councilor Burlingame expressed his opinion that all cities and towns should have the same rules.

- G. Councilor G. Steere commented that the legislation concerning debt service will be heard next Tuesday at the State House and encouraged residents to attend and give their opinion.
- H. Councilor Burlingame spoke about a change in the State tax law which penalizes older citizens who incur high medical expenses. Councilor Burlingame urged those affected by this law to write a letter asking for adjustments.

## XII. Open Forum

- A. Rose LaVoie thanked Councilor W. Steere for attending the award ceremony at the Grange. R. LaVoie also thanked the Council for the Resolution honoring her.

R. LaVoie spoke regarding the theft of the stone walls on Town owned properties. R. LaVoie stated that citizens must be aware and not be afraid to stand up to these people if they witness somebody taking the stones.



There was discussion regarding the Kent house and its poor condition. Councilor W. Steere stated that the property is bank-owned and has been allowed to deteriorate. Tim Kane, Assistant Town Solicitor, suggested that the Building Official go out and check for safety issues.

Councilor W. Steere stated that there is another property which is in foreclosure where the owner had a reduced tax rate before the bank took the property back. Councilor W. Steere commented that the bank would not be eligible for the reduced rate. T. Kane stated that the exemption will be taken away when the foreclosure deed is recorded.

Rose LaVoie stated that Edna Kent will be honored at this year's Gala, adding that Edna is a lifelong resident of Glocester and founder of the Glocester Heritage Society, among other things. R. LaVoie stated that she hopes for a good showing at the Gala.

- B. Russell Gross, Land Trust member, stated that at their last meeting, there was discussion regarding using some of the bond money to purchase land for athletic fields in Town. R. Gross stated that tonight, he was informed that land purchased with these funds can only be used for passive recreation. R. Gross asked Tim Kane to check the original legislation to determine if this is true. R. Gross expressed his opinion that if the voters were aware that this money was restricted in this way, the bond issue would not have passed. R. Gross feels that it is important to begin planning now for when we can no longer use Acotes Field.
- C. Councilor Reichert stated that Route 94 is a mess regarding trash along the road. Councilor Reichert suggested sending a letter to the Department of Transportation as this is a State Road.

#### XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:44 p.m.; seconded by Councilor G. Steere.

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 5, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **May 3, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; and Joseph DelPrete, Chief of Police.

III. Pledge of Allegiance

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Support: House and Senate Bills re: Governor's budget package and bills affecting pension reform

Jean Fecteau, Town Clerk, stated that she has prepared the following Resolution and asked the Council to review and make changes if they choose.

**DRAFT  
RESOLUTION # 2012-9**

**WHEREAS**, since the beginning of the recession of 2007, cities and towns in Rhode Island have faced an annual challenge in balancing revenue and expenses while continuing to provide basic services; and

**WHEREAS**, cuts in state aid to cities and towns have resulted in reduced services accompanied by higher property taxes; and

**WHEREAS**, in Gloucester, the loss of state aid is approximately \$1,698,000 each year, from a \$572,000 loss of general revenue sharing and a \$1,126,000 loss of motor vehicle tax reimbursements; and

**WHEREAS**, to offset these losses, cities and towns have been asking the state for four years to provide them with the tools to make the spending changes they need to help offset the loss of state revenues and to control ever-increasing pension and post employment benefit costs; and

**WHEREAS**, recognizing the predicament of municipalities, Governor Chafee has submitted a package of legislation to help municipalities resolve their financial problems and begin the process of recovery and financial stability; and

**WHEREAS**, the package of bills includes:

- **Legislation authorizing “highly distressed communities” to eliminate mandates and affect collective bargaining agreements and binding arbitration (H 8006, S 2826) We would support if amended to read “all communities”;**
- **Legislation reducing disability pensions for employees to 50% of their current pay for those who can perform other employment (H 8011, S 2828);**
- **Legislation authorizing cities and towns to limit pension benefits for new and non-vested employees in locally administered pensions to the benefits paid to employees in the state administered municipal system (H 8010, S 2824);**
- **Legislation authorizing municipalities with a locally administered pension to suspend cost of living adjustments if the pension is less than 60% funded and after certain findings are made (H 8009, S 2825);**
- **Legislation providing that supplemental appropriations for the payment of past annual school department expenditures would not be included in a municipality’s maintenance of effort requirement (H 8012, S 2829);**
- **Legislation changing the dates and percentages of payment for foundation level school support and approved expenditures and also for payments of distressed community aid (H 8007, S 2827) and**

**WHEREAS**, the Town Council believes that passage of this legislative package is in the best interest of the Town of Gloucester.

**NOW, THEREFORE, BE IT RESOLVED**, that the Gloucester Town Council does hereby support the legislative package, **with amendments as suggested**, submitted by Governor Chafee to assist cities and towns and urges our local delegation to the General Assembly to work diligently for its passage.

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Walter M. O. Steere, III  
President Gloucester Town Council

Discussion:

Councilor G. Steere objected to the wording “highly distressed communities,” stating that all communities should play by the same rules. Councilor G. Steere stated that it is not fair for the cities and towns that are in bankruptcy to get all of the breaks. Councilor G. Steere also stated

this would create two “classes” of communities. Councilor Burlingame stated that he has spoken with Sen. Fogarty and Rep. Winfield, noting that they have the same concerns.

Councilor Hainsworth expressed concern that we will be paying for the cities and towns that are in distress. Councilor Burlingame suggested that we support the Bills only if all communities are treated equally. Tim Kane, Assistant Town Solicitor, stated that the Council could make a motion to authorize the Council president to sign the Resolution with modifications.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Council president to sign Resolution #2012-9, with the modifications as discussed; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: April 19, 2012

B. Pole Grant - Four new joint poles and anchor guy locations: Pound Road

C. Finance Director’s Report - March 2012

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of April 19, 2012; to Approve a Pole Grant, four new joint poles Pole #7S, 8, 9, 10 and anchor guy locations to service a new 16-unit condominium complex on Pound Road; and to Approve the Finance Director’s Report for March 2012; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Land Trust: - Discussion and/or Action

1. Update on Policies and Procedures

It was noted that there is no one present from the Land Trust. Councilor Burlingame stated that, based upon the Land Trust’s meeting minutes, he does not believe that they have done anything with regard to Policies and Procedures. Councilor G. Steere stated that he has been assured that the matter will be on the next Land Trust agenda.

VIII. New Business

A. R.I.G.L. 31-22-22 (Lack of seat belt as Primary Offense) - Discussion and/or Action

Discussion:

Councilor G. Steere stated that he is opposed to this law, which allows the police to pull drivers over solely for not wearing seat belts. Councilor G. Steere stated that he has received numerous complaints from people who have been cited recently for this offense. Councilor G. Steere noted that the law regarding primary offense is going to expire in June of 2013 and, in his opinion, should not be renewed or extended.

Councilor G. Steere stated that he feels that minors should buckle up, but people over 18 are entitled to make up their own mind. Councilor G. Steere expressed his opinion that the police are harassing people in Gloucester and wondered if this is happening in other cities and towns.

Councilor Hainsworth pointed out that seat belts save lives and this is an educational initiative which will eventually die down. Councilor G. Steere disagreed, stating that this is a money-maker. Councilor Hainsworth stated that the General Assembly raised the fine from \$45 to \$85. Councilor G. Steere reiterated that it is about money and stated that if it was about saving lives, tobacco would be outlawed.

Councilor Burlingame stated that he has no problem with the law if someone gets stopped for another reason but does not agree with the police using a flashlight at night to determine if a driver is wearing a seatbelt.

Councilor W. Steere asked what type of action the Council would like to take. Councilor G. Steere replied that he wants to make a statement to whomever will be voting on the matter in June, 2013. Councilor Reichert suggested that the Council send letters to those who sponsored the law. Tim Kane, Assistant Town Solicitor, advised that the best way to communicate is by Resolution.

MOTION was made by Councilor Burlingame to draft a Resolution opposing the renewal of R.I.G.L. 31-22-22, to be adopted at the next Town Council meeting. seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: Hainsworth

MOTION PASSED

B. Land Trust - Discussion and/or Action  
Hawkins Pond/Dam update

Discussion:

Gary Treml, Director of Public Works, spoke regarding the DEM violation, but was inaudible. G. Treml outlined what he felt needed to be done to the dam.

Councilor Hainsworth stated that when he first read the Notice of Violation, he thought that it was severe, but after hearing G. Treml's explanation, it does not seem as bad.

Councilor Burlingame noted that the Notice of Violation only had two (2) items listed, adding that we should address those issues first and then go forward with the spillway. Councilor Burlingame asked what are the steps to make this Notice of Violation go away.

Tim Kane, Assistant Town Solicitor, replied that a Consent Agreement with DEM would be necessary. Councilor Burlingame stated that the Pare report clouded the issue and sent too many unnecessary "red flags" to DEM.

Henry Gold, Land Trust member, stated that he spoke to the engineer and will work on taking care of the Notice of Violation. H. Gold explained that when the Pare report was written, they could not see because of the vegetation, therefore, there was some guesswork in the report. H. Gold stated that all of the criteria has been met to allow the Notice of Violation to go away. H. Gold stated that once the 2 problems are corrected, the dam will be monitored with regard to earth movement. H. Gold expressed appreciation to Ray Goff and Gary Treml for their involvement.

Tim Kane stated that once the engineer completes his final report, we will enter into a Consent Agreement with DEM.

- C. Resignation - Discussion and/or Action
  - 1. Human Services Department
    - Part - time Van Driver

Councilor W. Steere stated that the Human Services Director has received the resignation of Neil Salisbury from the position of part time van driver.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Neil Salisbury from the position of Part-time van driver effective April 27, 2012; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

- D. Authorization: Gloucester Business Association - Discussion and/or Action
  - Reimbursement for spring planting

Councilor W. Steere stated that the Clerk has been asked if Council will again reimburse the GBA for the purchase of flowers for displays in the village area.

Discussion: None.

MOTION was made by Councilor Reichert to AUTHORIZE the allocations of funds to the Gloucester Business Association for flowers to be planted in the center of town; said allocation not to exceed \$150.00 and shall be paid from the Town Council Contingency Account; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

E. Taxation: Building permits & taxes owed - Discussion and/or Action

Discussion:

Councilor W. Steere stated that Carl Riccio, Building Official, has asked if the Council has come to a conclusion regarding this matter. Tim Kane, Assistant Town Solicitor, stated that he is working on it, adding that anything pertaining to taxes must go through the General Assembly.

T. Kane stated that he has reviewed the mobile home statute and the tax sale statute and does not feel that anything will get passed this year. T. Kane stated that he has discussed this with Kevin Kitson, manager of the Village on Chopmist Hill, who will make it a clear condition to mobile home owners that paying taxes is a lease obligation and failure to pay will be cause for eviction.

Councilor Burlingame commented that the Building Official is holding checks for demolition permits for two mobile homes on which taxes are owed and asked if the Council could authorize the demolitions. T. Kane advised the Council to move forward and authorize the demolitions.

Councilor G. Steere stated that there could be a new mobile home on which \$3,000 is owed in taxes, but there is no mechanism in place for the Town to collect. T. Kane stated that the Tax Collector records a Uniform Commercial Code financing statement which would prevent the owner from selling the mobile home.

MOTION was made by Councilor Burlingame to AUTHORIZE the Tax Collector to sign off on the demolition permits at the Village at Chopmist Hill; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

F. Authorization: In-street pedestrian signs - Discussion and/or Action

Councilor W. Steere stated that the Council has received correspondence from DOT regarding the installation of in-street pedestrian signs and a consent form if needed.

Discussion:

Councilor W. Steere explained that there are extenuating circumstances if the Council decides to go ahead with their request for in-street crosswalks in Town. W. Steere stated that the speed limit would have to be reduced from 30 to 25 miles per hour. W. Steere further stated that the Town would be responsible for maintaining the signs after they are installed.

Councilor Burlingame stated that the city of Newport has signs such as these in the areas where traffic can only travel about 15 miles per hour, but feels that they would not be appropriate for the Village because vehicles go through at a greater speed.

Charlie Wilson expressed concern regarding speeding through the Village. C. Wilson stated that it is a danger to cross the street because one lane will stop while the other lane accelerates. C. Wilson stated that the speed limit should be strictly enforced.

Councilor W. Steere stated that the State is requesting an answer as soon as possible to allow them to go out to bid on the project.

George Charette spoke regarding the pedestrian signs, but was inaudible on the recording.

Councilor W. Steere stated that there are two parts to this issue; enforcement and what type of device do we want to install. W. Steere stated that signs on both sides of the street may be a viable option.

Councilor Hainsworth noted that when the road is redone and crosswalks are more visible, the situation will improve.

There was discussion concerning the different options that the Department of Transportation has planned for the Village.

Councilor G. Steere noted it would be difficult to install something in the road because cars will be parked on both sides and wide-load vehicles often travel through the Village. Councilor G. Steere stated that it would be a better idea to have the crosswalk pronounced with a different texture and to install signs on each side of the road indicating the location of the crosswalk.

Councilor W. Steere stated that the number one priority is safety and this should be considered when the Council decides which option to choose. Councilor W. Steere reiterated that the Council must get information for the Town Planner to relay to DOT in a timely manner.

Councilor G. Steere stated that he does not feel that the signs in the middle of the road would be appropriate. There was Council consensus to request signs on the side of the road and the newer design of crosswalk. Councilor Hainsworth stated that the design should calm traffic.

Charlie Wilson stated that the existing crosswalk is painted bright white but is not reflective, so when you are driving toward the crosswalk, it is not highly visible. Councilor W. Steere stated that the Town Planner could write a letter to DOT asking what can be done right now at the



crosswalk in the Village. George Charette noted that there is a type of sign available which will reflect well at night.

There was Council consensus to direct the Town Planner to communicate to DOT our request for crosswalk signs on each side of the road.

IX. Boards & Commissions

A. Resignations - Discussion and/or Action

Community Resource Commission

1. Two unexpired 2 year terms to expire 1/2013

Councilor W. Steere stated that the Clerk has received the resignation of Karen and Michael Iacobbo from the Community Resource Commission, to be effective immediately.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Karen Iacobbo from the Community Resource Commission for an unexpired 2 year term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Michael Iacobbo from the Community Resource Commission for an unexpired 2 year term to expire 1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere expressed appreciation to Karen and Michael Iacobbo for their service.

B. Appointments - Discussion and/or Action

Community Resource Commission

1. Two unexpired 2 years terms to expire 1/2013

Councilor W. Steere stated that Linda Nichols, Chair of the Community Resource Commission, has requested that Alternate #1 Henry Gold and Alternate #2 Cheryl Commendatore be moved up to regular member positions.

MOTION was made by Councilor G. Steere to APPOINT Henry Gold to a regular member position on the Community Resource Commission to fill an unexpired term to expire 1/2013; seconded by Councilor

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Hainsworth to APPOINT Cheryl Commendatore to a regular member position on the Community Resource Commission to fill an unexpired term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

None.

Bds. & Commissions - Discussion

Henry Gold spoke regarding the cleanup at Steere Hill, stating that the stumps cannot be removed because the cost would exceed the current contract. H. Gold noted that in order to add onto the contract, he would have to get three proposals. Councilor Burlingame suggested that Gary Treml, Director of Public Works, bring the stumps to Smithfield Peat to have them ground up.

XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter of support was received from the town of South Kingstown in reference to our Resolution in opposition to House Bill 2012 - H 7867.
- B. Councilor W. Steere stated that a letter was received from Michael Lewis, Director of the Department of Transportation with regard to improvements to Route 44. The correspondence was in response to our request that construction of this project be done at night. The Department is in agreement and will include the necessary contract language to bidders when the project is advertised in May of this year.
- C. Councilor Hainsworth stated that the Bill introduced by Senator Fogarty concerning the regional school district has been approved by the Senate Finance Committee and will be on the Senate floor for a vote on Tuesday, May 8<sup>th</sup>.

D. Councilor W. Steere stated that he was contacted by a company, U. S. Media, which produces infomercials for cities and towns for a fee of \$20,000.

XII. Open Forum

A. George Charette thanked the Town Council for the parking sign in front of the Town Hall, stating that it was a positive move for the Village.

B. Tom Sanzi of the Gloucester Light Infantry invited the Council members to the annual Memorial Day Parade.

XIII. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 8:40 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 17, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **May 17, 2012**

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, President; Edward C. Burlingame;  
and Jamie A. Hainsworth

Members Absent: George O. (Buster) Steere, Vice-President and William E. Reichert

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Gary  
Trembl, Director of Public Works; Raymond Goff, Town Planner; and  
Joseph DelPrete, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum for Agenda Items

Rose LaVoie spoke regarding the resignation of David Steere, Budget Board chair and  
expressed her sentiment that she hoped Mr. Steere would reconsider.

V. Public Hearing

A. Renewal: Earth Removal License - Discussion and/or Action

Applicant: Stephen E. Hopkins, Trustee

Location of Business: Keach Dam Road, further described as AP 12 Lot 134

Councilor W. Steere stated that this public hearing was advertised in the  
Valley Breeze/Observer, May 3, 2012.

Councilor W. Steere DECLARED the Public Hearing open and asked if anyone wished to speak  
regarding the Earth Removal License renewal.

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing closed and asked the Council members if  
they had any questions or comments.

Discussion: None.

MOTION was made by Councilor Hainsworth to Grant the Earth Removal License to:  
Applicant: Stephen E. Hopkins, Trustee; Location of Business: Keach Dam Road, further  
described as AP 12 Lot 134; contingent upon: 1) Building/Zoning approval; 2) all Town fees  
being paid; 3) current bonding secured; said license to be valid to May 31, 2014; seconded by  
Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth  
NAYS: 0

MOTION PASSED

- VI. Consent Items - Discussion and/or Action
  - A. Town Council Minutes: May 3, 2012
  - B. Finance Director's Report - April 2012
  - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of May 3, 2012; to TABLE the Finance Director's Report for April 2012; and to APPROVE the Abatement to the 2010 Tax Roll in the amount of \$160.47; No Additions to the 2010 Tax Roll; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth  
NAYS: 0

MOTION PASSED

- VII. Unfinished Business
  - A. Land Trust - Discussion and/or Action
    - 1. Update on Policies and Procedures

Roy Najecki, Conservation Commission representative on the Land Trust, stated that some progress was made at the last meeting of the Land Trust, but noted that much of the discussion that evening was concerning the Hawkins Dam. Councilor Burlingame asked if an update would be available at the next Council meeting. R. Najecki replied that he will prepare a report after reviewing the minutes of the Land Trust meeting.

- VIII. New Business
  - A. Land Trust/Planning - Discussion and/or Action
    - 1. Investigate property for future ball fields

Councilor Burlingame stated that he has been asked if Land Trust bond money could be used to purchase land to be utilized as ball fields. Councilor Burlingame commented that the fields which are currently used are privately owned. Councilor Burlingame stated that Land Trust legislation allows for recreational use of land, however the last bond issue had the caveat that land purchased with these funds could only be used for "passive recreation". Councilor Burlingame noted that there is a suitable 80 acre parcel which is centrally located and suggested that the Council direct the Town Planner and legal counsel to look into the matter.

Councilor W. Steere agreed, but asked if this would affect the State grant that the Town received for ball fields. R. Goff, Town Planner, replied that it may have some impact, adding that he will

speak to the Department of Environmental Management. Councilor W. Steere spoke regarding the grant process and stated that when a grant does not go through, it is returned to the State and is given to the next in line. R. Najecki stated that several years ago the Land Trust was awarded a grant to purchase the O'Donnell property but when a deal could not be reached, the State allowed the Land Trust to purchase the Hawksley property instead.

Regarding the restriction to passive recreation, R. Najecki stated that there are creative ways of working it out. For instance, R. Najecki stated that a parcel could be purchased with Open Space bond money, a portion of which could be donated by the seller to use for active recreation. R. Najecki stated that this would be a "win-win situation".

Councilor W. Steere stated that he does not object to exploring the situation, but feels that our main focus should be on the work the Planner did to secure the grant.

MOTION was made by Councilor Hainsworth to AUTHORIZE the Town Planner to investigate properties for future ball fields; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

B. Human Services Department

1. Appointments - Discussion and/or Action

a. Two temporary, part-time transportation drivers

Councilor W. Steere read the following request from Judy Branch, Human Services Director:

May 16, 2012

Walter M.O. Steere III, President

RE: Request for approval of temporary part-time medical transportation drivers

Dear Mr. Steere and Council Members

After careful consideration I am requesting your approval for two appointments as temporary part-time medical transportation drivers for the Department of Human Services. Appointees are Blanche Boisvert and Raymond Cataldo. Effective dates for appointees being Monday, May 21, 2012 at a starting rate of pay being \$13.00 per hour.

In an attempt to add to the van pool an ad was placed in the Bargain Buyer on April 11, 2012. Seven applications were received. I reviewed all seven applications plus three previous applications. I interviewed Blanche and Raymond and found them to be the most qualified for this position.

Thank you for your consideration.

Judith A. Branch, Director

(end of memo)

MOTION was made by Councilor Burlingame to APPOINT Blanche Boisvert and Raymond Cataldo to the positions of temporary part-time van drivers at a rate of \$13.00 per hour, effective Monday, May 21, 2012; seconded by Councilor Hainsworth.

Discussion:

Councilor W. Steere asked for clarification regarding “temporary” part-time drivers, asking if there is a time period on this. Councilor Burlingame replied that there are two categories of part-time employment; regular and temporary, but there is no specific time period. Tom Mainville, Finance Director, explained that a temporary driver does not have a regular schedule.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

2. Salary adjustments - Discussion and/or Action
  - a. Current part-time transportation driver

Councilor W. Steere read the following request from the Human Services Director:

May 16, 2012

Walter M.O. Steere III, President

RE: Request for permanent part-time van driver with salary increase

Dear Mr. Steere and Council Members

I am requesting job status change for Michelle Buxton. The changes being temporary, part-time medical transportation driver to permanent part-time. In addition an increase in salary from \$13.00 per hour to \$14.01 per hour. This is to be effective Monday, May 21, 2012.

Thank you for your consideration.

Sincerely,

Judith A. Branch, Director

(end of memo)

MOTION was made by Councilor Burlingame to APPOINT Michelle Buxton to the position of regular part-time van driver at a rate of \$14.01 per hour, effective Monday, May 21, 2012; seconded by Councilor Hainsworth.

Discussion:

Councilor W. Steere asked if this is the current rate for this position. T. Mainville replied in the affirmative.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

C. Recreation Department - 2012 Summer appointments - Discussion and/or Action

- Tennis Instructor (1)
- Arts & Crafts Instructor (1)
- Water Safety Instructors (2)
- Water Safety Aides (6)
- Lifeguards (8)
- Tennis Aides (6)
- Parks & Grounds - Maintenance (2)
- Parking Lot Attendants (6)

Councilor W. Steere stated that the Council has received a recommendation from the Recreation Director:

TO: Town Council  
FROM: Anthony Parrillo  
DATE: May 14, 2012  
SUBJECT: Summer Recreation Employment

Below are my recommendations for the summer recreation positions. Recommendations in bold are applicants that worked for the Town Recreation Department last year.

Tennis Instructor                      Rate of Pay  
**1. Richard Lawrence**                      **\$ 19.00**

Arts & Crafts Instructor                      Rate of Pay  
**1. Sara Martin**                      **\$ 10.00**

Water Safety Instructor                      Rate of Pay  
**1. Justyna Barlow**                      **\$ 14.00**  
**2. Julie Barrows**                      **\$ 14.00**

Water Safety Aide                      Rate of Pay  
**1. Fiona Beltram**                      **\$ 8.25**  
**2. Nikolaus Goff**                      **\$ 8.25**  
**3. Emma Nadeau**                      **\$ 8.25**  
**4. Alexander Powers**                      **\$ 8.25**  
**5. Danielle Rouleau**                      **\$ 8.25**  
**6. Krista Shuckerow**                      **\$ 8.25**

Lifeguard                      Rate of Pay  
**1. Katelyn Loiselle**                      **\$ 11.00**  
**2. Dan Sherman**                      **\$ 11.00**  
**3. David Shuckerow**                      **\$ 11.00**  
**4. Ethan Walsh**                      **\$ 11.00**  
**5. Elizabeth Coburn**                      **\$ 10.25**  
**6. Adam Jacques**                      **\$ 10.25**  
**7. Jessica Krawiec**                      **\$ 10.25**



Tennis Aide	Rate of Pay
<b>1. Alexandra Lawrence</b>	<b>\$ 8.25</b>
<b>2. Meryl Lawrence</b>	<b>\$ 8.25</b>
<b>3. Sadie Campanella</b>	<b>\$ 8.25</b>
<b>4. Ashley Winsor</b>	<b>\$ 8.25</b>
<b>5. Caitlin Coleman</b>	<b>\$ 8.25</b>
<b>6. Kyle Butler</b>	<b>\$ 8.25</b>

Parks & Grounds	Rate of Pay
<b>1. Connor Mathieu</b>	<b>\$ 8.75</b>
<b>2. David Jacques</b>	<b>\$ 8.75</b>

Parking Lot Attendant (lottery – pick 6)  
(end of memo)

**Discussion:**

There was discussion regarding whether or not the candidates are all residents of Gloucester. Tom Mainville stated that the two Water Safety Instructors are not Town residents; however they held these position last year and are the only qualified applicants. T. Mainville further stated that one of the Water Safety Aides, Danielle Rouleau, is a resident of Foster, but also has worked for the Recreation Department for several years.

MOTION to APPOINT to the 2012 Summer Recreation positions as recommended by the Recreation Director in the preceding memo; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Hainsworth to APPOINT the following as Parking Lot Attendants, per lottery, for 2012:

1. Chantel Bernard
2. Eddy Troiano
3. Elizabeth Osborne
4. Kristin Strickland
5. Chris Johnson, and
6. Kevin Aurelio

and the following as Alternate Parking Lot Attendants:

1. Stefanie Boss
2. Danielle Cataldo
3. Elijah Smith-Antonides
4. Quinn Pollock
5. Domenic DerManouelian, and
6. Christopher St. Godard.

Seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Hainsworth that the salary for the Parking Lot Attendant positions will be set by the Finance Director and Recreation Director; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

#### D. Council Meeting Television Broadcast - Discussion and/or Action

Councilor W. Steere stated that he does not have all the information yet, but is looking into having Town Council meetings televised as is done in neighboring towns. Councilor W. Steere stated that he has been asked about this by several people. Councilor W. Steere stated that he will have information at the next meeting. Councilor Hainsworth noted that he has also been asked by residents of all age groups whether Town Council meetings will be on cable television.

#### IX. Boards & Commissions

##### A. Resignations - Discussion and/or Action

##### 1. Budget Board - One 3-year term to expire 01/2015

Council has received the resignation of Dave Steere from the Budget Board effective May 6, 2012. The resignation is on file in the Clerk's office.

MOTION was made by Councilor Burlingame to ACCEPT the resignation of David Steere from the Budget Board for the 3 year term to expire 1/2015; seconded by Councilor Hainsworth.

Discussion:

Councilor Hainsworth commented that Councilor Burlingame has done due diligence to try to change D. Steere's mind. Councilor Burlingame stated that he had a long discussion with D. Steere, who explained that he has served on the Budget Board for a number of years and it is time to move on.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

Councilor W. Steere stated that Mr. Steere did good work on the Budget Board and thanked him for his service.

- B. Appointments - Discussion and/or Action  
1. Budget Board - One 3-year term to expire 01/2015

MOTION was made by Councilor Burlingame to TABLE the appointment to the Budget Board - One 3-year term to expire 01/2015; seconded by Councilor Hainsworth.

Discussion: Councilor Burlingame stated that he knows someone who is interested in this position and will contact the individual to follow up.

VOTE: AYES: W. Steere, Burlingame and Hainsworth  
NAYS: 0  
MOTION PASSED

2. Community Resource Commission - Two unexpired Alternate one year terms

MOTION was made by Councilor Hainsworth to TABLE the appointment to the Community Resource Commission - Two unexpired Alternate one-year terms; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and Hainsworth  
NAYS: 0  
MOTION PASSED

X. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, stated that two (2) candidates were interviewed for the position of Police Department Custodian. G. Treml stated that one is a resident of Gloucester and the other is not. G. Treml noted that the candidate that was chosen is a resident of Harrisville and asked if it would be acceptable to hire this person. Councilor Hainsworth asked if the individual is more qualified than the Gloucester resident.

G. Treml replied that the Gloucester candidate is employed full time elsewhere and would not be as flexible as the other individual. There was Council consensus to go with the recommendation of the Public Works Director. Tim Kane, Assistant Town Solicitor, stated that the Council is the appointing authority; therefore, a formal recommendation will be submitted to the Town Council for approval at the next meeting.

G. Treml reported that our recycling rate is at 31.1%. G. Treml further stated that his department is still working on Tanyard Lane.

Councilor Burlingame commended G. Treml for the work his department has done behind the Town Hall and at the parking area of Steere Hill. Councilor Burlingame noted that the stumps from Steere Hill were disposed of at no cost to the Town.

## Boards and Commissions - Discussion

- A. Roy Najecki, Conservation Commission chair, reported that the 38<sup>th</sup> annual tree giveaway was successful, stating that over 1,000 seedlings were distributed in fourteen minutes.
- B. Bruce Payton, Land Trust chair, stated that the Land Trust will be conducting a walk this weekend at Sprague Farm. B. Payton noted that there was concern regarding wells on the property, but added that most of them are covered with rocks or large logs which cannot be moved. B. Payton stated that work is continuing at the Hawkins Dam and noted that we received a reprieve from DEM which will result in a lower cost for the project.

## XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a letter was received from Senate Majority Leader Domenick Ruggerio in response to a request for a "School Bus Ahead" sign on Snake Hill Road at Stillwater Drive. It was stated that this matter will be on the agenda for the State Traffic Commission's May 9<sup>th</sup> meeting.
- B. Councilor W. Steere read the following letter from the Western RI Home Repair Program into the record:

5/16/12  
Town of Glocester  
Town Council  
1145 Putnam Pike  
Chepachet, RI 02814

Dear Council Members:

The Western Rhode Island Home Repair Program Executive Board requested that I send a letter regarding Legal Services.

In the past the program has used program funds for the services of legal counsel. Also local lawyers were utilized, pro bono. We have utilized the services of a past board member who was an attorney. The need for legal services averages approximately 3 times per year.

The program currently does not have the administration funding to pay for legal advice when needed which is state mandated.

We do not expect to have funding for legal advice in the future. The State of Rhode Island is allowing a very small percentage of the grant funds to be used for administration.

The CDBG grant is awarded to the Town of Glocester, thus making the Town of Glocester ultimately responsible for the grant.

The Western Rhode Island Home Repair Program is responsible only for the administration of the grant.

It is the thought of the Executive Board that when legal guidance is needed we should forward it to the liaison of the applicable Town for possible help from that Town's Solicitor.

Sincerely,  
Elinor C. Tetreault  
Program Manager  
(End of letter)

It was stated that this will be on the agenda for approval at the next meeting.

- C. Councilor W. Steere stated that correspondence was received from Viviane Valentine, Tax Assessor and Rep. Michael Chippendale regarding Senate Bill 2928, which pertains to the mailing of notices to participants of the Farm, Forest and Open Space program. Councilor W. Steere explained that the existing law requires that the first mailing to landowners be sent by certified mail at an annual cost of \$2,380. Councilor W. Steere stated that the purpose of the new legislation is to allow the notices to be sent by regular mail at a cost savings of \$2,200 per year.

Jean Fecteau, Town Clerk, stated that as of 4:00 p.m. today, there was no corresponding House bill. J. Fecteau questioned if the next meeting would be too late to support the legislation. T. Kane recommended that the Council give a consensus, which would be ratified at the next meeting. The Council members agreed.

- D. Councilor W. Steere stated that a letter was received from DOT regarding a request for a crosswalk at St. Eugene's Church, stating that the request was denied. J. Fecteau, Town Clerk, noted that the letter was brought to her by Father Varghese who asked for the Council's assistance regarding this request. Councilor W. Steere noted that a police officer is present to direct traffic on Sundays during Mass times.

J. Fecteau stated there is no assistance on Saturday evenings after mass and that there is always a traffic situation. W. Steere stated that the Council could look into the matter, but noted that the request has already been denied by DOT. Councilor W. Steere stated that he will speak to Fr. Varghese regarding his concerns.

- E. Councilor Burlingame stated that there was discussion at the last meeting regarding the seat belt law. Councilor Burlingame stated that a Resolution in opposition to the renewal of the law was to be drafted and adopted tonight. It was noted that Councilor G. Steere is not present and had asked that the matter be addressed at the next Town Council meeting.

## XII. Open Forum

- A. Marie Sweet, 746 Chestnut Hill Road, spoke regarding a problem with her neighbors who own peacocks. M. Sweet explained the birds are a nuisance due to their constant

shrieking. M. Sweet stated that she has reviewed the Ordinance regarding animal control and it only references cats and dogs. M. Sweet referred to the Noise Ordinance, which addresses “loud and unreasonable noise,” but nothing specific to non-domestic birds. M. Sweet expressed her opinion that the Town Ordinances are very vague and, in her opinion, tend to protect the noise-makers.

Councilor W. Steere asked M. Sweet if she has spoken to the neighbor regarding this situation. M. Sweet replied that she has not because she has had problems with the neighbor in the past. Jean Fecteau, Town Clerk, explained that several years back, the Council held several Public Hearings regarding a draft to Noise Ordinance, but was met with resistance from the public. J. Fecteau stated the intention was to “beef up” the ordinance with specifics. M. Sweet noted that the peacocks are pets and should be controlled the same way that a dog’s barking must be controlled.

- B. Rose LaVoie thanked the Council members and the Town Clerk for attending the Heritage Society’s Gala, stating that over \$4,000 was raised for the museum. R. LaVoie stated that the former gas station at the corner is for sale and asked if the Town would be interested in purchasing the property for a public use, such as a gazebo. R. LaVoie stated that Elephant Day will be held Saturday at the Job Armstrong Store.

R. LaVoie commented that the trees are beginning to grow over the Main Street Bridge and mentioned that there used to be annual clean-ups of the area. R. LaVoie stated that the river is a beautiful resource and should be utilized more. R. LaVoie stated that she heard that the former State Police barracks has been sold and asked if the Town had right of first refusal. Councilor W. Steere stated that the Council looked into it at the time, but for whatever reason, it did not happen.

- C. Tom Sanzi of the Gloucester Light Infantry invited the Council members to the annual Memorial Day Parade on May 28<sup>th</sup>. T. Sanzi also stated that the Gloucester Light Infantry will conduct the Dorr Rebellion on June 16<sup>th</sup>. T. Sanzi stated that they are in need of funding for the purchase of gun powder for the event and asked the Council to consider making a donation.

### XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:44 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: W. Steere, Burlingame and Hainsworth

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 17, 2012 Town Council Meeting.

At a Town Council meeting holden in and  
for the Town of Gloucester on **June 7, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; Jamie A. Hainsworth; and William E. Reichert.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Viviane Valentine, Tax Assessor; Jane Steere, Tax Collector, Susan Harris, Deputy Town Clerk ;and Joseph DelPrete, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

None.

V. Resolutions

A. Stating opposition of renewal of R.I.G.L. 31-22-22, re: Seat Belts - Discussion and/or Action

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

**RESOLUTION #2012-10**

**WHEREAS**, in 2011 Rhode Island General Laws 31-22-22 entitled "Miscellaneous Rules" was amended to change the mandatory seat belt law from a secondary offense to a primary offense, which would allow law enforcement to stop and cite drivers solely for the failure to wear their seat belt; and

**WHEREAS**, this "temporary law" created a "windfall" for the State of Rhode Island in the amount of approximately \$4 million dollars in federal highway funds in addition to the \$85 fines being collected. The law does not provide for a first warning and these fines appear to be the fifth highest in the country compared to the average fine of \$25 with provisions for a first warning; and

**WHEREAS**, while we acknowledge the importance of wearing seatbelts and the statistics that prove the results of wearing a seat belt far outweigh the ramifications of choosing not to wear a seat belt, we feel the right for adults to choose their personal habits should remain their personal decision; and

**WHEREAS,** we also question the inequity of our right to our personal freedoms because as adults we are not fined if we choose other “unhealthy” habits such as drinking or smoking; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Gloucester Town Council does not support any attempts to reinstate this amendment to R.I. General Law 31-22-22 regarding primary offense for non-use of seatbelts for adults and further the Town Council does support 2012 House Bill #8044 which would call for the current amendment to expire on June 30, 2012 as opposed to June 30, 2013; and further the Town Council calls for this Resolution to be forwarded to all Cities & Towns requesting their support.

Walter M. O. Steere, III  
President Gloucester Town Council

Jean M. Fecteau, CMC  
Town Clerk

seconded by Councilor Burlingame.

Discussion:

Councilor Hainsworth stated his opposition to this Resolution, noting that seat belts save lives. Councilor Hainsworth further stated that deaths and injuries caused by not wearing seat belts ultimately cost the taxpayer in the form of medical costs, disability payments, etc. and overall has a high economic impact for all. Councilor Hainsworth agreed that the fine of \$85 is high, but reiterated that seat belts save lives and reduce personal injury.

Councilor G. Steere agreed that seat belts can save lives, but stated that it should be a personal choice for adults. Councilor G. Steere stated children should be buckled up. Councilor G. Steere noted that the fine is the fifth highest in the country and many states only require seat belts for front seat passengers. Councilor G. Steere commented more people probably die or become disabled as a result of smoking, which causes an economic impact (as Councilor Hainsworth stated), yet the government does not impose a \$85 fine when a person puts a cigarette in their mouth.

Councilor G. Steere stated that he is opposed to this being a primary offense and feels that this law is meant to be a money-maker. Councilor G. Steere asked how much of the \$3.7 million went towards enforcement. Councilor G. Steere stated we, as taxpayers, are still paying twice, if federal tax dollars are paying for enforcement.

Councilor Hainsworth replied that none of the money was applied to enforcement, adding that \$2.7 million went toward road construction and the remaining million dollars was used for education with a high concentration on minority communities because they wear their seat belts the least. Councilor G. Steere stated he was told that education was the enforcement.

Councilor Hainsworth stated that enforcement is federally funded with Federal Highway Safety Funds. Councilor G. Steere stated that it is still tax dollars and commented that maybe some of



the funds should be used for necessary bridge repairs so that he can drive his truck around this state without all the bridge weight limits, (because our bridges are in such disrepair).

Councilor Burlingame commented that if this law is so important, why is there a “sunset clause” which would make it expire in June of next year. Councilor Burlingame asked if they will allow it to expire next year, why not let it expire now. Councilor Burlingame expressed his opinion that this was a “red herring” to get money for the Department of Transportation.

Councilor Burlingame agreed the \$85 fine is wrong and stated that he is disturbed by the method used to enforce the law in other communities. Councilor Burlingame stated he agrees in the importance of seat belts but the methods creating a “nanny state” is wrong, Councilor Burlingame further stated that helmets are not required for motorcycle operators.

Councilor Hainsworth explained that the sunset clause was put in because the minority communities felt that they would be targeted due to the fact that studies indicate that minorities tend to wear seat belts less frequently. Councilor Hainsworth went on to say that after the 2-year period, DOT would be able to determine whether minorities are stopped more often than Caucasians.

Councilor W. Steere stated that he was opposed to the way the law is enforced, adding that it was “overkill”, however, after researching the subject, Councilor W. Steere stated that the law saves lives and money. Councilor W. Steere stated that according to research he has seen we save approx. 8 billion dollars annually, as a result of 133,000 injuries and 5500 fatalities per year.

Councilor W. Steere commented that 32 states have the primary seat belt law. Councilor W. Steere stated that due to what has been said tonight and his personal opinions, he is likely to oppose the Resolution.

Councilor Reichert stated that he had heard the enforcement was being readdressed and is in favor of seat belts and does not feel that it is in the Council’s purview to say anything against them.

Rose LaVoie stated that she has severe arthritis, which makes wearing a seat belt uncomfortable. R. LaVoie stated that she gets in and out of her car several times a day and does not use a seat belt unless she is on the highway. R. LaVoie stated that she objects to anyone telling her what to do.

Councilor Burlingame noted that the Resolution does not discourage the use of seat belts. The Resolution is in opposition to the seat belt law being a primary offense with a fine of \$85.00.

Councilor G. Steere commented that it would not be a primary offense if there wasn’t a \$4 million carrot dangling in front of their faces. Councilor Burlingame agreed. Councilor Hainsworth stated that the problem is that without strict enforcement, people do not wear seat belts, adding that seat belt use has gone up in this state by 5% since the law went into effect in January. Councilor G. Steere stated that if you hit someone with a baseball bat on the side of head enough times they get the message, if that is what you call education.

Councilor G. Steere stated his research shows that over half of the states have their fine set at \$25 or under, and most are only for front seat passengers. Councilor G. Steere that he does not agree with the primary offense, the \$85 fine, or his Federal tax dollars paying for the police to stop and harass him about whether or not he is wearing a seat belt.

George Charette stated that he has been involved in five (5) accidents while not wearing a seat belt and noted that in each instance, he would have been killed if he had been wearing a seat belt. G. Charette stated that while seat belts can save lives in certain circumstances, they can also cause injuries or death. G. Charette commented that many drivers use cell phones while driving and expressed his opinion that these drivers should be fined. G. Charette stated that he is opposed to the Government telling us what to do.

Councilor G. Steere reiterated that this Resolution does not urge people not to wear seat belts, but opposes it as a primary offense.

VOTE: AYES: G. Steere and Burlingame  
NAYS: W. Steere, Hainsworth and Reichert

MOTION FAILED

B. Support of Senate Bill 2928, entitled “An Act Relating to Taxation” (re: notification) - Discussion and/or Action

Viviane Valentine, Tax Assessor explained that she is asking for the Council’s support regarding the mailing of notices. V. Valentine stated that the Rhode Island Assessors’ Association is in support of this Resolution which would save Gloucester over \$2,200 per year in mailing costs.

Councilor Hainsworth asked if there is a companion House bill. V. Valentine replied in the negative. V. Valentine further stated that she has spoken with Representative Mike Chippendale who stated that he will attempt to “fast-track” the bill by introducing it as a Town bill. Councilor W. Steere thanked V. Valentine for her efforts regarding this matter.

Councilor Hainsworth stated that the Senate is about to end their session and asked if it is too late to forward this Resolution. Tim Kane, Assistant Town Solicitor, stated that unless they reconvene before next January, the Bill would have to be reintroduced.

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

**RESOLUTION #2012-11**

**SUPPORTING S-2928 ENTITLED, AN ACT RELATING TO TAXATION –  
TAXATION OF FARM, FOREST AND OPEN SPACE LAND**

**WHEREAS**, per R.I. General Law, Sections 44-27-3, 44-27-4 and 44-27-5 of Chapter 27 entitled "Taxation of Farm, Forest, and Open Space Land" the Tax Assessor of all Rhode Island communities must send certain notices to property

owners participating in the Farm, Forest, & Open Space classifications by certified mailing; and

**WHEREAS,** S-2928 shall allow the Tax Assessor to mail the prescribed forms in the first notification to a property owner by First Class mail no later than the thirtieth of November and if a second notification is needed, it shall be mailed by Certified Mail; and

**WHEREAS,** the first mailing of the prescribed forms by First Class rather than Certified Mail will save the Town of Glocester in excess of \$2,200 annually; and

**WHEREAS,** the Town of Glocester currently has 417 properties enrolled in the aforesaid Farm, Forest and Open Space Program, and

**NOW THEREFORE BE IT RESOLVED** that the Glocester Town Council respectfully requests that the Rhode Island General Assembly enact S-2928, An Act Relating to Taxation – Taxation of Farm, Forest and Open Space.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to every Rhode Island Municipality, Representative Michael W. Chippendale, Representative Cale P. Keable, Representative Thomas J. Winfield and Senator Paul W. Fogarty requesting their support.

**ADOPTED BY THE TOWN COUNCIL** this 7<sup>th</sup> day of June, 2012

Walter M. O. Steere, III, President  
Glocester Town Council  
Jean M. Fecteau, CMC, Town Clerk

seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Ethics Commission: Support Joint Resolutions Senate Bill-2369 and House Bill-7603 - Discussion and/or Action

Council has received this request along with a sample resolution:

From: Francis P. DiGregorio  
143 Hallville Road  
Exeter, RI 02822

To: Jean M. Fecteau  
Glocester Town Clerk

Date: June 4, 2012  
Re: Joint Resolutions S-2639 & H-7603

Dear Jean,

I would like to be placed on the next upcoming Town Council Agenda the attached Resolution to be considered by the Town Council for adoption relative to Joint Resolutions S-2639 and H-7603 to put before the voters a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission.

A copy of the suggested Resolution to be considered by the Town Council and the Joint Resolutions S-2639 and H-7603 are attached for distribution and review by the Town Council.

Thank you,  
Francis P. DiGregorio  
(end of memo)

Councilor Reichert read the following Resolution into the record:

**RESOLUTION #2012-12  
RELATING TO THE CODE OF ETHICS**

- WHEREAS,** the influence of special interests in state government are increasingly providing opportunities for conflict of interest thereby corrupting the process of transparent and accountable governance; and
- WHEREAS,** the current RI Code of Ethics legislation is intended to prevent conflict of interest and promote transparency and accountability in the course of elected and appointed public officials performing their public duties without condition; and
- WHEREAS,** the Town of Glocester supports the RI Code of Ethics and the RI Ethics Commission; and
- WHEREAS,** all elected and appointed officials in the State of Rhode Island including the Town of Glocester are required to comply with the RI Code of Ethics; and
- WHEREAS,** all elected and appointed officials in the State of Rhode Island including the Town of Glocester, **with the single exception of the RI General Assembly,** fall under the jurisdiction of the RI Ethics Commission for adjudication for non-compliance or violation of RI Code of Ethics; and
- WHEREAS,** the current proposal for a Referendum to amend RI Code of Ethics legislation would include the RI General Assembly under the jurisdiction of

the RI Ethics Commission for adjudication for non-compliance or violation of the RI Code of Ethics; and

**WHEREAS,** this proposed amendment would enhance/complete the original intent of this statute which is to prevent conflict of interest in the course of elected and appointed public officials performing their public duties without condition; and

**WHEREAS,** it would consequently contribute toward the improvement of a more transparent and accountable government for both the Town of Glocester and the State of Rhode Island; be it therefore

**RESOLVED,** that the Glocester Town Council expresses its support of the substance, intent and spirit of the proposed Referendum to put before the voters a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission for adjudication for non-compliance or violation of the RI Code of Ethics as presented in the Joint Resolutions S-2369 and H-7603, and cause a copy of this resolution to be mailed to Governor Chafee, Senator Paul W. Fogarty, and Senate President M. Teresa Paiva Weed and, Representatives Michael W. Chippendale, Cale P. Keable, Thomas Winfield, and Speaker of the House Gordon D. Fox.

Approved by the Glocester Town Council on June 7, 2012

Walter M. O. Steere, III, President

seconded by Councilor Burlingame

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

- A. Town Council Minutes: May 17, 2012
- B. Finance Director's Report - April 2012
- C. Pole Grants

- 1. Edgewood Road - P. 4.50 - One new joint mid-span pole
- 2. Cherry Valley Road - P. 1-50 - National Grid, New pole

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of May 17, 2012; to TABLE the Finance Director's Report of April 2012; and to APPROVE the Pole Grants for Edgewood Road, P. 4.50 & Cherry Valley Road, P. 1.50; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

VII. Unfinished Business

- A. Land Trust: - Discussion and/or Action
  - 1. Update on Policies and Procedures

Bruce Payton, Land Trust chair, stated that the Land Trust has drafted eight (8) items for the Council to review. (B. Payton presented a handout to Council) B. Payton noted that they recently lost their recording clerk, therefore some of their minutes have not yet been completed. B. Payton expressed hope that the Land Trust will complete their policy soon.

- B. Council Meeting Television Broadcast - Discussion and/or Action  
Councilor W. Steere stated that he has been looking into this matter and hopes to have more information by the next Town Council meeting.

- C. Board and Commissions
  - 1. Appointments - Discussion and/or Action
    - a. Budget Board - One 3-year term to expire 01/2015

Councilor Burlingame stated that Pat Bowie formerly served on the Budget Board and would like to be appointed.

MOTION was made by Councilor Reichert to APPOINT Patricia Bowie to the Budget Board for one 3-year term to expire 1/2015; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

- b. Community Resource Commission - Two unexpired Alternate one year terms

MOTION was made by Councilor G. Steere to APPOINT Ron Riccitelli to the Community Resource Commission for an Alternate one year term to expire 1/1/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0  
MOTION PASSED

VIII. New Business

A. Roads- Discussion and/or Action

1. Hamilton Hill Road request

Councilor G. Steere stated that he received a request from a resident of Hamilton Hill Road regarding maintenance of the road. Gary Treml, Director of Public Works, stated that Hamilton Hill is a right-of-way to which his department has never provided services other than one emergency visit due to an ice storm.

After discussion, there was Council consensus that this is a private right-of-way which can not be maintained per the condition of the right of way, history, and the Town Road Policy.

B. Appointments - Discussion and/or Action

1. Public Works - Police Dept. Custodian

Councilor W. Steere read the following request from the Public Works Director:

May 30, 2012

To: Town Council

From: Gary Treml

Public Works Director

Re: Appointment Part-Time Police Station Custodian

I am requesting Russell Sawyer be appointed to the position of Part Time Custodian at the Police Station. Russell will be working 16 hours per week at a rate of \$14.00 per hour beginning May 29, 2012. His performance will be reviewed after a three (3) month probationary period.

Thank you,

Gary

(end of memo)

MOTION was made by Councilor Reichert to APPOINT Russell Sawyer to the position of Part Time Custodian effective May 29, 2012 at a rate of \$14.00 per hour; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

C. Western Rhode Island Home Repair - Discussion and/or Action  
1. Authorization of Legal Assistance

Councilor W. Steere stated that the Council has received a request from Ellie Tetreault, Program Manager:

5/16/2012  
Town of Glocester  
Town Council

Dear Council Members;

The Western Rhode Island Home Repair Program Executive Board requested that I send a letter regarding Legal Services.

In the past the program has used program funds for the services of legal counsel. Also local Lawyers were utilized, pro bono. We have utilized the services of a past board member who was an attorney. The need for legal services averages approximately 3 times per year.

The program currently does not have the administration funding to pay for legal advice when needed which is state mandated.

We do not expect to have funding for legal advice in the future. The State of Rhode Island is allowing a very small percentage of the grant funds to be used for administration.

The CDBG grant is awarded to the Town of Glocester, thus making the Town of Glocester ultimately responsible for the grant.

The Western Rhode Island Home Repair Program is responsible only for the administration of the grant.

It is the thought of the Executive Board that when legal guidance is needed we should forward it to the liaison of the applicable Town for possible help from that Town's Solicitor.

Sincerely,  
Elinor C. Tetreault  
Program Manager  
(end of memo)

Discussion: None.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Solicitor to assist Western Rhode Island Home Repair with legal opinions on an as needed basis, the cost for the hourly rate shall be included in the Town of Glocester's invoice; seconded by Councilor Hainsworth.



Discussion:

Councilor Burlingame noted that he and Ellie Tetreault have a meeting scheduled with the State to clear up some issues and this would be a good time to authorize the Town Solicitor to provide legal assistance, if necessary.

Councilor G. Steere questioned how often this assistance is needed on an annual basis. J. Fecteau stated it would just be for Gloucester and is utilized on a limited basis. J. Fecteau stated if Council wishes it could be added in the motion that this approval is for Gloucester legal issues. Atty. Kane stated he would only give legal help for Gloucester.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

D. Update: Boards & Commissions Records Policy for all Town Boards & Commissions - Discussion and/or Action

Councilor W. Steere explained that the Town recently offered a workshop for Boards and Commissions with the Attorney General's Office regarding open meetings and public records. Councilor W. Steere stated that due to discussion at that meeting regarding the Town's Board and Commission Record Policy, Council realized that the mechanics were there to assist all the Boards with recordings, but it was not stated that all boards WILL record their meetings. Councilor W. Steere stated it was implied but it needs to be very clear. Councilor W. Steere also stated the only other minor changes proposed are basically grammatical.

MOTION was made by Councilor Burlingame to ADOPT the Town of Gloucester, Boards & Commissions Records Policy, this will replace the policy adopted on April 5, 2012, and will be forwarded to all town boards & commissions; seconded by Councilor Hainsworth.

Discussion:

Councilor W. Steere inquired if this means that the Town will have to purchase recording materials for all Boards and Commissions. Jean Fecteau, Town Clerk, replied that all three (3) meeting rooms now have recording capability and she will provide the media cards.

Bruce Payton, Land Trust chair, agreed to record all open meetings, but stated that the Land Trust voted not to record closed Executive Sessions. B. Payton noted that all votes taken in Executive Session are disclosed in Open Session. Councilor G. Steere stated that the minutes of Executive Session can be closed, but the session must still be recorded. Tim Kane, Assistant Town Solicitor, pointed out that the Land Trust Policies must be approved by the Town Council. Councilor G. Steere recommended that the Land Trust include the recording of Executive Sessions in their policy.

George Charette stated that he feels that all Boards, especially those that spend taxpayer money, should record all of their meetings. G. Charette stated that if there is any doubt regarding meeting minutes, the recording can be reviewed and corrections can be made. G. Charette noted that this happened with the Planning Board and a very important decision was reversed after listening to a

recording. G. Charette expressed his opinion that Closed Sessions should also be recorded for the same reason, adding that without a recording we only have hearsay. G. Charette stressed that this is important.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

E. Recreation - Discussion and/or Action

1. Winsor Park - Facilities

Councilor W. Steere stated that some of the Council members and the Town Clerk have received complaints regarding the lack of facilities at Winsor Park.

Discussion: Councilor Hainsworth stated that he has spoken with Anthony Parrillo, Recreation Director, adding that Porta-Johns have been ordered and will be delivered soon, if they haven't already. Councilor Hainsworth explained that the Porta-Johns are not kept at the Park year-round due to vandalism.

F. Contract Amendment: R.I. D.O.T. & Town of Glocester - Discussion and/or Action

(Orig. Nov. 3, 2011)

Improvements to Route 44 - contract 3C

Councilor W. Steere read the following request:

Enclosed is the Revised DOT Agreement which was dropped off last week by Gee Mariam of RI DOT which needs your signature. I have also attached (for your info only) the original contract that was signed off by all sometime last November. Gee told me the only change that was made on the new contract was in Section I – General Provisions, #2, letter a. The wording was changed to indicate our ownership and responsibility of maintenance, including paying the electric bills to power these lights.

Ray is out this week, so I am trying to expedite this in his absent. I am not sure if you would like to have this included on the Town Council Agenda. I have cc: Susan Harris on this email so when you respond back, she will also be notified as to what action you would like to take.

Thank you for your help in this matter.

Denise J. Cadoret

Planning Clerk

(end of memo)

Discussion:

It was stated that the Council had previously agreed that the Fire Department would be responsible for the electric bill. Atty. Kane questioned if the lighting was still going in and asked if the fire

district had agreed to pay. Councilor W. Steere stated the fire district pays now. Councilor W. Steere stated the fire district should be notified. Councilor G. Steere and Councilor Hainsworth discussed the fire district had agreed to continue to pay the electricity cost for the lighting as long as cost did not increase. Councilor Reichert commented that we should do anything we can to expedite this project.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the contract amendment for contract: **Improvements to Route 44 - Contract 3c, Federal Aid Project No.: F-0044(007), Rhode Island Contract No.: 84109, Construction and Maintenance Agreement By and Between the State of Rhode Island and Providence Plantations and the Town of Glocester** signed by the Town of Glocester on November 3, 2011; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

Bruce Payton, Tree Warden, stated DOT did not follow the Town Tree Ordinance when they planted trees under utility lines during a previous project. B. Payton stated that this will cause power outages during ice and snow storms. B. Payton expressed concern that we would be responsible for the maintenance resulting from the planting of trees. B. Payton stated our ordinance states the Tree warden will review plans for projects that involve the planting of 6 trees or more, and this plan appears to have more than that. B. Payton asked that DOT be mindful of our ordinance. Councilor W. Steere stated that he will ask Ray Goff, Town Planner, to look into the matter.

#### G. Charter Amendments: Discussion of suggested topics - Discussion and/or Action

Councilor Burlingame stated that if the Council wishes to make changes to the Charter, now is the time to act in order to get the changes on the ballot in November. Councilor Burlingame noted that there was a very sparse attendance at the Financial Town Meeting, adding that this could cause a problem with a few voters “hijacking” the meeting. Councilor Burlingame explained that in Smithfield, if somebody wants to change anything in the budget, 80% of the voters must agree.

Councilor Burlingame suggested that we put some safeguards in our Charter with regard to the Financial Town Meeting. Councilor Burlingame stated if anyone has any other proposed changes to the Charter to bring forward please do so next meeting. Jean Fecteau, Town Clerk, noted that any proposed changes must be submitted by June to allow for Public Hearing. Councilor Burlingame stated that he will put something together by the next Town Council meeting.

Bruce Payton, Land Trust chair, reminded the Council that the change which was recently adopted regarding Land Trust membership must also be reflected in the Charter.

IX. Boards & Commissions

A. Resignation - Discussion and/or Action

1. Safety Committee - School Bus Coordinator  
One unexpired two year term to expire 1/2013

Councilor W. Steere stated that the Council has received the resignation of Denise Plaza-Martin from the Safety Commission. Councilor W. Steere noted that Ms. Martin has already resigned from the position of School Bus Coordinator.

MOTION was made by Councilor Reichert to ACCEPT the Resignation of Denise Plaza-Martin from the position on the Safety Commission for the unexpired two year term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

B. Appointments

1. Safety Committee - School Bus Coordinator - Discussion and/or Action

Councilor W. Steere stated that the Clerk has been notified that Heidi Whitford has been appointed by the School Department as the Bus Coordinator. Councilor W. Steere added that the Town Council now needs to appoint Ms. Whitford to the Safety Committee.

MOTION was made by Councilor Reichert to APPOINT Heidi Whitford to the Safety Committee to fill the unexpired two year term to expire 1/2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

2. Local Board of Appeals for Building Code - Discussion and/or Action  
One five year term to expire 6/2012

Councilor W. Steere stated that this is the expired term of Donald Norris. The Clerk's office contacted his home and was told he would be moving out of state. The Clerk has a call in to the chair of that committee, William Buote-Greig, who has not responded. The Clerk would like Council to table at this time.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Code, One five year term to expire 6/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, spoke regarding the overlay district which was recently passed, stating that there are a few amendments which did not appear on the final copy. J. Fecteau referred to Section 7, #7, General Automotive Repair in the Village District which should have been changed to Special Use Permit. Also, J. Fecteau stated that Section 9, #3, Commercial off-street parking facility in the Village District is by Special Use Permit. Use classification chart needs to be amended.

J. Fecteau stated that she received a request from Cady's Tavern for a "Cruise Night" every Monday from June 11<sup>th</sup> through October 15<sup>th</sup>. J. Fecteau stated that they wish to cook outdoors and have raffles, face painting and balloons. J. Fecteau stated that she advised them that something of this magnitude would have to go before the Town Council for a Public Hearing. Consensus agreed.

J. Fecteau stated that another request was received from Char's Bar & Grill for a fundraiser with outdoor music or a DJ with sound amplification. J. Fecteau pointed out that because their entertainment license is for the interior of the building only, they also would have to have a Public Hearing. J. Fecteau noted that she plans to draft a policy regarding this type of application as many of these requests have been made recently.

J. Fecteau stated that redistricting is finally completed and after she receives approval to use the new Middle School as a polling place, she will begin mailing notices to each registered voter with their district information.

J. Fecteau stated that the first Farmer's Market of the season will take place Saturday from 9:00 a.m. to noon. The Farmer's Markets will continue until October as long as there is interest.

J. Fecteau stated that Declarations of Candidacy will take place in approximately 2½ weeks and added that if anyone has any questions regarding this matter, they may contact the Town Clerk's office.

- B. Gary Treml, Public Works Director, reported that the recycling rate is at 31.5%. G. Treml stated that there have been many questions regarding Single Stream recycling, adding that he will place an ad in the Bargain Buyer with more information. G. Treml noted that paper must still be separated from bottles due to the way the containers are set up at the Transfer Station. G. Treml stated that the town of Tiverton has had the pay-as-you-throw program in place for a year and has reduced their solid waste by 50% and increased their recycling from 20% to 40%.

- C. Joseph DelPrete, Chief of Police, stated that he met with the Fire Chiefs, the EMA Director and the Town Council President in an effort to do better for the Town, specifically after last year's hurricane. Chief DelPrete reported that we have been approved for a grant from EMA for our towers to have propane generators installed. Chief DelPrete stated that Jason Rhodes, EMA Director, is moving forward on educating the public regarding hurricane preparedness. Chief DelPrete stated that his department has acquired two Humvees from the military surplus program and has submitted requisitions for cots and blankets for our emergency shelters.
- D. Jane Steere, Tax Collector, asked what is the status of our Mobile Home Ordinance. T. Kane, Assistant Town Solicitor, replied that he has done some research and noted that we will need enabling legislation. T. Kane stated that he will work on having something to present when the legislature reconvenes in January. J. Steere reported that two more mobile homes were removed by Chimera, adding that the permits were applied for after removal.

#### Bds. & Commissions - Discussion

- A. George Charette, Planning Board chair, stated that there was no regular meeting this month, but at the Planning Board workshop the Board worked on Phase II of the Village Overlay District. G. Charette further stated that the Board is looking at the Zoning Matrix and Zoning Ordinance in order to correct some inconsistencies.
- B. Bruce Payton, Land Trust chair, thanked the Public Works Department for their work at the Steere Hill parking area. B. Payton stated that the Council recently received an e-mail which stated that there are bridges in Town that are illegal. B. Payton stated that he was advised by the Building/Zoning Official that the International Building Code does not address foot bridges, crossings or small waterways on Land Trust properties. B. Payton commented that people should check the laws before making accusations.  
  
B. Payton noted that he will be stepping down as chair of the Land Trust in September due to new job responsibilities. Councilor G. Steere asked why some of the Land Trust signs have been removed. B. Payton replied that they were taken down to be worked on and it requires several people to put them back up. B. Payton noted that next month marks the 25<sup>th</sup> anniversary of the Land Trust, adding that a celebration is being planned.
- C. Edna Kent, Town Historian, stated that she is working with people from Navigant Credit Union regarding a display for their new facility.

#### XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a request was received from Kim Michalik with regard to recognition of two Girl Scouts from Gloucester. There was Council consensus to draft a Resolution to honor the Scouts.

- B. Councilor W. Steere stated that Bryant University will be hosting a lacrosse tournament at Ponaganset High School on June 23<sup>rd</sup> and 24<sup>th</sup> which will draw between 700 and 900 people from all over the country. Councilor W. Steere suggested having maps or some type of literature to assist them in finding stores and restaurants in the area. It was stated that this event is coming up very soon. J. Fecteau, Town Clerk, noted that the Gloucester Business Association has a brochure available which may be helpful. Councilor W. Steere also recommended that the Council obtain a price quote on a banner for the event.
- C. Councilor W. Steere stated that correspondence was received from the Dept. of Environmental Management regarding a workshop on statewide assessment of water quality conditions.
- D. Councilor W. Steere stated that the Council received a letter from the RI Energy Efficiency and Resource Management Council regarding their April 2012 Annual Report to the General Assembly.
- E. Councilor W. Steere read the following letter from Government Finance Officers Association into the record:

Dear Mr. Steere:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended June 30, 2011 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to Thomas P. Mainville, CPA, Director of Finance, under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, [www.gfoa.org](http://www.gfoa.org).

We hope that your example will encourage other governmental officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,  
Government Finance Officers Association

- F. Councilor W. Steere stated that two (2) requests were received for the use of the Senior Center. Jean Fecteau, Town Clerk, stated that she and Councilor G. Steere will sponsor both events.

## XII. Open Forum

- A. Marie Sweet, of Chestnut Hill Road, asked for an update on the loud and unreasonable noise prohibition. M. Sweet stated that she spoke at the last meeting regarding the Noise Ordinance and asked for an explanation of what is considered unreasonable. Tim Kane, Assistant Town Solicitor, stated that this is a rural community and farm animals are not considered a nuisance. M. Sweet replied that the peacocks which are causing the problem are not farm animals. M. Sweet stated that there are certain types of noise that are offensive whether it is a rural community or not.

M. Sweet stated that there is no recourse for the average citizen when it comes to the Noise Ordinance. M. Sweet stated that she finds the ordinance ambiguous. Councilor Hainsworth stated that several years ago, a stricter Noise Ordinance was before the Council, but it was rejected. Councilor Hainsworth noted that Burrillville's ordinance is much more definitive and therefore, more enforceable. M. Sweet expressed her frustration that she has no recourse regarding her situation.

- B. Rose LaVoie commented that the Town Hall looks very nice with the plantings in front. R. LaVoie stated that Pat Bowie is an excellent choice to serve on the Budget Board. R. LaVoie spoke about outdoor events, stating that it is a means for local businesses to generate extra revenue in the summer months. R. LaVoie urged the Town Council to allow these events, within reason. R. LaVoie stated that she will make phone calls regarding the Resolutions adopted tonight. Councilor G. Steere thanked Mrs. LaVoie for the phone calls she made concerning Debt Service.

- C. George Charette asked for clarity regarding the Land Trust. G. Charette stated that the Land Trust is a separate entity from the Town. G. Charette noted that the Department of Public Works has performed work on Land Trust properties and asked if the Town was reimbursed by the Land Trust. Councilor Burlingame replied that at a previous meeting, there was Council consensus to allow the DPW to assist the Land Trust in removing stumps from the parking area at Steere Hill. Councilor Burlingame stated that it would have cost thousands of dollars to hire a private contractor to remove the stumps.

Councilor Burlingame stated that he has no problem with the DPW doing small jobs such as tidying up a parking lot. G. Charette stated that he was not the only taxpayer who had concerns regarding this matter. Councilor G. Steere stated that the Council will not be going overboard with doing work on Land Trust properties, but small projects are not a problem. Councilor G. Steere pointed out that the DPW occasionally uses the Land Trust's tractor, so it is basically a wash. G. Charette thanked the Council for their answer and stated that he will pass it on to other concerned taxpayers.

- D. Edna Kent, Town Historian, stated that the URI Master Gardeners will be planting their herbal medicine garden at the Pettingill Mason House. E. Kent stated that from 2:00 PM to 4:00 PM on June 16<sup>th</sup>, the Rueben Mason House will be open to the public and noted that at dusk, the Gloucester Light Infantry will be conducting a cannon night fire at Acotes Hill. Jean Fecteau, Town Clerk, stated that he has received a request from the



Gloucester Light Infantry for assistance in purchasing the gun powder for the event. There was Council consensus to pay for half of the total bill, which will be ratified at the next Town Council meeting.

XIII. Seek to Convene to Executive Session - Discussion and/or Action

A. R.I.G.L. 42-46-5(a) 5 - Potential Land Acquisition (Land Trust)

MOTION was made by Councilor Burlingame to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5(a) - Potential Land Acquisition (Land Trust); seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

Disclose votes taken

MOTION was made by Councilor Burlingame to SEAL the minutes of Executive Session (no votes were taken); seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:54 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the June 21, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **June 21, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and William E. Reichert.

Member Absent: Jamie A. Hainsworth

Also present: Jean Fecteau, Town Clerk; William Bernstein, Town Solicitor; Gary Treml, Director of Public Works; Raymond Goff, Town Planner; Viviane Valentine, Tax Assessor; and Joseph DelPrete, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by William Bernstein, Town Solicitor.

IV. Open Forum for Agenda Items

Marie Sweet spoke in favor of broadcasting of Town Council meetings. M. Sweet noted that this would be a good opportunity for people who cannot make it to the meeting and it would generate interest in Town government. M. Sweet spoke in favor of the Town having a Litter Crew again this year.

V. Citations - Discussion and/or Action

A. Girl Scouts Awards

Councilor W. Steere explained that earlier this month, the Council was informed of local young women receiving the highest honor awarded in the Girl Scouts organization.

Silver award recipients: From Gloucester

Shannon Milligan (Gloucester) 9<sup>th</sup> grade Ponaganset High School. Troop 395. For her project she built the score board for the girls softball fields since the girls did not have one.

Lydia Nottage 9<sup>th</sup> grade Ponaganset High School Troop 984. For her project she implemented a recycling project for her softball league in CT. She also created an educational piece as to why they should recycle.

These are the Bronze award recipients: All of Burrillville Troop 463

Mackenzie Harkins: Collected items and made care packages to send to troops overseas.

Cassidi Chamberland, Emily Faford, Riley Hopkins, Samantha Paquette, Hannah Pouliot Visited local nursing homes, spent time with the residents, read to them, baked for them, and befriended them. They “adopted a grandparent” and became pen pals with residents to keep in touch with them.

Councilor W. Steere stated that there was Council consensus to authorize citations for the Scouts. Council should now ratify that action.

MOTION was made by Councilor Reichert to AWARD Certificates of Citation to: Shannon Milligan; Lydia Nottage; Mackenzie Harkins; Cassidi Chamberland; Emily Faford; Riley Hopkins; Samantha Paquette; Hannah Pouliot for their achievements in Girl Scouting; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

- VI. Consent Items - Discussion and/or Action
  - A. Town Council Minutes: June 7, 2012
  - B. Finance Director’s Report - April & May 2012
  - C. Tax Collector’s Additions & Abatements, May 2012
  - D. Abatement to the 2001 Receivable Tax Roll

MOTION was made by Councilor G. Steere to APPROVE the Town Council Minutes of June 7, 2012; to TABLE the Finance Director’s Reports for April & May 2012; to APPROVE the Abatement to the May 2011 Tax Roll in the amount of \$517.11; no Additions for May; and to APPROVE the Abatement to the 2001 Receivable Tax Roll in the amount of \$15,481.17; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

- VII. Unfinished Business
  - A. Council Meeting Television Broadcast - Discussion and/or Action

Councilor W. Steere stated that he has received information from Cox Communication regarding the broadcast of Town Council meetings. Councilor W. Steere explained that the company would train volunteers who are willing to run the equipment, which is provided by Cox at no cost. Councilor W. Steere stated that many other local communities are airing their Council meetings and noted that it is an opportunity for people who cannot attend the meetings to see what is going on.

Regarding volunteers, Councilor W. Steere stated that high school students or other members of the community might wish to step forward. Councilor W. Steere asked the other Council members for their input.

Councilor G. Steere stated that he is not in favor of broadcasting the Council meetings, adding that anybody can obtain a copy of the audio recording and the Town Hall is handicapped accessible. Councilor G. Steere stated that he would be concerned that somebody would watch a meeting where discussion takes place regarding a subject which was addressed at a previous meeting. Councilor G. Steere expressed his concern that people may not get all the information needed to form their opinions. Councilor G. Steere reiterated that he is opposed to this idea.

Councilor Burlingame expressed concern that if the meetings are broadcast on television, people may take the opportunity to “grandstand” at a meeting. Councilor Burlingame stated that the people who attend the Council meetings on a monthly basis are aware of the continuity of subjects which are discussed. Councilor Burlingame stated that he has reservations regarding the broadcast of Council meetings, adding that those who have an interest will attend the meeting to express their point of view as opposed to just observing. Councilor Burlingame also noted that he would rather be judged on his interaction with people in attendance at the meeting.

Councilor Reichert stated that these are good points. Councilor Reichert asked if there were any volunteers available. Councilor Reichert stated that some matters carry over from month to month and somebody watching a meeting on television would not know the background. Councilor Reichert also agreed with Councilor Burlingame’s comment regarding grandstanding, stating that he has seen it happen in other towns. Councilor Reichert stated there are pros and cons for this subject.

Councilor W. Steere stated that grandstanding could occur with or without cameras. Councilor W. Steere agreed that people can find out what happens at meetings through recordings and minutes, but feels that we live in a busy world where people have other commitments and cannot attend Council meetings. Councilor W. Steere pointed out that Foster, Smithfield and Lincoln all televise their Council meetings. Councilor W. Steere stated that he is in favor of this and has heard the same sentiment from members of the public.

Councilor G. Steere stated that it is better to have a conversation with somebody while it is going on instead of getting a reaction after the fact. Councilor Burlingame expressed agreement.

Councilor W. Steere asked if the Council wished to vote on this matter or table it to the next meeting. Councilor Reichert was not opposed to getting more information. Councilors G. Steere and Burlingame stated that they do not want to pursue the idea.

MOTION was made by Councilor W. Steere to move forward with regard to Council Meeting Television Broadcast; seconded by Councilor Reichert.

#### Discussion:

Russell Gross stated that if somebody cannot give up an hour or two of their time to attend a meeting, we should not provide a service that he feels is unnecessary. Councilor W. Steere

replied that some people are interested and would like to attend, but cannot physically get to a meeting for different reasons.

Linda Nichols expressed she thought this was a good idea and asked who decides on this item. Councilor W. Steere replied that it is the Council's decision.

VOTE: AYES: W. Steere  
NAYS: G. Steere, Burlingame and Reichert  
MOTION FAILED

- B. Board and Commissions
  - 1. Appointments - Discussion and/or Action  
Community Resource Commission - One unexpired Alternate one year term

Linda Nichols, Community Resource Commission chair, stated that the Commission is scheduled to meet next week at which time this matter will be discussed.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission to fill one unexpired Alternate one year term; seconded by Councilor G. Steere.

Discussion: None.

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

- C. Charter Amendments - Discussion and/or Action
  - 1. Proposed Amendments

Councilor W. Steere stated that at this point we have one proposed amendment:

Due to recent legislation passage Section § C13-9. **Land Trust.**  
The Council will appoint five of the seven trustees of the Land Trust as provided by State Law. Should be amended to read:

**Section C13-9. Land Trust. The Council will appoint the seven trustees of the Land Trust as provided by State Law.**

- 2. Discussion of suggested topics

Councilor W. Steere asked if there are any other amendments to consider for a first reading at the next council meeting.

Councilor Burlingame expressed concern that since there were only 38 voters in attendance at the Financial Town Meeting, a majority of 19 people were voting on a 20 million dollar budget.

Councilor Burlingame asked if there should be a higher level of approval to increase a budget. Councilor Burlingame stated that in Smithfield, 80% of the voters must approve a change in the budget.

Councilor Reichert stated that voters do not understand that when they add to a budget, it does not necessarily go where they want it to. Councilor Reichert stated that it would not be a bad idea to have a safety mechanism of some sort, since attendance at these meetings is always so low.

Councilor Burlingame noted that it is a long process to move an adopted budget forward to the Financial Town Meeting and it doesn't seem right that a simple majority of a few voters can change the budget. Councilor Burlingame stated that he will put some language together for the Council's review at the next meeting.

Councilor G. Steere agreed with Councilor Burlingame looking into this for the next meeting. Jean Fecteau, Town Clerk, stated that there will be a first reading of the Proposed Charter Amendments on the agenda for the next meeting. There was a consensus that Councilor Burlingame would bring back a recommendation to the Council.

- D. Land Trust: - Discussion and/or Action
  - 1. Update on Policies and Procedures

Councilor Burlingame stated that he has received some information from Bruce Payton, Land Trust chair, regarding proposed amendments to their Rules and Procedures. Councilor Burlingame suggested that the Council members review these amendments and determine which ones pertain to interaction between the Land Trust and the Town Council as well as those with respect to land use.

Councilor Burlingame read from the notes proposed to date and noted that keeping Council informed of potential land purchases was a good example of what types of rules Council would like to see in place. Councilor Burlingame stated that he will work with the chair to categorize the proposed amendments. Councilor G. Steere stated that he received a call from Henry Gold who expressed willingness to schedule a workshop with the Town Council regarding this matter.

#### VIII. New Business

- A. Appointments
  - 1. Finance Department - Discussion and/or Action
    - a. Full time - Clerk

Councilor W. Steere read the following request from the Finance Director:

June 20, 2012  
To: Town Council  
Re: Appointment: Clerk I, Treasurer's Office, full-time

There is currently a vacancy in a Clerk position in the Treasurer's Office. We advertised in the Bargain Buyer and the Providence Journal.

One hundred three (103) applications were received. Thirty-six were Gloucester residents. Seven interviews were conducted.

Interviewers were:

Jaclynn DiPietro - Administrative Aide, Treasurer's Office

Tom Mainville - Director of Human Resources

Jeanne F. Carcieri, a Gloucester resident; is being recommended for the position of Clerk I Treasurer's Office at a starting rate of \$17.22 per hour to be effective starting Monday, July 2, 2012. It is requested that the step process be waived as Ms. Carcieri has been working in the Treasurer's Office since March 2011 through a temporary help agency.

Ms. Carcieri has a BS. in Accounting and an MBA from Providence College. She has experience in municipal government as she previously worked for the Town of Corinna, Maine. She also has accounting and clerical experience in the private sector as she worked as a CFO/Controller for the Coval Corporation in Warwick, RI.

Tom Mainville

(End of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Jeanne Carcieri to the position of Clerk I Treasurer's Office at a starting rate of \$17.22 per hour to be effective starting Monday, July 2, 2012, and to Waive the step process outlined in the Gloucester Employee Handbook; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Public Works - Discussion and/or Action
  - a. Litter Crew Supervisor

Councilor W. Steere read the following request from the Public Works Director:

June 20, 2012

To: Town Council

From: Gary Trembl

Public Works Director

Re: Appointment Litter Crew Supervisor

I am requesting that Marie Howard be appointed to the position of Litter Crew Supervisor. Marie has worked on the litter crew for 6 summers and has been the supervisor for the last 5. Marie 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 25, 2012. The program will run from 6/25/12 - 8/3/12.

Gary  
(end of memo)

Discussion: None.

MOTION was made by Councilor G. Steere to APPOINT Marie Howard to the position of 2012 Litter Crew Supervisor for 16 hours per week at a rate of \$11.00/hour starting June 25, 2012 to August 3, 2012; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

b. Litter Crew - Lottery

2012 LITTER CREW LOTTERY

**Glocester Residents**

John Campanini  
Anthony Placido  
Cory Greene  
Joshua Costa  
Dominic Dermanouelian  
Mark Howard  
Nathan Hesford  
Jacques Bates  
Jesse Beaudreault

**Non Glocester Residents**

Lindsay Goulet  
Isaac Walker

11 applicants  
9 residents  
2 non residents

Tom Mainville, Finance Director, stated that six (6) names will be drawn from the nine (9) Glocester residents.



They were chosen, by lottery, as follows:

Cory Greene  
Mark Howard  
Anthony Placido  
Joshua Costa  
Dominic Dermanouelian  
Nathan Hesford

MOTION was made by Councilor G. Steere to APPOINT Cory Greene and Mark Howard to the 2012 Litter Corp at the hourly rate of \$ 8.00 for 16 hours weekly and will run from June 25, 2012 through August 3, 2012, and Anthony Placido, Joshua Costa, Dominic Dermanouelian and Nathan Hesford, as needed; seconded by Councilor Burlingame.

Discussion: None

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

MOTION PASSED

B. Bid Extension - IFB 2001-10 Gas and Diesel - Discussion and/or Action

Councilor Reichert recused himself from this matter.

Councilor W. Steere read the following request:

June 18, 2012  
To: Honorable Town Council  
From: Gary Trembl  
Public Works Director  
Re: IFB 2001-10

The existing bid IFB 2001-10 for gas and diesel from Reichert and Sons expired on May 31, 2012. Reichert and Sons Fuel Oil Co., Inc. has agreed to extend the bid, with pricing, terms and conditions remaining the same until May 31, 2013. (See attached bid extension agreement).

I am requesting that the IFB 2001-10 extension be approved.

Thank you,  
Gary Trembl  
(end of memo)

Discussion: None.

MOTION was made by Councilor Burlingame to GRANT the extension of IFB 2001-10 for gas & diesel from Reichert & Sons Fuel Oil Co., Inc. for the same terms as previously agreed upon in the award for IFB 2001-10; said extension effective to May 31, 2013; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

RECUSED: Reichert

MOTION PASSED

C. Community Resource Commission - Discussion and/or Action

1. Feasibility Study Grant

Linda Nichols reported that the Commission has been awarded a grant in the amount of \$18,881 to be used for a feasibility study regarding hydro-power on the Sand Dam Reservoir. L. Nichols asked the Council for guidance regarding the process. L. Nichols inquired if she should contact the engineer, Mr. Cook, to get the process started. L. Nichols stated that it is her understanding that the engineer will be paid directly by the RI Economic Development Commission. L. Nichols asked the Council for permission to go forward.

Councilor G. Steere cautioned against doing anything until we determine where the funds are coming from. L. Nichols stated she is waiting for the official letter from R.I. Economic Development. Councilor Reichert asked if this is a matching grant. L. Nichols replied in the negative, stating that it is a full grant. Councilor W. Steere stated that the question is whether the Finance Department or the State will administer the grant. L. Nichols replied that she is attempting to get more information from the RIEDC. L. Nichols asked if she should notify the engineer.

Councilor W. Steere recommended that she have a discussion with the Solicitor and the Finance Director. William Bernstein, Town Solicitor, stated that he has not seen the contract yet and we cannot make any commitments without reviewing it first. Councilor G. Steere concurred, stating that there have been issues with this engineering firm. Councilor Burlingame directed L. Nichols to inform the engineer that the contract is in the hands of our legal department. L. Nichols commended the members of the Community Resource Commission for their hard work in obtaining this grant.

Councilor W. Steere agreed, stating that this is one of the many things accomplished by the group. Councilor W. Steere asked L. Nichols if the Town Planner has reviewed any of this information. L. Nichols stated before the grant application was submitted she had R. Goff review and give opinions on the application.

D. Recreation - Discussion and/or Action

1. Recreation Property
2. Recreation Grant Status

Councilor G. Steere asked R. Goff to speak regarding the status of the grant which was awarded to the Town for recreation purposes. Councilor G. Steere questioned the status of the first property and the status of the “second” property he has heard about. Councilor G. Steere wanted to know the intention the Council on which property they were interested in. Councilor G. Steere also expressed his concern as to losing the grant. Councilor W. Steere questioned if we were locked in to the piece we applied for originally.

R. Goff, Town Planner, explained that the application was for a certain piece of property and was granted for that piece of property. It was stated that there is now another property involved. R. Goff stated that if a different property is considered, the Town must go back to DEM for authorization and risk being denied. Councilor Burlingame asked if there had been any communication with the owner of the original piece located on Route 44 near the center of town, which he stated was a “good fit” due to its close proximity to the existing town recreational facility.

R. Goff stated there had been no communication with the owner of the original piece yet. Councilor G. Steere stated he has been contacted by the owner of that property (Rt. 44, next to Gloucester Memorial Park), questioning the status. Councilor G. Steere & Councilor Burlingame agreed the Town should at least go to the next step. Councilor Burlingame stated now that the Town has received the grant there may be more incentive for the owner to sell. Goff asked the Council how they want him to proceed.

Councilor G. Steere stated that he does not want to lose the grant and/or the property and asked if the Council should continue to pursue the next step. Councilor Burlingame stated that he feels that the property is in a good location, close to the center of Town, and should be put at the top of the list. Councilor G. Steere expressed agreement. Councilor W. Steere question if there is a time limit on the use of this grant. R. Goff stated there was.

MOTION was made by Councilor Burlingame to direct the Town Planner to go forward and pursue the grant application for property on Route 44 (Hoffman property); seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

E. Gloucester Light Infantry - Discussion and/or Action

1. Donation - Funds for gunpowder

Councilor W. Steere stated that the Council has received a request from the Gloucester Light Infantry (Tom Sanzi) to assist with the cost of gunpowder used for the recent cannon night fire

ceremony. This was discussed at the last Town Council meeting and there was Council consensus to pay half of the cost (\$163.75 is half).

Discussion: None.

MOTION was made by Councilor Reichert to AUTHORIZE the payment of \$163.75 to the Gloucester Light Infantry to defray the cost of gunpowder used for events held in the Town of Gloucester; seconded by Councilor Burlingame.

Discussion: Councilor G. Steere noted that the Heritage Society paid for the supplies the first year, but has not since.

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

MOTION PASSED

#### IX. Boards & Commissions

##### A. Appointments

1. Local Board of Appeals for Building Code - Discussion and/or Action  
One five year term to expire 6/2012

Councilor W. Steere stated that the Council has not heard from the chair of the Board and asked for a Motion to table this appointment.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Local Board of Appeal for Building Code; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

#### X. Department Head Report/Discussion

- A. Ray Goff, Town Planner, stated that at the last meeting there was a discussion regarding trees on public property. R. Goff stated that the Ordinance states that the Tree Warden is responsible for trees on public property. R. Goff stated that the Tree Warden does not have jurisdiction over DOT, DEM or any other State agency. R. Goff stated that in his experience, we have never told these entities what to do, which trees to cut or not to cut, etc.

Councilor W. Steere stated that the discussion at the last meeting centered around the placement of the trees, i.e. under power lines. Councilor G. Steere stated that Bruce Payton, Tree Warden, was also concerned with the type of trees which are planted. R.

Goff stated that B. Payton didn't like the type of tree proposed in the current project but that he had worked with the landscape architect at DOT who was well educated in the types of trees and proper location for planting. R. Goff also stated he has had the plans for this latest project for years and B. Payton is welcome to question him.

Councilor Burlingame stated he would advise Ray to deal with these issues as they come up and not "go looking for problems".

- B. Anthony Parrillo, Recreation Director, reported that registrations for the swim program are very high, stating that 130 registrations were received for Marion Irons Beach alone. A. Parrillo noted that both beaches will open for the season on Saturday. Regarding the tennis program, A. Parrillo commented that the last few years have shown an increase in participation. A. Parrillo expressed concern that the program will be affected by work being done on the courts at the high school. Walter Steere, Jr., School Committee member, replied that there will be no work done on the tennis courts this year.
- C. Viviane Valentine, Tax Assessor, stated that a Building Permit was filed by Factory Mutual in the amount of \$952,000 for a new office building. V. Valentine noted that Factory Mutual is in different phases of a double PILOT program and stated that she believes that this building is separate and apart and may be taxable. Councilor Reichert asked if the whole property is encompassed under the agreement. V. Valentine replied that the industrial site is, but they do pay taxes on other land that they own which is not connected to the industrial site. Councilor G. Steere asked if the Building Permit is dated after the PILOT agreement.

V. Valentine replied that the second PILOT is dated December, 2008 and the expected completion date was June, 2009. Councilor Burlingame suggested that the Town Solicitor review the agreement. William Bernstein, Town Solicitor, stated that he will approach Factory Mutual to see if they wish to modify the PILOT agreement or enter in to a new agreement. V. Valentine noted that we should use caution with regard to a new agreement because there are new rules concerning State Aid.

V. Valentine spoke regarding the Resolution in support of Senate Bill 2928, which addressed the mailing of notices to property owners, stating that it was passed by the Committee. V. Valentine stated that she does not know the status of the Bill at this time.

V. Valentine spoke regarding Senate Bill 2641 Sub.A which deals with the levy and assessment of local taxes. V. Valentine stated that this Bill is the brain child of the Builders' Association, who wanted relief from taxation for vacant housing units which have never been sold. V. Valentine stated that Dan Beardsley of the RI League of Cities and Towns has sent a letter of opposition to this Bill. V. Valentine noted that the Bill was transmitted to the Governor on June 15<sup>th</sup> and if he does nothing, it will become law. V. Valentine stated that it is troubling that a house could be 99% complete and not be taxed for years until a certificate of occupancy is issued.

Bds. & Commissions - Discussion

- A. George Kain, of the Community Resource Commission, stated that the Commission is still working on getting solar power and has been speaking with different vendors. Linda Nichols, chair of the Community Resource Commission, added that they are just interviewing at this time but have not yet found anything which would benefit the taxpayers and the Town.

It was stated that members of the Commission and Town Council will place the flags on the telephone poles along the parade route as was done last year.

XI. Council Correspondence/Discussion

- A. Councilor Burlingame stated that the Council has been informed by the Budget Board that the Town was overpaid \$160,000 by the State many years ago. Tom Mainville, Finance Director, explained that this pertains to a 20-year bond for the West Gloucester School. T. Mainville further stated that the Town received the money early, which we were not aware of until recently.

Councilor Burlingame asked if we will be okay in terms of the end of the year. T. Mainville replied in the affirmative. T. Mainville stated that prior to 1996, the Town used a different general ledger system, therefore the payments could not be confirmed. Regarding payments made afterward, T. Mainville stated that every one of them matched up.

XII. Open Forum

- A. Marie Sweet, asked if there are audio recordings available from the Town Council meeting at which the Noise Ordinance was defeated. Jean Fecteau, Town Clerk, replied that the Public Hearing records are available at the Town Clerk's Office.
- B. Walter Steere, Jr., School Committee member, spoke about the previously discussed matter regarding the School Bond, stating that the same thing occurred at the High School several years ago.

W. Steere, Jr. asked if the voters would have to decide whether to have a percentage requirement at the Financial Town Meeting. Councilor Burlingame replied that this would be a Charter Amendment which would have to be approved by the voters.

XIII. Seek to Convene to Executive Session - Discussion and/or Action

- A. R.I.G.L. 42-46-5(a) 1 - Personnel - Two employees issues

MOTION was made by Councilor G. Steere to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a) 1 Personnel, for two employee issues; seconded by Councilor Burlingame.

Discussion: None.

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

MOTION PASSED

XIV. Reconvene Open Session  
Disclose votes taken

MOTION was made by Councilor Reichert to SEAL the Minutes of Executive Session; Two (2) votes were taken re: Police Chief and Public Works Employee; seconded by Councilor G. Steere.

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

NAYS: 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:23 p.m.; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the July 19, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **July 5, 2012**

I. Call to Order

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

II. Roll Call

Members Present: George O. (Buster) Steere; Vice-President; Edward C. Burlingame;  
Jamie A. Hainsworth; and William E. Reichert.

Member Absent: Walter M. O. Steere, III, President

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Susan  
Harris, Deputy Town Clerk; Judith Branch, Director of Human Services;  
and Joseph DelPrete, Chief of Police.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jessie Gross.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Special Event License Request

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

2168 Putnam Pike

Request for Cruise Night (s), Monday evenings, July- October, 2012

Car/Bike Show

Councilor G. Steere stated that this Public Hearing was advertised in the Valley Breeze on June 21, 2012 and abutters have been notified.

Councilor G. Steere DECLARED the Public Hearing open and asked if anyone wished to speak regarding this application.

1. Eleanor Heuberger, of 12 Cady Lane, stated that her property abuts the east side of the subject property. E. Heuberger expressed several concerns, including the hours of the event, noise, lighting, parking and crowd control. E. Heuberger noted that there are already problems regarding litter and public urination. E. Heuberger stated that on Sundays they have a blues event which is very well attended, causing problems with parking. E. Heuberger also asked if there would be outside entertainment.
2. Charles Ryan, of 404 Lake Washington Drive, stated that he has the same concerns, particularly the noise generated from motorcycles revving their engines.



Councilor G. Steere stated that the application requests the following:

Cruise night every Monday from 6:00 p.m. to 9:00 p.m.: Car/bike show- weather permitting. Vehicles only in special area of lot. Burger/dogs cooked on outside grill, canned soda. Family oriented specials: face painting/balloons, vendors (pinstripers), no outside amplification, no tents.

Robin Tyo, Applicant, spoke regarding the neighbors' concerns, stating that they usually have 3 persons on staff to ensure that nobody is doing anything they are not supposed to be doing outside, and noted that parking is done properly off the road. R. Tyo also noted that there is an outhouse on the side of the building to alleviate the issue of public urination.

Regarding the vehicles, R. Tyo stated that at a car show the cars on display are not running. R. Tyo expressed her opinion that this would be a positive event to have at Cady's. R. Tyo stated that she considered having the event once a month instead of weekly, but stated that if it rains on the planned date, people would have to wait another month.

R. Tyo stated that she is willing to work with everyone regarding this application. R. Tyo noted that no additional lighting would be necessary as it stays light out later in the summer. R. Tyo has approached the Masons organization to ask if they would like to run the outdoor grill in order to raise money for their group.

Councilor Burlingame asked if there would be outside entertainment, to which R. Tyo replied in the negative. R. Tyo stated that she is doing this properly and noted that another establishment in Town has a sign which advertises car and bike shows.

Councilor Hainsworth stated that if somebody does it improperly, they jeopardize losing their license. R. Tyo stated that she is trying to be respectful to the Town and to her neighbors. Councilor Hainsworth asked what can be done about the parking problem mentioned earlier. R. Tyo explained that there are 60 parking spaces on one side of the building and an additional 50 on the other side, adding that only once or twice has there been an issue with parking in the breakdown lane of Route 44. Councilor Hainsworth asked what is done regarding trash and public urination.

R. Tyo replied that they go out regularly to pick up litter and again stated that there is an outhouse on the premises. Regarding motorcycles, Councilor Hainsworth stated that it is a problem everywhere and he would support anything which discourages them. Councilor G. Steere stated that there are State laws regarding muffler inspections on motorcycles.

Councilor Reichert noted that Cady's is unique in that they are grandfathered in a residential area. Councilor Reichert stated that the operators of the business keep trying to grow and he is concerned for the people who live in the neighborhood. Councilor Reichert stated that the more they expand, the noisier it gets. R. Tyo stated that they have tried to address all issues brought to their attention. Councilor Reichert stated that he understands, but the location of the building, on the lake, causes noise to echo. R. Tyo stated that they are requesting the shows on Mondays because that is an easier night as opposed to the weekends.

Councilor Hainsworth stated that he would like to see the parking problem on Sundays taken care of before allowing them to expand their license. R. Tyo stated that she does not believe that there is a problem with parking on Sundays. Councilor Hainsworth stated that the neighbors have indicated that there is a problem. Councilor Hainsworth asked if there is staff to monitor the outhouse. R. Tyo replied yes, but not at all times. Councilor Hainsworth commented that it costs money to operate a business, adding that in order to expand the license, they may have to hire more people.

Tim Kane, Assistant Town Solicitor, stated that from a legal standpoint, Cady's is a grandfathered use as a drinking establishment with entertainment, but stated that if an outdoor event is held each week, it would constitute a different use. T. Kane referred to Knight's Farm, who was limited to four (4) events due to Zoning regulations. T. Kane stated that his legal opinion is to also limit Cady's Tavern to four (4) events between now and October. R. Tyo stated that she would have no objection except that it is hard to plan due to the weather. Councilor G. Steere stated that a rain date could be scheduled.

Councilor Burlingame stated that he would be inclined to go with Monday nights only which would create less congestion than a Friday or Saturday night. Councilor Burlingame further stated that he would be uncomfortable with being inconsistent with what was granted to Knight's Farm. Councilor Burlingame stated that if the event becomes too big and causes safety problems, the Council will have to address the issue.

Joseph DelPrete, Chief of Police, stated that he would like there to be a stipulation that parking will not be allowed on the highway.

Councilor Hainsworth suggested that the applicant not include motorcycles in the shows, adding that he will vote against the application otherwise. Councilor Hainsworth reiterated that he will not do anything that encourages motorcycles. Robin Tyo agreed to have cars only but stated that some bikes may show up. Councilor Hainsworth stated that if there are complaints from the neighbors, the event will be shut down.

Councilor G. Steere asked if anybody else wished to be heard. Hearing none, Councilor G. Steere DECLARED the Public Hearing Closed.

#### Discussion:

Councilor Burlingame stated that he would be inclined to allow the car show four (4) times as was previously granted to Knight's Farm. Councilor Burlingame agreed that motorcycles would cause a problem due to the location on Lake Washington. Councilor Reichert encouraged the neighbors to report any problems that may occur. Councilor Hainsworth advised the applicant to consider the complaints voiced tonight by the neighbors.

Councilor G. Steere stated that even if the event is advertised as a car show, motorcycles will show up, and disagreed with Councilor Hainsworth's opinion, stating that bikes with straight pipes are a law enforcement issue with regard to inspections. G. Steere stated he has his motorcycle inspected and he doesn't blame the owners of the properties as it is the operators

responsibility. G. Steere also stated contrary to what some people would like to do you can not put up a sign saying no motorcycles in town.

MOTION was made by Councilor Burlingame to GRANT the Special Event License to Tyo-Ristaino Corp., d/b/a Cady's Tavern, 2168 Putnam Pike for a Car Show with the following stipulations:

1. A dedicated parking area shall be maintained for participants & customers and there shall be no parking on Putnam Pike.
2. Alcohol shall not be allowed anywhere except the areas previously authorized.
3. Proper supervision shall be present at all times in the area designated for the event and upon request of the Police Chief the applicants shall be responsible for hiring a police detail.
4. The event is authorized from July to October 15, 2012, for a total of four (4) Monday nights from 6:00 p.m. to 9:00 p.m., once per month.
5. This special events license can be suspended or withdrawn by Town Council within the sole discretion of the Town Council.
6. There shall be no outside entertainment, no amplification, no tents and no additional lighting.

Seconded by Councilor Reichert.

Discussion:

Councilor G. Steere noted that the dates on the original application were June to October and asked if the motion should reflect that. Tim Kane stated that since June has passed, the motion shall be interpreted as July to October.

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: June 21, 2012

B. Finance Director's Report - April & May 2012

MOTION was made by Councilor Reichert to TABLE the minutes of June 21, 2012; and to TABLE the Finance Directors Report for April & May 2012; seconded by Councilor Hainsworth.

Discussion: None.

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

- a. Community Resource Commission - One unexpired Alternate one year term

Councilor G. Steere stated that the Council does not have a recommendation at this time.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission for a one year Alternate term; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

b. Local Board of Appeals for Building Code - Discussion and/or Action

One five year term to expire 6/2012

Councilor G. Steere stated that the Council is still waiting to hear from the Board regarding this position, currently held by Dan Nardelli.

MOTION was made by Councilor Reichert to TABLE the appointment to the Local Board of Appeals for Building Codes for one five year term to expire 6/2017; seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Gloucester Code of Ordinance- 1<sup>st</sup> Reading Proposed Charter Amendment

Town Charter, C13-9 Land Trust - Discussion and/or Action

Councilor G. Steere explained that the Town Solicitor has advised that this item may not be necessary at this time, as State enabling legislation supercedes the Town's rules and regulations. Councilor Burlingame recommended that the Council make a note for the next time the Charter Review Commission convenes, to address the housekeeping items previously discussed.

B. Appointments

1. Recreation Department

One Substitute 2012 Lifeguard - Discussion and/or Action

Councilor G. Steere stated that the Council has received a request from Anthony Parrillo for an appointment to the position of substitute lifeguard for 2012, as follows:

Can you please include the following recreation appointment for the next Town Council Meeting.

Justyna Barlow - Substitute Lifeguard

Thank you,  
Anthony Parrillo  
(end of memo)

MOTION was made by Councilor Reichert to APPOINT Justyna Barlow to the position of Substitute Lifeguard for 2012 at an hourly rate of \$11.00, effective July 1, 2012; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

C. Clean Water Finance - R.I. Housing Loan Subordination request  
Discussion and/or Action

Discussion: Councilor Burlingame explained that Rhode Island Housing is requesting that the Town back up a loan for property which is valued at less than the amount of the mortgage. Councilor Burlingame pointed out that this would cause no adverse impact for the Town and would allow the applicant to secure a lower rate on his mortgage. Councilor Burlingame suggested that the Council support this action.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council to sign a subordination agreement between R.I. Housing and the Town of Gloucester for a R.I. Housing Clean Water program loan in the amount of \$28,000, that is currently serviced by Rhode Island Housing, Loan # 2041100021; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert  
NAYS: 0

MOTION PASSED

D. Authorization: Contract between R.I.D.O.T. & Town of Gloucester  
For reimbursement of costs for police details required for R.I.D.O.T.  
projects located within the municipality. - Discussion and/or Action

Councilor G. Steere stated that the Town Council has received a request from the R.I. D.O.T. regarding Police detail pay reimbursement for D.O.T. projects.

Discussion: Joseph DelPrete, Chief of Police, stated that this is an administrative action which will have no adverse impact on the Town.

MOTION was made by Councilor Hainsworth to AUTHORIZE the Town Council to sign a MEMORANDUM OF AGREEMENT By and Between the State of Rhode Island and Providence Plantations acting through its Department of Transportation and the Town of Gloucester for reimbursement of costs for police detail required for R.I.D.O.T. projects within the community; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

IX. Boards & Commissions

A. Appointments - Discussion and/or Action

1. Housing Authority - 1 expired five year term

Councilor G. Steere stated that this position is for the expired term of Bonnie Cotter, who has expressed a desire to continue in this position.

MOTION was made by Councilor Reichert to REAPPOINT Bonnie Cotter to the position on the Housing authority for a five year term to expire 7/2017; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

2. Western Rhode Island Home Repair - Board of Directors

1 expired two year term

Councilor G. Steere stated that this position is for the expired term of Charlie Miller, who has expressed his desire to continue in this position.

Discussion: None.

MOTION was made by Councilor Reichert to REAPPOINT Charles Miller to the position on the Western Rhode Island Home Repair, Board of Directors, Gloucester for a two year term to expire 7/2014; seconded by Councilor Hainsworth.

Discussion: None

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

- A. Joseph DelPrete, Chief of Police, reported that the 4<sup>th</sup> of July Parade was successful and without incident.

Bds. & Commissions - Discussion

- A. George Kain, Community Resource Commission member, stated that flags were put on the telephone poles for the 4<sup>th</sup> of July. G. Kain stated that this has gotten a positive response from the public and suggested that the Commission raise funds to increase the number of flags in the future.

XI. Council Correspondence/Discussion

- A. Councilor G. Steere stated that correspondence was received regarding a grant awarded to the Community Resource Commission for a study regarding hydro-electric power at the Smith and Sayles Reservoir.
- B. Councilor G. Steere stated that a complaint was received from the owners of property at 4 Sherman Lane. Debbie Fortune was present to discuss her complaint. D. Fortune explained that she went before the Historic District Commission to request permission to install vinyl siding, which was denied. D. Fortune noted that there are four (4) other homes in the Historic District which are vinyl-sided. D. Fortune further stated that one of the buildings is owned by Bradley Steere who formerly served on the Commission.

D. Fortune stated that she has contacted the Town of Cumberland and was told that they handle requests on a case-by-case basis with regard to vinyl siding. D. Fortune stated that she has reviewed the federal regulations which state that there must be a clause for property owners with financial hardship. D. Fortune noted that her husband is disabled and their annual income is less than \$8,000. D. Fortune further stated that due to his disability, her husband is physically unable to maintain the house.

D. Fortune stated that if they don't do something to repair the property, their homeowners insurance may be in jeopardy. D. Fortune noted that last summer, her two (2) tenants qualified for the Tri-Town weatherization program and the State replaced windows and added insulation.

Tim Kane, Assistant Town Solicitor, stated that the HDC is an independent board and expressed hope that they consider applications on a case-by-case basis. D. Fortune replied that after her request was denied, she was advised by the Building Office to

appeal to the Town Council. Councilor G. Steere stated that the Council will look into the matter, but noted that no action can be taken tonight.

Debbie Fortune stated that she has another issue with regard to the mini-park/parking lot which abuts her property. D. Fortune stated that although this is a public parking area, a sign was installed which says "Patron Parking Only." D. Fortune noted that she had an oil delivery and a gas delivery turned away because they were not allowed to access her property through the parking lot.

D. Fortune expressed concern that emergency vehicles would not be able to respond to her house. D. Fortune stated that the park was designed to have 3 or 4 parking spaces, but last year Charlie Wilson, James Thompson and the Highway Department increased the capacity to 8 or 9 spots. D. Fortune noted that off-street parking areas of more than 5 spots are supposed to be paved and lighted. D. Fortune also complained that Mr. Thompson sprays weed killer along her property line, endangering her pets and her well.

Councilor G. Steere stated that the number of parking spaces was increased to allow parking for the businesses in the Village while work was being done on the road. Councilor G. Steere noted that this is Town-owned property. D. Fortune stated that she objects to her deliveries being turned away by Mr. Wilson. D. Fortune stated that there have been problems with Mr. Wilson ever since she and her husband added a second floor to their garage and were asked whether they had obtained a building permit. D. Fortune stated that it is getting out of control and she just wants peace and quiet.

Councilor Reichert stated that the Town Solicitor will research the issue regarding the request for permission to install vinyl siding.

- C. Councilor G. Steere stated that there has been a request for the use of the Senior Center by the Pascoag Reservoir Dam Management District.
- D. Councilor G. Steere stated that correspondence was received from the State of Rhode Island Traffic Commission.
- E. Councilor Burlingame stated that he had forgotten that at a previous Charter Review, a provision had already been added to protect the Financial Town Meeting by requiring that 2% of registered voters sign a petition to change an adopted Town budget. Councilor Burlingame stated that this takes care of the issue discussed at the last meeting; therefore, there is no need to go forward with anything at this point.
- F. Anne Ejnes, School Committee member, stated that she wished to acknowledge an accomplishment by Pat Dubois, Glocester School Superintendent. A. Ejnes stated that P. Dubois secured \$30,000 in grants for teacher training. A. Ejnes read from a press release, stating that out of 56 applications, 12 grants were awarded. A. Ejnes stated that this will make a real difference for the students in Town. A. Ejnes also stated that she



wished to thank Tom Mainville and Joe McGovern for their help in completing several capital projects before the June 30<sup>th</sup> deadline for reimbursement.

XII. Open Forum

None.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:26 p.m.; seconded by Councilor Hainsworth.

VOTE: AYES: G. Steere, Burlingame, Hainsworth and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the August 2, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **July 19, 2012**

I. Call to Order

Councilor W. Steere stated for the record:

Councilor Jamie Hainsworth handed in his resignation this week, effective immediately.

Councilor W. Steere explained the Town Charter states that once a resignation is received by the Town Clerk the next highest voted in that election could be sworn in. Councilor W. Steere noted that Kevin Walsh has filed a letter stating he does not wish to accept the position and the next candidate is Michael DeGrange who was sworn in by the Town Clerk before this meeting.

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

II. Roll Call

Members Present: Walter M. O. Steere, III, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Susan Harris, Deputy Town Clerk; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Judith Branch, Director of Human Services; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Michael DeGrange

IV. Open Forum for Agenda Items

A. Rose LaVoie, of Wilmarth Road, spoke regarding the item pertaining to public parking at Gloucester Memorial Park. R. LaVoie stated that the Chepachet Village Planning Commission always advocated allowing parking at the park, since there is no other public parking areas in Town. R. LaVoie expressed hope that the Council will agree and designate this area with tasteful signs.

V. Consent Items - Discussion and/or Action

- A. Town Council Minutes: June 21 & July 5, 2012
- B. Finance Director's Report - April, May, & June 2012
- C. Tax Collector's Additions & Abatements - June 2012

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of June 21, 2012; to TABLE approval of the Town Council minutes of July 5, 2012; to ACCEPT the Finance Director's Report of April & May 2012; to TABLE the acceptance of the Finance Director's Report of June 2012; and to APPROVE the Abatement to the 2011 Tax Roll in the amount of \$9.80; (No Additions to the 2011 Tax Roll); seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame and Reichert  
NAYS: 0  
ABSTAIN: DeGrange

MOTION PASSED

VI. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

Community Resource Commission - One unexpired Alternate one year term MOTION was made by Councilor G. Steere to TABLE the appointment to the Community Resource Commission for one unexpired Alternate one year term; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

B. Local Board of Appeals for Building Code - Discussion and/or Action  
One five year term to expire 6/2012

MOTION was made by Councilor Burlingame to TABLE the appointment to the Local Board of Appeals for Building Code for the five year term to expire 6/2017; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

VII. New Business

A. Resignation - Town Council - Discussion and/or Action

Councilor W. Steere explained that the Town Clerk put this item on but after she and the Solicitor reviewed it was agreed that no Council action is necessary. Councilor W. Steere noted that Councilor Hainsworth resigned due to his new position on the Federal level representing the State of Rhode Island. Councilor W. Steere expressed thanks to Councilor Hainsworth for his time on the Council as well as his many years of service on the Police Department. Councilor W. Steere also congratulated Councilor DeGrange on his new position and wished him well.

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

July 12, 2012  
Mr. Walter Steere President, Gloucester Town Council  
1137 Putnam Pike Chepachet, RI 02814

Dear Walt:

Please be advised that I will be resigning from the Gloucester Town Council, effective immediately. As I have explained, per Federal Ethics ruling, I am required to resign my Town Council position. My Presidential nomination as U.S. Marshal for the District of Rhode Island has been approved by the United States Senate. Thank you for your assistance through this past year and I wish you and the other Council members continued success in the administration and betterment of the Town of Gloucester.

Sincerely,  
Jamie A. Hainsworth  
(end of letter)

## B. Land Trust

### 1. Policies and Procedures update - Discussion and/or Action

Councilor Burlingame stated that he would like an update regarding which procedures have been approved by the Land Trust.

Bruce Payton, chair of the Land Trust, stated that he has submitted a list of the rules and regulations that have been approved. Councilor Burlingame asked if there was agreement to have the Planning Board review any prospective Land Trust purchases. B. Payton replied that the Land Trust has agreed to have the Planning Board help them with a template to make assessments of the properties.

B. Payton stated that once an appraisal is obtained the Planning Board will review the appraisal in Executive Session. B. Payton stated that it is important that everyone realize they must keep what is discussed in executive session private because if information is disclosed, it could “blow a deal” for the Land Trust. Councilor Burlingame stated that before property is purchased by the Land Trust, they must meet with the Town Council. B. Payton agreed, stating that once the Land Trust approves a certain property, they will come to the Council.

Councilor Burlingame asked if there are any other policies or procedures that have been discussed by the Land Trust. B. Payton replied that there are several, however their minutes are behind because they have had trouble getting a recording clerk. B. Payton stated that once the minutes are transcribed and approved, he will put everything in a policy format. B. Payton stated that the process is moving along.

Councilor W. Steere stated that there were some policies proposed by Councilor Burlingame which were not in the minutes of the joint meeting of the Town Council and the Land Trust. B. Payton stated that they have drafted a Code of Conduct and sub-committee policies. B. Payton stated that there is a lot of misinformation sent out which he must spend time to correct.

### C. Hawkins Dam Notice of Violation Update - Discussion and/or Action

Henry Gold, Land Trust member and chair of the Dam Committee, stated that he met with DEM along with Gary Treml, Public Works Director; Ray Goff, Town Planner; and members of the Land Trust. H. Gold reported that the Land Trust has a draft from the engineer which was approved by DEM. H. Gold stated that the engineer is working on the final drawings, which he will forward to the Council as soon as they are completed. H. Gold stated that he is waiting for right-of-way permission to start drawing down the pond.

H. Gold asked the Council to consider allowing Gary Treml and Ray Goff to oversee this job. H. Gold stated that this project will be done for a good price. H. Gold further stated that DEM will allow ample time to repair the spillway. H. Gold stated that once the work is completed, we will no longer be under watch by DEM and no fines will be imposed. H. Gold noted that he will send to the Council a copy of the draft which will show what is entailed.

Councilor W. Steere asked if DEM had any problems regarding drawing down the pond. H. Gold replied that he does not feel that there will be any issues. Councilor G. Steere commented that several years ago, it was stated that we have the right to draw down the pond to repair the dam. H. Gold agreed. Councilor G. Steere asked if H. Gold and Mark Karmozyn will draft a letter to DEM.

Gold replied in the affirmative. Councilor G. Steere asked when there will be a detailed plan for review by the Director of Public Works. H. Gold replied that it is being worked on and should be completed by next week. Councilor G. Steere noted that Gary Treml's department could do the work for less than a private contractor, but asked if G. Treml has the time to do it.

Gary Treml, Director of Public Works, stated that it would be better to have the pond drawn down first to determine what the best plan would be, rather than designing something that might not work and then having to re-design it. Councilor G. Steere noted that the pond must be drained anyway. Regarding the engineer's time schedule, Councilor G. Steere stated that it does not make sense.

H. Gold stated that this is why he would like the Council to approve Gary Treml and Ray Goff to work with the engineer. Councilor G. Steere stated that the pond must be drained now, not in October. Councilor Burlingame asked if the Council agrees to let G. Treml and R. Goff work on this project, will that get the job started. H. Gold replied in the affirmative. Councilor G. Steere asked if a permit is required to draw down the pond. H. Gold replied that a permit is not necessary.

Councilor Burlingame asked if there is a budget range for this project. H. Gold replied that he was given a "ballpark" figure of \$74,000. Councilor Burlingame asked if the Land Trust has authorized the expenditure yet. H. Gold replied in the negative. Councilor G. Steere stated that it will be important that the Land Trust reimburse the Town for services, since the Land Trust's money is separate. H. Gold stated that he will confer with Bruce Payton and Tom Mainville to work out the details.

Councilor W. Steere questioned T. Mainville, Finance Director, if there were any issues with the town giving the Land Trust funds which would then be transferred back to the Public Works budget from the Land Trust. T. Mainville stated there would be not problem.

Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, if there are any legal issues to consider. T. Kane explained that once the water is drained, it will be determined what actually needs to be done and at that point, a Consent Agreement will be entered into. Councilor G. Steere stated that the Land Trust will have to authorize payment to the Town for the services of the Public Works Department and the Town Planner.

H. Gold stated that the Land Trust had already approved the funding and was waiting for the Council's approval. Councilor W. Steere commented that a Motion would be required by the Land Trust to authorize the reimbursement to the Town. Councilor Burlingame pointed out that the next scheduled meeting of the Land Trust is almost a month away, which would delay the process. H. Gold replied that a special meeting could be convened.

Russell Gross, Land Trust member, stated that the Land Trust did not agree to fund the project because they did not know if the Council would allow the Public Works Department to do the work. Councilor W. Steere advised the Land Trust to schedule a special meeting for the purpose of authorizing reimbursement to the Town for their services in draining the pond.

MOTION was made by Councilor Burlingame to AUTHORIZE Gary Trembl and Ray Goff to coordinate with the Land Trust for the initial repair of Hawkins Dam, subject to reimbursement by the Land Trust; seconded by Councilor G. Steere.

Discussion:

Councilor G. Steere noted that this is just to get going on draining the pond and anything further would have to be discussed in the future. Henry Gold stated that he will keep the Council updated on the matter.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### C. Public Parking at Gloucester Memorial Park - Discussion and/or Action

Councilor Burlingame stated that this came up when he was asked to address parking issues at the Senior Center such as cars exiting the wrong way and parking where they should not.

Councilor Burlingame also stated that an organization had asked if people could park their vehicles in the Gloucester Memorial Park lot while they were on a bus trip. Councilor Burlingame noted that this is not a municipal parking lot. Councilor Burlingame stated that his initial reaction was refuse the request, but added that it is not his decision to make but rather a Council decision.

Councilor G. Steere stated that he would not mind somebody parking there to walk through the village, but does not feel that the lot should be a “park & ride.” Councilor Burlingame pointed out that there is parking at the Town Hall, but only on weekends and holidays.

Tim Kane, Assistant Town Solicitor, stated that the only way to enforce prohibited parking is through an ordinance. T. Kane stated that the Council could start by adopting a policy to limit parking, but if it becomes a problem which requires the issuance of tickets, an ordinance is necessary.

Councilor Burlingame suggested that if someone asks if the lot can be used for a park & ride, they would be told no, and if it is challenged, we would go to the next step.

Councilor G. Steere stated that parking at GMP would increase traffic on Adelaide Road and asked what is the status of the lawsuit. T. Kane replied that we never received a final decision from the Judge, who took it under advisement. T. Kane stated that we should not encourage increased use of Adelaide Road. Councilor Burlingame stated that is the “park & ride” aspect that he objects to. Councilor G. Steere agreed, stating that we would not want 20 to 30 cars parked there while the owners are gone all day.

Tom Mainville, Finance Director, stated that there are insurance issues to consider also. T. Mainville explained that the church group at first parked in the church parking lot, but were told that they no longer could because the church’s insurance would not cover them. They then began parking in the Senior Center lot until they were told not to, then moved to the Gloucester Memorial Park lot.

T. Mainville stated that the owners of the vehicles must be made aware that the Town’s insurance carrier will not cover them for any theft or damage to the vehicles. T. Mainville suggested posting signs which read “Park at your own risk”.

Tim Kane stated that a contact person for the group should be notified both verbally and in writing, adding that signs would not be necessary. Councilor Burlingame commented that signs which read “not an exit” should be posted to prevent vehicles from exiting from the Senior Center. Councilor Burlingame stated the Council needs a motion to eliminate park and ride situations and further stated the Senior Center Board is handling it on their end.

MOTION was made by Councilor Burlingame to establish a policy by which no park and rides will be allowed at Gloucester Memorial Park; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### D. Recognition of Legislative Efforts - Discussion and/or Action

Councilor G. Steere stated that he would like to acknowledge our legislators, particularly Paul Fogarty and Mike Chippendale, for helping us ensure that the continuation of debt resolution Gloucester filed for a legislative amendment was successful.

Councilor W. Steere noted that Councilor G. Steere spearheaded this action and should be commended also. Councilor G. Steere stated that Senator Fogarty was able to get the Resolution approved in the Senate, however, the wording was changed and Rep. Mike Chippendale's name was removed before the Resolution passed in the House. Councilor G. Steere stated that he is not happy about the politics that played out, but noted that Reps. Cale Keable and Tom Winfield were instrumental in getting it put in the budget.

Councilor G. Steere also stated he is concerned that a bill can get passed by slipping it into a budget but at least we got the job done. Councilor G. Steere commented that Rep. Chippendale did not object to his name being removed, just as long as it was approved. Councilor G. Steere stated that he wants to give credit where credit is due, adding that Jamie Hainsworth also lobbied for the passage of this Resolution.

Councilor G. Steere stated that this was a huge victory for the taxpayers of Gloucester and Foster. Councilor G. Steere recommended that the Council send a letter of thanks to the legislators, especially Senator Fogarty and Rep. Chippendale.

Councilor Burlingame commented that Rep. Chippendale was the real leader in this matter. Councilor Burlingame explained that Rep. Chippendale had two (2) bills entered; one for Foster-Glocester and the other one Statewide. Councilor Burlingame commented that in the long run it worked out well for everybody statewide.

MOTION was made by Councilor Burlingame to AUTHORIZE correspondence to Gloucester's Legislators acknowledging their efforts and thanking them for their success in the 2012 legislative session; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

Councilor W. Steere reiterated that Councilor G. Steere brought this matter forward and pursued it and is the reason that the Resolution was passed. Councilor G. Steere stated that it was the Council as a whole that was responsible for its passage.

#### VIII. Department Head Report/Discussion

- A. Councilor W. Steere asked Gary Treml, Director of Public Works, for an update on paving projects. G. Treml replied that his department has been working on New Road,



Cherry Valley Road, Ada Drive, Bel-Air Drive and Lakeview Circle. G. Treml reported that the drainage project at Tanyard Lane is about 80% complete. Councilor W. Steere expressed thanks to the Public Works Department for the work they do.

#### Bds. & Commissions - Discussion

- A. George Kain, Community Resource Commission member, stated that a meeting is scheduled with the Sand Dam Association with regard to the possibility of hydro-electric power.
- B. Bruce Payton, Land Trust chair, stated that the Land Trust is up to date with regard to recorded minutes. Payton reported that the Land Trust is 25 years old and on August 11, an event will be held at Steere Hill to recognize the anniversary. B. Payton stated that a cookout will take place at noon and there will be walks at 10:00 a.m., 12:00 noon and 2:00 p.m. B. Payton stated the Friends of the Land Trust have also done a lot of work to get the area ready. B. Payton invited the Council members to attend.

#### IX. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from "Braking the Cycle" with regard to their annual bicycle ride which will travel through Glocester on September 28<sup>th</sup> from 9:30 a.m. to 12:00 p.m.
- B. Councilor W. Steere read the following letter into the record:

July 12, 2012  
Town of Glocester  
Office of Town Clerk 1145 Putnam Pike Chepachet, RI 02814  
Att: Jean M. Fecteau

Dear Jean,

I have received a copy of the letter that you sent to our Trustee Board dated July 5<sup>th</sup>.

I want to thank you for the effort you have made to address any communication misunderstandings that have sprang up over the July 4<sup>th</sup> food tent.

I personally want to express my regret that you have had to face a number of phone calls with complaints accusing you of shutting down this event. Such criticism is not based on fact and most unwelcomed. I do regret that there are those in town who have brought this criticism of you and your good office as our town clerk.

Please know that I was working with others at our church to meet the necessary requirements of the state health department so as to comply with their regulations. This was my only focus and concern. We were trying to accomplish this at the last

minute, and we were unable to fully comply with the regulation to have a trained food service manager be on site and under whose license we would be covered.

I am under the impression that things were changing for us as a church with regard to these regulations because of the seven (7) week long fish fry events that we had both last year and this year. With local business feeling the loss of income it would not be unreasonable that one or more owners might complain and that playing field was not level. As a result of such complaints, I think we found ourselves in this last minute type of situation.

Thank you for your continued good and consistent work and efforts to fully carry out your mission as our town clerk. Thank you also, Jean, for all of the times when you have been more than helpful, being supportive of the efforts we have made in the past.

We do truly appreciate your work and your kindness.

May this all turn out for everyone's good as we seek to move forward and keep our lines of communication open and honest in every way. Thank you once again for your good and helpful letter.

Sincerely,  
Rev. Roger L. Stafford  
(end of letter)

- C. Councilor W. Steere stated that a Resolution was received from the Town of Exeter with regard to fees imposed on South County Hospital and Westerly Hospital.
- D. Councilor W. Steere stated that he wished to take a moment to thank Councilor G. Steere, George Kain, Henry Gold, Matt Salisbury and others for their help in putting the flags on the telephone poles for the 4<sup>th</sup> of July. Councilor G. Steere commented that Councilor W. Steere was also present.

#### X. Open Forum

- A. Rose LaVoie spoke regarding the metal signs which indicate "Town Hall Parking", stating that she prefers the wooden signs which were there previously. R. LaVoie commented that the State does not care about aesthetics. R. LaVoie stated that she would like to see more residents involved with the Parade LaVoie spoke about the school rankings which appeared in the paper this week. LaVoie commented that our schools did not come out very well considering the money we are spending. R. LaVoie stated that this is a disgrace and she hopes it will be addressed.

LaVoie stated that she read in the newspaper that unions, including the Gloucester Police Union, are challenging changes in retirement plans and COLA's. R. LaVoie voiced her opinion that the Police Department should not be part of this lawsuit.

LaVoie spoke about Dave Balfour, former Main Street Coordinator, stating that he knows many people and would be an excellent lobbyist for the Town. LaVoie commented that we are lucky to have a Town Council who is so knowledgeable about what is occurring in Town. R. LaVoie thanked the Council members for their service and welcomed newly appointed Councilor DeGrange.

XI. Seek to Convene to Executive Session

MOTION was made by Councilor Burlingame to ADJOURN to Executive Session:

- A. Pursuant to R.I.G.L. 42-46-5 (a) 2 Potential Litigation - Discussion and/or action
1. Atty's letter re: Land Trust Trail location
  2. Wells & Bridges
- seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS 0  
MOTION PASSED

XII. Reconvene to Open Session  
Disclosure of Votes Take

MOTION was made by Councilor Burlingame to SEAL the minutes of Executive Session; no votes were taken; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:47 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the August 2, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **August 2, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Susan Harris, Deputy Town Clerk; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Viviane Valentine, Tax Assessor; Judith Branch, Director of Human Services; and Walter Steere, Jr., School Committee member

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

Debbie Fortune stated that at the last meeting, she asked for information regarding a vinyl siding issue and was advised that somebody would get back to her. Tim Kane, Assistant Town Solicitor, stated that any appeals regarding HDC decisions must be filed with the Zoning Board of Review. T. Kane replied that she should go to the Zoning Official's office to fill out an appeal of the Historic District Committee's opinion.

V. Consent Items - Discussion and/or Action

A. Town Council Minutes: July 5 & July 19, 2012

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of July 5, 2012; seconded by Councilor Reichert.

Discussion:

Councilor DeGrange stated he would abstain from voting as he was not a Council member at the time this meeting took place. Councilor W. Steere stated he would recuse himself as he was not present at the meeting of July 5, 2012.

VOTE: AYES: G. Steere, Burlingame and Reichert

NAYS: 0

RECUSED: W. Steere

ABSTAIN: M. DeGrange

MOTION PASSED

MOTION was made by Councilor Burlingame to APPROVE the Town Council minutes of July 19, 2012; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

a. Community Resource Commission - One unexpired Alternate one year term

Councilor W. Steere stated that the Commission is still seeking a volunteer to fill this position and asked for a motion to table the appointment.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission for an Alternate one year term to expire 1/1/2013; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

b. Local Board of Appeals for Building Code  
One five year term to expire 6/2012

Councilor W. Steere stated that this position is for the expired term of Donald E. Norris (term expired 6/2012), adding that Mr. Norris has chosen not to be reappointed.

Councilor W. Steere stated that the Council has been in contact with the Chair of that group and are trying to find a volunteer.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Code for a five year term to expire 6/2017; seconded by Councilor Reichert.

Discussion:

Councilor Burlingame suggested that the Council advertise for candidates with technical experience to serve on this Board.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to place an advertisement requesting citizens volunteer to serve on the Local Board of Appeals for Building Code; seconded by Councilor G. Steere.

Discussion: The Clerk stated she is in the process of determining which position (qualifications), per the ordinance, needs to be filled.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

## VII. New Business

### A. Boards & Commissions

#### 1. Resignation - Discussion and/or Action

##### a. Planning Board

One five year term to expire 03/2017

Councilor W. Steere stated that the Council has received the resignation of Michael DeGrange from the Planning Board, which is on file in the office of the Town Clerk. Councilor W. Steere explained this is due to Mr. DeGrange becoming a Town Council member.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Michael DeGrange from the Planning Board for the five year term to expire 3/2017; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

ABSTAIN: M. DeGrange

MOTION PASSED

Councilor W. Steere expressed thanks to Councilor DeGrange for his service on the Planning Board.

#### 2. Appointment - Discussion and/or Action

##### a. Planning Board

One five year term to expire 3/2017

Councilor W. Steere stated that there is one applicant at this time; however, he has spoken to several other potential applicants and would like to table this appointment until he has heard back from them. Councilor G. Steere stated that he also knows of an interested party.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Planning Board for the unexpired five year term to expire 3/2017; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

3. Economic Development Commission - Discussion and/or Action  
Future status - Discussion and/or Action

Councilor DeGrange suggested that the Council consider bringing back this board with an amended charge which would give them more purpose. Councilor DeGrange also recommended that the Council advertise for potential candidates to serve on the Commission. Councilor G. Steere stated that the ad could be combined with the one for the other board previously mentioned.

Jean Fecteau, Town Clerk, asked if the charge should be amended before the advertisement is placed. Councilor W. Steere replied that it would be a good idea to do so. Councilor Burlingame agreed and stated that the Council should come up with recommendations for amendments to the charge.

MOTION was made by Councilor DeGrange to TABLE the amendments to the charge of the Economic Development Commission for one month; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

4. Consideration: Reciting Pledge of Allegiance - Discussion and/or Action

Councilor DeGrange commented that he has attended many meetings lately and has noticed that most Boards do not provide the opportunity to recite the Pledge of Allegiance. Councilor DeGrange stated his opinion that time should be set aside for the Pledge as it is a reminder of why we are on these Boards and Commissions. Councilor DeGrange noted that he does not wish to force anyone to recite the Pledge, but feels that there should be the opportunity to do so.

Councilor W. Steere asked if there would be any legal issues to consider. Tim Kane, Assistant Town Solicitor, stated that we cannot make anybody recite the Pledge, but a letter of recommendation could be forwarded to the Boards and Commissions. T. Kane noted that to make it mandatory, the Rules and Procedures for Boards and Commissions would have to be amended.

MOTION was made by Councilor DeGrange to send a letter to all Boards and Commissions recommending that they begin each meeting with the Pledge of Allegiance for those who wish to recite it; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

B. Interlocal Animal Control Contract - 2012-2013 - Discussion and/or Action  
Town of Gloucester & Town of Foster

Councilor W. Steere stated that Chief DelPrete has requested the same contract used for 2011-2012 be authorized again for the period 2012-2013.

Joseph DelPrete, Chief of Police, explained that by this arrangement, the Foster Animal Control Officer brings their animals to our pound to be maintained, adding that any medical costs are to be paid by the Town of Foster. Chief DelPrete stated that this has worked out well for both towns. Councilor W. Steere asked if there are any issues regarding payments from Foster. Tom Mainville, Finance Director, replied in the negative.

MOTION was made by Councilor G. Steere to AUTHORIZE the Town Council President to sign the agreement entitled "Interlocal Animal Control Contract Among the Towns of Gloucester and Foster" for fiscal year 2012/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

C. M.E.D.S. Municipality Agreement 2012-2013 - Discussion and/or Action  
Town of Gloucester/R.I. Dept. of Health ( 2011-2012 Contract Modification)

Councilor W. Steere stated that the Council has received the contract from the Rhode Island Dept. of Health for the MEDS Agreement. The Clerk stated she has contacted Gloucester's EMA Director, Jason Rhodes, who has stated there are no big changes except for the inclusion of a boilerplate Incident Action Plan for a MEDS distribution event, which he has written.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the contract entitled "Modification No. 1 to the Agreement, Rhode Island Department of Health and Town of Gloucester: MEDS Municipality Agreement". Said agreement amends the 2011/2012 agreement and extends this agreement to May 31, 2013; seconded by Councilor G. Steere.



Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

D. Land Trust properties - Discussion and/or Action  
Status of Trails/wells/bridges

Councilor Burlingame asked for an update regarding the wells on Land Trust properties which were to be covered. Gary Treml, Director of Public Works, stated that his department has covered three (3) wells at Sprague Farm and one (1) on Sprague Hill Road. G. Treml stated his department will be forwarding a bill to the Land Trust for the hours worked. G. Treml also noted that Councilor G. Steere had also covered a well today.

Councilor G. Steere stated that he used a small diameter cover on a 30-foot deep well in the area of Joe Sweet Road and Elbow Rock Road. Councilor W. Steere asked when the practice started to bill the Land Trust for any work performed by the Council. Tim Kane, Assistant Town Solicitor, replied that this was discussed at the last meeting.

G. Treml stated that he used solid covers but if the Land Trust wishes to replace them with covers which allow people to view the wells, he can take the solid covers back.

Councilor W. Steere asked Tom Mainville, Finance Director, if there are any purchasing procedures which must be followed for this type of work, such as an RFP process. T. Mainville replied that it is recommended that the Land Trust follow the Town's purchasing policy, which they generally do. Councilor W. Steere commented that policies and procedures have been called into question lately and he just wanted to make sure that there are no issues in this case.

Councilor W. Steere noted that this was an emergency situation. T. Mainville agreed, stating that whenever there is a safety issue, money is a secondary consideration. G. Treml stated that the four (4) covers cost \$300.00. Councilor Burlingame stated that it is his understanding that under \$500.00, no quotes are necessary, from \$500.00 to \$1000.00, three verbal quotes must be obtained, and purchases over \$1000.00 require written quotes.

Bruce Payton, Land Trust chair, stated that a letter was received from the Interlocal Trust with regard to the wells. B. Payton stated that Mark Karmozyn and the Public Works Department did some work as well as several volunteers who donated their time. Councilor Burlingame asked if the letter was a result of the site visit by the Trust. B. Payton replied in the affirmative, adding that Brian Ahern came out on July 26<sup>th</sup> to visit the site with Mark Karmozyn and Russell Gross.

Councilor Burlingame stated that as this is a safety issue which was discussed by the Council, the letter, (from the Trust) should have also been sent to the Council. B. Payton stated that he forwarded the letter to the Council members. Councilors Burlingame & DeGrange stated they did not receive the letter, nor did the Clerk.

B. Payton stated that the visit was not sanctioned by the Land Trust and he only found out about it after the fact. B. Payton stated that the letter states that “an official from the Town Council” called to initiate the visit. B. Payton stated that the Land Trust would like to know who that is. B. Payton explained that when the Land Trust found out that the wells had been tampered with and were not covered the way they should be, it became a safety issue and the project was completed by the DPW. B. Payton noted that this was not agreed to at a Land Trust meeting, but he has no problem paying the DPW because they did great work.

B. Payton stated that the Land Trust was told to put up signs to make people aware of safety issues on their properties. Councilor Burlingame asked who directed them to do this. B. Payton replied that their insurance company, the Trust told them to. Councilor Burlingame objected to this conversation because the Council does not have the letter from the Trust in their Council correspondence. B. Payton replied that it is not Council correspondence. Councilor Burlingame stated that the Council members should have received the letter to make their own interpretation.

B. Payton showed the Council members the signs which were put up at most of the entrances of Land Trust properties. B. Payton stated that he has checked with the attorney for the Nature Conservancy as well as the Attorney General. B. Payton stated the signs warn of man-made and natural hazards. B. Payton stated that this was requested by the insurance company. B. Payton stated that there are also signs which warn of hunting on adjacent property. B. Payton noted that the Land Trust has a separate insurance policy from the town because, at the time, although the Land Trust members are Council-appointed, they could not be removed by the Council.

B. Payton noted that the Council now has the authority to remove Land Trust members. B. Payton stated that the insurance company has questioned whether Chapter 32.6 applies to the Land Trust. B. Payton stated that when people join the Land Trust on one of their walks, they must sign a waiver of liability.

B. Payton noted that the Land Trust has also applied for their permit for Land Trust Days and invited the Council members to attend the event.

B. Payton expressed appreciation to Mark Karmozyn and the Department of Public Works for their hard work, and to Councilor G. Steere for donating well covers. B. Payton stated that there are covers available for \$350.00 which allow viewing of the wells. Regarding the bridges, B. Payton stated that the Land Trust has contacted the Appalachian Mountain Club to come out and give advice regarding the bridges’ construction.

#### E. Historic District Commission - Discussion and/or Action Review of Ordinance

Councilor G. Steere stated that he feels that it may be time for the HDC to look at some of the new modern materials, such as vinyl and composite, which are made to look like wood to determine if they would pass scrutiny for property owners to use when maintaining their homes. In the Historic District. Councilor G. Steere noted that the Ordinance mentions “appearance” frequently, but does not specify wood. Councilor G. Steere stated that he does not see why a

certain material could not be used just because it is not wood, if the appearance is the important factor.

Councilor Burlingame stated that he met with Ray Goff, Town Planner, regarding this matter. Councilor Burlingame stated that there should be some level of compromise here. Councilor Burlingame commented that if a property is set back or on the fringe of the district, there should be some level of reasonableness which should be explored. Councilor Burlingame suggested that R. Goff work with the Historic District Commission to see what can be done.

Councilor Reichert stated that there are many new products available which have the appearance of wood. Councilor G. Steere agreed, stating that if it is all about appearance, it is time to look into this matter. Councilor Burlingame stated that we should try to come up with some easement to the very strict requirements. Councilor Burlingame noted that we may run up against the Rhode Island Historic District Commission, but stated that common sense should be used.

Charlie Wilson, chair of the Historic District Commission, suggested that the Town Council members attend a meeting of the Historic District Commission to present the idea. Councilors Burlingame and G. Steere stated that they were willing to attend a meeting of the Board.

Rose LaVoie expressed her opinion that Benefit Street (Providence) would not be what it is if they had not kept all the old clapboards. R. LaVoie also mentioned Harvard Square, where the houses have many coats of paint, but are all still wood. R. LaVoie stated that there is not much left in the Village and cautioned the Council to think twice before changing too many things. Councilor Burlingame noted that his recommendation is only to explore what may be done. R. LaVoie stated that she would like to participate in any discussion that takes place.

MOTION was made by Councilor Burlingame to forward a letter to the Historic District Commission and the Town Planner to explore the various options for materials to be used in the Historic District Ordinance; seconded by Councilor M. DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

F. Safety Inspections Audit - Discussion and/or Action  
Town Facilities & Properties

Councilor W. Steere stated that since the Land Trust went through a safety audit, it would be a good idea for other Town properties and facilities to do the same. Councilor W. Steere asked what the procedure would entail. Tom Mainville, Finance Director, replied that he serves on one of the Boards at the Trust and feels that safety is one of his biggest concerns. T. Mainville noted that the Town has an excellent record with regard to claims.

T. Mainville stated that the Trust has come out to inspect Town properties, but if the Council wishes, he can invite them out again. Councilor W. Steere stated that he feels that Gloucester Memorial Park and Winsor Park should be looked at. Councilor Burlingame mentioned Heritage

Park, stating that there are many walking trails. T. Mainville stated that he will make the arrangements for an inspection of these properties.

#### VIII. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, stated that the pavement project on New Road, Cherry Valley Road, and others has been completed. G. Treml noted that the residents are very pleased.

G. Treml stated that the work at the Oil Mill Pond is complete except for spreading loam and planting, which has to go out for bid.

G. Treml reported that dog pound construction is moving along well.

G. Treml stated that several storm grates were stolen recently. G. Treml stated that the thieves were apprehended and he hopes to receive reimbursement, adding that the thefts cost the Town \$1600.

G. Treml stated that he met with Fuss & O'Neill concerning the cleanup at Oil Mill Lane and is planning to meet with Tom Cook with regard to Hawkins Dam.

- B. Judy Branch, Director of Human Services, expressed thanks to the Community Resource Commission for their donation of vegetables from their garden on Route 94.

#### Bds. & Commissions - Discussion

- A. Mark Karmozyn, Land Trust member, thanked Councilor G. Steere for his assistance regarding the wells on Land Trust properties.
- B. Edna Kent, Town Historian, stated that she received a call from Frank Guilmette who wished to do some work at one of the cemeteries as part of his Eagle Scout project. E. Kent stated that this young man cleaned all three (3) cemeteries on Chestnut Hill Road near Elbow Rock Road in one (1) day. E. Kent stated that there were several bags of debris left at the cemetery and asked if somebody from the Town could pick them up. Regarding the Eagle Scout, E. Kent asked if the Council could do some type of recognition for his efforts. Councilor W. Steere replied in the affirmative, asking E. Kent to forward his information to the Town Clerk.
- C. Councilor DeGrange asked Bruce Payton, Land Trust chair, if he forwarded the previously discussed e-mail from the Interlocal Trust to the Council members. B. Payton replied in the affirmative, adding that he has the Council members as a group in his contact list. Councilor Burlingame stated for the record that he has not received the e-mail. Councilor DeGrange stated that prior to this meeting, he had e-mailed B. Payton requesting that he forward the letter to him. B. Payton stated that he works on a computer all day and sometimes does not wish to check his e-mails in the evening.

B. Payton suggested that if the Council members have anything to discuss with him, they should call him at home instead of e-mailing him. B. Payton stated that the Land Trust has been made to have a separate insurance policy with the Trust. B. Payton noted that they have addressed the issues brought up by the Trust. B. Payton stated that it took four (4) hours to put up signs and he is still not done.

Councilor Burlingame stated for the record that the Council brought the matter concerning wells and bridges to B. Payton's attention at the last Council meeting. Councilor Burlingame stated that the Council believed that this was a safety issue to be dealt with forthwith. Councilor Burlingame stated that since the full Council was involved from the beginning, the feedback and recommendations from the Trust should have been transmitted to all members. Councilor Burlingame expressed his opinion that there is a lack of communication between the Council and the Land Trust chair.

Councilor W. Steere agreed that all Council members should have been cc'd on the correspondence. Councilor Burlingame stated that it is the responsibility of the Land Trust chair to make sure the Land Trust functions properly. Councilor Burlingame further stated that there is tension on the Land Trust and the chair is not solving the problem by "passing the buck" to the Town Council. Councilor W. Steere stated that this is an unfair comment and we should stick to the subject of the e-mails.

B. Payton stated that there is one individual who keeps picking on the Land Trust and he and the other members are tired of it. B. Payton stated that the e-mail in question was between the Trust and the Land Trust. Regarding the wells, B. Payton stated that he, as chair, has not received a report yet, therefore he could not report to the Council.

There was discussion regarding Town Council Liaisons. B. Payton stated that Councilor W. Steere received a copy because he is the liaison to the Land Trust. Councilor Reichert stated that all members of the Council should receive all correspondence, not only the liaison. Councilor W. Steere stated that the Council should look into establishing a Town policy and procedure for e-mail usage.

Councilor Burlingame stated that the protocol in this case was for the Trust to deal with the chair of the Land Trust and the Town Council president, but he would have felt better if the Council president had forwarded the correspondence to the other Council members.

Councilor G. Steere stated that we would not be talking about any of this tonight if the subject of the wells had been placed on a Land Trust agenda for discussion months ago. Councilor G. Steere stated that his main concern is safety; we do not want somebody's child falling into a well. Councilor G. Steere noted that the well he covered today was close to 30 feet deep. Councilor G. Steere commented that Councilor W. Steere is the liaison to the Land Trust, but has not attended any Land Trust meetings for several months.

Councilor G. Steere stated that items that have been requested, repeatedly, by members to be placed on an agenda have not been. Councilor W. Steere stated that when the Council met with the Land Trust, the next day somebody with a hoisting license volunteered to use the Land Trust's tractor, which unfortunately had mechanical issues. Councilor W. Steere pointed out that it was taken seriously and was being addressed.

B. Payton stated that it was brought to his attention that somebody had been tampering with the wells. B. Payton explained that the large rocks were moved and replaced with smaller ones. B. Payton stated that now that the rocks have been replaced with covers, it is an invited nuisance because people will try to lift the covers to see the wells underneath. Councilor Burlingame noted that the covers are too heavy to move. Regarding the Land Trust's agendas, B. Payton stated that he had 25 things one night from one person.

B. Payton stated that they try to adjourn by 10:00 p.m. and noted that some agenda items are covered by others already on the agenda. Mr. Payton stated the subject of wells was discussed, but a vote could not be taken because it was not on the agenda and because it was a safety issue, Mark Karmozyn covered the wells the next day. B. Payton commented that he, as chair, feels picked on. Councilor Burlingame replied that there is a difference between being picked on and being held accountable.

B. Payton stated that he has tried to walk away from fights, but things keep getting "thrown in his face". B. Payton stated that there is a better way to handle this, such as talking on the phone.

#### IX. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a remedial decision letter was received from DEM regarding brownfields at the Chepachet River Park site.
- B. Councilor W. Steere stated that we received correspondence from Fran Ballou concerning parking at the Senior Center.

#### X. Open Forum

- A. Rose LaVoie spoke regarding unattractive signs in the Village stating that the Sign Ordinance is not being enforced. Councilor Burlingame stated that this is being addressed by the Zoning Office. R. LaVoie spoke concerning the Pledge of Allegiance, stating that she feels it is a nice ceremony which lends a certain formality to a meeting.

R. LaVoie stated that Motiva Co. has asked permission to test the soil at her property and that of other abutters and asked if anyone has heard anything. Councilor G. Steere replied that he heard that Motiva property (the old gas station) was shown to a potential buyer about a month ago.

- B. Marie Sweet, of Chestnut Hill Road, spoke regarding the Noise Ordinance. M. Sweet stated that she has researched the Proposed Ordinance that was before the Town Council several years ago. M. Sweet stated that she read the minutes and did not feel that there was much opposition to the proposal. M. Sweet noted that the biggest noise concern was from a dirt bike track which is no longer there. M. Sweet stated that she finds the Ordinance ambiguous, as did many of the people who testified at the Public Hearings.

M. Sweet stated that she feels that the Police have no enforceable means to address any noise issues. M. Sweet asked how she could get something presented now. Councilor W. Steere stated that she should get a Council member to endorse it and a vote would be taken. M. Sweet was directed to submit her proposal to the Town Clerk who will distribute copies to the Council.

M. Sweet spoke concerning the Heritage Society, of which she is a member. M. Sweet noted that the membership is declining and encouraged residents to join.

- C. Dave Chace spoke regarding the parking problem at the Senior Center. D. Chace stated that he is not here on behalf of the Senior Center Board of Directors, but is speaking as a private citizen. D. Chace stated that on July 11<sup>th</sup>, people were told that they could not park for the day at the Senior Center. D. Chace stated that the request was denied, but it was suggested that they park at Gloucester Memorial Park instead. D. Chace stated the following week they used the park while they were on a bus trip.

Tim Kane, Assistant Town Solicitor, explained that there is a legal issue regarding the right-of-way which cannot be used by anyone other than people using Gloucester Memorial Park. T. Kane noted that the case is still active in Superior Court. Councilor G. Steere stated that he heard recently from residents of Adelaide Road that a tour bus was seen using the road. T. Kane advised that the permission to use the parking area at GMP be retracted. Tom Mainville, Finance Director, stated that he has a copy of the original letter was sent by the Recreation Director, which can be used to formulate the retraction.

#### XI. Seek to Convene to Executive Session

MOTION was made by Councilor G. Steere to ADJOURN to Executive Session pursuant to:

- A. R.I.G.L. 42-46-5 (a) (2) Potential Litigation - Discussion and/or action
  - 1. Assessment Appeal - Discussion and/or Action
- B. 42-46-5 (a)(1) Investigative proceedings regarding allegations of civil and/or criminal misconduct - Discussion and/or Action

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

XII. Reconvene to Open Session  
Disclosure of Votes Take

MOTION was made by Councilor Burlingame to CLOSE Executive Session and RESUME Open Session; one (1) was taken in Executive Session pertaining to Potential Litigation - Assessment Appeal; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

XIII. Adjourn

MOTION was made by Councilor to ADJOURN at 10:19 p.m.; seconded by Councilor

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the September 6, 2012 Town Council Meeting.



At a meeting of the Town Council holden in and  
for the Town of Gloucester on **August 16, 2012**

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, President; Edward C. Burlingame; and Michael L. DeGrange.

Members Absent: George O. (Buster) Steere, Vice President and William Reichert.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Gary Trembl, Director of Public Works; Anthony Parrillo, Recreation Director; and Judith Branch, Director of Human Services

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum for Agenda Items

None.

V. Resolution - Discussion and/or Action

A. Camden A. Fry Memorial Fund

Councilor W. Steere stated that a fundraiser is planned for Saturday at the Town Line Farm on Route 100 in memory of Camden Fry. Councilor W. Steere explained that the proceeds will benefit several organizations in the area.

Councilor DeGrange read the following resolution:

**Camden Fry Memorial Fund  
Resolution #2002-13**

**WHEREAS;** this year marks the third annual Camden Fry Memorial Fundraiser; and

**WHEREAS;** this fundraiser is held each year to commemorate Camden Fry, a young lady that was caring, compassionate and a friend to everyone; and

**WHEREAS;** family and friends come together to celebrate this spirit and raise funds to give back to organizations in need to honor Camden: and

**WHEREAS;** the Southern Rhode Island Youth Hockey Association Scholarship; the Humane Society of the United States; and other local organizations have and will continue to benefit from these fundraisers; and

**NOW THEREFORE IT BE RESOLVED;** the Gloucester Town Council and the Town Clerk thank the Fry family and acknowledge, that through this effort, we will forever remember Camden's desire to make others smile; and may all that participate benefit by feeling the comradery and love shared and learn the lesson of giving.

Walter M.O. Steere, III  
Town Council President

Jean M. Fecteau, CMC  
Town Clerk

Seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

VI. Public Hearing

A. Licensing Board - Discussion and/or Action

Special Event License Request

Robert M. Zalewski, RMZ, LLC - d/b/a Shakerz/Clambox

2461 Putnam Pike, Gloucester

Request for Car Show on August 19, 2012

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze on August 2, 2012 and abutters were notified. Councilor W. Steere noted that this request has come to public hearing due to crowd control and traffic problems at their first event held on May 27, 2012.

The Applicant seeks to hold a Car Show on August 19<sup>th</sup> from 3:00 p.m. to 7:00 p.m. The following requests are listed on the application: Radio station present with microphone & amplification; 25-30 classic cars; 10' X 10' gazebo for shade.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked the Chief of Police and Deputy Fire Chief to speak regarding this application.

Joseph DelPrete, Chief of Police, stated that this applicant had a prior car show to which the police responded due to a high volume of vehicles both in the parking lot and on Route 44. Chief DelPrete stated that he has spoken to the applicant who has agreed to hire a police detail for this event. Chief DelPrete noted that he has no objections to the granting of this Special Event license.

Brian McKay, West Gloucester Deputy Fire Chief, stated that he has also spoken with the owner and the manager of the Clam Box, and advised them that he is requesting a fire detail at the event due to potential building occupancy issues.

Councilor W. Steere asked if anyone wished to be heard regarding this application for Special Event License.

Danny Saad, partner in the establishment, stated that he is in agreement with the requirement of a Police detail. D. Saad noted that the DJ who hosted the previous event had told them to expect 40 participants, at most. D. Saad stated that over 100 cars showed up, causing the traffic problems. Regarding the Fire detail, D. Saad stated that he feels it is not necessary because people attending the car show do not go inside the building; therefore there are no occupancy issues.

D. Saad commented that in case of inclement weather, the event would not take place. D. Saad also stated that there were questions regarding tents which will be used at the event. D. Saad noted that the tents will only be used to provide shade and to protect the DJ's equipment. D. Saad stated they are already spending a large amount of money on the Police detail, abutters' notices, etc. and asked the Council not to require a Fire detail.

Robert Zalewski, applicant, stated that they already have the responsibility not to go over capacity on any night, adding that they take it seriously. R. Zalewski stated that they are trying to keep their expenses low and feels that they do not need both a Police Officer and a Fire Officer at the event.

Councilor Burlingame stated that it is significant that the Police Chief also feels that a Fire detail is not necessary. Councilor DeGrange asked if the tents will be the 10 by 10 pop-up variety. D. Saad replied in the affirmative. Councilor Burlingame asked if a Police Officer will be able to maintain the fire lane. R. Zalewski replied in the affirmative, noting that they were overwhelmed the first time but now know what to expect. D. Saad stated that they have a good relationship with the Town which they do not wish to jeopardize.

Councilor Burlingame read the following letter from the Chief of Police:

Friday, August 10, 2012  
Permit Application for the Clam box

In reference to the Car Show permit application submitted by the Clam Box Restaurant I would support a Police Detail. Mr. Zewelski has agreed to a police detail because of the parking and pedestrian traffic on the Route 44 state highway during his last car show event. The activities will be mainly outside in the parking lot.

However, I do not support or see a need for a Fire Department Detail at this event.

Respectfully,  
Joe DelPrete (Chief)  
(end of memo)

Councilor Burlingame read the following letter from West Gloucester Fire:

To: Town Council  
August 10, 2012

In reference to the car show at Snows Clam box, The following stipulations are being requested at this time.

- 1) West Gloucester Fire Will Require a Fire Detail Person at this event.
- 2) There will be a Fire lane maintained at all times on the East side of the parking lot, with a clear path to the rear of the building.
- 3) Shaker's staff can use a gas grill type of open flame to cook on outside with a fire extinguisher near the grills.
- 4) That no emergency exits will be obstructed at any time.

(end of memo)

Councilor Burlingame stated that the Town Clerk has noted that there is no outdoor cooking allowed other than hot dogs or previously cooked hamburgers.

Councilor W. Steere asked Chief DelPrete to explain why he feels that a fire detail is not necessary at this event. Chief DelPrete replied that his department will be able to handle both tasks and further stated that if a Fire detail is required at this establishment, it would be required at others that host this type of event. Chief DelPrete also noted that this is mainly an outdoor event which will not cause occupancy issues.

Brian McKay stated that due to the problems which occurred at the prior event, he is requiring a fire detail, adding that if things go well, it will not be required in the future. B. McKay further stated that his department will inspect the tents used at the car show.

Councilor Burlingame asked if these inspections are mandated by the State. B. McKay replied in the affirmative. There was discussion concerning the distinction between different types of tents and whether inspections are necessary on all types. Councilor Burlingame expressed his concern that if pop-up tents must be inspected at commercial establishments, do tents at farmers' markets also need to be inspected.

B. McKay stated that if there is a grill present, there are fire hazards and the State requires an inspection. Councilor Burlingame asked if there is no cooking under a pop-up tent, does that negate the need for an fire inspection. B. McKay replied that no inspection would be necessary in that case.

B. McKay stated that he still feels the need for a fire detail, adding that the police will be busy handling traffic issues. B. McKay commented that at the last event, there were no police or fire details, and as a result he received many phone calls. B. McKay stated that he, in turn, notified the Police Department. B. McKay further stated that other establishments, such as Cady's and Europa, are also subject to inspections.

Rose LaVoie, long-time business owner, stated that one of the reasons she closed her business was due to the many rules and regulations handed down by the state. R. LaVoie noted that Rhode Island is listed as being the worst state in the country in which to do business. R. LaVoie commented that on Federal Hill, in East Greenwich and other places, many establishments offer “al fresco” dining, and wondered if everyone adheres to the state’s rules like we do in Glocester.

Councilor Burlingame expressed agreement with R. LaVoie. Councilor Burlingame stated that he hopes that this council will be as minimally invasive as possible in helping businesses while at the same time protecting the safety of the people. Councilor Burlingame suggested that the Council follow the recommendation of the Police Chief, adding that if there is a problem, we would deal with it the next time.

Councilor W. Steere stated that he agrees that we should make it easy for businesses to operate in town, with certain requirements, however, if the State Fire Marshal requires something, public safety must be considered. Councilor W. Steere noted that the Council takes each establishment and each event as a different instance due to circumstances such as location and type of event.

Councilor W. Steere suggested that a fire inspection be conducted and if the Fire Department signs off, a fire detail would not be necessary. Alternately, Councilor W. Steere stated that a fire detail could be required for this event, as Deputy Chief McKay recommended, and if there are no issues, it would not be required for future events. Councilor W. Steere expressed concern whether the location is suitable for an event of this size.

Tim Kane, Assistant Town Solicitor, noted that the Council has heard from the professionals, but it is the council’s decision. T. Kane stated that the applicants must comply with State Law, such as an inspection if cooking is to be done under tents.

Councilor DeGrange stated for the record that there will be no cooking under the tents, as agreed to by the applicants. Councilor Burlingame reiterated his opinion that this would negate the need for Fire Service personnel to be present at the event. However, Councilor Burlingame wanted to ensure that the necessary inspections required by the state are conducted. Tim Kane stated that this could be one of the stipulations.

Robert Zalewski, applicant, stated that for the record the Fire Chief has always been very helpful to him. R. Zalewski noted that at the last event there was a misunderstanding, stating that there was no grill in front of the exit doors and no exits were ever blocked. R. Zalewski stated that he is trying to keep his costs low, as he is not charging admission.

R. Zalewski stated that the only issue he has with this event is with regard to parking, which is why he is willing to hire a police detail to take the burden off him. However, Mr. Zalewski stated he feels that having both details would be “overkill” and would be too expensive.

Danny Saad asked what is considered a special event. D. Saad asked if a clambake would constitute a special event if it were held inside the building and the outside corral. D. Saad stated that they plan to hold 3 or 4 car shows a year and asked if they should pull a permit at the beginning for 3 special events instead of coming before the Council each time.

Councilor Burlingame replied that it has already been established that they will be allowed the same number of special events that the Council has allowed at other establishments, which is four (4). Councilor Burlingame asked Jean Fecteau, Town Clerk, if an application is necessary for each event. J. Fecteau replied that a Public Hearing is not needed, but the applicant must fill out an application for each event.

D. Saad asked if this is just for car shows, or anything different. Councilor Burlingame replied that anything different requires a whole new process. Regarding the proposed clambake, Councilor Burlingame stated that anything out of the scope of the establishment's license will be considered a special event.

D. Saad noted that the clambake would be held inside the building and outside in the corral where service is allowed, and asked why this would be considered a special event. It was recommended that D. Saad check with the Town Clerk to determine if a Special Event license would be necessary. Regarding the number of car shows allowed, Tim Kane stated that any more than four (4) per year could become a zoning issue.

Councilor W. Steere asked if anyone else wished to speak. Hearing none, Councilor W. Steere closed the Public Hearing.

MOTION was made by Councilor Burlingame to GRANT the request for a Special Event License, Car Show on August 19, 2012, as applied for by Robert M. Zalewski, RMZ, LLC, d/b/a Shakerz/Clambox @ 2461 Putnam Pike with the following stipulations:

1. A fire lane will be maintained at all times on the east side of the parking lot with a clear path to the rear of the building.
2. Shakerz' staff can use a gas grill type of open flame to cook outside with a fire extinguisher near the grills.
3. No emergency exits will be obstructed at any time.
4. There shall be a police detail at this event.
5. There shall be no outdoor cooking allowed other than hot dogs or previously cooked hamburgers.
6. There shall be no cooking under any tents.
7. Applicant shall comply with any fire inspections required by State law.

Seconded by Councilor DeGrange

Discussion:

Tim Kane noted that the wording "as applied for" in the motion refers to the hours of 3:00 PM to 7:00 PM. Councilor W. Steere commented that with this type of Special Event license, if there are any issues, the Council must review the license and determine if the activity can continue.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

- VII. Consent Items - Discussion and/or Action
- A. Town Council Minutes: August 2, 2012
  - B. Finance Director's Report
  - C. Tax Collector's Additions & Abatements - As of July 31, 2012
  - D. Pole Grant - Chestnut Hill Road, P.23s

MOTION was made by Councilor DeGrange to TABLE the Town Council minutes of August 2, 2012; to TABLE the Finance Director's Report for June & July, 2012; to APPROVE the Tax Collector's Addition to the 2012 Tax Roll in the amount of \$4,349.90; and Abatements as follows: 2009 Tax Roll in the amount of \$1,741.67; the 2010 Tax Roll in the amount of \$447.95; the 2012 Tax Roll in the amount of \$1,325.39; and to APPROVE the Pole Grant for placement of one new joint stub pole (P.23s) location on Chestnut Hill Road ; seconded by Councilor Burlingame

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange  
NAYS: 0  
MOTION PASSED

VIII. Unfinished Business

- A. Board and Commissions
  - 1. Appointments - Discussion and/or Action
    - a. Community Resource Commission - One unexpired Alternate one year terms

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission for the one year Alternate term to expire 1/1/2013; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange  
NAYS: 0  
MOTION PASSED

- b. Local Board of Appeals for Building Code  
One five year term to expire 6/2012

Councilor W. Steere explained that according to the ordinance regarding this board, members are each to have specific qualifications. Councilor Burlingame asked if an ad had been placed for this position. Jean Fecteau, Town Clerk, replied that she will meet with the chair of the Board to determine the qualifications that are required for this particular position prior to placing the ad.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Local Board of Appeals for Building Code to September 20, 2012 and to advertise for the position; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

c. Planning Board

One five year term to expire 3/2017

MOTION was made by Councilor DeGrange to TABLE the appointment to the Planning Board for one five year term to expire 3/2017; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

IX. New Business

A. Personnel - Discussion and/or Action

Family Sick Leave Request

Councilor W. Steere stated that the Council has received the following request from the Personnel Director. Councilor W. Steere noted that the request was sent to him by a Public Works employee:

To: Honorable Council

Re: Family Medical Leave Act Request

Dear Council Members:

I have been out with a medical condition since May 29, 2012. I have exhausted all of my sick, personal, comp and vacation time as well as the 30 hours of advanced annual sick leave you granted to me. As I continue to recover from my medical condition I request to be granted the Family Medical Leave Act.

Sincerely

(end of memo)

Discussion:

There was discussion regarding the effective date of this approval. Councilor Burlingame stated that it would be best to leave this up to the Director of Public Works and the Human Resources Department rather than place specific dates. Gary Treml, Director of Public Works, stated that he believes it would be from the date that the employee's extended sick time was exhausted. There was Council consensus to approve the request "effective as needed."



MOTION was made by Councilor Burlingame to AUTHORIZE the individual (a Public Works employee) to be approved for the Family Medical Leave Act (FMLA) effective as needed ; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

- B. Acceptance of Road- Discussion and/or Action  
Beaver Dam Subdivision - Acceptance of improvements and Beaver Dam Road

Councilor W. Steere stated that the Town Planner has requested this item on the agenda.

Councilor W. Steere read the following request from the property owner and the recommendations from the Planning Board and the Technical Review Committee:

To: Town of Gloucester  
Administrative officer  
From: Carlos Mendes  
Beaver Dam Drive  
A.P.5 lot 103

Dear Mr. Goff,

I have completed all the required improvements to Beaver Dam A.P. 5 lot 103, and would like to convey all public improvements to the Town of Gloucester for ownership and maintenance, along with any easements as shown on recorded plans. I have worked hard to construct a quality road, while communicating with the public works director and yourself to insure approval along the way. The public improvements to be conveyed have with stood 2 years without any defects. I respectfully request a release of the \$43,200 held in bond. Once accepted all final warranty deeds shall be recorded.

Thank you.

Carlos Mendes  
(end of memo)

**Planning Board:**

**PLANNING BOARD MINUTES - AUGUST 6, 2012 - UNAPPROVED**

**MOTION** was made by Vice-Chairman Calderara to approve the release of the Bond for completion of the road at Beaver Dam Estates upon acceptance of the road by the Town

Council. All improvements have been completed to the satisfaction of the Technical Review Committee.

**MOTION** was seconded by Member Furney

**DISCUSSION:** None

**VOTE:** Ayes - Unanimous (Charette, Calderara, Furney, Gross, Pitocco, Folcarelli)  
(end of minutes)

**From the Technical Review Comm:**

To: Town Council, Walter M.O. Steere III, President  
Planning Board, George Charette, Chair  
From: The Technical Review Committee (TRC)  
Date: July 27, 2012  
Subject: Carlos Mendes, Paul and Susan Rivard owners/applicants  
Beaver Dam Subdivision  
*Beaver Dam Drive - Recommendation for Acceptance*

As required by the Gloucester Subdivision Regulations, the applicants, Carlos Mendes, Paul and Susan Rivard, have completed all required improvements including Beaver Dam Drive, and have conveyed the public improvements to the Town of Gloucester for ownership and maintenance. The Public Works Director has conducted a final inspection and has certified in writing that all required improvements have been satisfactorily completed.

The binder course was installed over 2 years ago and no deficiencies have been found. The final coat of pavement has been installed on July 24 and inspected by Gary Treml, DPW Director. It is recommended to the Planning Board that the Town release the construction bond of \$43,200.00 as all the improvements have been completed and are found satisfactory to the Town.

Pursuant to §300-31-G, Acceptance of Improvements, the TRC forwards this recommendation of acceptance to the Town Council for consideration.

(End of memo)

Discussion: Gary Treml stated that Mr. Mendes did a beautiful job on the road and there were no defects or settlement over the winter. Councilor W. Steere agreed.

MOTION was made by Councilor Burlingame to Release the construction bond of \$43,200 held on behalf of Carlos Mendes & Paul and Susan Rivard, owners/applicants for Beaver Dam Subdivision; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to ACCEPT Beaver Dam Drive, located in the Beaver Dam Subdivision, and ADD said road to the official Town Road List; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Councilor Burlingame asked Anthony Parrillo, Recreation Director, if he was aware that the Interlocal Trust will be performing inspections of Town properties. A. Parrillo replied in the affirmative.
- B. Edna Kent, Town Historian, stated that she has been working with people from Navigant Credit Union on a history project which will be on display at their grand opening celebration on Saturday. The Council members thanked her for her efforts.

XI. Council Correspondence/Discussion

- A. Councilor Burlingame reported that he has received feedback from the Land Trust with regard to the wells on Land Trust properties. Councilor Burlingame stated that all of the wells have been covered at Sprague Farm and the Land Trust is still on the lookout for additional wells. Councilor Burlingame stated that the issue is being taken care of.
- B. Councilor W. Steere stated that the Public Works Director's report indicates that our recycling rate is nearly at 35%. Councilor W. Steere complimented G. Treml and his Department for their efforts to raise awareness regarding the importance of recycling. G. Treml noted that the Town will receive a substantial rebate from Resource Recovery this year.
- C. Councilor W. Steere thanked Judy Branch, Human Services Director and the members of the Community Resource Commission for their efforts regarding the contribution of over 250 lbs. of produce which was distributed at the Food Bank. J. Branch commented that she has also received vegetables from other donors and has brought the surplus to the Senior Center and the elderly housing complexes.

XII. Open Forum

- A. Rose LaVoie spoke regarding an article which appeared in the Observer. R. LaVoie noted that she was given credit for the project with Navigant, but it was actually Edna Kent who did all of the work.

R. LaVoie stated that she thought the Council was going to review the statutes to determine if there was any redundancy. R. LaVoie suggested sending a note to the State urging them to do the same. R. LaVoie expressed her opinion that after the Station nightclub fire, the State went overboard with regulations, putting many people out of business.

Councilor Burlingame stated that this starts from the top down, adding that the upcoming election is a major turning point both at the National and State level to remove the people who think they know what is best for us in the Nanny State. Councilor Burlingame spoke regarding the increase of ethanol in our gasoline, which may damage engines.

Councilor Burlingame commented that it doesn't make sense that we are importing corn from Brazil to feed our cows because we are in the middle of a drought. Councilor Burlingame stated that he sent correspondence to the legislators four (4) months ago and has not receive any response.

- B. Bill Dupuis, of 817 Durfee Hill Road, stated that DuPont and other companies have corn which grows in dry weather. B. Dupuis commented that a drought is something that happens and we must "take it with a grain of salt" and that we cannot blame the government. Mr. Dupuis stated that a lot of farmers are switching over to this type of corn, but that Dupont has run out of this product recently.

Councilor Burlingame respectfully disagreed with the concept of increasing the use of bio-fuels as an offset to importing oil. Councilor Burlingame noted that corn is a foodstuff which is used to feed cattle and is used in much of our food products. Councilor Burlingame stated that he fundamentally disagrees with burning food to satisfy automobile and jet engines. Councilor Burlingame also went on to state that even more disturbing to him is reports that indicate the government will be changing the amount of ethanol allowed in our fuel which could potentially ruin our motors and engines.

Councilor Burlingame stated the additives you will have to purchase to protect your motors from the allowed percentage of ethanol is costly. Mr. Dupuis stated you would have to look at "big oil" as they are the ones mixing the ethanol with our fuel.

Councilor Burlingame stated the (EPA) "non-elected" bureaucrats are making these decisions, such as increasing the ethanol by 2%. Councilor Burlingame further stated the oil companies are being dictated to by these bureaucrats. Mr. Dupuis stated he disagrees but reiterated there is a new product to feed the cows, this corn that survives in drought.

- C. Tom Sanzi spoke regarding renewable energy, stating that it would be a good time to look into wind, solar and hydro-power. Councilor W. Steere agreed, noting that the Town Hall is heated and cooled by geothermal power. Councilor W. Steere stated that the Community Resource Commission is also looking into the possibility of using solar

panels and has received a grant to conduct a study regarding hydro-power at the Sand Dam Reservoir.

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 8:35 p.m.; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, Burlingame and DeGrange

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the September 6, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **September 6, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; and Michael L. DeGrange.

Member Absent: William E. Reichert.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Susan Harris, Deputy Town Clerk; Thomas Mainville, Finance Director; Gary Trembl, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Town Planner; Judith Branch, Director of Human Services; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aidan and Brayden Steere.

IV. Open Forum for Agenda Items

None.

V. Resolution

Chepachet Fire Department - 100 year Anniversary

The Chepachet Fire Department is celebrating its 100<sup>th</sup> year anniversary this month. Councilor Burlingame read the following resolution into the record:

**Resolution 2012-14**  
**100<sup>th</sup> Anniversary of the Chepachet Fire Department**

**WHEREAS;** In 1912 the Chepachet Fire District was incorporated. The Chepachet Fire Department has been providing fire protection and EMS for the Town of Gloucester as well as mutual aid for the surrounding area continuously since that time; and

**WHEREAS;** Since the inception of the Chepachet Fire Department, 100 years ago, there have been only 6 Fire Chiefs, each responsible for improving and constantly building a fire company that stands ready to serve it's community; and

**WHEREAS;** Our volunteers have been trained to national standards in Firefighting and EMS, and continue moving forward. Our current Chief, Robert Dauphinais, has taken great effort in providing advanced training, updating of all

equipment and apparatus, instituting the Vial of Life Program, all for the safety of the members and greater protection to our community; and

**WHEREAS;** the Chepachet Fire Department has in the past and continues to forge a strong sense of community for all of us by participating in many community events, such as Candlelight shopping, the 4<sup>th</sup> of July Parade, and of course Heritage Days, at which former Chief “Jiggs” Chase’s famous clam cakes and chowder are served up to the town; and

**WHEREAS;** the Chepachet Fire Department is planning, along with Harmony & West Gloucester Fire Departments, the 12<sup>th</sup> annual Steak Fry Scholarship which will benefit the students in our community with much needed college scholarships; and

**WHEREAS;** Fire personnel put themselves in harms way every time they are called to duty and the men and woman of the Chepachet Fire Department serve with pride, dedication, and expertise with no financial gain; and

**NOW THEREFORE BE IT RESOLVED;** The Gloucester Town Council and the Town Clerk join the entire Town of Gloucester in congratulating and commemorating the Chepachet Fire Department and it’s dedicated men and women, on this the

**100<sup>th</sup> ANNIVERSARY OF THE CHEPACHET FIRE DEPARTMENT**

Walter M.O. Steere, III, President  
Jean M. Fecteau, CMC, Town Clerk  
on behalf of the Gloucester Town Council

seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: August 2<sup>nd</sup> & 16<sup>th</sup> , 2012

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of August 2 & August 16, 2012; seconded by Councilor DeGrange.

Discussion: None.

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

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

a. Community Resource Commission - One unexpired Alternate one year terms

Linda Nichols, Chair of the Community Resource Commission, stated that Tom Lemos of the former Wastewater Board is interested in this position, but wishes to attend a Community Resource Commission meeting before making a commitment.

MOTION was made by Councilor Burlingame to TABLE the appointment of an alternate member to the Community Resource Commission; seconded by Councilor DeGrange.

Discussion: None

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

NAYS: 0

MOTION PASSED

b. Planning Board

One five year term to expire 3/2017

Discussion: It was stated that there are no potential candidates at this time.

MOTION was made by Councilor G. Steere to TABLE the Planning Board appointment for one five year term to expire 3/2017; seconded by Councilor DeGrange.

Discussion:

There was Council consensus to advertise for candidates for this position as well as the Local Board of Appeals.

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

NAYS: 0

MOTION PASSED

VIII. New Business

A. Employee Benefits - Investment Plan - Discussion and/or Action

Discussion:

Tom Mainville, Finance Director, stated that correspondence was received from Agnone & Associates, a local firm, expressing interest in becoming an investment advisor for the Town with regard to its 457 retirement plan. T. Mainville requested authorization to set up a meeting where Mr. Agnone would make a presentation to the plan's participants.

Councilor W. Steere stated that he wishes to make sure that the Council would not be recommending this firm over the Town's current advisor. T. Mainville replied that this would



just be an opportunity for this individual to present what he can do for the participants. Councilor Burlingame agreed, stating that the wording of the motion does not identify anyone specifically.

MOTION was made by Councilor Burlingame to AUTHORIZE the Personnel Director to review benefit options on behalf of the Town of Gloucester employees; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Personnel - Discussion and/or Action

1. Recreation Dept. - Summer 2012 Lifeguard

Councilor W. Steere stated that the Recreation Director had to hire a lifeguard to finish out the season this summer since the last Council meeting. Anthony Parrillo, Recreation Director, checked with his liaison before he hired. Council now needs to ratify the appointment.

Discussion: None.

MOTION was made by Councilor DeGrange to RATIFY the appointment of Kaitlin O'Donnell as lifeguard for the Gloucester Recreation Department effective August 20, 2012 at an hourly rate of \$9.25; seconded by Councilor Burlingame.

Discussion: None.

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

NAYS: 0

MOTION PASSED

C. Sprague Farm Hunting Regulations - 2012

Discussion and/or Action

Councilor W. Steere noted that this item should have been called "Hunting regulations on Town Owned Property." Councilor W. Steere explained that the Council can either table it all and get a late start on hunting or with consensus the clerk will distribute the permission cards now and this action could be ratified at the next meeting.

There was Council consensus to begin issuing permission cards and ratify at the Town Council meeting of September 20<sup>th</sup>. Councilor Burlingame stated that the wording of the regulations regarding the Williams Mills property should be cleaned up before ratification.

D. Chepachet River Park Brownfields Cleanup - Remediation Support Services  
Contract with Fuss & O'Neill - Discussion and/or Action

Councilor W. Steere read the following memo from the Town Planner:

MEMO

To: Town Council

From: Ray Goff, Town Plan

Re: Chepachet River Park Brownfields Cleanup- Remediation Support Services  
Contract with Fuss & O'Neill

Date: August 15, 2012

We are finishing up the Chepachet River Park Brownfields remediation project analysis and permitting phase. We need to move on to the actual construction phase and as part of this work, we need to have a consulting engineer on board to help the Town meet all the requirements of the cleanup. Since all of the design work has been completed by Fuss & O'Neill, we would like to continue with their assistance through the construction phase.

The Town has received a \$200,000 grant from US EPA for the cleanup. The remediation engineering support services proposal from Fuss & O'Neill (attached) identifies the scope of their services and associate cost estimate (\$65,500). This proposal has been submitted consistent with the State of Rhode Island Master Price Agreement (MPA). The Town is allowed to utilize the MPA to award contracts such as this. I have checked with RI DEM, US EPA, Finance and the Solicitor, and all agree that this is an acceptable method for the Town to award the contract.

Fuss & O'Neill has been with us since the beginning of this project and has done a good job with the testing and analysis phase, archeological and historical phase, and environmental permitting phase. Keeping the same engineering people on the project is essential to meeting our deadlines and keeping our costs in check. If we were to go out to bid on this work, any other firm would have to get up to speed, understand all the intricacies of the project and issues that go along with working in the Oil Mill/Tanyard Mill neighborhood, and finally get moving quickly so we can begin in October. Since Fuss & O'Neill has been involved in the development and coordination of the project, it is essential that they stay on board through the final construction phase of this project.

In accordance with the Master Price Agreement (No: 309) between Fuss & O'Neill and the State, I would like to award the contract to Fuss & O'Neill for the Remediation Support Services during the construction phase of the Chepachet River Park Brownfields Cleanup.

(End of memo)

Discussion:

The Solicitor noted that there was a Master Price Agreement with the state, therefore no bid process is necessary.

MOTION was made by Councilor Burlingame to AUTHORIZE the Award of the contract for remediation support services during the construction phase of the Chepachet River Park Brownfields Cleanup to Fuss & O'Neill, said contract entitled: Proposal for Remediation Implementation Support Services, Chepachet River Park, Oil Mill Lane and Tanyard Lane, Gloucester, Rhode Island, Fuss & O'Neill Opportunity No. 20040574.C10 dated August 2, 2012; seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere asked if there is a projected completion date. Ray Goff, Town Planner, replied that the project should be completed by October. Councilor W. Steere noted that it would take at least a month to go through the bidding process.

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

NAYS: 0

MOTION PASSED

E. Complete Streets Initiative

Discussion and/or Action

Ray Goff, Town Planner, explained the concept, stating that several agencies are supporting the consideration of other venues of travel when designing roads, such as biking and walking. R. Goff stated, in his opinion, the Town does consider all options when contemplating construction.

Councilor Burlingame stated that sidewalks have already been part of the plan for Main Street in the village, but added that he is not interested in other types of travel at this time. Councilor G. Steere concurred, stating that the initiative is not something he wishes to get involved in, noting that we would have to promise to pay an engineer to conduct a study regarding the feasibility of a bike lane, which we already know there is no room for on any of the Town's roads.

Councilor W. Steere stated that the Planning Board has forwarded a positive recommendation to the Council. Councilor W. Steere noted that Councilor DeGrange was on the Planning Board at the time and asked for his input. Councilor DeGrange explained that he voted in favor of the concept, but now understands the concerns brought forward and is no longer interested.

Councilor G. Steere stated that the literature speaks of "empowering engineers to go in this direction." Councilor Burlingame pointed out that the initiative would increase design costs. Councilor G. Steere stated that if there is no room for a bike path, why pay an engineer to conduct a study.

F. Authorization: Renewable Energy Fund Grant Agreement

Rhode Island Economic Development Corporation & Town of Gloucester

Councilor W. Steere stated that the Council has received a request from the Chair of the Community Resource Commission to authorize the grant agreement between the Town and RI EDC. This grant would allow the town to do a feasibility study in considering hydro-electric power. This grant agreement has been reviewed by the Town Solicitor.

Discussion:

Linda Nichols, Community Resource Commission chair, explained that the Commission has been awarded a grant in the amount of \$18,881 to be used for the above mentioned feasibility study. L. Nichols stated that an engineer is needed and a bid request has been advertised. L. Nichols asked if she, as chair of the Commission, must sign the agreement.

Tim Kane, Assistant Town Solicitor, replied in the negative, adding that the Town Council must sign anything pertaining to grant funding. L. Nichols asked if she must review the bids when they are received. Tom Mainville replied once the bids were opened they would be reviewed by the Board of Contracts and whomever is requesting the bid process.

T. Kane noted that no matching funds are needed and expressed hope that the bids come in at or under the grant amount and that the state will be pay the successful vendor directly.

L. Nichols stated that the award does not expire but the State has asked her to forward the name of the new engineer as soon as possible. L. Nichols expressed concern that they had an engineer but are now seeking a new one. T. Kane replied that this should not be a problem with the State.

Councilor Burlingame asked who will evaluate the bids regarding technical issues. L. Nichols replied that the Community Resource Commission will meet and make a decision. Councilor Burlingame commented that other people should be involved in the evaluation. There was Council consensus to have the Town Planner and Director of Public Works provide input.

Councilor W. Steere commended the Community Resource Commission for their hard work over the past three (3) years with regard to hydro-electric power.

MOTION was made by Councilor G. Steere to AUTHORIZE the signing of the “Renewable Energy Fund Grant Agreement”, dated July 31, 2012, by and between the Rhode Island Economic Development Corporation, and the Town of Gloucester, said grant, in the amount of \$18,881 to be used toward completing a hydro power feasibility study at Sand Dam, part of the Smith & Sayles Reservoir in the Town of Gloucester; seconded by Councilor DeGrange.

Discussion: None.

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

NAYS: 0

MOTION PASSED

G. Authorization of correspondence: Dept. of Transportation  
Route 44 - Flashing traffic light

It was stated that there is a request to move the blinking light on Route 44 closer to the crosswalk at St. Eugene’s Church. Councilor Burlingame noted that the flashing light was originally placed to slow down traffic prior to the installation of the red light at the intersection.

Joseph DelPrete, Chief of Police, stated that Fr. Varghese of St. Eugene's Church would like the light moved to the pedestrian crosswalk in front of the church. Councilor DeGrange asked if the Town Council can send such a request to the State. Chief DelPrete replied in the affirmative, adding that he will follow up on it.

MOTION was made by Councilor DeGrange to send correspondence to the State Department of Transportation supporting the relocation of the flashing traffic light from its current position to the pedestrian crosswalk at St. Eugene's Church; seconded by Councilor Burlingame.

Discussion: None.

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

- H. Board of Contracts & Purchases - Discussion and/or Action
  - 1. IFB 2013-01 Stormwater Plantings
  - 2. IFB 2013-02 Dump Body

Councilor W. Steere read the following recommendation from the Board of Contracts & Purchases:

September 6, 2012

To: Town Council

From: Board of Contracts & Purchases (Board)

Re: Award of IFB 2013-01 - Chepachet Village stormwater plantings

- I. IFB 2013-01 was advertised in accordance with current rules and procedures.
- II. Two (2) companies bid.
- III. The Board recommends the bid be awarded to the lowest qualified bidder.  
Central Nurseries, Inc.  
PO Box 19477  
Johnston, RI 02919  
(401) 942-7511

Bid amount: \$45,950 to furnish all materials, labor, equipment and services required to plant trees, shrubs, ground cover, grasses and perennials specified in Chepachet Village Stormwater System Retrofit Construction Plan Drawing #'s CV-5, C-7, C-8, C-9 and C-10.

Respectfully submitted,  
Jean M. Fecteau, Town Clerk  
Ray Goff, Town Planner  
Thomas P. Mainville, Director of Finance

MOTION was made by Councilor G. Steere to AWARD IFB 2013-01 Stormwater Plantings to Central Nurseries, Inc. at the Bid price of \$45,950.00; seconded by Councilor Burlingame.

Discussion:

Councilor DeGrange inquired if the funds have already been set aside for this project. Tom Mainville, Finance Director, replied that this was included in the grant for the Stormwater project.

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

NAYS: 0

MOTION PASSED

Councilor W. Steere read the following recommendation from the Board of Contracts & Purchases.

September 6, 2012

To: Town Council

From: Board of Contracts & Purchases (Board)

Re: Award of IFB 2013-02

- I. IFB 2013-02 was advertised in accordance with current rules and procedures.
- II. One (1) company bid.
- III. The Board recommends the bid be awarded to the lone qualified bidder.

J. C. Madigan, Inc.  
450 Old Union Turnpike  
Lancaster, MA 01523  
(978) 847-2000 Tel.  
(978) 847-0068 Fax

Bid amount: \$43,482.00 for a combination dump spreader per specifications in IFB-2013-02.

Bid price was determined as follows:

\$50,582.00	Bid price
< 4,900.00>	Option C: delete stainless pre-wet tanks and spray system
< 2,200.00>	Option D: delete pioneer EDD1500 tarp system
\$43,483.00	Net bid price

Respectfully submitted,  
Jean M. Fecteau, Town Clerk  
Ray Goff, Town Planner  
Thomas P. Mainville, Director of Finance

MOTION was made by Councilor Burlingame to AWARD IFB 2013-02 Dump Body to J.C. Madigan Inc. of Lancaster, Massachusetts at the Bid price of \$43,482.00; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

I. Licensing Board

1. Increase number of available BV-Limited Liquor Licenses

Discussion and/or Action

Councilor W. Steere stated the Council, by motion, can add a liquor license to the number allowed by the Town. Knight Farm LLC has completed the variance process through the Zoning Board to allow for a BV-Limited Liquor License at their current location.

Discussion:

Councilor Burlingame stated that this makes sense because a liquor license at this location would create the opportunity for the business to expand. Councilor G. Steere agreed, noting that Knight's Farm has already been through the Zoning process. Councilor G. Steere added that this license would only allow beer and wine, and the applicant has agreed not to add a bar to the restaurant.

Councilor W. Steere asked if the Council can address a specific applicant, or if they must only vote on the addition of a license. Tim Kane, Assistant Town Solicitor, replied that Knight's Farm can be tied into the motion, adding that if another applicant wished to apply for the license, the Council could consider it. It was stated that a Public Hearing would be held prior to the issuance of the license. Councilor Burlingame stated that it is a plus that there is a specific applicant because it is not like we are creating the license for anyone who wants it.

Councilor W. Steere questioned what happened to the liquor license of the former Purple Cat Restaurant when they closed in 2005. T. Kane replied that the license was voided at that time by motion, adding that a license can also be added by motion. Jean Fecteau, Town Clerk, noted that the voided license was a full license and the proposed new license would be a Class BV-Limited liquor license. J. Fecteau stated that we currently have one full liquor license available.

MOTION was made by Councilor DeGrange to ADD to the list of available liquor licenses, for the Town of Gloucester, one Class BV-Limited Liquor License, said license shall be under consideration for Knight Farm, LLC located at 1 Snake Hill Road; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Set Public Hearing Date for above license (if allowed) - Discussion and/or Action

Councilor W. Steere stated that the Council must now set a Public Hearing to consider the application of Knight Farm. Jean Fecteau, Town Clerk, stated that October 4<sup>th</sup> is the soonest that the Public Hearing could take place as the applicant has not yet submitted his application.

MOTION was made by Councilor DeGrange to SET a Public Hearing for October 4, 2012, for the consideration of granting a Class BV-Limited License to Knight Farm, location: 1 Snake Hill Road; Applicant: Joseph Iacofano; seconded by Councilor G. Steere.

Discussion: None.

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

NAYS: 0

MOTION PASSED

IX. Boards & Commissions

A. Land Trust

1. Town Council Liaison - Discussion and/or Action

Councilor DeGrange stated that due to current issues, he feels that the liaison to the Land Trust should be replaced with another Council member.

MOTION was made by Councilor DeGrange to remove Councilor W. Steere as liaison to the Land Trust and replace him with another interested Council member.

Councilor W. Steere asked if he may comment or if he should recuse himself. Tim Kane, Assistant Town Solicitor, replied that out of an abundance of caution, he would advise Councilor W. Steere to recuse himself, after which he may comment.

Councilor W. Steere recused himself and joined the audience. Councilor G. Steere assumed the chairing of the meeting.

Councilor G. Steere noted that Councilor Reichert is absent. Councilor DeGrange amended his motion as follows:

MOTION was made by Councilor DeGrange to remove the current Land Trust liaison; seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere asked why Councilor DeGrange made this motion. Councilor DeGrange replied that there has been a lack of information transmitted by the current Land Trust liaison to the other Council members, such as the recent letter from the Trust. Councilor W. Steere asked if this discussion is performance-related. Councilor G. Steere stated he does not know what Councilor DeGrange is going to say so he can not answer that question.



T. Kane stated that normally, when a job performance matter is on an agenda, the subject individual is notified 48 hours in advance. T. Kane stated that if Councilor W. Steere feels that he did not receive enough advance notice, the matter could be continued. Councilor W. Steere expressed concern that accusations are being made against him. Councilor G. Steere asked if Councilor W. Steere would like to continue this matter in open session.

T. Kane recommended caution to all when proceeding with job performance issues. Councilor W. Steere replied that he would like to know the accusations and charges against him. Councilor W. Steere stated the agenda states "Council Liaison" and there has been some discussions and now, here we are. Again, Councilor G. Steere asked Councilor W. Steere if he wanted to continue or table to the next meeting.

T. Kane suggested that Councilor DeGrange prepare a memo listing the issues and concerns regarding this matter. Councilor W. Steere agreed. Councilor G. Steere asked Councilor W. Steere if he wanted to continue. Councilor W. Steere stated he was blind sighted. Councilor G. Steere stated that after reading the memo prepared by Councilor DeGrange, Councilor W. Steere can decide whether to have the discussion in open session or executive session.

Councilor DeGrange withdrew his motion and Councilor G. Steere withdrew his second.

## 2. Update on rules & regulations - Discussion and/or Action

Councilor Burlingame stated that this matter was continued from the last meeting because there were people absent from the last meeting.

Bruce Payton, Land Trust chair, stated that the Land Trust wishes to have a workshop with the Town Council to review the proposed rules. Councilor Burlingame stated that he would like to get together with B. Payton first to create a "bullet list" document to use at the workshop. B. Payton noted that they are waiting for one of the Land Trust members to attend a meeting to review the latest proposed regulations. Councilor Burlingame offered to work with the Land Trust.

B. Payton noted that if the Town already has a policy on something such as employee evaluations or purchasing procedures, the Land Trust will follow it.

B. Payton stated that the Land Trust is busy with the Hawkins Dam at this time and suggested that a workshop be scheduled for a couple of weeks from now.

## X. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that Tuesday is the Primary Election.

J. Fecteau stated that she has the opportunity to attend a free class concerning Disaster Response and Triage of Wet Materials. J. Fecteau explained that this pertains to damage to records.

J. Fecteau reported that tomorrow is the last day to declare candidacy for School Committee, stating that there are seven (7) candidates who have filed papers.

J. Fecteau stated that she plans to advertise for volunteers to serve on the Local Board of Appeals, but was waiting to speak to the chair regarding the specialties of each member. J. Fecteau stated that she heard back from the chair, who is ill and will be resigning from the Board. J. Fecteau stated that she will contact each individual member to determine what is their area of expertise.

#### Bds. & Commissions - Discussion

- A. Linda Nichols, Community Resource Commission chair, reported that the Commission has applied for a grant in the amount of \$35,000 to purchase a tractor to be used at the garden on Route 94. L. Nichols noted that this is a non-matching grant. L. Nichols stated that the Commission has donated 300 lbs. of food from the garden to the Gloucester Food Bank.
- B. Bruce Payton, Land Trust chair, reported that the Hawkins Dam project is underway, stating that the Director of Public Works and the Town Planner are doing a fantastic job. B. Payton stated that since the contract is between the Land Trust and EA Engineering, all communication goes through the Land Trust. B. Payton stated that the old mill has been reduced to a non-hazardous situation and the area is immaculate. B. Payton stated that he is still waiting for notification from the Department of Environmental Management indicating that the Notice of Violation has been satisfied. Councilor G. Steere asked if DEM has accepted the plan. B. Payton replied in the affirmative.
- C. Roy Najecki, Land Trust member, spoke regarding several upcoming events. R. Najecki explained that Steere Hill is a popular place for people to walk their dogs. On September 16<sup>th</sup>, there will be a Dog Walk/Poker Run to benefit the Animal Shelter. R. Najecki stated that another event is planned for September 29<sup>th</sup> which will be a Geo-Caching Treasure Hunt. R. Najecki noted that the prizes will be gift certificates for local restaurants and businesses. R. Najecki reported that the "Blue Moon" event was successful.  
  
Councilor W. Steere asked R. Najecki if he had anything to report from the Conservation Commission. R. Najecki replied that the Commission typically does not meet during the summer months.
- D. Anne Ejnes, School Committee member, stated that the Committee has rescheduled its November meeting from the 6<sup>th</sup>, which is Election Day, to October 30<sup>th</sup>. A. Ejnes reported that Rhode Island Monthly magazine has ranked Ponaganset 10<sup>th</sup> out of 40 high schools.
- E. Walter Steere, Jr., School Committee member, expressed appreciation to Councilor Reichert for locking in our oil prices for the upcoming heating season.

## XI. Council Correspondence/Discussion

- A. Councilor W. Steere reviewed several items of correspondence, including the letter from Agnone & Associates which was discussed previously, a memo from the Department of Transportation regarding federal highway funds, and a letter from a citizens concerning Sticks Tavern.

Councilor W. Steere stated that a letter was received from the RI Commission on Historical Cemeteries requesting volunteers to assist in the upkeep of historical cemeteries in Town. Councilor W. Steere suggested that the Juvenile Hearing Board consider this for community service.

Councilor W. Steere referred to a letter from the City of Pawtucket regarding State aid to cities and towns. It was noted in the letter that the State has ended FY-2012 with a surplus of \$115 million, which could be distributed to the cities and towns for deficit reduction.

- B. Councilor Burlingame stated that he attended a meeting today with State officials and Tom Mainville, Finance Director, regarding the Western RI Home Repair Program, which is still in flux at the moment. Councilor Burlingame reported that the program is halted until the Board can put together a budget which is approved by the State. Councilor Burlingame stated that there are questions regarding the Town's liability because the Town Council appoints the Board members. Councilor Burlingame noted that the Town will not be forwarding any funds to the Program unless there is verification that the Town will be reimbursed.

## XII. Open Forum

- A. Marie Sweet complimented the Town and the Land Trust regarding Steere Farm and Sprague Farm. M. Sweet stated that she walks the properties several times per week and commented that it is a perfect example of how open space acquisitions should be used. M. Sweet also stated that she likes the innovative ideas for public participation.

- B. Rose LaVoie agreed that the Land Trust does a good job and the members are to be commended.

R. LaVoie spoke regarding the Department of Transportation, stating that it took eight trucks and at least eight workers to repair a rut on Route 102. R. LaVoie commented that our Public Works Department could have done the job in about an hour with one truck and two workers.

R. LaVoie spoke about the 100 year anniversary of the Chepachet Fire Department. R. LaVoie noted that during the 100 years, there have been only six Fire Chiefs, which says something about the department.

R. LaVoie stated that she attended the Grand Opening of Navigant Credit Union, adding that it would have been nice if somebody from the Town or the GBA had welcomed them to Town. R. LaVoie noted that Navigant is a first-class business and a generous organization.

R. LaVoie stated that Heritage Day will take place on Sunday, September 23<sup>rd</sup> from 9:00 am to 4:00 pm.

C. Mark Rechter stated that he attended tonight's meeting to endorse Fr. Varghese's request to move the flashing traffic signal to the crosswalk at St. Eugene's Church. M. Rechter thanked the Council and Chief of Police for acting in favor of the relocation. M. Rechter stated that while he is in favor of the crosswalk, he feels that there are too many signs in the area. M. Rechter stated that he is concerned that eventually, a turning lane will be added as was done on Route 44 in Smithfield. M. Rechter suggested that a crosswalk be placed at Dino's and the ball field.

D. Rose LaVoie agreed with Mark Rechter with regard to signs. R. LaVoie expressed her opinion that somebody from the Town should be delegated to sit down with DOT and tell them what we want and don't want.

E. Walter Steere, Jr. agreed that there are too many signs on Route 44, adding that there are 16 signs on a quarter-mile stretch.

W. Steere, Jr. spoke regarding Town Council liaisons, stating that with only 2 months left before the election, it would be a good idea to wait until then to take any action.

### XIII. Seek to Convene to Executive Session

MOTION was made by Councilor DeGrange to ADJOURN to Executive Session pursuant to R.I.G.L. 42-46-5 (a) (2) Potential Litigation - Discussion and/or action - AP 10A, Lot 30 & 33 Money Hill Road, Michael Baird/Baird Properties, LLC; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

### XIV. Reconvene to Open Session Disclosure of Votes Take

MOTION was made by Councilor G. Steere to RECONVENE to OPEN session and to SEAL the minutes of Executive Session (no votes were taken); seconded by Councilor DeGrange.

Discussion: None.

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

State: No votes were taken

XV. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:26 p.m.; seconded by Councilor DeGrange.

Discussion: None

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

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Jean M. Fecteau, Town Clerk

Approved at the October 4, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **September 20, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Walter Steere, Jr. and Anne Ejnes, School Committee members; and Jason Rhodes, Emergency Management Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor W. Steere.

IV. Open Forum for Agenda Items

- A. Rose LaVoie spoke regarding Item 2. a., Land Trust Town Council Liaison.  
R. Lavoie stated she thought it would be a good idea to leave this item alone until after the election.

V. Consent Items - Discussion and/or Action

- A. Town Council Minutes: September 6, 2012
- B. Finance Director's Report
- C. Tax Collector's Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the Town Council minutes of September 6, 2012; to TABLE the Finance Director's report of June, July, & August 2012; and to APPROVE the Abatement to the 2012 Tax Roll in the amount of \$6,700.32; the 2011 Tax Roll in the amount of \$69.30; the 2008 Tax Roll in the amount of \$282.70; there were no Additions; seconded by Councilor G. Steere.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VI. Unfinished Business  
A. Board and Commissions

Councilor W. Steere stated that the Clerk is in the process of sending out letters and advertising for residents interested in specific boards and a call for general volunteers to update our talent bank listing.

1. Appointments - Discussion and/or Action
  - a. Community Resource Commission - One unexpired Alternate one year terms

Jean Fecteau, Town Clerk, stated that the Community Resource Commission will be meeting next week and this is on their agenda.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Community Resource Commission for one Alternate for a one year term; seconded by Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- b. Planning Board  
One five year term to expire 3/2017

George Charette, Planning Board chair, stated that he has asked the Planning Board members if they are aware of anybody who would like to serve. G. Charette noted that one application has been submitted.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Planning Board for a five year term to expire 3/2017; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- c. Local Board of Appeals for Building Code  
One five year term to expire 6/2012

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Code for one five year term to expire 6/2017; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

2. Land Trust - Discussion and/or Action
  - a. Town Council Liaison - Discussion and/or Action

Councilor DeGrange stated that at this time, he would be inclined to TABLE the matter, however he would like to make some things clear.

Discussion followed on the subject above.

Councilor Burlingame SECONDED Councilor DeGrange's MOTION to TABLE and expressed hope that Councilors W. Steere and DeGrange can sit down and work out their differences.

Councilor W. Steere stated that a motion to table the discussion has been made and seconded.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

## VII. New Business

- A. Ratify: 2012 Hunting Regulations on Town Owned Property  
Discussion and/or Action

Councilor W. Steere stated that at the last Council meeting Council gave a consensus to allow the Clerk to issue the hunting permits for Town and Land Trust property.

MOTION was made by Councilor Reichert to APPROVE the Land Trust property Hunting Rules & Regulations for 2012-2013 as submitted by the Land Trust and Conservation Commission: seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

- B. Gloucester Emergency Management update - Discussion and/or Action

Jason Rhodes, Emergency Management Director, provided the Council with an update of his work. J. Rhodes stated that his tenure so far has been enjoyable and he has worked well with several other members of the Town. J. Rhodes thanked Joseph DelPrete, Chief of Police, for his assistance. J. Rhodes stated that it is flu season, adding that Gloucester will have flu clinics during November and/or December in conjunction with the MEDS (Medical Emergency Distribution System) program.



J. Rhodes stated that the pneumonia vaccine will also be available.

There was discussion concerning the Rhode Island Special Needs Emergency Registry (RISNER). Councilor Burlingame suggested that J. Rhodes contact Judy Branch, Director of Human Services, for names of special needs individuals who may benefit from this program.

There was discussion regarding the Heart Safe Program, which pertains to installing defibrillators in public places such as schools. J. Rhodes replied that he hopes that the program will be in place by the 1<sup>st</sup> of October.

Anne Ejnes, School Committeewoman, stated the high school can and will be able to work as a shelter. A. Ejnes stated that she and School Committeeman Steere are willing to work with the town on sheltering in the schools.

Councilor W. Steere asked if there is anything the Town Council can do to help implement the program and asked what type of things would incur cost. CPR Training was discussed. Councilor W. Steere expressed appreciation to J. Rhodes, Chief DelPrete, and the Fire Chiefs for their efforts to keep Gloucester's citizens safe. Councilor W. Steere asked when the program will start and offered to serve as a volunteer.

J. Rhodes stated he would like to start up at the beginning of October. Councilor W. Steere stated that the Heart Safe Program is important because we are a rural community and the first few minutes are crucial when a medical situation occurs.

Roy Najecki questioned if this CPR Certification would be open to the public. The response was yes it would be open to the public.

C. Land Trust update of Recommendations from the InterLocal Trust Review  
(By trail expert) - Discussion and/or Action

Bruce Payton, Land Trust chair, explained his meeting with the Interlocal Trust last week. B. Payton stated several things were pointed out to the Land Trust members. B. Payton stated the land trust members will review signage, and other issues to be handled as well as developing additional policies and procedures per the Trust recommendation. Councilor Burlingame commented the signage for general directions were very nice and helpful. B. Payton stated they have not received the final report from the Interlocal Trust yet but they have received some general suggestions.

VIII. Boards & Commissions

A. Appointments -

1. Juvenile Hearing Board - Discussion and/or Action  
(1) expired three year term to expire 9/30/2012

Councilor W. Steere stated that this position is the expired term of Kevin Kitson, who wishes to be reappointed.

MOTION was made by Councilor Burlingame to REAPPOINT Kevin Kitson to the Juvenile Hearing Board for a three year term to expire 9/30/2015; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion Bds. & Commissions - Discussion

A. Joseph DelPrete, Chief of Police, thanked Jason Rhodes for his efforts as Emergency Management Director. Chief DelPrete noted that on September 29<sup>th</sup> there will be an event called “Drug Give Back Day” by which leftover prescription drugs can be turned in to be disposed of safely.

The Chief updated the Council on recent activity in his department. Chief DelPrete commended Officer D’Amato for his work on these investigations.

B. Roy Najecki, Conservation Commission chair, reported that the Dog Walk & Poker Run was a successful event at which pet food and supplies were donated to the Animal Shelter. R. Najecki reminded everyone that on September 29<sup>th</sup> there will be a Geo-Caching Treasure Hunt.

C. Bruce Payton, Land Trust chair, updated the Council on the dam project.

Councilor W. Steere thanked Edna Kent for her participation in the 100<sup>th</sup> year anniversary event for the Chepachet Fire Department.

X. Council Correspondence/Discussion

A. Councilor W. Steere stated that correspondence was received from a resident of Angell Road. Councilor G. Steere explained that it is a request for the Town to begin maintaining the road. Councilor G. Steere stated that according to G. Treml, Director of Public Works, the road is private and they have only helped out in severe or extreme conditions on several occasions. Councilor G. Steere cautioned against adding to the list of roads that the Town will maintain on a regular basis.

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

September 16, 2012

Chief Joseph DelPrete  
Glocester, Police Department  
162 Chopmist Hill Road (Route 102)  
Chepachet, RI 02814

Dear Chief,

I would like to take this opportunity to thank you for serving on the oral review board to interview candidates for the position of Sergeant and Detective for the Hopkinton Police Department.

In speaking with the candidates, they advised that you were personable and extremely professional, long associated with the Gloucester Police Department.

We have just received the final grades on the written phase of the promotional process and expect to officially promote within the sergeant and detective ranks next week. Thank you again for being a part of this process, your participation was invaluable.

Sincerely,  
David S. Palmer  
Police Chief  
Hopkinton Police Department  
(End of letter)

Councilor W. Steere thanked Chief DelPrete, Officer D'Amato and the force for their work.

- C. Councilor W. Steere stated a letter was received from a resident regarding the Senior Center.
- D. Councilor Burlingame stated that a notice was received about portable space heaters at the Town Hall. Councilor Burlingame stated it was stated that the Trust will not allow these devices as they are an extreme fire hazard. Councilor Burlingame also noted that the heaters use a lot of electricity. Councilor Burlingame suggested Council review the facts he will put together regarding costs and the Trust's position.
- E. Councilor G. Steere stated that there was an ad in the Bargain Buyer, placed by the Democratic Town Committee, which referred to Jay Fogue as "political insider." The ad stated that J. Fogue had received controversial zoning changes and variances on his residential property, inferring that he was given preferential treatment from the Council, Zoning Board and Planning Board.

Councilor G. Steere stated in his opinion Mr. Fogue "jumped through all the hoops," if not more, in all of these processes and he takes the ad as a slap in the face. Councilor Burlingame commented that it is the political "stupid season," but stated that this ad "crossed the line." Councilor Burlingame discussed the business that has taken place on that property and indicated that the picture used in the ad was misleading. Councilor Burlingame stated that he would like to refute the ad in some way without getting in a political fight between Mr. Fogue and Senator Fogarty.

Councilor G. Steere stated it does not matter who the ad is about he objects to the inference. Councilor Burlingame suggested he would write a letter to the Valley Breeze saying that the Council refutes the statements in the ad.

- F. Councilor Reichert discussed that there was an interest in electric companies looking for flat roofs to install solar energy panels. Councilor Reichert stated this concept has never been done with towns before, and the question is whether leasing a building roof would have to go out to bid. The Solicitor is reviewing the concept.

#### XI. Open Forum

- A. Rose LaVoie questioned the numbers of students coming out of our schools ill-prepared to fill the many jobs available.
- B. Anne Ejnes - Changes instituted by our school system were discussed. Technical schooling was also discussed.
- C. William Dupuis expressed his concerns that issues among the Council should be resolved. Mr. Dupuis also stated he felt people standing and talking before a Council meeting is adjourned is disrespectful.
- D. Marie Sweet questioned if there were sign rules in Town, in regards to all the political signs. M. Sweet also questioned a candidate handing out literature at the town Transfer Station. The Clerk stated there should be no solicitation inside the fence, as solicitation is not allowed on town property. The Clerk stated that outside the gate is the rule for campaigning.
- E. Walter Steere, Jr. spoke regarding the Western RI Home Repair Program. Mr. Steere asked the Council to explain what the status is of the program. Councilor Burlingame stated that an Executive Board meeting took place with members from Foster and Scituate; however, the two members from Glocester did not attend. Councilor Burlingame explained that the State and Federal government have stopped the program until the Board comes up with a plan that meets their requirements.

Councilor Burlingame stated we are not responsible because the Board (WRIHR) members need to make decisions. Councilor Burlingame stated that the two (2) Executive Board members from Glocester should be able to update the Council. Councilor Burlingame suggested that this matter be addressed at the next Council meeting.

- F. Anne Ejnes spoke regarding political signs. Jean Fecteau, Town Clerk, stated that there are no specific regulations, but there has been an agreement between the parties to be respectful and not put the signs up too soon.
- G. A. Ejnes spoke regarding the Land Trust Liaison.

Councilor DeGrange stated he would like to rescind statements he made during Section VI, 2. a. Town Council Liaison.

XII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:16 p.m.; seconded by Councilor Burlingame.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS:0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the October 4, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **October 4, 2012**

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, President; George O. (Buster) Steere; Vice-President; William E. Reichert; and Michael L. DeGrange.

Member Absent: Edward C. Burlingame.

Also present: Jean Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Thomas Mainville, Finance Director; Joseph DelPrete, Chief of Police; Gary Trembl, Director of Public Works; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Andre DeGrange from Gloucester Boy Scout Troop 1.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Town Council Licensing Board

1. Class B-V Limited Liquor License - Discussion and/or Action  
Knight Farm, LLC,

Location of Business: 1 Snake Hill Road, further described as AP 19, Lot 161

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal, Legal ads on September 20<sup>th</sup> & 27<sup>th</sup>, 2012.

Councilor W. Steere noted that this establishment currently holds a Victualing License, said use was granted after a Zoning Variance was granted for AP 19, Lot 161 in 2001.

Councilor W. Steere DECLARED the Public Hearing OPEN.

Councilor W. Steere explained that to apply for a liquor license, the applicant had to go before the Zoning Board for a variance. Councilor W. Steere read the following opinion from the Zoning Board:

**MOTION** was made by Vice-Chairman Winsor to approve the application of Knights Farm LLC, applicant, and Joseph Iacofano, owner, for property located at 1 Snake Hill Road, further described as Assessor's Plat 19, Lot 161, in an A-3 zone. The applicant seeks a modification to a previously approved variance. Applicable section Chapter 350, Article II, § 350-11, Table of Use Regulations, Section 6, Restaurant and Entertainment, subsection

1.b, Lunchroom & restaurant including live entertainment and liquor. Applicant is seeking approval to serve beer and wine to restaurant patrons.

This application is approved with the following conditions:

1. The service of beer and wine is limited to the hours of 4:00p.m. to 10:00 p.m.
2. There shall be no live entertainment during the operation of this establishment.
3. There will not be a bar for patrons to sit at and drink, nor will there be a bartender.

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

If anything, this is going to hopefully help preserve the farm, to keep it as it is, which is positive from the Town's viewpoint. The granting of the requested modification to the approval originally granted will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Gloucester Comprehensive Community Plan upon which this chapter is based. The relief to be granted is the least relief necessary.

**MOTION** was seconded by Member Morin.

**DISCUSSION:**

Member Bigwood said there was discussion that live entertainment would be allowed based on the issuance of a Special Event License by the Town Council. Assistant Solicitor Kane recommended amending the motion to say 'no live entertainment except as approved with a Special Event License issued by the Town Council'; he added that the hours probably won't coincide either.

Vice-Chairman Winsor said he would **amend #2** of his conditions of approval to say that "There shall be no live entertainment except as approved with a Special Event License issued by the Town Council". Member Morin **seconded** the amendment.

**VOTE:** Ayes- Unanimous (Meinertz, Winsor, Morin, Bigwood, Crawley)  
(end of opinion)

Councilor W. Steere asked if anyone wished to speak for or against the application for a Class B-V Limited Liquor License.

Discussion:

George Charette, taxpayer and chair of the Planning Board, spoke in favor of the application, stating that it would give the applicant an opportunity to improve their operation and become more viable to do business in the Town of Gloucester. G. Charette stated that if the law is not followed by the applicant, a fine could be imposed or the license could be removed.

Joseph Iaciovano, owner of the subject property, stated that he will answer any questions the Council may have. Councilor W. Steere asked if this license would go to the property or the business. Tim Kane, Assistant Town Solicitor, replied that if ownership changes by more than 50%, permission from the Council would be required to retain the license and if the business is sold, the new owners would have to apply for a transfer.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the Issuance of a Class BV-Limited Liquor License to: Knights Farm LLC, applicant, and Joseph Iaciovano, owner, for property located at 1 Snake Hill Road, further described as Assessor's Plat 19, Lot 161, contingent upon:

- 1) Completion of a BCI check with the State of RI;
- 2) Police & Fire Approval;
- 3) Issuance of a valid Victualing License;
- 4) payment of all Town taxes;
- 5) Rhode Island Certificate of Good Standing;
- 6) Health Department approval;
- 7) Food Manager Certificate;
- 8) Rhode Island Permit to Make Sales;
- 9) Current diagram of the complete service area filed in the Town Clerk's Office;
- 10) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk;
- 11) updated menu to remain on file;

this license shall be for the interior of the premise only, unless otherwise permitted by the Licensing Board, and is to be issued subject to the conditions imposed by the Zoning Board of Reviews motion of August 23, 2012; this license is valid to November 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

- A. Town Council Minutes: September 6<sup>th</sup> & 20<sup>th</sup>, 2012
- B. Finance Director's Report (s)

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of September 6<sup>th</sup> & 20<sup>th</sup>, 2012 and to TABLE the Finance Director's Reports; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS: 0

MOTION PASSED



VII. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

Jean Fecteau, Town Clerk, stated that her first ad has run, however no responses have yet been received for the boards listed on this agenda.

- a. Community Resource Commission - One unexpired Alternate one year terms
- b. Planning Board  
One five year term to expire 3/2017
- c. Local Board of Appeals for Building Code  
One five year term to expire 6/2012

MOTION was made by Councilor DeGrange to TABLE the appointments to the Community Resource Commission, the Planning Board and the Local Board of Appeals for Building Code; seconded by Councilor Reichert.

Discussion:

Councilor G. Steere questioned if another ad would run.

The Clerk stated there would be another ad.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Bank owned properties - Maintenance - Discussion and/or Action

Councilor W. Steere stated that there are a number of bank-owned properties in Town which are not being maintained properly. Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, what can be done about the problem. T. Kane replied that he has reviewed how other communities address the situation and stated that he will draft an Ordinance for the Council's review.

Councilor G. Steere stated that caution must be taken not to go to extremes, adding that we don't want neighbors reporting each other for tall grass, peeling paint, etc. Councilor Reichert stated that in Johnston, they have a crew that goes to abandoned properties to board them up and the Town places a lien on the property. T. Kane stated that he can tailor the Ordinance to target bank-owned properties by using the term "abandoned".

MOTION was made by Councilor DeGrange to AUTHORIZE the Assistant Town Solicitor to draft an Ordinance regarding abandoned properties; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

B. Western Rhode Island Home Repair - Discussion and/or Action

Councilor W. Steere stated that he would like an update on the status of the Western RI Home Repair Program. Councilor G. Steere stated that Councilor Burlingame spoke to Charlie Miller of the Executive Board and the Town Clerk has been contacted by the other member of the board. Councilor Reichert asked if we have lost the grant for this program.

Tom Mainville, Finance Director, replied in the negative, adding that he received notice that the program will receive \$100,000. T. Mainville further stated that the State is expecting a plan going forward and is looking for the Town to certify oversight of the program. Jean Fecteau, Town Clerk, suggested that she contact the Chair of the Executive Board on behalf of the Council requesting an update.

C. Board of Contracts & Purchases

1. Bid Award: IFB 2012-00 – Smith & Sayles Reservoir  
(Engineer - Feasibility Study) - Discussion and/or Action

It was noted that the Board has not met to make a recommendation, therefore this item should be tabled.

MOTION was made by Councilor G. Steere to TABLE the Bid Award of IFB 2012-00- Smith & Sayles Reservoir; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

IX. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Gary Treml, Director of Public Works, reported that he met with DOT officials with regard to the Route 44 project, which will begin in a couple of weeks. G. Treml stated the work will start at the intersection of Route 100 and Route 102 and will take place at night from 7:00 PM to 5:00 AM Sunday through Thursday.

G. Treml noted that the work will continue until December 15<sup>th</sup>, after which it will be shut down for the winter. G. Treml stated that he does not anticipate any interruptions to Town activities during the day. G. Treml stated that there will also be work to remove a piece of ledge near Spring Grove Road, which will improve visibility.

G. Treml stated that the final hatch will be placed on the well at the Hawkins Pond and the as-built will be done next week, completing the project.

Regarding the Oil Mill Lane project, G. Treml stated that Central Nurseries will be finishing the planting this week, and hydro seeding will be done next week.

G. Treml stated that he is waiting for the final DEM permits concerning the remediation project with Fuss and O'Neill.

- B. Bruce Payton, Land Trust chair, stated that the geo-cache event run by Roy and Debra Najecki was successful, despite the rainy weather. B. Payton noted that people are enjoying the Land Trust properties. B. Payton stated that the dam looks fantastic and commended the Public Works department for their work.

#### X. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a request for the use of the Senior Center was submitted by the Gloucester Manton and Harmony Libraries for their family holiday programs.
- B. Councilor W. Steere stated that a request was received regarding the installation of a street light on Pound Road. It was stated that this will be referred to the Safety Commission for their opinion. Councilor G. Steere noted that he is surprised that Zoning did not require a light at the beginning of the road to the new subdivision.

#### XI. Open Forum

- A. Rose LaVoie stated that at the Candidates Night, somebody brought up the subject of water in the village. R. LaVoie commented that Question #5 on the ballot deals with a 20 million dollar bond for the Clean Water Finance Agency and wondered if part of this could be used to pursue the plan which was done by college students several years ago.

R. LaVoie spoke about the \$500 corporation filing fee, stating that she has always been opposed to it. R. Lavoie stated that excessive State fees are driving small businesses out.

R. LaVoie stated that she wishes that the Council would review the Chepachet Village Plan periodically, adding that it is worth looking at.

R. LaVoie suggested that the Senior Center be used more often by private organizations for a fee.

R. LaVoie stated that she feels badly that the Economic Development Commission has been disbanded and expressed hope that the Council will re-establish the group after the first of the year.

B. George Charette, of 312 Chopmist Hill Road, spoke regarding the Executive Session agenda regarding the potential acquisition of property by the Land Trust. G. Charette noted that many homeowners in Town are losing their homes to foreclosure and are leaving Town, adding that this is caused by an increasing tax burden and inflation.

G. Charette referred to a letter drafted by Councilor G. Steere approximately a year ago which addressed the stoppage of land purchases by the Land Trust. G. Charette pointed out that the Land Trust receives a percentage of tax stamp funds to be used to maintain their properties, adding that the Town receives a smaller percentage of these funds. G. Charette further stated that a bond referendum was approved by the voters to borrow \$500,000 to purchase land in Town.

G. Charette stated that we are paying daily on this loan. Mr. Charette stated he cannot get an accurate accounting of how much land the Trust already owns. G. Charette spoke about the Land Trust properties, stating that the signs are in disrepair and the fields are not being groomed. Mr. Charette stated there are a lot of people in this town that would like to speak up but they are afraid.

C. Bruce Payton, Land Trust chair, responded that the Land Trust has a very accurate accountability of their land and the Finance Office maintains excellent records regarding where their money is spent. B. Payton commented that due to private donations and grants, the Land Trust spends 27 cents on the dollar for properties purchased, which is one of the best records in the State. B. Payton stated that buying land is a good investment in our Town.

## XII. Seek to Convene to Executive Session

MOTION was made by Councilor DeGrange to convene to Executive Session pursuant to R.I.G.L. 42-46-5 (a) (5) Potential Acquisition of Property - (Land Trust); seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert

NAYS: 0

MOTION PASSED

## XIII. Reconvene to Open Session

Disclosure of Votes Take

MOTION was made by Councilor DeGrange to Reconvene to Open Session (no votes were taken in Executive Session); seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:07 p.m.; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, DeGrange and Reichert  
NAYS:0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the October 18, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **October 18, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Susan Harris, Deputy Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Judith Branch, Director of Human Services; Anthony Parrillo, Recreation Director; Raymond Goff, Town Planner and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Girl Scout Troop 465.

Councilor W. Steere stated that he had the pleasure of meeting with this group of young ladies to discuss the subject of government and was extremely impressed by the questions they brought forward.

IV. Open Forum for Agenda Items

A. George Charette, of 312 Chopmist Hill Road, spoke regarding item VII. C., Land Trust Appraisals and asked if he would be allowed to share some of his knowledge in this subject when it is addressed. Councilor W. Steere replied that anyone who wishes to be heard regarding this matter will be allowed to speak.

MOTION was made by Councilor DeGrange to ADD to the agenda the reading of a Town Council citation and an award presentation from “The **Rhode Island Forest Conservator’s Organization**” to Viviane Valentine, Tax Assessor; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

V. Award - Rhode Island Forest Conservator’s Organization

Citation - Town Council

Councilor W. Steere stated that William Fortune, President of the RI Forest Conservator’s Organization, is here to present an award tonight to Viviane Valentine, Gloucester Tax Assessor. Councilor W. Steere read the following Citation into the record.

Citation  
**Viviane L. Valentine, RICA**  
**in recognition of receiving the 2012**  
**“FRIEND OF THE FOREST AWARD”**  
**from the Rhode Island Forest Conservator’s Organization**

The Gloucester Town Council & Town Clerk acknowledge your commitment as our Town Tax Assessor and give thanks on behalf of our community for your continuing dedication to the Town of Gloucester and its residents.

Walter M.O. Steere, III, President  
Gloucester Town Council

Jean M. Fecteau, CMC  
Town Clerk

Councilor W. Steere stated that this Citation will be ratified at the next Council meeting. Councilor W. Steere congratulated V. Valentine on behalf of the Council and the Town.

Mr. Fortune presented the award to V. Valentine, stating that she has given a significant contribution toward helping to promote the conservation of Rhode Island’s forests by supporting the Farm, Forest and Open Space Program.

V. Valentine expressed appreciation to Mr. Fortune and the Town Council for their recognition.

- VI. Consent Items - Discussion and/or Action
- A. Town Council Minutes: October 4, 2012
  - B. Finance Director’s Report (s)
  - C. Tax Collector’s Additions & Abatements - Sept. 2012
  - D. Pole Grant - Pole #96-50  
Location: Chestnut Hill Road

MOTION was made by Councilor G. Steere to APPROVE the Town Council minutes of October 4, 2012; to TABLE the Finance Director’s Reports; to APPROVE the Abatement to the 2006 Tax Roll in the amount of \$629.96, the 2007 Tax Roll in the amount of \$421.09, the 2011 Tax Roll in the amount of \$159.16, the 2012 Tax Roll in the amount of \$302.46; there are no Additions to the 2012 Tax Roll; and to APPROVE the Pole Grant for one new joint Pole #96-50 & anchor guy; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

a. Community Resource Commission - One unexpired Alternate one year terms

MOTION was made by Councilor DeGrange to TABLE the appointment to the Community Resource Commission for one Alternate one year term; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

b. Planning Board

One five year term to expire 3/2017

MOTION was made by Councilor G. Steere to TABLE the appointment to the Planning Board for a five year term to expire 3/2017; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

c. Local Board of Appeals for Building Code

One five year term to expire 6/2012

MOTION was made by Councilor G. Steere to TABLE the appointment to the Local Board of Appeals for Building Code for a five year term to expire 6/2012; seconded by Councilor Reichert.

Discussion: Councilor W. Steere noted that the Town Clerk has advertised for candidates to serve on Boards and Commissions, but no talent bank applications have been filed.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VIII. New Business

A. Special Event License

Cady's Tavern request for Yard Sale on property - Discussion and/or Action

Councilor W. Steere explained that the owner of Cady's Tavern came to the Clerk's Office requesting a yard sale permit for their property. Councilor W. Steere stated the Clerk's Office



only issues Yard Sale permits to residential addresses therefore the owner of Cady's decided to then apply for a Special Event license. Councilor W. Steere stated that the Clerk has asked the Council to make a decision regarding this request.

Discussion:

Robin Tyo, of Cady's Tavern, explained that she was approached by members of the Lake Washington Association with a request to set up tables for a yard sale on Cady's property, due to its location on Putnam Pike. Ms. Tyo stated the Association would also like to hold a bake sale on the front porch of the establishment. R. Tyo stated that the proceeds would to be used by the Association for repairs to the dam.

Paul Ricard, of 1 Larry Bird Drive, spoke on behalf of the Lake Washington Association, stating that a community yard sale would be a good way to raise funds for the Association. P. Ricard stated that R. Tyo was enthusiastically supportive when asked for permission to use Cady's property for the yard sale. P. Ricard noted that only about three or four members intend to take advantage of this opportunity if granted; twelve or so others plan to have yard sales on their own property on Lake Washington. P. Ricard stressed that this would not be a big "flea market" type of event.

Councilor G. Steere questioned whether this would use up one of the four Special Event licenses allowed to Cady's Tavern. Tim Kane, Assistant Town Solicitor, replied that it would be the Council's decision. Councilor Reichert stated that it is nice that the neighbors and owners of Cady's are getting along. Councilor G. Steere noted that this shows a new spirit of cooperation between Cady's and the neighbors. Councilor Burlingame agreed, stating that he would recommend that this event be exempt from the total allowed. Other councilors were in agreement.

There was discussion regarding the bake sale. It was noted that items purchased at a bake sale are not "served," therefore it can be conducted outside of the normal service area.

MOTION was made by Councilor Burlingame to APPROVE the issuance of a Special Event License to: Robin Tyo, d/b/a Cady's Tavern, Location: 2168 Putnam Pike, for Saturday, October 20, 2012 from 9:00 a.m. to 3:00 p.m. for the Lake Washington Neighborhood Yard Sale with a rain date of October 21st, with the following stipulations:

1. Alcohol and food are only to be served in the previously approved areas and not the area approved for the yard sale, per the application; and
  2. there is to be no parking on Route 44, per the Chief of Police;
- seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

B. Western Rhode Island Home Repair - Discussion and/or Action  
Program requirements (for each Town)

Councilor W. Steere stated that the Council has received a memo from the Chair of the Executive Board of Western Rhode Island Home Repair that outlines what is expected of the Town.

Councilor Burlingame stated that it appears that the Program is not at the point where it could meet the State's requirements. Councilor Burlingame commented that it is a good program that most of us would want to see continue. Councilor Burlingame stated that several options were outlined;

- 1) the program could be subbed out to an outside administrator; or
- 2) the program could be disbanded; or
- 3) each town could go on its own.

Councilor Burlingame stated that we may wish to consider going out on our own, pay the administrative staff part-time wages, and be able to meet the budget. Councilor Burlingame commented that he is not encouraged that with the three towns together, they will be able to meet the requirements. Councilor G. Steere asked who would determine whether we go out on our own. Councilor Burlingame replied that the Council would make the decision.

Councilor Reichert stated that he was told that the program has not been re-established because of the Council. Councilor Burlingame stated that this is not accurate. There was Council consensus to pursue the options to attempt to save the program. Councilor Burlingame stated that he will have a recommendation by the next Council meeting.

C. Land Trust Appraisals (Methodology) - Discussion and/or Action

Councilor G. Steere stated that the Land Trust is interested in purchasing a piece of property which abuts land currently owned by the Land Trust. Councilor G. Steere stated that an appraiser will be hired to appraise the land and will use its location adjacent to Land Trust property as a factor in determining the value of the parcel.

Councilor G. Steere expressed his disagreement with this method of appraisal, stating that it seems like the Land Trust is trying to come up with a higher value than what the land is actually worth. Councilor G. Steere stated his opinion that the land should be appraised as a stand-alone piece of property, not in conjunction with a piece of Land Trust property.

Councilor Reichert questioned the Solicitor as to whether this process is correct.

Tim Kane, Assistant Town Solicitor, agreed that this methodology does not make sense and stated that the Council could call upon the Land Trust to have the appraiser come to a Council meeting and explain how and why this is done.

Councilor W. Steere stated that it is his understanding that a bid process is followed to hire an appraiser, therefore, it is not always the same appraiser who is awarded the job. Councilor W. Steere stated that the appraiser should explain what their process is.

Councilor G. Steere stated that he did some research and was told that an appraiser, if you are paying them to appraise (within certain criteria) will basically do what his client asks, whether it is fair market value or a higher value. Councilor G. Steere stated for someone to suggest the Land Trust would allow an access road to the piece across their property for a subdivision is insane.

Tim Kane stated it is his opinion the property should stand on its own.

George Charette, 312 Chopmist Hill Road, stated that he has recently dealt with two certified appraisal companies at a cost of over \$1000. G. Charette stated that he attempted to get the highest possible appraisal for his property but was told by both certified appraisers that this does not happen these days. G. Charette stated that due to the economy, every property is independent from other properties. G. Charette noted that if the Land Trust purchases property for more than its value, the taxpayers will be the ones who have to pay.

Chris Clark, 519 Putnam Pike, stated that he recently retired after thirty years in the real estate business and is familiar with appraising and reviewing appraisals. Councilor W. Steere asked Mr. Clark if he was an appraiser. Mr. Clark stated he was not but, due to his expertise, he has given expert testimony at government meetings. C. Clark stated that in 99% of the cases, an appraisal is obtained to determine market value.

C. Clark noted that if an appraiser is given an outline of a specific purpose for the appraisal to identify, it does not have to be market value. C. Clark pointed out that there is a distinction that could be easily determined by reading the appraisal to see if the appraiser was hired to determine market value or if he was given a scenario which would make the land more valuable.

Councilor Reichert suggested that we ask the appraisal company what was asked of them. Councilor W. Steere noted that the Land Trust has not yet hired an appraiser.

Councilor G. Steere suggested that the Council ask the chair of the Land Trust what type of appraisal he intends to request. Councilor G. Steere stated that he feels it should be a fair market value of the stand-alone piece of property, without considering any possible scenarios that may take place.

There was Council consensus to ask Bruce Payton, Land Trust chair, to clarify what type of appraisal will be conducted on the property they wish to purchase.

Councilor W. Steere cautioned against any type of suggestion of wrong-doing concerning the appraisal process. Councilor G. Steere stated he is not suggesting that but stated it sounds like that is the case and he would like some clarification. W. Steere received consensus to ask the Chair about the appraisal for this property. Councilor G. Steere stated that he does not object to the Land Trust purchasing the property, but does not want to pay twice its value.

D. Authorization - Town Council response to negative advertising  
Discussion and/or Action

Councilor Burlingame spoke regarding a political ad in which the Democratic Town Committee inferred that special privileges were given to Jay Forgue concerning his property. Councilor Burlingame stated that this was an unfair charge against the Town Council and our Boards and Commissions.

Councilor Burlingame asked the Council members if they wished to respond to the ad, noting that taxpayer money cannot be used for this purpose. Councilor G. Steere noted that the ad cast a shadow not only on the Council, but the Planning Board and Zoning Board as well. There was Council consensus not to respond with an ad, but to go on record stating that the Council feels that the inferences made are untrue.

E. Code of Ordinance

1. Proposed Amendment to Chapter 350 Zoning requested by Planning Board  
Recommendation - Discussion and/or Action

Councilor W. Steere stated that the Council has received a recommendation from the Planning Board regarding proposed amendments to Chapter 350 of the Code of Ordinance.

Ray Goff, Town Planner, stated that this recommendation came from himself and the Building/Zoning Official. R. Goff stated that he feels it is necessary to make some changes to the existing Zoning Ordinance.

R. Goff reviewed the proposed amendments as follows:

**§ 350-49. Accessory family dwelling unit.**

**H. The AFDU shall contain no more than one bedroom, is limited to no more than 750 ~~600~~ square feet of habitable space, and must be occupied only by members of the family occupying the principal residence**

R. Goff explained that this amendment would eliminate the need to calculate how much space in a AFDU is habitable. R. Goff further stated that he feels that 750 square feet is a more reasonable amount of space.

**§350-11, 350 Attachment 1, Table of Use Regulations Section 2.9. Accessory family dwelling  
(see Article 350-49 for requirements) (all text deleted)**

R. Goff stated that this portion of the Zoning Ordinance is redundant and recommends that it be deleted.

**Keeping of Animals §350-11, 350 Attachment 1, Table of Use Regulations Section 1 .4  
The keeping of animals as pets or for recreational or educational purposes such as riding or appropriate 4-H activities and their incidental sale on a limited scale or raising animals**

**for home consumption, provided there are two acres of land area and housed at least 60 feet from any property line to prevent the creation of a nuisance to abutting properties**

R. Goff stated that nobody knows where the 60 ft. requirement came from and noted that there are minimum building setbacks which must be adhered to.

**Vision Clearance at Corners § 350-44. Vision clearance at corners. On any corner lot and at street intersections in all districts, no wall, fence, structure or building shall be erected, and no hedge, tree, shrub or other vegetation shall be maintained, between the heights of 2 ½ and**

**10 feet above street level within the triangle formed by the two street lines and a third line joining points on the street lines 30 feet from the intersection of street lines.**

**ADD Drawing:**

R. Goff stated that he recommends that the wording remain the same, but that a drawing be added to illustrate what is required regarding vision clearance.

Councilor G. Steere asked if there are any other amendments to be made in the near future, stating that they could be advertised at the same time. R. Goff replied in the negative.

Councilor W. Steere read the following Planning Board recommendation:

The Planning Board makes this recommendation and finds the revisions to be consistent with the Comprehensive Community Plan:

Section 3.2.1 Preserve, enhance and protect Gloucester's rural character and sense of place;

Section 3.2.3 Take steps that will enable Gloucester to be a pleasurable place in which to live, work and raise a family;

Section 3.2.5 Allow Gloucester's rural way of life to be enjoyed by future generations;

Section 3.3.3 Create a method to preserve, protect, enhance and maintain the noteworthy physical attributes of the Town, while allowing for appropriate development to occur.

The Planning Board hereby recommends approval of the proposed amendments and forwards this recommendation to the Town Council for consideration.

(End of memo)

Councilor W. Steere stated that the Council needs to determine if the Code of Ordinance should be amended with these recommendations and if so, when ready, a 1<sup>st</sup> reading should be held.

Councilor W. Steere explained the 1<sup>st</sup> reading would be followed by a Public Hearing after all advertising (per the amendment process) is done.

MOTION was made by Councilor DeGrange to schedule a First Reading for November 1<sup>st</sup>, 2012, regarding Proposed Amendments to Chapter 350 Zoning; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

2. Proposed Ordinance

Bank owned properties - Maintenance - Discussion and/or Action

Councilor W. Steere stated that the same process as above should be followed; after review of the proposed ordinance, a 1<sup>st</sup> reading would be scheduled.

Tim Kane, Assistant Town Solicitor, stated that he has forwarded a draft to the Council members and asked for their comments. Councilor G. Steere expressed his opinion that the proposed ordinance is “a little much” when addressing peeling paint, etc. Councilor G. Steere stated that he does not want to create a hardship for people who are having problems. T. Kane explained that the ordinance is geared toward vacant, abandoned properties, not if someone is living there.

There was Council consensus to table this matter until the Council members have had more time to consider the first draft.

MOTION was made by Councilor G. Steere to TABLE the Proposed Ordinance regarding Bank Owned Properties until the next meeting; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

F. Gloucester Police Department

1. Authorization: Updated mutual aid agreements - Discussion and/or Action

Discussion: Joseph DelPrete, Chief of Police, stated that these agreements have been authorized by previous Councils and he is respectfully requesting that the agreements with Smithfield, Burrillville, Scituate and Foster be updated.

MOTION was made by Councilor DeGrange to AUTHORIZE the Town Council President to sign the updated agreement entitled “ Mutual Aid Agreement Between the Town of Smithfield, RI, and the Town of Gloucester, RI, said contract to be dated October 28, 2012; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

## G. Safety Commission Recommendations - Discussion and/or Action

Councilor W. Steere read the following recommendations from the Chief of Police regarding his recent Safety Commission meeting:

To the Honorable Town Council

The Safety Committee met on Monday night with two Agenda items.

1. The committee considered a potential safety hazard at the intersection of Snake Hill Road, Chestnut Hill Road, and Durfee Hill Road and recommended the following changes:
  - A. Stop sign heading west on Snake Hill Road prior to Chestnut Hill Road with painted/designated **stop line marker**.
  - B. Moving the current stop sign slightly North on Chestnut Hill Road with a painted/designated **stop line marker**.
  - C. Painted/designated **stop line marker** at the with the stop sign travelling East prior to the intersection.
  - D. Painted/designated **stop line marker** with the current stop sign travelling East prior to the intersection.
  - E. Signage on Chestnut Hill Road and Snake Hill Road alerting motorists of the upcoming new four-way stop intersection.
  
2. Stop sign on Old Snake Hill Road, at the intersection of George Allen Road.

I respectfully request that the Town Council consider these recommendations unanimously approved by the Safety Commission and to be facilitated by the Department of Public works.

Respectfully Submitted,  
Joseph DelPrete

(end of memo)

Joseph DelPrete, Chief of Police, summarized by stating that this will become a 4-way stop intersection to discourage drivers from traveling at a high rate of speed.

Councilor W. Steere asked if the Commission had discussed the recent request for a light on Pound Road. Chief DelPrete replied that there was consensus that a light would not be necessary because this is a private development.

MOTION was made by Councilor Burlingame to APPROVE the recommendations of the Safety Commission; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

IX. Boards & Commissions

A. Resignation - Discussion and/or Action

1. Parade Committee

One (1) voting member position

Councilor W. Steere stated that the Town Clerk's Office has received the resignation of Richard Cournoyer from the Parade Committee.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Richard Cournoyer from the Parade Committee; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

X. Department Head Report/Discussion Bds. & Commissions - Discussion

A. Susan Harris, Deputy Town Clerk, reported that the Clerk's Office is preparing for the General Election.

B. Gary Treml, Director of Public Works, reported that other than waiting for a couple of pieces of the drainage system, the Tanyard Lane project is complete and ready for the State to tie into it. G. Treml stated that the as-built drawings for Hawkins Pond should be in soon. Councilor W. Steere commended the Public Works Department for their work at Hawkins Pond.

C. Ray Goff, Town Planner, stated that the Planning Board will be starting the process of updating the Comprehensive Community Plan. R. Goff noted that the State has given the town the choice of a 5-year plan or a 10-year plan. R. Goff recommended the 10-year plan, stating that it is a bit more work but overall worthwhile. R. Goff stated that he feels it is important to get input and ideas from as many people as possible.

R. Goff reported that the Department of Transportation has begun construction on Route 44 near the former State Police Barracks. R. Goff stated that he, the Public Works Director, the Police Chief and Fire Chiefs have met with the Department of Transportation to discuss the details. Councilor W. Steere asked if this is where a retention pond will be located. R. Goff replied in the affirmative.



R. Goff stated that he has been contacted by a company that does energy monitoring. R. Goff explained that there is no cost for the first year and subsequent years would cost \$600.00. R. Goff stated that he will look into this program, adding that this may be a good opportunity to look at our utilities and see where there might be some savings. Councilor Burlingame pointed out that this may be a good way to determine if the wood boilers at the schools are effective.

- D. George Charette, chair of the Planning Board, spoke regarding the Village Overlay District which allows property owners to diversify the use of their property. G. Charette stated that we still need more as businesses are still limited. G. Charette stated that he will meet with people from Work Gear, a clothing company that is seeking to build stores in the area. G. Charette noted that this type of store would not be intrusive to the Town.
- E. Edna Kent, Town Historian, stated that she recently hosted two couples, from California and Maryland, and was able to help them with their genealogical research.

#### XI. Council Correspondence/Discussion

- A. Councilor W. Steere stated that correspondence was received from the Town of Burrillville regarding two properties which were removed from the Echo Lake Dam Management District.
- B. Councilor W. Steere stated that we received a progress report regarding the State MEDS Plan (Medical Emergency Distribution System).
- C. Councilor W. Steere stated that a letter was received from the West Gloucester Fire Department regarding rules that need to be followed.
- D. Councilor W. Steere stated that a request was received from a local business seeking a revision of their entertainment license.
- E. Councilor W. Steere stated that a letter was received regarding a situation at the Senior Center. Councilor Burlingame stated that he will meet with the Board of Directors to discuss a resolution to the problem.
- F. Councilor G. Steere referred to a comment made at a recent meeting which was directed toward Councilor DeGrange. Councilor G. Steere stated that the comment was that Councilor DeGrange was not elected. Councilor G. Steere noted that Councilor DeGrange was in fact elected through the election due process. Councilor G. Steere explained that Jamie Hainsworth resigned and Kevin Walsh declined to take the seat. Councilor G. Steere noted that Councilor DeGrange was the next highest vote-getter.

## XII. Open Forum

- A. Walter Steere, Jr. spoke regarding concerns expressed by Councilor Burlingame with regard to the way the budget could be added to or subtracted from at the Financial Town Meeting. W. Steere stated that he spoke to the Town Solicitor regarding this matter. Tim Kane, Assistant Town Solicitor, read section C3-8 Meeting Procedures from the Home Rule Charter, which states that a procedure must be followed if a voter wishes to propose a specific expenditure which is not in the budget recommended by the Council.

T. Kane further stated that only the bottom line can be amended up or down at the Financial Town Meeting. Steve Sette, of Snake Hill Road, noted that if the amendment would cause the budget to exceed the State mandated cap, the motion would be illegal. T. Kane concurred. Councilor Burlingame pointed out that if a motion is made to reduce the overall budget by a certain amount, it would be left to the Council to decide what to cut. Councilor Burlingame suggested that the Charter be “cleaned up” to address several conflicts.

W. Steere, Jr. spoke regarding political advertising, stating that there is a profile in this week’s Observer of a candidate who made an untrue statement regarding the schools. W. Steere noted that there is also a letter to the editor regarding this matter.

- B. Rose LaVoie stated that the Heritage Society was given historical items which belonged to Abe Hawkins, who was Sheriff and also took care of the animals in Town. R. LaVoie displayed Mr. Hawkins’ billy club, handcuffs and badges. R. LaVoie had a copy of his obituary which indicated his full name was Abraham Lincoln Hawkins.
- C. George Charette stated that he attends meetings of several boards and commissions and has noticed that some members do not receive all of the pertinent materials relating to the meeting. G. Charette noted that not all members have computers and must receive hard copies of documents. G. Charette expressed concern that some members are not prepared for meetings because they have not seen the materials. G. Charette commented that just because a board has an abundance of bond money appropriated, they do not have the right to spend it frivolously.

G. Charette stated that he recently attended a meeting where there was a confrontation among board members concerning a large over-billing. G. Charette stated that the Town Solicitor recommended that the members get together to make sure that this amount should be paid for services rendered. G. Charette stated that the final decision was made to pay the amount in full. G. Charette pointed out that even though there is money appropriated, it is still taxpayers’ money, adding that it is an injustice to pay more than what should be paid.

Councilor W. Steere interjected, stating that G. Charette is only telling a small piece of the story. Councilor W. Steere stated that the money that was spent was a huge savings

to the Town. G. Charette stated that if things changed in the process of the job, a change order should have been signed so the final amount owed would be accurate.

- D. Russell Gross spoke in support of George Charette with regard to the previous discussion. R. Gross stated that a vote was taken to pay up to \$9,000 of the \$11,000 overrun under the supervision of the Town Planner, but the following week it was all changed around. Councilor G. Steere stated that his recommendation was to pay half of the \$11,000 in extras as a compromise, then review the bill to see if the other half was owed. Councilor G. Steere stated that it did not go that way and the board voted to pay the amount in full.
- E. Edna Kent, Town Historian, stated that the film West of the Seven Mile Line #3 will be shown on November 2<sup>nd</sup> at 6:00 p.m. at the Ponaganset High School auditorium. E. Kent also noted that the Gloucester Heritage Society will be holding their Peddlers' Fair on November 15<sup>th</sup> at the Job Armstrong Store.
- F. Walter Steere, Jr. spoke regarding a Candidates' Night to be held at the Chepachet Grange on October 30<sup>th</sup>, stating that the School Committee has a meeting scheduled for that evening. W. Steere stated that if the School Committee members wish to attend the event, the meeting will be rescheduled.

### XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:21 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 6, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **November 1, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Susan Harris, Deputy Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; Ray Goff, Town Planner; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris, Deputy Town Clerk.

IV. Open Forum for Agenda Items

None.

V. Consent Items - Discussion and/or Action

A. Town Council Minutes: October 18, 2012

MOTION was made by Councilor G. Steere TABLE the Town Council minutes of October 18, 2012; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action

a. Community Resource Commission - One unexpired Alternate one year terms

b. Planning Board

One five year term to expire 3/2017

c. Local Board of Appeals for Building Code

One five year term to expire 6/2012

Councilor W. Steere stated that there are some applications coming in, however the Clerk will continue to advertise for volunteers to serve on Boards and Commissions.

MOTION was made by Councilor G. Steere to TABLE the appointments to the 1) Community Resource Commission; 2) Planning Board; & 3) Local Board of Appeals for Building Code; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

B. Western Rhode Island Home Repair - Discussion and/or Action  
Program requirements (for each Town)

Councilor Burlingame stated that a proposal was forwarded to the State, but no response has been received at this time. Councilor Burlingame commented that the plan that the Finance Director was looking at is doable and will not cost the Town any money. Councilor W. Steere asked if the plan would entail controlling the Gloucester portion of the program only.

Councilor Burlingame replied in the affirmative, adding that the Finance Director would oversee the financial aspect but the responsibility would still be with the individuals who are actually doing the work. In summary, Councilor Burlingame stated that a resolution has not been reached but progress is being made.

Councilor Reichert asked if people have been bringing in their payments to the Town Hall while the program is suspended. Susan Harris, Deputy Town Clerk, replied that the Town Clerk's office is accepting and securing payments until they are picked up by Judy Loven, Chair of the Executive Board.

C. Land Trust Appraisals (Methodology) - Discussion and/or Action

Councilor G. Steere asked if Bruce Payton, Land Trust chair, has been asked what type of appraisal he was going to ask to have done. Councilor W. Steere replied that B. Payton is away on business and is to return tonight. Councilor G. Steere stated that he hopes it is not too late to get an answer.

Councilor W. Steere stated that he is unaware of where the Land Trust is with regard to the purchase of the property. Councilor W. Steere noted that B. Payton has been in Georgia for several days due to the hurricane. There was Council consensus to discuss the matter at the next meeting.

VII. New Business

A. Ratification: R.I. Forest Conservator's Organization  
Citation- Tax Assessor

Councilor W. Steere explained that at the last Council meeting, Viviane Valentine was awarded a citation from the Town Council to commemorate her efforts and recognition from the R.I.

Forest Conservator's Organization. Councilor W. Steere stated that the Council now needs to ratify that citation.

MOTION was made by Councilor Reichert to RATIFY the Citation awarded to Tax Assessor, Viviane Valentine, on October 18, 2012 in recognition of her "Friend of the Forest" Award from the R.I. Forest Conservator's Organization; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

B. Special Event License Request

Knight's Farm request for Yard Sale on property - Discussion and/or Action

Councilor W. Steere stated that the Clerk's Office has received a request for a non-profit yard sale at a business location, Knight's Farm. Councilor W. Steere noted that this location was granted four (4) events per year, three (3) of which have already taken place.

Discussion:

Debbie Bisbano, applicant, stated that she is one of the founders of "We R Group Hug," a non-profit organization. D. Bisbano explained that the group would like to hold a yard sale/flea market type of event on Saturday, November 3<sup>rd</sup>, which would benefit a children's backpack program by which backpacks are filled with food for local disadvantaged children. D. Bisbano noted that all monies raised at the event will be used for this purpose.

There was discussion concerning whether this event will count toward the four (4) special events granted to this location. Councilor G. Steere stated that it should count because this yard sale is unlike the one held at Cady's, which was a community event. Councilor G. Steere pointed out that it is the end of the year and the property owner may be willing to using his last event for this cause. Councilor Reichert stated that his only concern is the parking situation at the intersection. D. Bisbano stated that the sale will be set up in the orchard and there will be volunteers taking care of parking. D. Bisbano noted that they are organized and respectful.

MOTION was made by Councilor Reichert to APPROVE the issuance of a Special Event License to: Applicant: Debra Bisbano; Owner: Knight Farm, LLC, Location of Business: 1 Snake Hill Road, further described as AP 19, Lot 161, for Saturday, November 3, 2012, (rain date November 10, 2012) from 8:00 a.m. to 5:00 p.m. to benefit "We R Group Hug;" seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

C. Code of Ordinance

1. 1<sup>st</sup> Reading: Proposed Amendment to Chapter 350 Zoning requested by Planning Board Recommendation - Discussion and/or Action

Councilor W. Steere stated that the following proposals were discussed at the last Council meeting and this meeting constitutes a first reading. There were no changes to the language proposed at the Council meeting of October 18, 2012.

There are copies available for the public.

Councilor W. Steere read the following into the record:

**PROPOSED ORDINANCE AMENDMENTS**

**1<sup>ST</sup> READING  
NOVEMBER 1, 2012**

**§ 350-49. Accessory family dwelling unit.**

**H. The AFDU shall contain no more than one bedroom, is limited to no more than 750 ~~600~~ square feet of habitable space, and must be occupied only by members of the family occupying the principal residence**

Recommendation: This amendment would eliminate the need to calculate how much space in a AFDU is habitable and it is believed that 750 square feet is a more reasonable amount of space.

**§350-11, 350 Attachment 1, Table of Use Regulations Section 2.9. Accessory family dwelling (see Article 350-49 for requirements) (all text deleted)**

Recommendation: This portion of the Zoning Ordinance is redundant and it is recommended that it be deleted.

**Keeping of Animals §350-11, 350 Attachment 1, Table of Use Regulations Section 1 .4  
The keeping of animals as pets or for recreational or educational purposes such as riding or appropriate 4-H activities and their incidental sale on a limited scale or raising animals for home consumption, provided there are two acres of land area and housed at least 60 feet from any property line to prevent the creation of a nuisance to abutting properties**

Recommendation: It is not clear where the 60 ft. requirement came from and minimum building setbacks must be adhered to.

**Vision Clearance at Corners § 350-44. Vision clearance at corners. On any corner lot and at street intersections in all districts, no wall, fence, structure or building shall be erected, and no hedge, tree, shrub or other vegetation shall be maintained, between the heights of 2 ½ and 10 feet above street level within the triangle formed by the two street lines and a third line joining points on the street lines 30 feet from the intersection of street lines.**

**ADD Drawing:**

Recommendation: The wording would remain the same, but a drawing would be added to illustrate what is required regarding vision clearance.

Discussion: None.

MOTION was made by Councilor Burlingame to set a Public Hearing to be held on December 6<sup>th</sup>, 2012 for the consideration of the proposed amendments to Chapter 350, Gloucester Code of Ordinance. Said hearing shall be advertised as outlined in Chapter 350-7. 8; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

2. Proposed Ordinance

Bank owned properties - Maintenance - Discussion and/or Action

Discussion: Councilor W. Steere stated that Tim Kane, Assistant Town Solicitor, has made several changes to the Proposed Ordinance and asked the Council members if they had any comments. Councilor G. Steere stated that he still feels that it is still “over the top.” T. Kane stated that changes have been suggested by Carl Riccio, Building/Zoning Official, which will be incorporated for review by the Council at the next Council meeting. Councilor G. Steere stated that C. Riccio’s recommendations cover a lot of his concern

MOTION was made by Councilor Burlingame to TABLE the discussion regarding the Proposed Ordinance, Bank-owned properties, Maintenance; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

3. Proposed Amendment: Chapter 387

Public Records Access

Councilor W. Steere stated that the Clerk has submitted a proposed amendment to Chapter 387 of the Code of Ordinances to incorporate the changes made during the last state legislative session. Council needs to review and when satisfied set for 1<sup>st</sup> reading. Chapter 387 is the Access to Public Records Policy which is to be followed by Town employees when asked for public records. The Solicitor has received the proposed amendments for review.

Discussion: Councilor W. Steere requested comments from the Solicitor. T. Kane stated the Clerk has included changes due to state law and that he approves the policy.



MOTION was made by Councilor Burlingame to SET a 1<sup>st</sup> Reading for the Town Council meeting of November 15, 2012, to consider the proposed amendment to the Gloucester Code of Ordinance, Chapter 387, Access To Public Records, for November 15, 2012; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

D. Appointment: Public Records Officer(s) - Discussion and/or Action

Councilor W. Steere explained that one of the amendments to the Attorney General's Access to Public Records Law calls for the appointment of a Public Records Officer or Officers. Councilor W. Steere stated this person (or persons) would be responsible for receiving public requests for records, forwarding to the correct department, and monitoring the response times and this person needs to be certified annually with training from the Attorney General's Office. Councilor W. Steere noted that the Town Clerk has completed the training requirements for the upcoming year if that is who the Town Council chooses for town departments.

Discussion: There was Council consensus that it would make sense to appoint Jean Fecteau, Town Clerk, as she handles public records for the Town.

MOTION was made by Councilor G. Steere to APPOINT Jean Fecteau as the Public Records Officer for Gloucester Town Hall Departments, and to AUTHORIZE the Council President to sign the Certificate of Compliance with Access to Public Records training for 2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

Councilor W. Steere noted that Chief DelPrete has asked for an appointment of a Public Records Officer for the Police Department, Lieutenant Matthew Fague.

MOTION was made by Councilor DeGrange to APPOINT Matthew Fague as the Public Records Officer for the Town of Gloucester, Police Department, and to AUTHORIZE the Council President to sign the Certificate of Compliance with Access to Public Records training for 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

- E. Appointment:  
1. Police Department Part-Time Dispatcher Position  
Discussion and/or Action

Councilor W. Steere read the following into the record:

To: Honorable Town Council Members  
From: Chief Joseph DelPrete  
Date: October 23, 2012  
Subject: Police Department Part-Time Dispatcher Position

Dear Council Members,

I would respectfully request to make the following employment appointment to the Gloucester Police Department.

Appoint Kevin J. Cahill of Burrillville to a part-time dispatcher position within the Gloucester Police Department. He would be incorporated in the part-time dispatcher pool and utilized when other dispatchers are on vacation, personal time, or sick leave status. He had previously applied in May of 2011, for the full time dispatcher position.

During the month of October, 2012 Kevin Cahill has voluntarily trained over 45 hours with first and second shift dispatchers. He has been trained and understands the dispatching functions, duties, and policies at the Gloucester Police Department. His salary would be at a per diem rate of \$14.00 per hour. I would further request that this appointment take effect on Sunday November 3rd, 2012.

(end of memo)

Discussion:

Councilor G. Steere stated that he discussed this appointment with Chief DelPrete, adding that there were several applications from residents of Gloucester who did not have the qualifications necessary for the position. Councilor G. Steere noted that Kevin Cahill is the best candidate and is recommended by the Chief of Police. Councilor W. Steere stated that although we prefer to hire Gloucester residents, we ultimately want the best qualified people. Councilor Reichert pointed out that the candidate has put in a lot of time in training which is important for this position.

MOTION was made by Councilor G. Steere to APPOINT Kevin J. Cahill to the position of part-time dispatcher for the Gloucester Police Department at the rate of \$14.00 per hour to take effect on November 3, 2012; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

- F. Bd. Of Contract & Purchases
  - 1. Bid Award - IFB 2012-00 – Smith & Sayles Reservoir  
Discussion and/or Action

Linda Nichols, of the Community Resource Commission, explained that three (3) bids have been submitted, but one of the proposals was too high so the Commission must choose between the other two bids. L. Nichols noted that the Commission has not yet voted on this matter due to members' absences. L. Nichols stated that the Commission will vote at their next meeting and make their recommendation to the Council. Tim Kane, Assistant Town Solicitor, advised that if a special meeting is called, it should be advertised as such and posted 48 hours in advance.

MOTION was made by Councilor Burlingame to TABLE the Bid Award - IFB 2012-00 - Smith & Sayles Reservoir until the next Town Council meeting; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

#### VIII. Boards & Commissions

- A. Appointments- Discussion and/or Action
  - 1. Parade Committee  
One (1) voting member position

Councilor W. Steere stated that the chair of this committee has indicated she has no recommendation at this time. Councilor W. Steere stated the Clerk recommends the Council table this appointment until the beginning of the year as two others from this committee may be resigning shortly and the Town can then put out a call for all of the positions.

MOTION was made by Councilor Reichert to TABLE the appointment to the Parade Committee, for one voting member position; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

- 2. Historic District – Three - 3 year terms to expire 11/2012

Councilor W. Steere stated that these appointments are for the expired terms of Molly Harrington, Robin Meek and Clayton Lanphear. Councilor W. Steere stated the Chair of the HDC has indicated to the Clerk's Office that all three wish to be reappointed.

Discussion: None.

MOTION was made by Councilor Steere to REAPPOINT Molly Harrington, Robin Meek and Clayton Lanphear to the Historic District Commission for three year terms to expire 11/2015; seconded by Councilor Reichert.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

3. Senior Center Board of Directors – One 5 year term to expire 11/2012

Councilor W. Steere stated that this appointment is for the expired term of Kathleen Rechter. Councilor W. Steere stated Ms. Rechter has indicated to the Clerk's Office that she wishes to continue.

MOTION was made by Councilor Burlingame to REAPPOINT Kathleen Rechter to the Senior Center Board of Directors for one five year term to expire 11/2017; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

4. Zoning Board of Review 5 year term to expire 11/2012

Councilor W. Steere stated that this is for the expired term of Scott Carlson, both Mr. Carlson and Chairman Meinertz would like this reappointment.

MOTION was made by Councilor G. Steere to REAPPOINT Scott Carlson to the Zoning Board of Review for a five year term to expire 11/2017; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Susan Harris, Deputy Town Clerk, stated that the Clerk's Office is busy preparing for the General Election.
- B. Gary Treml, Director of Public Works, reported that there was minimal damage as a result of the storm. G. Treml stated they have used the new retention pond at Hawkins Pond and it worked well. G. Treml stated they had opened the water outlet a few days before the storm in case of heavy rain. G. Treml further stated that Dawson, Oliver, Brandon, Bolton and Daventry Streets have all been paved. Councilor G. Steere commented that he was in the area yesterday and it looks good. Councilor G. Steere asked if when the pipe was opened did it bring the water down so it didn't run over the main spillway. G. Treml reported it was over about 3 inches but after a few days it went below the spillway and is now closed.
- C. Judy Branch, Director of Human Services, stated that there are 114 families registered for Thanksgiving baskets. J. Branch noted that the Salvation Army has given us 60 baskets, but we will be responsible for the remainder. J. Branch stated that the Food Bank is in need of non-perishable items and gift cards in any denomination for local grocery stores for these baskets. J. Branch noted that the need will be just as great at Christmas. Councilor Burlingame asked if frozen turkeys could be donated. J. Branch replied that she has a freezer which can accommodate about a dozen small turkeys.
- D. Walter Steere, Jr., School Committee member, stated that the schools were closed three (3) days this week because Fogarty Elementary School was without power due to the hurricane. W. Steere stated that the Middle School has a generator which can run almost the whole building, but the generator at the High School can only run the lights.
- Councilor Reichert stated that he was under the impression that schools were closed because there were more widespread power outages in Foster. Councilor G. Steere stated that he met with the liaison from National Grid and was told that they had run into more damage than anticipated. Councilor W. Steere suggested that the Council look at the after-action reports.
- E. Linda Nichols asked who took down the political signs in preparation for the storm. Councilor G. Steere replied that several people removed the signs to prevent them from blowing around. L. Nichols commented that she would like to have her signs returned.

X. Council Correspondence/Discussion

- A. Councilor W. Steere thanked the Town's employees for their exemplary effort throughout the course of the storm. Councilor W. Steere also commended the Fire Department chiefs and Joseph DelPrete, Chief of Police, among others, for their involvement.

- B. Councilor G. Steere spoke regarding an ad in the Bargain Buyer which was placed by Virginia Peters, former Director of Human Services. Councilor G. Steere stated that the ad was misleading and was a direct attack at current Director Judy Branch. Councilor G. Steere noted that J. Branch has actually expanded the hours of availability and has provided transportation for medical appointments and shopping trips, at a minimum cost. Councilor G. Steere noted that the former Director had issues with Dino's Market, adding that J. Branch has mended those bridges.

Councilor G. Steere stated that the Food Pantry has been expanded and is now distributing vegetables grown by the Resource Commission on Town property in West Glocester. Councilor G. Steere stated that Judy Branch as Director of Human Services runs an efficient operation, making every effort to control costs while providing services to people with special needs. Councilor G. Steere commented that V. Peters' ad is way off-base and a direct attack.

Councilor Burlingame expressed his agreement, stating that as liaison to the Director of Human Services, he can say that he has seen a significant improvement. Councilor Burlingame added that J. Branch has expanded services while reducing costs.

- C. Councilor W. Steere stated that correspondence was received from Housing Works Rhode Island regarding the recently released 2012 Housing Fact Book.
- D. Councilor W. Steere stated that a letter was received from the Department of Environmental Management concerning the remediation of hazardous material in the Tanyard Lane area.

## XI. Open Forum

- A. George Charette spoke regarding something that occurred at the last Town Council meeting. G. Charette stated that he has been a member of the Planning Board for the last nine years, serving as vice-chair for several years and currently as chair. G. Charette noted that during his tenure, he has never insulted or degraded anyone speaking for or against an application.

G. Charette stated that he spoke during Open Forum at the last Council meeting and was told that he was "biased." G. Charette read the definition of "biased". G. Charette stated that he was, as a taxpayer, merely trying to let the Council know what he had seen regarding a certain board. G. Charette stated that taxpayers have the right to speak regarding the use of taxpayer dollars. G. Charette commented that it is not right to spend money just because it is there. G. Charette stated that it was Councilor W. Steere who called him "biased" and asked for a retraction of the statement, not an apology.

Councilor W. Steere apologized, stating that "bias" is a strong word; however, Councilor W. Steere commented that G. Charette did not see the whole picture. G. Charette accepted Councilor W. Steere's apology. G. Charette noted that there were people present at the last meeting who heard the words but are not here this evening. G.

Charette stated that if he is to continue serving as chair of the Planning Board, his name must be cleared and asked for a vote from the Council. Councilor W. Steere stated that G. Charette had written a discouraging letter regarding a particular person.

G. Charette replied that he wrote the letter last year as a taxpayer, not as a public official. G. Charette stated that if the Council feels that he is biased or prejudiced, they should remove him from the Planning Board. Councilor W. Steere noted that he would hate to see that happen because G. Charette does a good job on the Board.

- B. Lorraine O’Connors, Tucker Street, thanked Gary Treml, Director of Public Works, and his department for the wonderful job they did on the roads in the Waterman Lake area. L. O’Connors also thanked the Council for making the road repairs possible.
- C. Russell Gross stated that a report was submitted to the Land Trust a month ago from the insurance company and asked if the Council members have received a copy. The Council members replied in the negative. R. Gross stated that there has been a problem regarding a trail 20 feet from his property line and nothing has been done about it. R. Gross expressed concern that deer hunting season begins soon. Councilor Burlingame noted that he was told that the trail would be closed temporarily.
- D. Walter Steere, Jr. stated that he was at Steere Hill recently for a walking event and although there were no signs on the trails, nobody got hurt. Regarding hunting near horse trails, W. Steere, Jr. stated that hunters are not supposed to shoot at anything unless they can identify it. W. Steere, Jr. expressed his opinion that the Trust is “going overboard” with their reports.

## XII. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 8:34 p.m.; seconded by Councilor Reichert.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 6, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **November 15, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Susan Harris, Deputy Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Joseph DelPrete, Chief of Police; and Walter Steere, Jr. and Anne Ejnes, School Committee members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

George Charette, Planning Board chair, inquired if he would be allowed to make a statement prior to discussion regarding item X. A. Planning Board Member. The Council members replied in the affirmative.

V. Presentation: Installation of Solar Panels on Town/School Properties/Buildings

Councilor Reichert explained the reason for this request.

Jack Anderson, of Winchester Drive, introduced Jim Barrett, president of Free Energy, a renewable solar energy company based in Texas. J. Anderson stated that the company has several solar energy projects going on in Massachusetts & Texas. J. Anderson noted that there are government programs available which would pay for most of the costs. Mr. Anderson explained the project would be for flat roof surfaces and several school buildings would be considered. J. Anderson stated that the school buildings have already been inspected for this purpose.

J. Barrett stated that the project can be financed in less than fifteen years for a project that has a 30-year useful life. J. Barrett stated that nearly a half-million dollars would be saved in the first fifteen years and four million over the last fifteen years of life of the project. J. Barrett distributed a brochure which outlined the three schools that have been considered; the regional middle school, the two buildings at the high school and Fogarty Elementary School. J. Barrett stated that there are investors ready to finance this project, which adds dollars to the bottom line.

Mr. Barrett discussed different metering scenarios that could be used. J. Barrett noted that there is a cap regarding National Grid and once the cap is fulfilled, we would not be able to get into its program. J. Barrett asked if the Council members had any questions.



Councilor Reichert asked if we would be one of the first to have this. J. Barrett replied that we would be the one of the first school systems in Rhode Island to have solar installation.

Councilor W. Steere asked what the physical build time would be if the project is approved. J. Barrett replied that it would be 30 days per building, adding that the clock starts once full approval and permitting is obtained. Councilor W. Steere asked if the Town Council is the right group to approach. Tim Kane, Assistant Town Solicitor, stated that he advised Mr. Anderson to start at the Council level, but ultimately the two School Committees have the responsibility of the care and control of the schools, per Rhode Island General Law.

T. Kane suggested that if the Council looks favorably on this project, a Resolution of support should be forwarded to the School Committees. Jim Barrett stated that he plans to make his presentation to the School Committees as well as the Town Council. Anne Ejnes, School Committee member, stated that she will schedule a group meeting of the School Committees and Business Managers for the presentation.

There was discussion concerning whether this project must go out to bid. Tim Kane stated his opinion that the leasing of school property can be negotiated with the School Committees and does not require a bid process.

Councilor G. Steere asked about the 30-year life of the panels. J. Barrett explained that the panels have a 25-year warranty, but an expected life of 30 years. Councilor G. Steere asked if the company would own the equipment for 15 years. J. Barrett replied that they would own the panels as long as it takes to get through the financing package, but no more than 15 years. Councilor G. Steere asked who would repair the roof if there were leaks caused by the panels.

J. Barrett replied that his company would be responsible for the operations and maintenance of the (leased space) roofs for 15 years. J. Barrett stated that there would be a mutually agreed transitional document which would ensure that the Town will not be left to operate the project with no training after the 15-year period.

Councilor W. Steere explained to J. Barrett that there were issues with the Regional School District regarding the ESCO project which may cause some cynicism concerning this solar energy project. J. Barrett noted that the ESCO project was a line item which was funded by the local taxpayers, while this project has a cost of zero.

Councilor G. Steere stated that his brother is looking into a project such as this with 180 kilowatts. Councilor G. Steere asked how many kilowatts would be generated by this project. J. Barrett replied that across the four buildings, it would be 1200 kilowatts. Councilor G. Steere stated that his brother would have a four-year payback with a 15-year contract with the grid. Councilor G. Steere stated his brother would actually own the equipment after that time.

J. Barrett stated that we would also target debt service and a return to the investors, therefore it may take a little longer. J. Barrett noted that all financial aspects of the project will be shared with the decision makers.

T. Kane questioned if all the documents, revenue figures, etc. would be available to the School department on an on-going basis. Mr. Barrett stated those records could be as open as requested.

Councilor W. Steere stated that this seems like a worthwhile project to explore. Councilor W. Steere stated that the next step would be to work with the School Committees. Tim Kane again recommended that the Council prepare a Resolution encouraging the School Committees to consider this proposal. The consensus was for a Councilor to add this item to a future agenda at the next Council meeting. Jim Barrett stated that he would be happy to answer any questions from the Council or the public by email or phone call.

- VI. Public Hearings - Discussion and/or action
  - A. Renewal of Victualing Licenses - Discussion and/or Action

#### 24-HOUR VICTUALING LICENSE RENEWAL

1. Chepachet Deli, 842 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised October 25<sup>th</sup>, Nov. 1<sup>st</sup> and November 8<sup>th</sup>, 2012.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding this license renewal. Hearing none, Councilor W. Steere declare the Public Hearing Closed.

MOTION was made by Councilor Reichert to GRANT the 24-hour Victualing License to:

Chepachet Deli, Gregory Doura, 842 Putnam Pike pursuant upon:

1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Police and or Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; 7) copy of current menu to remain on file in Clerk's Office; this license shall be for the interior of the premise only and is valid from December 1, 2012 to November 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### VICTUALING LICENSE RENEWALS

1. Aegean Pizza, 1195B Putnam Pike
2. April's on the Pike, LLC, 401 Putnam Pike
3. Burrillville/Glocester Youth Soccer Association,  
1407 Putnam Pike (Concession Stand)
4. Cady's Tavern, 2168 Putnam Pike
5. Chepachet Farms, 226 Tourtellot Hill Road
6. Chester's Restaurant Inc., 102 Putnam Pike
7. DePetrillo's Pizza & Bakery, 1153 Putnam Pike

8. Dinos Park & Shop, 1020 Putnam Pike
9. Dunkin Donuts, 1006 Putnam Pike
10. Europa Food Inc., 2400 Putnam Pike
11. Gentleman Farmer, 617 Putnam Pike
12. Gloucester Little League, 1011 Putnam Pike (Concession Stand)
13. Gloucester Memorial Park, Town of Gloucester,  
46 Adelaide Road (Concession Stand)
14. Harmony Corner Store, 365 Snake Hill Road
15. Knight Farm, LLC, 1 Snake Hill Road
16. Melody Hill Country Club, Inc., 55 Melody Hill Lane
17. Pinewood Pub & Pizza, 16 Terry Lane
18. Sticks Tavern, 417 Putnam Pike
19. Snows/Clambox, 2461 Putnam Pike
20. Tavern on Main, 1157 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 25<sup>th</sup>, November 1<sup>st</sup> and November 8<sup>th</sup>, 2012.

Councilor W. Steere declared the Public Hearing OPEN and asked if anyone wished to be heard for or against the license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the issuance of a Victualing License to:

1. Aegean Pizza, 1195B Putnam Pike
2. April's on the Pike, LLC, 401 Putnam Pike
3. Burrillville/Glocester Youth Soccer Association,  
1407 Putnam Pike (Concession Stand)
4. Cady's Tavern, 2168 Putnam Pike
5. Chepachet Farms, 226 Tourtellot Hill Road
6. Chester's Restaurant Inc., 102 Putnam Pike
7. DePetrillo's Pizza & Bakery, 1153 Putnam Pike
8. Dinos Park & Shop, 1020 Putnam Pike
9. Dunkin Donuts, 1006 Putnam Pike
10. Europa Food Inc., 2400 Putnam Pike
11. Gentleman Farmer, 617 Putnam Pike
12. Gloucester Little League, 1011 Putnam Pike (Concession Stand)
13. Gloucester Memorial Park, Town of Gloucester,  
46 Adelaide Road (Concession Stand)
14. Harmony Corner Store, 365 Snake Hill Road
15. Knight Farm, LLC, 1 Snake Hill Road
16. Melody Hill Country Club, Inc., 55 Melody Hill Lane
17. Pinewood Pub & Pizza, 16 Terry Lane
18. Sticks Tavern, 417 Putnam Pike

19. Snows/Clambox, 2461 Putnam Pike

20. Tavern on Main, 1157 Putnam Pike

pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Police and or Fire inspection approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; 7) copy of current menu to remain on file in Clerk's Office; these licenses shall be for the interior of the premises only and are valid from December 1, 2012 to November 30, 2013; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

B. Liquor License Renewals - Discussion and/or Action

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 W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1<sup>st</sup> and 8<sup>th</sup>, 2012.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding these license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor G. 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;

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 & Police Chief approval as needed; 3) proof of Rhode Island B.C.I. check; 4) Rhode Island Certificate of Good Standing; 5) Rhode Island Permit to Make Sales; 6) payment of all Town taxes; 7) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 8) R.I. Dept. of Health Certification; these licenses shall be for the interior of the premises only and are valid from December 1, 2012 to November 30, 2013; seconded by Councilor Burlingame.

Discussion: None

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

## CLASS B -RETAILER LICENSES

1. Europa Food Inc., George Melanis, d/b/a Europa Food Inc., 2400 Putnam Pike
2. Chester's Restaurant, Inc., Barbara Hamill, William J Hamill III, Ann Marie DelSesto, Barbara Royer and Patricia Johnson, d/b/a Chester's Restaurant Inc., 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. Putnam Properties Inc., Vincent N. Iannuzzi, d/b/a Sticks Tavern, 417 Putnam Pike
5. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer, 617 Putnam Pike
6. Prickly Pear Inc., William J Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
7. Tyo-Ristaino Corp., Stephen & Robin L. Tyo & Robert Ristaino, d/b/a Cady's Tavern, 2168 Putnam Pike
8. RMZ LLC, Robert M. Zalewski, Daniel Saad d/b/a Snows/Clambox, 2461 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1<sup>st</sup> and 8<sup>th</sup>, 2012.

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding these license renewals.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor DeGrange to GRANT a Class B - Retailer Liquor License to:

1. Europa Food Inc., George Melanis, d/b/a Europa Food Inc., 2400 Putnam Pike
2. Chester's Restaurant, Inc., Barbara Hamill, William J Hamill III, Ann Marie DelSesto, Barbara Royer and Patricia Johnson, d/b/a Chester's Restaurant Inc., 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. Putnam Properties Inc., Vincent N. Iannuzzi, d/b/a Sticks Tavern, 417 Putnam Pike
5. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer, 617 Putnam Pike
6. Prickly Pear Inc., William J Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
7. Tyo-Ristaino Corp., Stephen & Robin L. Tyo & Robert Ristaino, d/b/a Cady's Tavern, 2168 Putnam Pike
8. RMZ LLC, Robert M. Zalewski, Daniel Saad d/b/a Snows/Clambox, 2461 Putnam Pike

contingent upon: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspector/ and Police Chief 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) Current diagram of the complete service area filed in the Town Clerk's Office; 9) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 10) copy of current menu to remain on file in Clerk's

Office; 11) proof of Rhode Island B.C.I. check; these licenses shall be for the interior of the premises only with the exception of 4) Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern; 6) Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza ; 7) Tyo-Ristaino Corp., Stephen & Robin L. Tyo and Robert Ristaino, d/b/a Cady's Tavern; and 8) RMZ LLC, Robert Zalewski, Daniel Saad, d/b/a Snows/Clambox: (additional stipulations apply); these licenses are valid from December 1, 2012 to November 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### CLASS BT-TAVERN

1. DLUM Restaurant, LLC., David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1<sup>st</sup> and November 8<sup>th</sup>, 2012.

Councilor W. Steere DECLARED the Public Hearing open and asked if anyone wished to be heard regarding the license renewal.

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert 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 Inspector/Fire/ and or Police Chief 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) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 10) updated menu maintained on file; 11) proof of Rhode Island B.C.I. check; this license shall be for the interior of the premise only and is valid from December 1, 2012 to November 30, 2013; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

C. Entertainment Licenses - Discussion and/or Action

1. Europa Food Inc., d/b/a Europa Food Inc., 2400 Putnam Pike
2. Chester's Restaurant Inc., d/b/a Chester's Restaurant Inc., 102 Putnam Pike
3. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
4. Tyo-Ristaino Corp., d/b/a Cady's Tavern 2168 Putnam Pike
5. Putnam Properties, Inc., d/b/a Sticks Tavern, 417 Putnam Pike
6. RMZ, LLC, d/b/a Snows/Clambox, 2461 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on November 1, 2012.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the license renewals.

Discussion:

Bruce Payton, 26 Lake Washington Drive, asked if there are any restrictions regarding the number of days an establishment may have a live band, whether the doors and windows must be closed during the entertainment and the number of people allowed. Councilor W. Steere stated these licenses are for the interior.

B. Payton noted that sometimes these regulations are enforced and other times they are not. B. Payton commented that when bike runs are taking place, the number of vehicles far exceeds the occupancy allowed inside the establishment. B. Payton expressed his opinion that these requirements should be enforced. Also, B. Payton stated that at closing time, there is excessive noise generated by squealing tires and people cheering.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor DeGrange to GRANT an Entertainment License to:

1. Europa Food Inc., d/b/a Europa Food Inc., 2400 Putnam Pike
2. Chester's Restaurant Inc., d/b/a Chester's Restaurant Inc., 102 Putnam Pike
3. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
4. Tyo-Ristaino Corp., d/b/a Cady's Tavern 2168 Putnam Pike
5. Putnam Properties, Inc., d/b/a Sticks Tavern, 417 Putnam Pike
6. RMZ, LLC, d/b/a Snows/Clambox, 2461 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; these licenses shall be for the interior of the premises only and are valid from December 1, 2012 to November 30, 2013 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 are only 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 require.

5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;  
seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### D. VICTUALING LICENSE - NEW

1. The Nutty Scotsman Bar & Grill, 812 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on October 25<sup>th</sup>, November 1<sup>st</sup> and November 8<sup>th</sup>, 2012.

Councilor W. Steere declared the Public Hearing OPEN, and asked if anyone wished to be heard for or against the issuance of this new victualing license which is purposed for the location of Char's Bar & Grill, 812 Putnam Pike.

Discussion: None.

Councilor W. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the issuance of a Victualing License to:

1. The Nutty Scotsman Bar & Grill, 812 Putnam Pike;  
pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Police and or Fire inspection approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; 7) copy of current menu to remain on file in Clerk's Office; this license shall be for the interior of the premise only and is valid from December 1, 2012 to November 30, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### E. LIQUOR LICENSE TRANSFER

1. FROM: NC Pelski, Inc., Charlene & Neal Pelski,  
d/b/a Char's Bar and Grille, 812 Putnam Pike

TO: The Nutty Scotsman Inc., Duane Lockaby,  
d/b/a The Nutty Scotsman Bar & Grill, 812 Putnam Pike



Councilor W. Steere stated that this Public Hearing was advertised in the Providence Journal Legal Ads on November 1<sup>st</sup> and November 8<sup>th</sup>, 2012.

Councilor W. Steere DECLARED the Public Hearing open and asked if anyone wished to be heard regarding the liquor license transfer.

Discussion: Councilor Burlingame stated that the Tax Collector has worked out an arrangement with the current license owner and asked the Solicitor if this is sufficient to grant the transfer. Tim Kane, Assistant Town Solicitor, replied in the affirmative.

Councilor W. Steere asked if anyone else wished to be heard. Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the Liquor License Transfer:

**FROM:** NC Pelski, Inc., Charlene & Neal Pelski,  
d/b/a Char's Bar and Grille, 812 Putnam Pike  
**TO:** The Nutty Scotsman Inc., Duane Lockaby,  
d/b/a The Nutty Scotsman Bar & Grill, 812 Putnam Pike.

Issuance will be contingent upon: 1) Issuance of a valid Victualing License; 2) payment of (**or satisfactory agreement to pay**) all Town taxes; 3) Building/Fire Inspector/ and Police Chief 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) Current diagram of the complete service area filed in the Town Clerk's Office; 9) copies of certification cards for all employees with Alcohol Service Certification to be kept current in the office of Town Clerk; 10) updated menu to remain on file; 11) proof of Rhode Island B.C.I. check; 12) additional stipulations apply to outside area; this license is valid from December 1, 2012 to November 30, 2013; seconded by Councilor G. Steere.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

**F. ENTERTAINMENT LICENSE - NEW**

1. The Nutty Scotsman Inc.,  
d/b/a The Nutty Scotsman Bar & Grill, 812 Putnam Pike

Councilor W. Steere stated that this Public Hearing was advertised in the Observer/Valley Breeze on November 1, 2012.

Councilor W. Steere DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the new entertainment license.

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor DeGrange to GRANT an Entertainment License to:

1. The Nutty Scotsman Inc.,  
d/b/a The Nutty Scotsman Bar & Grill, 812 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, 2012 to November 30, 2013 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 are only 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 require.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### VII. Consent Items - Discussion and/or Action

- A. Town Council Minutes: October 18<sup>th</sup> & November 1, 2012
- B. Finance Director's Reports: June - October 2012
- C. Tax Collector's Additions & Abatements - October 2012

MOTION was made by Councilor G. Steere to TABLE the Town Council Minutes of October 18<sup>th</sup> & November 1, 2012; to ACCEPT the Finance Director's Report for July 2012; and to APPROVE the Abatement to the 2012 Tax Roll in the amount of \$204.43, there were no Additions to the 2012 Tax Roll for October, 2012; seconded by Councilor M. DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

## VIII. Unfinished Business

### A. Board and Commissions

#### 1. Appointments - Discussion and/or Action

- a. Community Resource Commission - One unexpired Alternate one year terms
- b. Planning Board  
One five year term to expire 3/2017
- c. Local Board of Appeals for Building Code  
One five year term to expire 6/2012

MOTION was made by Councilor Burlingame to TABLE the appointments to the Community Resource Commission, the Planning Board and the Local Board of Appeals for Building Code; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

### B. Land Trust Appraisals (Methodology) - Discussion and/or Action

Councilor G. Steere asked Bruce Payton, Land Trust chair, what type of appraisal will be conducted on the property the Land Trust is trying to purchase. Councilor G. Steere questioned if there is going to be an appraisal as the Chair told him last week the property had already been purchased. B. Payton stated the property has not been purchased yet, there is a Purchase & Sales agreement and deposit in place. B. Payton replied that, depending upon what type of funding is sought, there are various standards of appraisals required.

B. Payton described some of the different aspects of the appraisal process, such as laying in the roads and dividing the number of lots. B. Payton noted that the Land Trust does not take it lightly, adding that they advertise or use the Master Price Agreement. B. Payton stated that in his experience, he prefers Andolfo Appraisals as they do a more thorough job than other companies.

Councilor G. Steere stated that he has no problem with appraising a piece of land as a stand-alone parcel, but the Council was told by B. Payton that the appraisal will take into account the abutting property. B. Payton stated that this has been done in the past, but he does not know if it would in this case. Councilor G. Steere questioned why the Land Trust would pay for an appraisal which takes into account the land already owned with the second piece of land.

B. Payton replied that he has no control over how the appraisal is done. Councilor G. Steere stated that the Council has been told that an appraiser only does what he is told to do. B. Payton disagreed, stating that when he has an appraisal conducted, he gives them the property he wants and tells them he wants the best and highest use appraisal, self-contained.

Councilor Reichert stated that he has land in Johnston which he recently had appraised. Councilor Reichert stated that although there is driveway access and utility poles next door, the

appraiser looked upon the property as raw land and appraised it as such. B. Payton described methods used by appraisers.

Councilor G. Steere stated that the appraiser should not use the Land Trust property next door to say that a road could be built through it to develop five more house lots. B. Payton stated that he does not wish to argue this point. B. Payton further stated that he cannot speak for the Land Trust. Councilor G. Steere asked B. Payton if he is in favor of this type of appraisal which inflates the price. B. Payton replied that he does not do that and objects to the inference. B. Payton reiterated that he does not tell the appraiser how to do the appraisal.

Councilor G. Steere asked if there has been an appraisal conducted on this property. B. Payton replied in the negative. B. Payton stated that a market analysis has been done and a purchase and sales agreement is in process but has not yet been signed. Councilor Burlingame questioned if a Purchase & Sales Agreement has been signed. B. Payton stated it has not been signed. B. Payton stated that he will present the agreement to the Council in Executive Session for their review.

C. Code of Ordinance

1. Proposed Ordinance

Bank owned properties - Maintenance - Discussion and/or Action

The Solicitor has forwarded an ordinance for consideration that reflects recommendations by the Building Official. There was Council consensus to table this matter to allow for further review.

MOTION was made by Councilor Burlingame to TABLE the Proposed Ordinance re: Bank Owned Properties - Maintenance; seconded by Councilor DeGrange.

Discussion:

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

D. Board of Contract & Purchases

1. Bid Award - IFB 2012-00 – Smith & Sayles Reservoir- Disc. and/or Action

MOTION was made by Councilor Burlingame to TABLE the Bid Award - IFB 2012-00 - Smith & Sayles Reservoir; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

IX. New Business

A. Code of Ordinance

1. 1<sup>st</sup> Reading: Proposed Amendment: Chapter 387

Public Records Access

Council has a proposed Ordinance which was discussed at the last Council meeting. This proposal is available to the public. It reflects new state laws regarding access to public records.

MOTION was made by Councilor Burlingame to WAIVE the reading of the Proposed Amendment to Chapter 387 of the Code of Ordinance; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

### **Chapter 387 PUBLIC RECORDS ACCESS**

#### **§ 387-1. Policy & Procedure.**

- A. The Town of Gloucester is an advocate for open government and has implemented a procedure per the Rhode Island Attorney Generals Office guidelines. (R.I.G.L. 2012 amendments included)
- B. Unless you are seeking prepared documents or documents readily available at the time of request, you will be asked to complete a Public Records Request Form or you may submit your request in writing. You are not required to provide identification or the reason you seek the information.
- C. All Public Records Request Forms or written requests shall be received and time stamped in the office of the Public Records Officer. The Public Records Officer will then forward a copy of this request form to the appropriate department for action.
- D. The R.I. Access to Public Records Act (which can be found at [www.riag.ri.gov](http://www.riag.ri.gov) allows a public body ten (10) business days to respond to the request, which can be extended an additional twenty (20) business days for "good cause".
- E. If the individual making the request wants only to view the records, the department director will make an appointment for the citizen to come to their office during normal business hours within the time frame prescribed.
- F. If you feel that you have been denied access to public records, you should contact the Public Records Officer for further assistance. If you are not satisfied with the results you should contact the R.I. Attorney General at the above website or at their office.

#### **§ 387-2. Fees.**

- A. Subject to the provisions of R.I.G.L. § 3 8-2-3: the cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records.

B. A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval.

C. A public body shall provide an estimate of the costs of a request for documents prior to providing copies, upon request.

(End of proposal)

Discussion:

The Clerk would like to add to § 387-2. Fees.

That the fees for Land Evidence and/or Probate records is set by R.I.G.L. and varies from public records fees.

MOTION was made by Councilor DeGrange to SET a Public Hearing for the consideration of Proposed Amendment: Glocester Code of Ordinance, Chapter 387, Public Records Access, for December 20<sup>th</sup>, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

X. Boards & Commissions

A. Planning Board Member

Council Support of/continuation of service - Discussion and/or Action  
(Member notified pursuant to 42-46-5(a)1, requested Open Session)

Councilor W. Steere stated for the record: Planning Board member and chairman, George Charette, was asked in person if he wanted this discussion in closed or open session. The Clerk then mailed a notice, dated November 9<sup>th</sup>, 2012, to Mr. Charette also explaining the options for this discussion, per RI General Law. Mr. Charette chose to discuss in open session.

Discussion: George Charette stated that he requested that this matter be brought forward regarding clarity of his character. G. Charette stated that he was speaking as a taxpayer when he spoke about matters that he had heard, understood and followed for a long time. G. Charette stated that he wishes to get clarity from the Town Council regarding his performance as a Planning Board member and chair.

G. Charette stated that he has accountability and must respect people who stand at the podium to present their statements. G. Charette noted that he and the other Planning Board members must understand, evaluate and decide whether to give a positive or negative recommendation to the Zoning Board. G. Charette asked the Council for clarity regarding his character as a person and as a member of the Planning Board. G. Charette stated that it is in the Council's hands.

Councilor DeGrange stated that he requested this item in order to state that he has served with G. Charette on several boards and in his opinion, G. Charette has always been fair and would always hear both sides and consider all facts.

MOTION was made by Councilor DeGrange to support George Charette, Planning Board chair, and give a positive recommendation to remain as chair; seconded by Councilor Reichert.

Councilor G. Steere noted that he has attended many Planning Board meetings and commented that they are very well run by G. Charette. Councilor G. Steere stated that G. Charette is always fair and above board with people and his integrity is not in question.

Councilor Reichert stated that he served on the Planning Board with G. Charette and he supports him.

Councilor Burlingame stated that he also supports G. Charette, adding that the comments made by G. Charette are always in the best interest of the community. Councilor Burlingame stated that G. Charette is not afraid to voice his opinion, but is respectful in doing so. Councilor Burlingame expressed his support for G. Charette to remain as chair of the Planning Board.

Councilor W. Steere stated that, as he commented at the last meeting, G. Charette does a good job.

Bill Dupuis, 817 Durfee Hill Road, asked who is the liaison to the Planning Board, adding that there have been no Council members in attendance at the last several meetings. B. Dupuis asked why the liaison is not present to see what goes on at the meetings. Councilor W. Steere replied that the reason we have Boards and Commissions is because the Town Council cannot do everything, therefore they appoint people who they feel will do the best job possible.

Councilor W. Steere noted that if any of the boards need anything from the Council, they can speak to their liaison or any of the Council members. B. Dupuis noted that G. Charette takes care to do a good job at the Planning Board meetings. B. Dupuis stated that he has also attended a Land Trust meeting and commented that he feels that there is arrogance on some parts.

B. Dupuis suggested that the Council liaison attend these meetings to see what is going on. Councilor W. Steere reiterated that there are qualified people on these boards who can do the job without his presence. B. Dupuis expressed his opinion that Councilor W. Steere should be there for support and to keep informed as to what will be presented to the Zoning Board or the Town Council.

Councilor W. Steere explained that a liaison is appointed for communication purposes. Councilor W. Steere stated that he supports George Charette and feels that he does a good job. Councilor W. Steere noted that when he served on the Planning Board, there were only two occasions where a Council member was present, and that was because the Planning Board requested their attendance. B. Dupuis asked if the new Council will appoint the same liaisons. Councilor W. Steere stated that there will be an organizational meeting after the first of the year and liaisons will be appointed at the next meeting after that.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

B. Land Trust - Discussion and/or Action  
Update on Policies and Procedures

Councilor Burlingame stated that he and Bruce Payton, Land Trust chair, met this week to go over the proposed Policies and Procedures. Councilor Burlingame stated that he has forwarded a draft to the Council members for their review. Councilor Burlingame suggested that discussion take place at the next Town Council meeting. Councilor Burlingame summarized that for the most part, we are where we want to be regarding the Policies and Procedures.

C. Resignations - Discussion and/or Action  
1. Community Resource Commission  
One two year term to expire 01/01/2013

Councilor W. Steere stated that the Clerk has received the resignation of Dana Hopkins from the Community Resource Commission.

MOTION was made by Councilor G. Steere to ACCEPT the Resignation of Dana Hopkins from the Community Resource Commission for the two year term to expire 01/01/2013; seconded by Reichert.

Discussion:

Councilor W. Steere noted that Mr. Hopkins was one of the founding members of the Community Resource Commission and it is with regret that the Council accepts his resignation. Councilor DeGrange asked if a letter of thanks is sent to board members when they resign. Councilor W. Steere stated that appreciation is expressed verbally but a letter could be sent by the Council.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

D. Appointments- Discussion and/or Action  
1. Historic District Commission  
One Alternate Member to Expire 11/2013

Charlie Wilson, chair of the Historic District Commission, stated that there is an interested candidate who will attend the next HDC meeting. C. Wilson stated that if all goes well, he will request the appointment at the next Town Council meeting.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Historic District Commission to fill the Alternate position to expire 11/2013; seconded by Councilor G. Steere.



Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

2. Community Resource Commission  
One two year term to expire 01/01/2013

Councilor W. Steere stated that this is the appointment that was just created by the resignation on tonight's agenda. No recommendation from the chair has been received.

MOTION was made by Councilor G. Steere to TABLE the appointment to the Community Resource Commission for one two year term to expire 01/01/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### XI. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Susan Harris, Deputy Town Clerk, stated that the West Gloucester Fire Department will be conducting a class on crowd management on December 5<sup>th</sup> at 6:00 p.m. S. Harris noted that the class will take place at the West Gloucester Fire Station and will last approximately 2 ½ hrs. Councilor Reichert stated that he is a director at the W. Gloucester Fire Department and will attend the class.
- B. Joseph DelPrete, Chief of Police, reported that his department made an arrest this week of individuals who had been breaking into vehicles and sheds on the east end of town. Chief DelPrete noted that many of the stolen items were recovered and returned to their owners. Chief DelPrete also noted that the department recently received a new Police vehicle, a 2012 Dodge Charger.
- C. Walter Steere, Jr., School Committee member, questioned the procedure for ballot placement in the 2012 Election. Susan Harris, Deputy Town Clerk, stated she looked up the RI General Law which indicates that there are different methods, depending upon whether the position is partisan or non-partisan. W. Steere, Jr. stated that if the placement was done by lottery, he would think that the candidates would have been allowed to attend. W. Steere asked if the Board of Canvassers conducts the lottery. S. Harris replied that the Clerk's Office handles this. W. Steere, Jr. stated that he will go to the Clerk's Office for answers to his questions.

## XII. Council Correspondence/Discussion

- A. Councilor W. Steere stated that Candlelight Shopping is scheduled for three Thursdays in December and asked the Council members if they wished to cover the expense of Police detail on one of those evenings as was done last year. Charlie Wilson stated that one of the details will be paid by the GBA and another by the business owners in the Village. There was Council consensus to pay the cost of one of the details.
- B. Councilor W. Steere expressed appreciation to everyone who was involved in the election process, adding that there was a heavy turnout and new regulations in place.
- C. Councilor W. Steere stated that a copy of a letter was received from the Western Rhode Island Home Repair Executive Board with regard to the future of the program. Councilor Reichert stated that he spoke with Tom Mainville, Finance Director, about this and will try to set up a meeting for next week. Councilor W. Steere noted that the Executive Board has a meeting scheduled for Tuesday, November 7<sup>th</sup>, at the Scituate Senior Center.

## XIII. Open Forum

- A. Bill Dupuis, 817 Durfee Hill Road, congratulated the Council members who were elected and expressed deep regret that Councilor DeGrange was not. B. Dupuis stated that he is in favor of implementing solar power in Town. B. Dupuis asked what is the status of Johnson's Farm. B. Dupuis noted that yard sales have been held there and stated that if Mr. Johnson is conducting the yard sales, he should be using the proceeds to compensate the neighbors who have had problems due to the damage he has done to the property.

Councilor W. Steere replied that, to his knowledge, it is the residents who are having yard sales and not Mr. Johnson. Councilor W. Steere noted that the taxes must be current or the property would have gone up for tax sale. Tim Kane, Assistant Town Solicitor, stated that he believes that the property is in foreclosure, but that the process could take six to nine months.

B. Dupuis stated that he attended a School Committee meeting where he was told that discussion regarding the high school could not take place. Councilor Burlingame stated that this is true because it was not a Regional School Committee meeting. B. Dupuis stated that the taxpayers elect these people and should be able to ask any questions that they may have.

Councilor Burlingame explained that at a Glocester School Committee meeting, the only schools that can be discussed are Fogarty and West Glocester Elementary. B. Dupuis stated that these six members are elected by the voters and should answer all questions asked in Open Forum.

Anne Ejnes, School Committee member, stated that there is Open Forum at both Glocester School Committee meetings and Regional School Committee meetings. A.

Ejnes stated that B. Dupuis was told that the issues he was raising at the Gloucester meeting were more appropriate for him to raise at a Regional meeting, which he was more than welcome to attend. A. Ejnes noted that she did speak to him after the meeting to try to answer his concerns. A. Ejnes added that people are allowed to speak during Open Forum at both meetings, however, the School Committees are conservative regarding addressing matters that are not on the agenda.

B. George Charette thanked the Council members for their confidence.

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:21 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS:0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 6, 2012 Town Council Meeting.

At a meeting of the Town Council holden in and  
for the Town of Gloucester on **December 6, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Jean M. Fecteau, Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Judy Branch, Director of Human Services; Linda Nichols, Community Resource Commission chair; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

A. Marie Sweet, of Chestnut Hill Road, stated that she submitted an application to be considered for the Planning Board, but has since been elected Vice-President of the Heritage Society. M. Sweet stated that there may be a conflict of meeting dates and requested her application to serve on the Planning Board be withdrawn, at this time.

B. Rose LaVoie spoke regarding the agenda item under New Business which addresses Candlelight Shopping Police Detail, asking if the public would be allowed to comment at that time. The response was affirmative.

V. Consent Items - Discussion and/or Action

A. Town Council Minutes: October 18<sup>th</sup>, November 1 & November 15, 2012

MOTION was made by Councilor G. Steere to APPROVE the Amended minutes of October 18, 2012, the minutes of November 1<sup>st</sup> and November 15, 2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action
  - a. Community Resource Commission -
    1. One unexpired Alternate one year terms
    2. One two year term to expire 01/01/2013

Linda Nichols, Community Resource Commission chair, stated that she has no recommendations at this time and will place an advertisement for candidates.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission for one Alternate one year term; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Burlingame to TABLE the appointment to the Community Resource Commission for one two year term to expire 1/1/2013; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- b. Planning Board
  - One five year term to expire 3/2017

MOTION was made by Councilor G. Steere to TABLE the appointment to the Planning Board for one five year term to expire 3/2017; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- c. Local Board of Appeals for Building Code
  - One five year term to expire 6/2012

Councilor W. Steere stated that Lori Michailides, who currently serves on the Executive Board of Western RI Home Repair, has agreed to serve on the Local Board of Appeals for Building

Code. There was discussion regarding the qualifications of the candidate. Jean Fecteau, Town Clerk, stated that L. Michailides would represent the position of a resident of the Town, therefore would not need special qualifications.

MOTION was made by Councilor G. Steere to APPOINT Lori Michailides to the Local Board of Appeals for one five year term to expire 6/2012; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

There was discussion regarding the expiration of the term for Local Board of Appeals. It was stated that it is a five-year term which will expire in June of 2017.

MOTION was made by Councilor Burlingame to AMEND the motion to appoint Lori Michailides to the Local Board of Appeals for Building Code to change the expiration date to 6/2017; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

- d. Historic District Commission  
One Alternate Member to Expire 11/2013

Councilor W. Steere stated that Charlie Wilson, Chair, has indicated that the board recommends Michael Robinson.

MOTION was made by Councilor DeGrange to APPOINT Michael Robinson to the Historic District Commission for one alternate term to expire 11/2013; seconded by Councilor G. Steere.

Discussion: Councilor G. Steere noted that M. Robinson formerly served on the Smithfield Historic District Commission and has since moved to Gloucester.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

- B. Code of Ordinance
  - 1. Proposed Ordinance
    - Bank owned properties - Maintenance - Discussion and/or Action

Discussion:

Councilor G. Steere stated that most of this proposed ordinance is acceptable, however he feels that the mention of peeling paint is a bit harsh. Councilor G. Steere noted that this ordinance pertains to bank-owned foreclosed properties only, which is spelled out clearly. Councilor Reichert stated that the Town of Johnston has a similar ordinance by which they clean up bank-owned properties and subsequently place a lien on the property.

Tim Kane, Assistant Town Solicitor, stated that the intent is to put the bank on notice and hope for a response, adding that spending Town money on a property and placing a lien would be a last resort.

MOTION was made by Councilor Burlingame to schedule a First Reading of the Proposed Ordinance regarding Bank Owned Properties for the Town Council meeting of December 20, 2012; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

C. Bd. Of Contract & Purchases

1. Bid Award - IFB 2012-00 – Smith & Sayles Reservoir- Disc. and/or Action

Councilor W. Steere stated that the Community Resource Commission and the Board of Contracts & Purchases have both met and discussed this bid.

Linda Nichols, chair of the Community Resource Commission, stated that the board recommends Mike DeFrancesco, P.E., adding that he is very highly qualified. L. Nichols noted that M. DeFrancesco was recommended by several references. L. Nichols pointed out that Mr. DeFrancesco is also experienced with waste water and would be an asset to the Commission, as they also serve as an advisory board on the subject.

L. Nichols further stated that the Commission did research on each of the bidders and agreed that M. DeFrancesco should be awarded the job. It was noted that this project will not cost anything to the Town as a grant was received for this purpose.

L. Nichols stated that the Commission also applied for a grant from the Champlin Foundation which was denied. Councilor W. Steere asked what was the intent of this grant request. L. Nichols replied that the Commission intended to purchase a tractor. Councilor W. Steere stated that this is a separate matter, and thanked L. Nichols for her efforts.

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

December 6, 2012

To: Town Council

From: Board of Contracts & Purchase

Re: Award of RFP 2012-00 "Smith & Sayles Reservoir (Sand Dam) micro-hydroelectric power feasibility study"

- I. RFP 2012-11 was advertised in accordance with current rules and procedures.
- II. Three proposals were received and evaluated by the Board.
- III. The Board recommends the bid not be awarded to the lowest bidder for the following reasons:
  - A. The lowest bidder was slow to respond to requests for additional work references (they had only submitted one reference).
  - B. One reference was dissatisfied with the work performed by the lowest bidder - to the point where they hired another engineer to correct and finish the work.
  - C. The amount bid by the lowest bidder was not all-inclusive. The proposal listed costs that would be in addition to the proposal price.

The Board recommends the bid be awarded to the second lowest bidder for the following reasons:

- A. He received excellent references.
- B. His bid price is all inclusive.
- C. He is willing to do the work within the grant award amount of \$18,881.

Recommended bidder:

Michael P. DeFrancesco, PE, LLC (401)742-1968  
87 Hallville Road  
Exeter, RI 02822

For the bid amount of \$18,881 for a comprehensive feasibility study for a micro-hydroelectric power generating system at the outlet of the Smith & Sayles Reservoir.

Respectfully submitted,

Susan Harris - Deputy Town Clerk (representing Jean Fecteau - Town Clerk)

Thomas P. Mainville - Director of Finance

(end of recommendation)

Discussion: There was Council consensus that the Community Resource Commission members did their homework on this matter and the Council agreed with their recommendation.

MOTION was made by Councilor Reichert to award IFB 2012-00 - Smith & Sayles Reservoir, to Michael DeFrancesco, PE, LLC, for the sum of \$18,881 for a comprehensive feasibility study for a micro-hydroelectric power generating system at the outlet of the Smith & Sayles Reservoir; seconded by Councilor G. Steere.



Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

D. Land Trust - Discussion and/or Action  
Update on Policies and Procedures

Discussion:

Councilor Burlingame stated that Bruce Payton, Land Trust chair, has submitted another draft based upon minutes of the Land Trust meetings. Councilor Burlingame noted that the Council wanted to add language that addressed how appraisals would be made. Councilor Burlingame stated that he forwarded the draft to Tim Kane, Assistant Town Solicitor, to be reformatted as "Rules of Procedure."

Councilor Burlingame stated that if the Council members agree, the draft could be finalized and adopted at the next meeting. Councilor Burlingame stated that Councilor G. Steere made a good point that the residents of Town should be made aware of land purchases by the Land Trust, and suggested that this be added to the Rules of Procedure. Tim Kane, Assistant Town Solicitor, noted that once the deed is recorded, it becomes public, but an announcement could also be made to the public.

MOTION was made by Councilor Burlingame to forward the latest revision of the Land Trust Policies and Procedures for their approval with the addition of a statement that once a transaction has been completed, it will be announced publicly; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VII. New Business

A. Personnel Citation - 40 Year Employee - Discussion and/or Action

Councilor G. Steere read the following Citation into the record:

Be it hereby known to all that the Town of Gloucester hereby offers  
its sincerest congratulations to  
DOUGLAS W. COLWELL  
in recognition of

40 years of service to the Town of Gloucester.

Doug started as a driver laborer in November, 1972 and with his hard work and dedication rose to foreman and currently serves as the Assistant Director of the Public Works Department.

The Town Clerk and the Town Council commend you and thank you for your years of service to the Town of Gloucester.

Proposed this 6<sup>th</sup> day of December, 2012 by:

Walter M. O. Steere, III, President, Gloucester Town Council and  
Jean M. Fecteau, Town Clerk.

Seconded by Councilor Burlingame.

Discussion:

Councilor G. Steere stated that he informed Doug that this Citation would be read tonight but he replied that he did not want any recognition. Councilor G. Steere commented that 40 years is quite a record and should be recognized.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere thanked Doug Colwell for his commitment to the Town of Gloucester over the past 40 years.

B. Public Works - Discussion and/or Action

1. Authorize of vehicle purchase (Truck)

Councilor W. Steere stated that the Council has received a request from Gary Trembl for authorization to purchase a used 1987 International Model 1954#C1080 Fire Truck with 20,536 miles from Chepachet Fire Dept. for \$10,000.00. Councilor W. Steere noted that it will be converted into a plow truck.

Discussion:

Gary Trembl, Director of Public Works, explained that this truck could be worked on at the Highway Department because it does not have computers and modules which would require sending out to a dealer. Councilor W. Steere asked how much a new truck would cost. G. Trembl replied that this type of truck would cost \$120,000, adding that the used truck could be refitted at a significant savings.

MOTION was made by Councilor G. Steere to AUTHORIZE the Public Works Director to purchase a 1987 International Model 1954 #C1080 Fire Truck from Chepachet Fire for \$10,000; seconded by Councilor Reichert.

Discussion:

Tom Mainville, Finance Director, stated that this purchase will be made from the 2012-2013 Capital Budget.

MOTION was made by Councilor G. Steere to AMEND the MAIN MOTION adding that to his motion.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

C. Finance: Assignment of Fund Balance - Discussion and/or Action

Councilor W. Steere stated that Tom Mainville, Finance Director, is requesting this item (as he did last year). Councilor W. Steere stated this process pertains to GASB 54 in accordance with our Fund Balance policy (approved by the Council) the Council will have to assign portions of the ending fund balance.

Councilor W. Steere stated the following is a current listing of the purposes and amounts to be assigned, and as Council did last year, T. Mainville suggested that the Council give him and the Council president the authority to adjust some of the numbers to ensure that we do not fall outside the cap.

Discussion: None.

MOTION was made by Councilor Burlingame to “Assign” the following portions of the General Fund balance at fiscal year end June 30, 2012 for the purposes specified:

\$ 1,508	Tree planting
\$ 141,772	Healthcare reserve
\$ 350,000	Other Post Employment Benefits [OPEB]
\$ 28,430	Police equipment maintenance
\$ 21,682	Senior Center dues
\$ 52,969	Radio contracts
\$ 39,263	Computer systems maintenance
\$ 123,159	Foster-Glocester Regional Schools - student pro ration

and to AUTHORIZE the Finance Director and Council President to make adjustments as necessary to comply with our required surplus; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

#### D. Holiday Schedule - Discussion and/or Action

Councilor W. Steere stated that the Council received the following message from Tom Mainville:

I spoke to the employees here at the Town Hall and Gary T. spoke to the DPW employees.

All are willing to give up a half-day of vacation [or its equivalent, but not sick time] to get the full day off for both Christmas eve and New Year's eve.

I am told that the DPW workers understand that if it snows and they have to come in, that the half-day off using vacation won't apply, i.e., they won't get time and one-half for that period of time, but they would get it for the half-day holiday.

I don't believe the Police are affected by this.

Tom

(end of memo)

Discussion: None.

MOTION was made by Councilor DeGrange to AUTHORIZE the Director of Human Resources to amend the holiday schedule to allow the employees working in the Town Hall, the Senior Center, Animal Control, and the Dept. of Public Works to use ½ vacation day, personal time or earned comp time on both Monday, December 24 and Monday, December 31, 2012 in place of the regularly scheduled work day, in effect closing the Town Hall, Senior Center, Animal Control, and DPW all day on both days.

Some stipulations apply to Public Works Employees: i.e., if there is a snow or ice event or other circumstance on either ½ day and they are called in to work, the ½ vacation day allowance does not apply. These employees (PW) would receive regular compensation for working the non-holiday portion of the day and time and one-half for the half-day holiday.

Seconded by Councilor G. Steere.

Discussion:

Councilor W. Steere asked what would be done if an employee did not have sufficient vacation time. Tom Mainville, Finance Director, replied that he feels that this would not be an issue.

Councilor W. Steere asked if the time off would affect overtime for Public Works employees if there was a storm that week. T. Mainville replied in the negative.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

E. Donation: Candlelight Shopping Police Detail - Discussion and/or Action

Councilor W. Steere stated that at Council's last meeting there was consensus by the Council to pay for police detail for one night of candlelight shopping. If so, this action requires a motion of the Town Council.

Discussion: None.

MOTION was made by Councilor DeGrange to AUTHORIZE the payment of a police detail for one night of candlelight shopping, December, 2012; seconded by Councilor G. Steere.

Discussion:

Rose LaVoie objected to paying the Police Department for this detail, noting that they are well-paid and receive many benefits. R. LaVoie stated that when she was President of the Heritage Society, this was a drain on their budget. R. LaVoie further stated that it is tough to ask the local businesses to pay as they already pay so much in taxes.

R. LaVoie noted that she takes exception to having to pay for this service as the Town spends so much money for the Police Department already. R. LaVoie asked how much a one night detail would cost. Councilor W. Steere replied approximately \$200.00. Councilor G. Steere stated that he believes that last year, the merchants paid for one night, the Town paid for one night, and the Police Department donated one night's service.

Councilor Burlingame asked if that offer is still on the table. Councilor G. Steere stated that he will ask Chief DelPrete if he is willing to donate one night again this year. There was Council consensus to ask the Chief.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Judy Branch, Director of Human Services, reported that, thanks to many generous people in Town, the Food Pantry had a wonderful Thanksgiving. J. Branch thanked all those who helped, especially Councilor G. Steere who donated many turkeys and delivered baskets. J. Branch stated that she has 100 families that need help at Christmas, but noted that she has had many donations and offers to adopt a family.
- B. Linda Nichols, Community Resource Commission chair, reported that the \$35,000 Champlin Foundation grant was not awarded because the applications submitted exceeded the funding available. L. Nichols stated that the Commission will apply again next year and seek other grant opportunities for farming and agriculture to obtain a tractor for the garden on Route 94.

L. Nichols also stated that she applied for a grant for a garden at Fogarty School. L. Nichols further stated that a grant was applied for in the amount of \$1,000 from Home Depot.

Councilor G. Steere asked if the Commission was able to use the Land Trust tractor to straighten up the field. L. Nichols replied she will try to find out.

- C. Dr. Michael Barnes, Foster-Glocester Superintendent, expressed appreciation to the Glocester Police Department, particularly Chief DelPrete and Officers Hebert and D'Amato for their help and cooperation regarding several recent activities, such as a lock-down drill and K-9 search of the schools. In addition, an evacuation drill was held with the assistance of Captain Mattera and Matt Floor.

Dr. Barnes also wished to acknowledge Jean Fecteau, Town Clerk, for her ongoing support of educational programs at the schools, such as mock elections.

#### IX. Council Correspondence/Discussion

- A. Councilor W. Steere stated that the Council received a letter from Secretary of State regarding the recent election and the Electoral College.
- B. Councilor W. Steere stated that a letter was received from the West Glocester Fire Department regarding the crowd management class.
- C. Councilor W. Steere stated that a letter was received from Police Local #638 stating that the current collective bargaining agreement will expire on June 30, 2013. Councilor W. Steere stated that an acknowledgment was sent to the president of the Union.

#### X. Open Forum

- A. Rose LaVoie stated that the Police Department does a good job, adding that it is a just a matter of communication. R. LaVoie publicly thanked Roy Najecki of the Land Trust for giving her a wonderful tour of the Steere and Phillips properties on his tractor.

Regarding Boards and Commissions, R. LaVoie commented that the Town really needs volunteers to serve. Concerning traffic control, R. LaVoie stated that years ago, constables served the purpose and she recommended that we consider this as a lower cost alternative to a Police detail.

- B. Walter Bienieki, of Spring Grove, spoke regarding a letter he sent to the Council several weeks ago. W. Bienieki stated that the letter was about the Senior Center and he was told that the matter would be addressed. Councilor Burlingame stated that the letter and another similar letter were forwarded to David Chace, chair of the Senior Center Board of Directors.

W. Bienieki stated that there is a major problem at the Center and many people are concerned. W. Bienieki explained that Fran Ballou is the Director but has no power to ask somebody to leave if they are causing trouble. Councilor Burlingame stated that he will speak to the Board chair and ask him to contact Mr. Bienieki.

- C. David LaPlante commented on the matter of a Police detail at the Candlelight Shopping event. D. LaPlante recommended that the request for the detail should be directed to the F.O.P. president instead of the Police Chief. D. LaPlante noted that this would make the request a community project as opposed to a work-related project.
- D. Marie Sweet expressed agreement with David Laplante's comments. M. Sweet spoke regarding the solar energy presentation which took place at the last meeting. M. Sweet noted that the company is based in Texas and asked if local people would be working on this project. M. Sweet also asked where the solar panels would be manufactured. M. Sweet stated that she realizes that the Council does not have answers to these questions and will present them the next time the company has a presentation.
- E. Walter Steere, Jr., School Committee member , spoke regarding solar panels, stating that the subject is on the agenda for their next meeting. W. Steere, Jr. stated that there are many questions and the School Committee will take a long, hard look at it. Councilor Burlingame agreed, stating that the report that was given to the Council is short on details and specifics.

Walter Steere, Jr. thanked Jean Fecteau, Town Clerk, for everything she did regarding the Wreaths Across America ceremony. J. Fecteau commented that the ceremony was beautiful and emotional. W. Steere, Jr. stated that Michael Calenda will be attending the ceremony in Washington, D.C. Councilor G. Steere noted that one of Glocester's police officers has volunteered to make the trip to Washington on his own time.

- F. Rose LaVoie stated that the Wreaths Across America ceremony is a wonderful way to show students that everybody still cares about our veterans.

#### XI. Seek to Convene to Executive Session

MOTION was made by Councilor G. Steere to Convene to Executive Session pursuant to R.I.G.L. 42-46-5 (a) 2 Potential Litigation; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

XII. Reconvene Open Session - Disclosure of Votes Taken in Executive Session

MOTION was made by Councilor Burlingame to SEAL the minutes of Executive Session; no votes were taken; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS:0

MOTION PASSED

XIII. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:53 p.m.; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the December 20, 2012 Town Council Meeting.



At a meeting of the Town Council holden in and  
for the Town of Gloucester on **December 20, 2012**

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, President; George O. (Buster) Steere; Vice-President; Edward C. Burlingame; William E. Reichert; and Michael L. DeGrange.

Also present: Susan Harris, Deputy Town Clerk; Tim Kane, Assistant Town Solicitor; Gary Treml, Director of Public Works; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Judy Branch, Director of Human Services; and Walter Steere, Jr., School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was recited and a moment of silence was observed in memory of the victims of the Newtown, Connecticut shooting.

IV. Open Forum for Agenda Items

None

V. Public Hearing

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

1. Chapter 387 Public Records Access -

- a. Amend procedure to reflect State Law
- b. Sect. 2. Fees

Councilor W. Steere DECLARED the Public Hearing OPEN and stated that this Public Hearing was advertised in the Observer on November 29, 2012.

Councilor W. Steere stated that this amendment, as was explained at the first reading, is to amend our current chapter to meet state law.

Councilor W. Steere asked if any one wished to speak.

Councilor W. Steere DECLARED the Public Hearing CLOSED.

Discussion: None.

MOTION was made by Councilor G. Steere to AMEND the Gloucester Code of Ordinance, Chapter 387, Public Records Access, as proposed, to reflect 2012 Rhode Island General Law and to include Sect. 2 Fees; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

2. Chapter 350, Zoning
  - a. Sect. 49. H. Accessory Family Dwelling unit. Eliminate calculations & revise square footage
  - b. Sect. 11, Attachment 1, Table of Use,
    1. Sect. 2.9, add reference & eliminate text
    2. Sect. 1.4 Keeping of Animals, remove setbacks
  - c. Sect. 44 Vision Clearance at Corners, add diagram only

Councilor W. Steere stated that this proposed amendment was advertised in the Observer on November 29, December 6 and December 13, 2012.

Councilor W. Steere stated the Zoning Chapter has stricter advertising requirements, per state law; these proposed amendments were recommended by the Planning Dept. with the approval of the Planning Board and are as follows:

**§ 350-49. Accessory family dwelling unit.**

**H. The AFDU shall contain no more than one bedroom, is limited to no more than 750 600 square feet of habitable space, and must be occupied only by members of the family occupying the principal residence**

Recommendation: This amendment would eliminate the need to calculate how much space in a AFDU is habitable and it is believed that 750 square feet is a more reasonable amount of space.

**§350-11, 350 Attachment 1, Table of Use Regulations Section 2.9. Accessory family dwelling (see Article 350-49 for requirements) (all text deleted)**

Recommendation: This portion of the Zoning Ordinance is redundant and it is recommended that it be deleted.

**Keeping of Animals §350-11, 350 Attachment 1, Table of Use Regulations Section 1.4 The keeping of animals as pets or for recreational or educational purposes such as riding or appropriate 4-H activities and their incidental sale on a limited scale or raising animals for home consumption, provided there are two acres of land area and housed at least 60 feet from any property line to prevent the creation of a nuisance to abutting properties**

Recommendation: It is not clear where the 60 ft. requirement came from and minimum building setbacks must be adhered to.

**Vision Clearance at Corners § 350-44. Vision clearance at corners. On any corner lot and at street intersections in all districts, no wall, fence, structure or building shall be**

**erected, and no hedge, tree, shrub or other vegetation shall be maintained, between the heights of 2 ½ and 10 feet above street level within the triangle formed by the two street lines and a third line joining points on the street lines 30 feet from the intersection of street lines.**

**ADD Drawing:**

Recommendation: The wording would remain the same, but a drawing would be added to illustrate what is required regarding vision clearance.

**(End of proposed amendments)**

Councilor W. Steere DECLARED the Public Hearing OPEN and asked if anyone wished to speak.

Hearing none, Councilor W. Steere DECLARED the Public Hearing CLOSED.

Discussion: None.

MOTION was made by Councilor G. Steere to AMEND the Gloucester Code of Ordinance, Chapter 350 Zoning, Sects. Sect. 49. H. Accessory Family Dwelling unit; Sect.11, Attachment 1, Table of Use, Sect. 2.9, add reference & eliminate text; Sect. 1.4 Keeping of Animals, and Sect. 44 Vision Clearance at Corners; seconded by Councilor DeGrange.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

A. Town Council Minutes: December 6, 2012

B. Finance Director's Report

C. Tax Collector's Additions and Abatements

MOTION was made by Councilor Reichert to APPROVE the Town Council Minutes of December 6, 2012; to TABLE the Finance Director's Report; and to APPROVE the Addition to the 2012 Tax Roll in the amount of \$826.41; no Abatements to the 2012 Tax Roll; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Board and Commissions

1. Appointments - Discussion and/or Action
  - a. Community Resource Commission -
    1. One unexpired Alternate one year terms
    2. One two year term to expire 01/01/2013

MOTION was made by Councilor DeGrange to TABLE the appointments to the Community Resource Commission; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

b. Planning Board

One five year term to expire 3/2017

MOTION was made by Councilor Reichert to TABLE the appointment to the Planning Board for the five year term to expire 3/2017; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

2. Land Trust - Discussion and/or Action
  - Update on Policies and Procedures

Councilor Burlingame stated that there were questions regarding code of conduct and asked Bruce Payton, Land Trust chair, if the board had approved the Council's recommendations. Councilor Burlingame stated he had forwarded what he believed to be approved changes to the Solicitor for formatting and then it was given back to the members. Councilor Burlingame stated there was then some question about a "Code of Conduct."

Councilor Burlingame asked Mr. Payton if these changes were approved in their final format. Bruce Payton replied that the changes were a little more than the intent of the Land Trust and were rejected. B. Payton stated that a workshop will be held where actions and decisions can be made. B. Payton stated the Code of conduct was not included and there was one additional change. Councilor Burlingame stated the Code of Conduct was not included because it was not part of the proposal.

Councilor Burlingame read from Chapter 392 Rules and Procedures for Boards and Commissions. Councilor Burlingame stated the thought is we can't have a separate rules of

conduct for one board. Councilor Burlingame stated we can not legislate appropriate behavior. Councilor Burlingame stated that nothing will be decided tonight; it will be up to the new Council. Councilor Burlingame stressed the importance of notifying the public regarding Land Trust purchases, which is what was added.

#### VIII. New Business

##### A. Personnel

##### 1. Public Works

##### a. Employee Retirement - Discussion and/or Action

Councilor W. Steere stated that the Council has received the retirement letter of Doug Colwell to be effective 12/28/2012. Councilor W. Steere noted that Mr. Colwell was given recognition at the last Town Council meeting for his 40 years on the job. Councilor W. Steere stated the resignation is on file in the office of the Town Clerk.

MOTION was made by Councilor G. Steere to ACCEPT the resignation of Douglas Colwell from the Public Works Department effective 12/28/2012; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

Councilor W. Steere expressed thanks to Doug for his service to the Town. Councilor Burlingame noted that many years ago, Doug did a great job filling in when the Town was without a Public Works Director for an extended period of time. It was stated that Doug is a dedicated employee.

##### b. Appointment: Mechanic/Driver Laborer

Discussion: Gary Treml, Director of Public Works, stated that this position will be advertised and applications will be taken. G. Treml noted that this position was created by Doug Colwell's retirement. G. Treml stated we are not creating a new position. Tom Mainville, Finance Director, stated that the title of the position must be changed. Councilor Reichert asked if a vacancy will show (for the position formerly held by D. Colwell). T. Mainville stated it would not.

MOTION was made by Councilor G. Steere to advertise for the position of "Mechanic - Truck and Equipment in the Department of Public Works;" seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

- B. Public Works - Discussion and/or Action
  - 1. Authorize of vehicle purchase (Truck)  
2004 Peterbilt dump truck

The Public Works Director has requested: Approval of the purchase of a used 2004 Peterbilt dump truck with 28,633 miles purchased for \$57,795.00 at auction. This truck will be paid for out of Capital Budget "Equipment new or used trucks."

Discussion:

Gary Trembl, Director of Public Works, stated that this truck is clean and in excellent condition and if the Town bought the exact same truck today, the cost would be \$118,000.

MOTION was made by Councilor Reichert to RATIFY the purchase, at auction, of a 2004 Peterbilt 330 S/A Dump Truck for the purchase price of \$57,795.00; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- C. Annual Renewal of Contract: Senior Services Inc & Town of Gloucester  
Senior Center Meals, 1/1/2013 to 12/31/2013

Councilor W. Steere stated that the Council has received the annual request for the contract renewal between Gloucester and Senior Services for daily meals to be delivered to the Senior Center.

MOTION was made by Councilor DeGrange to AUTHORIZE the Town Council President to sign the contract between the Town of Gloucester and Senior Services, Inc. for the period January 1, 2013 through December 31, 2013 for the purpose of serving congregational meals to the Senior Center, 5 days per week; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0

MOTION PASSED

- D. Gloucester Code of Ordinances
  - 1. 1<sup>st</sup> Reading Proposed Addition:  
**Public Nuisances on Foreclosed Abandoned or Vacant Properties**

Councilor W. Steere stated that the Town solicitor has submitted a final draft for consideration, copies of which are available to the public.

MOTION was made by Councilor Burlingame to waive the reading of the proposed addition to the Gloucester Code of Ordinances; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Reichert to set a Public Hearing Date of January 17, 2013; seconded by Councilor G. Steere.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

#### E. School Security Measures - Discussion and/or Action

Councilor W. Steere stated that this is a concern in the wake of last week's events in Connecticut. Joseph DelPrete, Chief of Police, stated that it was an unspeakable tragedy, adding that Police vehicles have been present at the schools all week to put the students at ease. Chief DelPrete stated that prior to this, his department has been involved in mock drills and evacuation drills at the high school and middle school.

Chief DelPrete also stated that active shooter training sessions have taken place and will continue to take place at both schools. Regarding the elementary schools, Chief DelPrete noted that security plans are being reviewed and updated. There was discussion regarding the rumored "end of the world" on December 21<sup>st</sup>, as well as the one week anniversary of the Sandy Hook School tragedy.

Councilor Burlingame suggested having a police presence at all schools for the entire day. Chief DelPrete stated that the exact concern was expressed by the administration at the high school level, but he was not planning on having an officer at the elementary schools. Councilor Burlingame stated that he feels that a police presence would ease the teachers' minds, adding that other rural communities are planning to do it.

Councilor DeGrange, speaking as a parent, stated that he would feel better if a police car was present at each school. Councilor W. Steere expressed agreement, adding that he would like the Council to review the updated plans in order to reassure the public.

#### IX. Department Head Report/Discussion Bds. & Commissions - Discussion

- A. Gary Treml, Director of Public Works, reported that the 4-way stop signs have been installed at Durfee Hill Road and Chestnut Hill Road. G. Treml stated that stop signs

have also been installed at the bottom of Old Snake Hill Road and at the intersection of Salisbury Road and Jackson Schoolhouse Road. G. Treml also spoke regarding the Hawkins Pond project. G. Treml stated he send the final cost for that project to the Finance Office. Councilor W. Steere commended the Public Works Department and the Town Planner for their efforts.

- B. Ray Goff, Town Planner, spoke regarding survey work which is needed at West Gloucester School. R. Goff explained that quotes have been obtained, the lowest of which is \$3,100. Councilor G. Steere noted that when the property was originally surveyed, everybody thought it was all right, and asked how this discrepancy was discovered.

R. Goff replied a survey was done to the south in 1995 which indicated a discrepancy regarding the property line. R. Goff stated that Mrs. Cuff, the abutting property owner, is amenable to correcting the matter. Councilor G. Steere asked if this was a mistake in the original survey. R. Goff replied that he does not know, but stated that the reasonable thing to do is to get this corrected while Mrs. Cuff is willing to do so.

Councilor G. Steere stated that he had a similar situation regarding a property in Burrillville where a class 1 survey was conducted, but years later a second survey indicated a different property line. Councilor G. Steere stated that a third survey was done which showed yet a different property line. Councilor G. Steere pointed out that this can become costly.

Regarding the quote of \$3,100, Councilor G. Steere noted that this amount is about half of the other bids. Councilor W. Steere asked Tim Kane, Assistant Town Solicitor, if this discrepancy will affect the deed for the school. T. Kane replied that the Town was deeded 19 acres and that is what the survey indicates also. T. Kane stated that the Town was not short-changed, adding that Mrs. Cuff is willing to quitclaim the additional 5 acres to the Town.

Councilor G. Steere stated that this discrepancy must be fixed. Councilor Burlingame noted that the only thing Mrs. Cuff is requesting is that the Town pay for the survey and that she be credited for the taxes she has been paying on the property over the last several years.

There was discussion concerning where the money for the survey will come from, as it is not a budgeted item. Tom Mainville, Finance Director, replied that the survey will be paid for from the Town Council Contingency Fund. It was stated that authorization is needed and will be on the next Council agenda.

R. Goff stated that he has received a contract from the CDBG for Gloucester's portion of the grant, since the Western Rhode Island Home Repair Program is in limbo at this time. Consensus was to place on the agenda for the next Council meeting.



Councilor G. Steere asked R. Goff to give the Council a breakdown with regard to the hours he spent working on the Hawkins Pond project.

- C. Councilor W. Steere asked Judy Branch, Director of Human Services, how things are going in her department during the holiday season. J. Branch stated that she has a lot of help and there have been many generous donations of food, toys and money. J. Branch stated that there is an extreme need in Glocester and she receives new clients each week. Councilor W. Steere thanked J. Branch for her efforts.
- D. Bruce Payton, Land Trust chair, stated that he received a release of violation from the Department of Environmental Management with regard to the Hawkins Dam. B. Payton stated that the release has been recorded in the Town Clerk's Office. B. Payton expressed appreciation to Gary Treml, Director of Public Works, for his department's assistance in this matter.

B. Payton spoke regarding new signs on Land Trust properties which abut hunting areas. B. Payton explained that the signs are designed to caution people and their pets to remain on the trails.

B. Payton sent out a notice from the R.I. Hunting & Trapping booklet which states firing into land without landowner permission is against the law. B. Payton stated he has forwarded this information to the Trust. B. Payton stated this furthers the Land Trust position to not close the trail (Steere Hill).

Councilor G. Steere asked if this D.E.M. release means the "as built" by Mr. Cook was accepted. B. Payton stated it is all done and violation has been removed.

#### X. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a press release was received from the BGYSA stating that grant money was received for work on the soccer fields.
- B. Councilor W. Steere stated that correspondence was received from a resident who suggests that an Ordinance be considered to allow residents to raise chickens on their property.
- C. Councilor W. Steere stated that a letter was received from the Probate Judge thanking the Council for the privilege of serving for the past two years and expressing the desire to serve another term.
- D. Councilor W. Steere stated that correspondence was received from the Rhode Island Interlocal Trust with regard to a claim against the Town with regard to an incident at the Transfer Station.
- E. Councilor W. Steere stated that an update was received from RI Housing regarding the Hardest Hit Fund, a foreclosure prevention program.

## XI. Open Forum

- A. Marie Sweet, Chestnut Hill Road, spoke regarding the Candlelight Shopping event, stating that it has been a success despite the economy. M. Sweet noted that the Gloucester Heritage Society will be open the Saturday before Christmas with some of the local merchants selling their wares. M. Sweet thanked the Town Clerk for her help and reminded all that the third town video is on sale at the store. M. Sweet further stated that there will be a raffle for a 2013 membership to the Heritage Society.

M. Sweet spoke regarding trailer trucks traveling on Chestnut Hill Road. M. Sweet commented that the road is too narrow and curved for this type of vehicle. Councilor Reichert stated that often when you purchase items on-line, they are delivered by freight companies.

- B. George Charette spoke regarding the procedures of the Land Trust. G. Charette stated that he attended the last meeting where the board discussed the subject of disclosure. G. Charette, now speaking as chair of the Planning Board, stated that Bruce Payton, chair of the Land Trust, asked him to stay for Executive Session. G. Charette indicated that being involved worked very well. G. Charette also stated that he cannot and would not divulge any discussion which took place in Executive Session.

- C. Rose LaVoie stated that the decorations at the Town Hall are very tasteful.

R. LaVoie spoke regarding the economic need in Gloucester and suggested that the former State Police barracks could be used as a food pantry or shelter. R. LaVoie noted that there is grant funding available for this type of thing. R. LaVoie spoke about cleaning up the Chepachet River.

- D. Walter Steere, Jr. questioned the trench in the road left by D'Ambra on Route 102 and hoped someone could contact them to fix it. Walter Steere, Jr. asked for an update regarding a recreation grant which was awarded for ball fields. Councilor W. Steere replied that he believes that the property owner is still in negotiations with the bank. Councilor W. Steere stated that the grant is for \$160,000 which we do not want to lose. R. Goff stated that usually these grants have to be used within a year.

## XII. Seek to Convene to Executive Session

- A. Pursuant to R.I.G.L. 42-46-5 (a) 2 Potential Litigation - Discussion and/or action

MOTION was made by Councilor Burlingame to CONVENE to Closed Executive Session pursuant to R.I.G.L. 42-46-5(a) 2 Potential Litigation; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert

NAYS: 0

MOTION PASSED

XIII. Reconvene Open Session - Disclosure of Votes Taken in Executive Session

MOTION was made by Councilor Burlingame to SEAL the minutes of Executive Session. No votes were taken; seconded by Councilor DeGrange.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 9:16 p.m.; seconded by Councilor G. Steere.

VOTE: AYES: W. Steere, G. Steere, Burlingame, DeGrange and Reichert  
NAYS: 0  
MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the January 3, 2013 Town Council Meeting.