

At a meeting of the Town Council holden in and for
the Town of Gloucester on **January 3, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Jamie Hainsworth, Chief of Police; and Lawrence Desormier, Building/Zoning Official.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Cub Scout Troop 1 from Gloucester.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. 100th Anniversary - Laurel Grange

Councilor Poirier stated that he is working on this and would like to table it to the next meeting.

MOTION was made by Councilor Walsh to TABLE the Resolution commemorating the 100th Anniversary of the Laurel Grange to January 17, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Consent Items

A. Approval of Minutes: December 6, 2007

Councilor Sette stated that this should have been for the minutes of December 20th, noting that the December 6th minutes have already been approved.

MOTION was made by Councilor Poirier to REMOVE FROM THE TABLE the Town Council minutes of December 6, 2007; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

- VII. Unfinished Business
 - A. Appointments
 - 1. Foster/Glocester School Building Committee

Councilor Sette stated that due to a pending court hearing this item should again be tabled.

MOTION was made by Councilor Joyce to TABLE the Appointment to the Foster/Glocester School Building Committee; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

- VIII. New Business
 - A. Establishment of Tree Nursery (Town property)

Councilor Sette read the following request from the Conservation Commission:

To: Gloucester Town Council
From: Roy Najecki, Chairman, Gloucester Conservation Commission
Re: Establish Tree Nursery on Town Property

December 6, 2007

The Conservation Commission is charged by RI General Laws, Title 45, Chapter 35 to promote, preserve, and develop the natural resources of our community. Accordingly for many years the commission has held each spring a tree give-away for town residents. Recently it has come to the attention of the commission that two species of trees once common in Gloucester, the American Chestnut and American Elm, are nearly extinct in our town.

The American Chestnut tree has been nearly wiped out by a fungus imported to America one hundred years ago on Asian chestnut trees. Gloucester residents with older homes have main beams made from this strong and rot resistant wood. One of the few remaining American Chestnut trees is a few feet off Chopmist Hill Road (Route 102) next to the new middle school. Research is ongoing to develop a blight resistant chestnut tree, but unfortunately these are not expected to be available for another ten years.

As for the American Elm, photographs of a century ago show this tree lined the main street of Chepachet, but today only one survives. Dutch elm disease (DED), spread by the elm

bark beetle which was accidentally introduced into our country from Asia, has nearly wiped out this tree in the eastern US. To replace diseased American Elms many communities planted Chinese Elms, which are naturally resistant to DED but do not have the classic vase shape of the American Elm. However in the past twenty years researchers have developed new cultivars of the American Elm that are resistant to DED. Some of these cultivars are more resistant to DED than others, all are true American Elms, and none are hybrids or a genetic mix of Chinese and American Elms.

After consulting with our Tree Warden, Town Planner, and Heritage Society; the Conservation Commission has purchased several American Elms saplings. Presently these saplings are in the care of commission member Cheryl Cadwell, a URI master gardener. In 2008 we hope to plant these saplings in a permanent public location. Among the areas under consideration are behind town hall, the senior center, and the Pettingell Mason house. We also may have the opportunity to reintroduce American Elms along Main Street upon the completion of the Chepachet Village Enhancement project in 2009.

The American Elms do need care for their first ten years in order to grown tall and strong. To learn more about how to care for the American Elms the Conservation Commission wishes to establish a small tree nursery on town property. The Town of Bristol, RI has established a tree nursery for the same tree and purpose as we are proposing today. The Conservation Commission hereby requests Town Council permission to use and maintain AP 2 Lot 10, a 5.3 acre parcel on Reynolds Road (Route 94) in the Williams Mills section of town, as a town tree nursery. This parcel was acquired by the town in March 2005 from Factory Mutual Engineering Corp. on the express condition that it be used for park or open space, or other similar public purposes. We expect to plant approx 15 trees on the parcel, thus most of the site would be maintained as open space. The only equipment we will use is a mower to maintain the fields, hand held power tools to remove invasive trees/shrubs and keep the field open, and hand tools to plant and move the saplings.

We wish to note that this is the smaller parcel conveyed to the town, and not the 132 acre lot {AP 2 Lot 2) on Killingly Road with a right-of-way to the Estate of Emma Smith that was the subject of a easement request to the Town Council on June 7, 2007.

Thank you for your consideration
Respectfully,
Roy Najecki
Chairman, Gloucester Conservation Commission

(End of memo)

Discussion: Roy Najecki, Conservation Commission Chair, stated that the intent is to plant a few trees to gain experience. After several years, the trees would be moved to a permanent location and several more would be planted in the tree nursery in order to maintain a stock which could be transferred to other areas of Town.

MOTION was made by Councilor Poirier to AUTHORIZE the establishment of a tree nursery on Town of Gloucester property located on Reynolds Road, also known as AP 2, Lot 10 for the

purpose of raising species of trees which are becoming extinct in the Town of Gloucester; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Appointments (Terms that have expired)

1. Budget Board
3 Expired three year terms

Discussion: Councilor Sette explained that this item is due to the expired terms of Judith Colaluca, Ronald Bachman and Michael F. Morgan. Tom Mainville, Finance Director, indicated that all three would like to retain their positions on the Budget Board.

MOTION was made by Councilor Walsh to REAPPOINT Judith Colaluca, Ronald Bachman and Michael F. Morgan to the Budget Board for three year terms to expire 1/2011; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. Conservation Commission
Two (2) Expired three year terms
One (1) Alternate one (1) year term

Discussion: Councilor Sette explained that this item is due to the expired three year terms of Roger Earle, Thomas Murgot, and an opening which has not been filled as an Alternate with a one year term. It was noted that Roger Earle has asked not to be reappointed. Mr. Earle's letter is on file in the Clerk's Office.

MOTION was made by Councilor Poirier to REAPPOINT Thomas Murgot to the Conservation Commission for a three year term to expire 1/2011; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

Councilor Sette asked Roy Najecki if there are any interested candidates for the remaining two positions. Mr. Najecki replied that an ad will be placed in the Bargain Buyer to solicit volunteers to serve on the Conservation Commission.

MOTION was made by Councilor Walsh to TABLE the appointment to the Conservation Commission for a three year term to expire 1/2011 and a one year alternate term to expire 1/2009; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

3. Zoning Board of Review
Two (2) Alternate one year terms

Discussion: Councilor Sette explained that this item is to reappoint Alfred DeCorte and Sharon Lambert to the Zoning Board. Councilor Reichert stated that he has spoken to Greg Meinertz, Chair of the Zoning Board, who indicated that both members wish to be reappointed.

MOTION was made by Councilor Poirier to REAPPOINT Alfred DeCorte and Sharon Lambert to the Zoning Board of Review for one year alternate terms to expire 1/2009; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Authorization: North Central Chamber of Commerce membership renewal

Councilor Sette read the following request from the Town Planner to renew their annual membership to the North Central Chamber of Commerce.

TO: Town Council, Steve Sette
FROM: Raymond Goff, Town Planner
DATE: December 5, 2007
SUBJECT: North Central Chamber of Commerce Annual Membership Renewal

Enclosed please find a bill for the annual membership fee for the North Central Chamber of Commerce. In the past, the Town Council has approved payment of this membership. I am requesting that Council approve payment and sign the requisition for the 2008 membership fee.

If you have any questions, please contact me.
(end of memo)

MOTION was made by Councilor Reichert to AUTHORIZE the expenditure of \$300 for the 2008 North Central Chamber of Commerce membership; seconded by Councilor Joyce.

Discussion: Councilor Reichert stated that he has spoken to the Town Planner regarding this membership and stated that it is useful to the Town.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

- D. Police Department
 - 1. Intern appointment

Councilor Sette read the following request from the Chief of Police:

To: Honorable Town Council
From: Jamie A. Hainsworth, Chief of Police
Date: December 27, 2007
Re: Appointment of Intern

I request you appoint Ashley Dovenò as a part time intern position no more than sixteen hours per week from a rate of 12.00 per hr. from December 21, 2007 to February 1, 2008.

Ashley is a Town resident and a third year Law Enforcement student at the University of New Haven. Ashley did work part time at the police station in the summer of 2007 and now I have some projects for her to work on and she will also be receiving training in all aspects of law enforcement during this time.

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

(end of memo)

MOTION was made by Councilor Poirier to APPOINT Ashley Dovenò to the Gloucester Police Department as a part time intern at a rate of \$12 per hour from December 21, 2007 to February 1, 2008, not to exceed 16 hours per week; seconded by Councilor Joyce.

Discussion: Councilor Poirier asked if Ms. Dovenò is already working at the Police Department. Jamie Hainsworth, Chief of Police, replied that she is presently working and this position is within the budget of the Police Department. Councilor Walsh asked what type of work Ms. Dovenò is performing. Chief Hainsworth replied that Ms. Dovenò is working on records retention and will next work on data base input.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

E. Medical Emergency System Program Contract - 2008 Grant year

Councilor Sette read the following request for approval of the Medical Emergency Contract:

December 18, 2007
Steven Sette
President, Town Council

Dear Mr. Sette:

Please find overleaf two unsigned copies of the Medical Emergency System (MEDS) Program Municipality Deliverables, which constitutes your Municipality's SNS / CRI contract for the 2008 Grant Year. You are requested to sign and return both copies of the contract to me at the address below. If you are not responsible for MEDS planning within your municipality, please forward this letter and contracts to the individual within your municipality who is responsible. Final signature will occur at the Department of Health and one completed contract will be mailed back to you for your records.

The contract has an effective date of 10 December 2007 and will run through 30 July 2008. It offers a total of \$4000.00 for the achievement of the deliverables as specified and provides for access to an additional \$5000.00 for those municipalities whom are among the first eighteen (18) of the state's thirty-nine (39) to accomplish Deliverable # 1.

If you have any questions regarding this contract, please call me at 401- 222-4905 or contact me via email at Christopher.Daniel@health.ri.gov.

Thank you for your prompt attention to this important matter.

Sincerely,
Christopher C. Daniel, MA
SNS Coordinator
RI Department of Health

(end of memo)

MOTION was made by Councilor Joyce to AUTHORIZE the Medical Emergency System Program Contract for the 2008 Grant year; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

F. Gloucester School Committee

Discussion and/or Action regarding School Committee membership status

Discussion: Councilor Walsh stated that we have a resignation from the School Committee and asked how this vacancy will be filled. Jean Fecteau, Town Clerk, replied that there is a meeting of the Board of Canvassers scheduled for Monday at which time it will be determined which election must be referred to regarding who will be eligible to fill the position, if that person is interested. Councilor Sette explained that, by Charter, the next highest vote-getter will be appointed, but due to the staggered terms of the School Committee, the Board of Canvassers must determine whether it is the 2004 election or the 2006 election that is applicable.

Councilor Walsh asked what can be done regarding the fact that people are not allowed to voice their opinion at an open meeting. John Bevilacqua, Town Solicitor, replied that if an individual attends a meeting and is deprived of the opportunity to express himself or herself, that individual could file a complaint with the Office of the Attorney General.

Councilor Sette stated that he filed a complaint last year regarding the fact that the School Committee conducts their Executive Sessions at the beginning of a meeting versus at the end of the meeting. Councilor Sette stated that his concern was that a meeting would be posted for 7:00, but by the time Executive Session ended and the meeting began, it would sometimes be 8:30 or later, adding that those who chose to stay would be there until late in the evening. Councilor Sette stated that the burden should be on the committee to have to stay late, not on the public. Councilor Sette noted that his complaint resulted in Executive Session taking place at the end of the meeting.

G. Discussion and/or Action

1. 2008 Goals

Discussion: Councilor Sette stated that he would like to see the Road Committee submit a report which could be brought forward and implemented. Councilor Sette also stated that the Planning Board has been working on establishing impact fees. Regarding the budget, Councilor Sette stated that this subject will be difficult this year and during the next few years, adding that the State will not give any more money toward education, which is the largest part of the budget. Councilor Sette stated that in addition to being level-funded for the next seven years, the cap will shrink by 1/4% each year. Councilor Sette noted that since this is the beginning of the budget cycle, we should be cognizant of these problems.

IX. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that the owner of Three Amigos Café has filed an application for a limited liquor license, to be heard at the next Council meeting.

Jean Fecteau also stated that correspondence has been received asking if a full liquor license is available in Town. J. Fecteau noted that this is just an inquiry at this time. John Bevilacqua, Town Solicitor, stated that he has spoken to the attorney and was told that

the request is for a pub with pool tables. J. Bevilacqua advised the attorney that this would probably not be acceptable.

B. Jamie Hainsworth, Chief of Police, stated that he received a call from the architects for the renovations at the high school. There was a request for a Safety Commission meeting to review the parking, lighting and other issues. Chief Hainsworth expressed optimism that any recommendations made by the Safety Commission will be considered.

C. Larry Desormier, Building/Zoning Official, gave an update on the situation at Europa. Councilor Sette stated that this is on the agenda for the meeting of the 17th. John Bevilacqua stated that he will meet with the owner and his attorney next week.

L. Desormier noted that the Three Amigos Café, who has submitted an application for a liquor license, is currently in violation regarding the statue located in front of the property.

Regarding the middle school, L. Desormier stated that he is monitoring the situation concerning the lack of Fire Department approval. Councilor Sette stated that this was addressed by the Building Committee, the Chair of which has stated that this is an issue with the Fire Department, not the Town. There was discussion concerning the biomass systems at both schools. L. Desormier noted that the State Inspector has accepted the system at the high school.

X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

A. Councilor Sette stated that the Council has received a request from Wildlife Rehabilitators Association of Rhode Island for an appropriation of \$150.00 to cover the operating costs of caring for wildlife from this community.

B. Councilor Sette stated that correspondence has been received from the Department of Transportation regarding improvements to Route 44 from Tourtellot Hill Road to Chopmist Hill Road. Construction is expected to begin in the spring.

C. Councilor Sette stated that correspondence was received from United Health which will be referred to Tom Mainville, Finance Director.

D. Councilor Sette stated that correspondence was received from the RI League of Cities and Towns regarding State mandates. Councilor Sette stated that some of these may qualify as relief from the cap and recommended that the Finance Director and Budget Board review this correspondence.

XII. Open Forum

- A. Hank Reagen of Lake View Drive stated that he read in the paper that the School Department is seeking a Superintendent and Assistant Superintendent for two elementary schools. Mr. Reagen expressed concern that the Town cannot afford this. Councilor Sette commented that there were erroneous statements made by the School Committee in the article referred to by Mr. Reagen. Councilor Sette noted that we are in the process of taking over the accounting for the Gloucester schools, and the only additional net cost is for the hiring of a clerk in the Finance Director's office. Mr. Reagen mentioned the possibility of having one of the school principals serve as Superintendent.
- B. Walter Steere, III, Planning Board member, spoke regarding the Building Committee's request to meet with the Safety Commission, noting that the Building Committee stated several months ago that they would contact the Safety Commission the next day. W. Steere stated that the issues involve parking and lighting, adding that he hopes the Planning Board will not ignore the recommendations made by the Safety Commission.
- C. Walter Steere, Jr., School Committee member, commented that Mr. Reagen expressed some good ideas regarding the School Superintendent. W. Steere stated that the position may be part-time and he has heard that the Foster Superintendent may be willing to take on the two Gloucester Elementary Schools. W. Steere noted that there is a search committee in place. W. Steere also spoke regarding contract negotiations with the certified and non-certified personnel.

Walter Steere, Jr. asked Larry Desormier, Building/Zoning Official, if there has been any soil testing at the site of the new school gymnasium. L. Desormier replied that he was there the other day and was assured that there was going to be compaction. W. Steere stated that he feels that there is enough moisture in the soil to allow it to pack, but if it were summer, there would be a problem.

There was discussion regarding money which was taken for computers as well as money which was taken out of supplies and materials. Councilor Sette gave an example that if he went to the Finance Director and asked him to move \$40,000 out of the Police Department budget and place it in the Public Works budget, it would not be possible without a vote of the Town Council. Councilor Sette expressed that when one or two people are aware of this situation, but the other members are not, there is a problem. W. Steere stated that usually the Budget Subcommittee looks through the budget to make recommendations, but this budget cut took place without his knowledge. W. Steere stated that there is a need for new and replacement books, noting that some courses are using a magazine instead of a book.

- D. Tom Gerseney of Reservoir Road stated that the last two speakers have addressed some pertinent issues. Mr. Gerseney suggested that the Town provide some communication, either via the website, a newsletter, or the Bargain Buyer, which would give the citizens the Council's perspective. Mr. Gerseney feels that this would increase attendance at

Town Financial meetings. Councilor Sette stated that there is a reporter for the Valley Breeze who is dedicated just to Gloucester to cover both the Council and School Committee.

XIII. Executive Session Pursuant to:

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

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to R.I.G.L. 42-465(a)2 Litigation/Collective Bargaining; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

No votes were taken in Executive Session.

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:19 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the January 17, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **January 17, 2008**

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice President; Michael Joyce; Kevin Walsh and Charles Poirier.

Member Absent: Steven Sette, President.

Also present: Susan Harris, Deputy Town Clerk, John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of Police; and Lawrence Desormier, Building/Zoning Official

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. 100th Anniversary - Laurel Grange

Councilor Poirier stated that he has received no correspondence regarding this Resolution and asked that the matter be tabled.

MOTION was made by Councilor Walsh to TABLE the Resolution to Laurel Grange in recognition of their 100th Anniversary; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Public Hearing

A. Class BVL (Limited Liquor License)

1. Let's Party Extreme d/b/a Three Amigos Café,

Location of Business: 11 Money Hill Road, further described as AP 10B, Lot 2

Councilor Reichert stated that the Council has received a request from the owner of Let's Party Extreme, d/b/a Three Amigos Café. The owner had originally indicated that he would request a full liquor license. After discussing with Council the owner has submitted an application for a limited license.

Councilor Reichert stated that this Public Hearing was duly advertised in the Providence Journal on January 8 & 15th and abutters have been notified.

Councilor Reichert DECLARED the Public Hearing OPEN.

Councilor Reichert noted that the Council has received comment from the Zoning Official which indicates that there are zoning violations.

Jamie Hainsworth, Chief of Police, spoke regarding the application. Chief Hainsworth stated that he has met with the owners at the site of the business. Chief Hainsworth commented that the owners have done an excellent job of renovating the building, adding that there are several rooms in which parties are held, as well as a store at which party supplies can be purchased.

Chief Hainsworth expressed concern that alcohol would be inappropriate since the entire place is designed for children and adolescents. Chief Hainsworth stated that the owner submitted a plan in which the alcohol would be stored in a locked closet, however Chief Hainsworth stated that he is still against this application for a liquor license.

Larry Desormier, Building/Zoning Official, stated that the business had a violation concerning the signage, but that has been rectified.

Councilor Reichert asked if anyone wished to speak regarding this application.

Discussion: Russell Scharf, owner of Let's Party Extreme and applicant for a liquor license, stated that the building was designed for everybody to enjoy, both children and adults. Mr. Scharf stated that he sought input from the Police Chief to possibly get approval for the license. Mr. Scharf noted that at both of his locations, he hosts adult birthday parties as well as children's parties, and treats each accordingly. Mr. Scharf stated that he does not feel that his establishment looks too much like a children's venue.

Councilor Reichert asked the applicant if he currently holds a liquor license at his other location. Mr. Scharf replied that he has never applied because he has not had a hardship at the other location, adding that there is a restaurant next door with a full liquor license. Mr. Scharf noted that if somebody wishes to have a drink while waiting for their children, they can walk 30 feet to the restaurant.

Councilor Poirier asked Mr. Scharf if there would ever be more than one party taking place at the same time. Mr. Scharf replied that there may be parties in different rooms with the doors secured.

Morgan Gonsalves, co-owner and co-applicant, stated that the license they are seeking is more for the Three Amigos Café division of the business rather Let's Party Extreme. Mr. Gonsalves stated that many customers who come in for dinner ask to have beer or wine served. Mr. Gonsalves noted that it is difficult to get people to come in to the building since it is set off of the road. Mr. Gonsalves stated that obtaining a liquor license would be a "shot in the arm" for the

business. Mr. Gonsalves stated that his partner, Mr. Scharf, has managed Dave & Buster's and is very familiar with managing alcohol and the parties which go with it.

John Bevilacqua, Town Solicitor, stated that due to certain liabilities, he does not find this to be a good mix. J. Bevilacqua stated that he does not believe that children's activities should be in the vicinity of alcohol.

Mr. Scharf stated that he agrees that children and drinking do not go together. However, Mr. Scharf commented that there are also adult events held at his establishment. Councilor Joyce stated that if there is a children's party where the parents are drinking, it poses a safety issue regarding driving those children home. Councilor Joyce noted that we have suffered quite a few losses due to alcohol-related accidents.

Councilor Walsh stated that the Council must decide on whether a license will be offered, and if so, what the license would be. Councilor Walsh explained that the applicants are not seeking a full license, but the Town does not have an available limited license. Councilor Walsh stated that he would like to look at the facility before making a decision. There was consensus for the Council members to view the premises on Saturday, January 19th.

MOTION was made by Councilor Joyce to TABLE the issuance of a Class BVL Limited Liquor License to: Let's Party Extreme d/b/a Three Amigos Café, Location of Business: 11 Money Hill Road, further described as AP 10B, Lot 2; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Finance Directors Report, December 2007

B. Tax Assessor's Additions and Abatements

C. Approval of Minutes: December 20, 2007 & January 3, 2008

MOTION was made by Councilor Walsh to APPROVE the Finance Directors Report of December 2007; to APPROVE Abatements to the 2007 Tax Roll in the amount of \$690.30; (there are no Additions for the month of December); and to APPROVE the minutes of December 20, 2007 and January 3, 2008; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. Unfinished Business

A. Appointments

1. Foster/Glocester School Building Committee

J. Bevilacqua stated that a decision came from Superior Court which indicated that the Building Committee members cannot be removed because they are an autonomous body under the control of the General Assembly. J. Bevilacqua stated that this should be removed from the agenda.

MOTION was made by Councilor Poirier to REMOVE from the Agenda the Appointment to the Foster/Glocester School Building Committee; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Appointments (Terms that have expired)

1. Conservation Commission

One (1) Expired three year terms

One (1) Alternate one year term

MOTION was made by Councilor Joyce to TABLE the 1 expired three year term and the alternate one year term positions on the Conservation Commission; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

IX. New Business

A. Glocester Licensing Board

1. Zoning violation status:

Europa Food Inc., 2400 Putnam Pike

Councilor Reichert stated that the owner of this establishment and his attorney were informed they had until today to post either a cash bond or an insurance surety bond to cover the cost of the planting of a buffer on his property.

Councilor Reichert read the following into the record:

January 17, 2008

Agreement between Europa Restaurant, owner George Melanis and Mark Courtemanche, Landscapers.

Site at Europa Restaurant, located at 2400 Putnam Pike, Glocester, RI.

Excavating and planting of thirty (30) evergreen trees, all will be five and one-half to six feet in height. Each planting will be excavated, the soil to be replaced with approximately one quarter cubic yard of planting soil (loam) with fertilizer. Also included will be mulching around the thirty new trees.

Will remove all dead debris around the planting sites.

All thirty (30) trees are guaranteed for one year from the date of planting, not including natural disasters or wildlife damage.

Work will begin as early in the spring of 2008 as possible, depending on weather conditions being conducive to successful planting. Once work begins to be completed within one month.

Mark Courtemanche (l.s.)

Date: 1/17/08

(end of letter)

George Melanis (l.s.)

Date: 1/17/08

Discussion: John Bevilacqua, Town Solicitor, stated that he and the Building/Zoning Official have spoken to the attorney for Mr. Melanis and were advised that there was a payment to the landscaper to secure the contract. J. Bevilacqua stated that this falls within the amount assessed by the Building Official.

Larry Desormier, Building/Zoning Official, stated that he is confident that Mr. Melanis wants to have this taken care of and put behind him.

Janice Lowell, 2402 Putnam Pike, stated that she does not feel confident and asked who will ensure that this planting will take place. J. Bevilacqua stated that this is a condition of Mr. Melanis's license and he will be in violation if he does not comply. J. Bevilacqua noted that the landscaper has been approved by the Building Official. J. Bevilacqua assured Ms. Lowell that the work will be monitored by himself and the Building Official. Ms. Lowell asked that the Council set a date for review. J. Bevilacqua replied that this will be placed on the Agenda in mid-Spring for review.

MOTION was made by Councilor Poirier to Grant a Liquor License to Europa Food Inc., 2400 Putnam Pike contingent upon all stipulations relative to the issuance of a Liquor License and the following: the completion of landscaping work as detailed in the agreement between Mr.

Melanis and Mark P. Courtemanche Landscaping, said agreement as dated January 17, 2008; said license is to be reviewed on May 1, 2008; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. Extension of License

MOTION was made by Councilor Reichert to Grant a Liquor License to Europa Food Inc., 2400 Putnam Pike contingent upon all stipulations relative to the issuance of a Liquor License and the following: the completion of landscaping work as detailed in the agreement between Mr. Melanis and Mark P. Courtemanche Landscaping, said agreement as dated January 17, 2008; said license is valid until May 1, 2008 when it will be reviewed; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Board of Canvassers Report

1. Recommendation by Board re: School Committee Vacancy

Councilor Reichert read the following report from the Board of Canvassers Clerk, Jean Fecteau:

DATE: January 14, 2008
TO: Gloucester Town Council
FROM: Jean Fecteau, BOC Clerk, on behalf of the Board of Canvassers
RE: School Committee vacancy

Councilors:

On January 7th, 2008 the Board of Canvassers discussed the vacancy on the Gloucester School Committee, due to the resignation of Wynette Dahlquist.

Pursuant to the Gloucester Home Rule Charter, Section § C6-3 Vacancies, which states “The School Committee candidate from the last General or Special Election receiving the next highest total of votes shall fill any vacancy in the membership of the School Committee” and an opinion from the Gloucester Town Solicitor the Board has ruled the next highest voted candidate from the 2006 election shall fill the position.

The Board has certified the following: Kimberly Michalik is the next highest voted candidate. If Ms. Michalik shall choose not to fill the position, the next highest voted candidate would be Vincent Gieck.

If the Town Council agrees with this recommendation, the Clerk's Office will notify Kimberly Michalik. If Ms. Michalik would like to fill the position, she can be sworn in at the Gloucester Town Council meeting of February 7, 2008.

If you have any questions, please contact me.

Jean Fecteau, Clerk to Board of Canvassers
(end of memo)

2. Discussion and Action re: Replacement member

John Bevilacqua, Town Solicitor, stated that the Charter mandates that the candidate must be notified by the Town Council. J. Bevilacqua noted that if Ms. Michalik does not accept the position, Mr. Gieck will be the next candidate. It was agreed to send a letter to both candidates by certified mail.

MOTION was made by Councilor Joyceto send notification by certified mail to Kimberly Michalik to replace Wynette Dahlquist as the vacancy on the Gloucester School Committee and to send notification to Vincent Gieck in lieu of Ms. Michalik's denial or rejection of the request; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Amendment of stipulations (Zone Change Granted 9/07/06)

Public Self storage facility

Location: Putnam Pike, AP 17, Lot 213

Applicant: Julian Forgue

Amendment: Number of buildings

John Bevilacqua, Town Solicitor, explained that a zone change from residential to commercial was granted on September 6, 2006 to allow the construction of a storage facility. J. Bevilacqua added that a condition was placed which would limit the number of buildings to five (5). J. Bevilacqua pointed out that DEM is requiring that the applicant install a sophisticated drainage system which would accommodate a greater number of buildings. Councilor Walsh expressed concern that if more buildings were to be allowed, the public should have some input. J. Bevilacqua replied that a Public Hearing would be held concerning a change in the number of buildings.

Councilor Walsh pointed out that the applicant asked for five (5) units. J. Bevilacqua stated that the plan which was submitted was for five (5) units, but the actual number, size and location are contingent upon what DEM would allow. J. Bevilacqua stated that he wanted to have this

discussion because he feels that boards and commissions should not place too many conditions that they may have to revisit in the future.No further action was taken.

D. Acknowledge receipt of Audit FY ending June 30, 2007

Councilor Reichert stated that the Finance Director presented the Audit for Fiscal year ending June 30, 2007 at the Town Council meeting of January 3, 2008.The Director would now ask the Council to formally acknowledge receipt of this audit.

Discussion: None.

MOTION was made by Councilor Joyce to AUTHORIZE the receipt of the Town of Gloucester Audit for Fiscal Year ending June 30, 2007; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Award Bid 2008-01

Blackstone/Chepachet Wastewater-Stormwater Design Team

MOTION was made by Councilor Poirier to AWARD bid 2008-01, Blackstone/Chepachet Wastewater-Stormwater Design Team to Horseley Witten Group for the fixed fee price of \$288,260 for planning, design and construction administration services for innovative wastewater and stormwater facilities that will meet the Town's groundwater recharge, drinking water protection, pollution runoff, ecosystem health protection, and water related recreational and economic goals.

Seconded by Councilor Joyce.

Discussion: Councilor Walsh questioned if there were three bidders and if Horseley Witten Group was the low bidder.John Bevilacqua, Town Solicitor, replied in the affirmative.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

1. The Town Clerk has nothing further at this time.

2. Jamie Hainsworth, Chief of Police, recommended that the Council members tour the Let's Party facility as a group and not individually.

3. Larry Desormier, Building/Zoning Official, spoke regarding the high school renovations, stating that permits will be issued for the North building only, but nothing with the bio-mass yet. Councilor Walsh stated that he heard a rumor that there was a twenty pound propane cylinder next to the boiler at the new middle school. L. Desormier stated that he will check on it tomorrow. There was discussion regarding the water tank at the middle school. L. Desormier reported that there was a deadline of December 31st to install an alternative tank, but the work is not completed.

John Bevilacqua, Town Solicitor, stated that the Department of Health is contemplating imposing administrative fines of \$100.00 per day beginning on Jan. 1, 2008. Councilor Walsh asked to whom the fines will be assessed. J. Bevilacqua replied that the fines will be imposed upon the Building Committee and will be forwarded to the Regional Financial Meeting, which means that each town will have to provide for it in their budget. L. Desormier stated that he has been informed by the Department of Health that the fines could go back as far as August 1, 2007.

J. Bevilacqua stated that he has informed Tom Mainville, Finance Director and David Steere, Budget Board Chair that these fines will be forthcoming. Councilor Walsh stated his opinion that the Building Committee should be notified in writing that they are being fined and that they are wasting taxpayer dollars. J. Bevilacqua stated that we should wait to see what the assessment is before sending correspondence. L. Desormier stated that the Building Committee has been aware of the situation since at least December 19th. Councilor Walsh reiterated that the Council should send a letter to the Building Committee.

XI. Boards/Commissions

None.

XII. Council Correspondence/Discussion

Councilor Reichert stated that most people in Town are unaware of the mismanagement at the schools and suggested that a letter be sent out once a month by bulk mail to each household. Councilor Reichert expressed his concern that taxes will increase to the point where people will not be able to make ends meet, and feels that residents should be notified. Councilor Walsh agreed that many residents are not aware of the situation, but stated that sending newsletters would not be a good idea.

John Bevilacqua, Town Solicitor, stated that the Superior Court decision which states that the Building Committee is an autonomous body created a new error in government in Rhode Island. J. Bevilacqua stated that there has been incompetence and an absolute intentional refusal to follow procedures and rules. J. Bevilacqua stated that the Building Committee is affecting the taxpayers' ability to pay for this facility. Councilor Poirier stated that because of the Superior Court decision, there could be thousands of dollars in fines but the Town has no recourse. J. Bevilacqua concurred, adding that the decision indicated that we could go to the Department of Education and ask for assistance. Councilor Walsh stated

that this has nothing to do with the Department of Education, to which J. Bevilacqua agreed.

XIII. Open Forum

1. Walter Steere, Jr., School Committee member, stated that at a recent Gloucester School Committee meeting, there was a motion made to suspend public comment until a policy is drafted. W. Steere stated that they have had public comment at meetings for the last 7 or 8 years and have never had a problem. W. Steere stated that there were people at that meeting who had legitimate concerns but were not allowed to speak.

W. Steere also spoke about the problem regarding the \$212,000 which will now be \$475,000. Councilor Walsh stated that this year it will be up to approximately \$650,000. W. Steere stated that there are several different figures due to the debt service which was not calculated correctly. W. Steere stated that there will be a deficit, adding that the Town will probably be sued again. Councilor Walsh stated that a separate account will be set up to have money aside in the event that the Town loses the suit and has to pay \$600,000. Councilor Walsh recommended that the School do the same thing.

W. Steere stated that he has become aware that there may be a problem with the renovation project at the high school regarding housing aid from the State. W. Steere stated that it appears that the school will not be ready for students in September, and this may cost the Region \$521,000 in next year's budget.

W. Steere stated that last year, Gloucester had the highest increase in taxes among all cities and towns in the State. W. Steere noted that the Paiva-Weed bill places a 5 1/4% cap, but Gloucester's increase was 9.8%. W. Steere voiced concern regarding how the taxpayers can keep going at this rate and suggested that steps be taken to cut the budget, such as hiring freezes.

2. Rose LaVoie stated that she disagrees with the School Committee's plan to have a policy regarding how the public can address the Committee at meetings. R. LaVoie noted that she has been involved with school affairs for 57 years and has never heard of not being able to speak at a Committee meeting. Councilor Poirier stated that he does not understand why there will be no public comment while a policy is being developed.

R. LaVoie spoke regarding the problems with septic systems at the schools and stated that when people are appointed to committees, some should have a level of expertise in these matters.

R. LaVoie stated that the Gloucester Heritage Society is having a fund-raiser in April for the Dorr Rebellion Museum. R. LaVoie noted that Kevin Kitson will be honored at the event. R. LaVoie expressed hope that people in Town will support the cause.

3. Lorraine O'Connors asked for an update on the request made by the Ponaganset Education Foundation to use the Senior Center. Councilor Walsh stated that he would

not have a problem with this request, but that it would have to be done at the next Town Council meeting.L. O’Connors stated that the Foundation may have to withdraw the request because next month will be too late to plan an event in April.

4. Ron Cervasio, School Committee member, asked the Council to reconsider the \$212,000, adding that Foster is paying.R. Cervasio stated that he cannot negotiate the matter with Glocester because Foster would have to get back a percentage of what they have paid.R. Cervasio noted that 10 teachers were laid off last year, and any further cuts will affect the quality of education.David Steere, Budget Board Chair, responded by asking how the School Department could overspend so much on their budget.D. Steere stated that if a municipality was a million dollars over budget, somebody would have to be accountable.

XIV. Executive Session Pursuant to:

- A. R.I.G.L.42-46-5(a)2Litigation/Collective Bargaining
R.I.G.L. 42-46-5(a)5 Acquisition or Disposition of Land

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to RIGL 42-46-5(a)2 Litigation/Collective Bargaining and RIGL 42-46-5(a)5 Acquisition or Disposition of Land; seconded by Councilor Poirier.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

No votes were take in Executive Session

XVI. Adjourn

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

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 21, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **February 7, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Kevin Walsh and Charles Poirier.

Member Absent: Michael Joyce

Also present: Jean M. Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of Police; Lawrence Desormier, Building/Zoning Official; and Raymond Goff, Town Planner (arrived at 8:00 p.m.)

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

Chris Hebert, chair of the Gloucester School Committee, inquired whether a member will be appointed to the Committee this evening. Councilor Sette replied that the individual who has stated they would be willing to fill the vacancy was unable to attend the meeting and will be sworn in at the next meeting of the Town Council.

V. Resolution

A. Girls Scouts of Rhode Island: Gold Award Recognition

Councilor Sette read the following Resolution in honor of two young ladies that have achieved the highest award given on behalf of the Girl Scouts:

Lindsay Mack & Alyssa Fiore

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to congratulate Lindsay Mack and Alyssa Fiore for achieving the Gold Award, the highest award in Girl Scouting; and

WHEREAS, part of the Gold Award requirements are special interest projects designed to promote growth and knowledge in areas such as business and technology, arts and humanities, cultures and global relations, energy conservation, personal well-being, the outdoors and the environment; and

WHEREAS, in order to achieve this award Lindsay and Alyssa had to excel in leadership, service and self development and have demonstrated self-discipline, time management, originality, initiative and a significant mastery of skills; and

WHEREAS, Lindsay and Alyssa, in order to complete the “Challenge of Living the Promise and Law”, practiced daily the ideals of the Girl Scout Movement; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester acknowledge the hard work and dedication given to achieve this award and are proud to have Lindsay Mack and Alyssa Fiore as members of our community.

Steven A. Sette, President
Gloucester Town Council
Jean M. Fecteau, Town Clerk

Seconded by Councilor Walsh.

Discussion: Councilor Sette expressed congratulations to Ms. Mack and Ms. Fiore, and presented each with the Resolution and Town of Gloucester pins. Ms. Mack and Ms. Fiore explained the tasks they undertook to reach this goal. Councilor Sette commented that Alyssa and Lindsay are the first two Girl Scouts in Gloucester to be recognized for achieving this award.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

B. Support: Placement of State Open Space Bond Referendum on ballot General Election - 11/4/08

Councilor Sette stated that the Council has received a request from the Conservation Commission asking for a resolution to our legislators seeking their support in an Open Space Bond Referendum being placed on the General Election 2008 ballot.

Councilor Sette read the following into the record:

RESOLUTION

WHEREAS, in 1987 the Town Council of the Town of Gloucester established a Municipal Land Trust to acquire, hold and manage real property and interest therein and preserve Gloucester’s rural heritage as an environmental, educational and recreational resource for all who live, work or visit in Gloucester; and

WHEREAS, the Town of Gloucester recognizing the importance to the character of our community and quality of life has continually sought to preserve and protect

the valuable open space of the Town by actively working to preserve sensitive environmental areas and important/priority open spaces and farmland so that now there are 1,956 acres held in trust and managed by the Gloucester Land Trust; and

WHEREAS, in September, 2001 the Town Council of the Town of Gloucester adopted an undated/amended Comprehensive Community Plan “Open Space and Recreation” element which documents the Town’s objectives for open space acquisition and preservation in a manner consistent with the State Guide Plan and approved by the state to acquire, protect and preserve the many unique natural resources in Gloucester; and

WHEREAS, in November, 2004 the citizens of the Town of Gloucester overwhelmingly voted to approve, by a margin of 67%, in favor of a \$70 million state open space bond referendum for open space preservation, outdoor recreation facilities and Narragansett Bay restoration; and

WHEREAS, in November, 2000 the citizens of the Town of Gloucester overwhelmingly voted to approve by a margin of 72% in favor of a \$500,000 Town bond referendum for open space protection; and

WHEREAS, the Gloucester Land Trust has been actively seeking funding through the RIDEM Local Open Space Grants to protect forests, farmland and reservoir frontage and has received grants of \$700,000 in the past three years to achieve these goals; and

WHEREAS, Gloucester Land Trust projects financed in part with state Open Space Bond funds have enabled the Town to implement our adopted Comprehensive Community Plan, preserve our community character and enhance our quality of life by protecting open spaces including 540 acres of farm fields and forests in Harmony, 1,255 acres in Chepachet and 161 acres in West Gloucester; and

WHEREAS, Rhode Island DEM funds for open space acquisition programs from the 2004 Bond are nearly exhausted; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Gloucester supports the efforts of the State of Rhode Island to gain approval of a 2008 bond referendum for open space preservation and strongly urges the support of the Office of the Governor and the RI General Assembly to authorize this measure for the statewide ballot in November, 2008.

BE IT FURTHER RESOLVED that the Town Council of the Town of Gloucester recommends that the RI General Assembly authorize a 2008 bond referendum that provides \$15 million for open space protection programs; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Gloucester recommends that the voters of the Town and all voters statewide support the 2008 Open Space Bond initiative in voting in favor of the bond referendum in November, 2008.

Steven A. Sette, President
Gloucester Town Council

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0
MOTION PASSED

C. Support: Dam Management District
Proposed Burrillville Ordinance
Pascoag Upper Dam Association

Councilor Sette explained that in June, 2007 this Council sent a resolution of support to the Burrillville Council in their work towards developing a multi-jurisdictional Dam Management District with the Pascoag Upper Dam Association and the Town of Gloucester.

As the Burrillville Ordinance Subcommittee and the Administration proceed with their ordinance research and development, Gloucester has been asked to reiterate its support at this time. Councilor Sette read the following Resolution into the record:

RESOLUTION

- WHEREAS, RIGL Title 45 Chapter 62 authorizes and empowers Town Councils to establish by ordinance one or more dam management districts and/or multi-municipal dam management districts; and
- WHEREAS, on June 21, 2007 the Gloucester Town Council adopted a resolution in support of the Board of Directors of the Pascoag Upper Dam Association in their efforts to establish a dam management district; and
- WHEREAS, the Pascoag Dam, consisting of the Main Dam and the West Dike (the Dam) provides important values to the communities of Burrillville and Gloucester, including the protection of public safety and private property; the protection of drinking water supplies and recreational opportunities; the preservation and enhancement of scenic beauty; and the conservation of fish and wildlife resources; and
- WHEREAS, in order to protect the values that the Dam provides, the Dam must be properly operated, maintained, repaired and/or removed. The costs of

properly operating, maintaining, repairing and/or removing dams are often significant and recurring in nature; and

WHEREAS, the residents of the Town of Burrillville and Glocester, and particularly those who reside in the proposed District, would benefit from the establishment of a Pascoag Reservoir/Echo Lake Dam Management District to fulfill these purposes

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Glocester hereby acknowledge the advantages of establishing a multi-jurisdictional dam management district, support the concept of the proposal, and respectfully request that the Burrillville Ordinance Subcommittee and the Administration work with Glocester's Town Planner, proceed with further research and to finalize a proposed ordinance to establish a multi-jurisdictional dam management district for the Pascoag Dam, consisting of the Main Dam and the West Dike which will then be forwarded to Glocester for consideration and adoption into their Code of Ordinance.

Steven A. Sette, President
Glocester Town Council

Seconded by Councilor Poirier.

Discussion: Kevin Menard, Burrillville Town Council member, spoke regarding this request, stating that the Burrillville Town Council is at a point where the Ordinance itself is nearly done, however a consultant will assist in identifying the properties to be included in the proposed district. John Bevilacqua, Town Solicitor, stated that he has been in contact with the Burrillville Town Solicitor, and concurred that the Ordinance is nearly complete.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0

MOTION PASSED

VI. Licensing Board Update

- A. Violation: Let's Party Extreme d/b/a Three Amigos Café
Location of Business: 11 Money Hill Road, further described as AP 10B, Lot 2
- B. Status of License

Councilor Sette stated that a meeting was held with the owners of the establishment, their attorney, Councilor Sette, the Town Solicitor, Building/Zoning Official, and the Town Clerk to discuss issues to be corrected at this location. John Bevilacqua, Town Solicitor, stated that an agreement has been worked out and signed by the owner and his attorney, Mr. Steere. At the aforementioned meeting, the owner of the business acknowledged that the activity which occurred on January 19th was in violation of the various licenses that they possess.

A 60-day probationary period has been agreed to by all parties as well as a fine in the amount of \$1500.00, which will be stayed for the duration of the probationary period. If there are no reported violations during this time, the fine will be removed. J. Bevilacqua further stated that

the owner/licensee will file with the Town Clerk an agreement to be used for customers who use this facility, which will outline what can and cannot be done on the premises. J. Bevilacqua stated that the owner/licensee shall apply for a full entertainment license outlining the type of events that will be allowed on the premises. If this agreement is not adhered to, the owner/licensee will be notified to appear before the Town Council.

John Bevilacqua recommended that the Council adopt the provisions of this agreement. Councilor Reichert asked if the Entertainment License would have to go before the Zoning Board to change the scope of the operation since a Special Use Permit was granted by the Zoning Board. J. Bevilacqua replied that the hours of operation and activities would have to be brought before the Zoning Board.

MOTION was made by Councilor Reichert to ACCEPT the Agreement between the Town of Gloucester and ROM Properties LLC; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

VII. Public Hearing

A. Class BVL (Limited Liquor License)

1. Let's Party Extreme d/b/a Three Amigos Café

Location of Business: 11 Money Hill Road, further described as AP 10B, Lot 2

Continued from January 17, 2008

Councilor Sette asked if this item should be tabled, in light of the previous agenda item. John Bevilacqua, Town Solicitor, replied in the affirmative, adding that the applicants are presently on probation for violations. There was discussion concerning how long this Public Hearing can remain open. J. Bevilacqua stated that the violation is severe enough that his recommendation is that this request for a Limited Liquor License be taken off the calendar, adding that the applicants can reapply at a later date.

MOTION was made by Councilor Reichert to REMOVE FROM THE TABLE the Public Hearing for a Class BVL (Limited Liquor License) to Let's Party Extreme d/b/a Three Amigos Café, Location of Business: 11 Money Hill Road, further described as AP 10B, Lot 2; seconded by Councilor Poirier.

Discussion: Councilor Sette asked if any advertising fees must be refunded to the applicant. J. Bevilacqua replied that since this is not a result of the Town's failure to act, but rather is based upon the conduct and actions of the individual who requested the license, fees will not be refunded. J. Bevilacqua noted that the applicant can reapply after the probationary period has expired.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0
MOTION PASSED

Councilor Walsh inquired whether the applicant can apply for the Entertainment License within the 60-day probationary period. J. Bevilacqua replied that the Entertainment License can be applied for because it is not in the same classification as a Liquor License. J. Bevilacqua further stated that the agreement between the applicant and the Town of Gloucester directs the applicant to apply for the Entertainment License to avoid problems in the future.

VIII. Unfinished Business

- A. Appointments (Terms that have expired)
 - 1. Conservation Commission
 - One (1) Expired three year terms
 - One (1) Alternate one year term

Roy Najecki, Chair of the Conservation Commission, stated that an advertisement will be placed to obtain candidates for this position.

MOTION was made by Councilor Walsh to TABLE the appointments to the Conservation Commission, 2 positions; 1 expired three year term and 1 alternate one year term; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0
MOTION PASSED

IX. New Business

- A. Gloucester Code of Ordinance
 - 1. Proposed Code Amendment
 - Addition of Chapter 351, Impact Fees

Councilor Sette called for a Motion to move this item to a later part of the agenda to allow the Town Planner to be present to explain.

MOTION was made by Councilor Poirier to MOVE Item IX. A. 1., Gloucester Code of Ordinance, New Business, until later in the meeting; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0
MOTION PASSED

B. Western Rhode Island Home Repair
Community Development Block Grant
Completion Certification Grant #04/13/18 & #05/13/19

Councilor Sette stated that the Council has received a request from the Program Manager asking for sign offs on two completed grants.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council President to sign the Community Development Block Grant, Completion Certification for Grants #04/13/18 & #05/13/19; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

C. Authorization:
Probate Release, Town of Gloucester Inheritance

Councilor Sette stated that the Clerk, acting as the Probate Clerk, has forwarded correspondence to Council regarding an inheritance left to the Town:

January 28, 2008
Jean M. Fecteau, Clerk Town of Gloucester

Re: Estate of Amy Angilly

Dear Mrs. Fecteau:

I enclose herewith a probate release wherein the Town releases myself in my capacity as Executor of the Estate of Amy Angilly in consideration of payment by the Estate to the Town for its Animal Control Shelter as provided in the Will in the sum of \$25,000.00.

I would suggest that the Town Council President execute this document and I would ask that it be witnessed and the date filled in.

Upon its receipt by this office I will forward a check from the Estate to the Town in the sum of \$25,000.00 which will conclude the matter.

I would also appreciate the Town's assurance, in writing, that the funds will be used at the Gloucester Animal Shelter for the care and feeding of the animals and facility improvements in memory of Amy Angilly and her late husband, Frederick E. Angilly, Sr.

Thank you for your anticipated cooperation.

Very truly yours,
Bradley L. Steere
(End of memo)

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the Probate release form regarding the Estate of Amy Angilly, thereby acknowledging a donation of \$25,000 to the Gloucester Animal Shelter for the care and feeding of the animals and facility improvements in memory of Amy & Frederick E. Angilly Sr.; seconded by Councilor Walsh.

Discussion: Councilor Reichert commented that he knew Mr. and Mrs. Angilly and stated that they were very nice people. Councilor Walsh asked if the Finance Director will place this donation in a special account. John Bevilacqua, Town Solicitor, replied that the funds will be held in a restricted account, specifically for the purpose stated. Councilor Sette stated that a letter of acknowledgment will be forwarded to Mr. Steere.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0

MOTION PASSED

IX. New Business

A. Gloucester Code of Ordinance

1. Proposed Code Amendment

Addition of Chapter 351, Impact Fees

Councilor Sette stated that the Town Planner has given Council the Board's opinion, which was read into the record:

The Planning Board made a positive recommendation to the Town Council for the proposed Development Impact Fee Ordinance as presented in the document entitled "Needs Assessment for Impact Fee Schedule and Ordinance" dated December 2007 as prepared by Sam Shamoon of Shamoon Planning LLC.

The Board has carefully reviewed and discussed these documents at its November 19 and December 17, 2007 meetings. The Needs Assessment lays out the basis for an impact fee as allowed for in the Rhode Island Enabling Legislation, and then presents a rationale for imposing impact fees in Gloucester. It identifies the municipal costs of development and the impact that continued residential development has on facilities provided by the Town. The assessment then identifies and evaluates future capital needs of the Town, and explains how the Town can assess a fee to recoup some of these costs.

The proposed Impact Fee Ordinance will establish a fee for new residential development which will be tied to new and expanded capital facilities, specifically school infrastructure at this time, although this can change if the Town authorizes other capital projects in the future. Funds that are collected through the Impact Fee will be managed by the Finance Director and used only for expenses identified in the Needs Assessment. If in the future,

expenditures for other municipal infrastructure is necessary, it must be identified and supported in the Needs Assessment before that additional fee can be imposed.

The proposed Impact Fee Needs Assessment and Ordinance are found to be consistent with the Comprehensive Community Plan, specifically sections 7.3.1, 7.3.5, 7.3.7, and 7.4.6. They are consistent with the Comprehensive Community Plan since Section 15 (Public Services and Facilities: Inventory and Analysis) lists it as a priority to be addressed, and because the Town has experienced recent growth in the municipal property tax burden to fund community facilities, specifically schools, and the Development Impact Fee Ordinance would recognize the impact of new residential development on the cost of these facilities.

(End of opinion)

Raymond Goff, Town Planner, explained that the impact fee will be \$2,887.00 per unit, which will be payable when a building permit is obtained. R. Goff further stated that, based on the average of 45 housing permits issued per year, the fees would result in approximately \$129,000 per year. R. Goff stated that these funds would be used for infrastructure improvements at the schools. R. Goff expressed his opinion that this is an important thing to do at this time, especially based on the amount of money we are expending on the high school and middle school.

Councilor Sette asked if the fees would be waived for affordable housing units. R. Goff replied that there would be no impact fees for affordable housing, as well as for commercial or industrial development, adding that it is strictly for residential. R. Goff explained the rationale that when a house is built, there are usually 2.3 children who will be enrolled in the school system, which creates a burden.

Councilor Sette asked if any of the fees would be used for schools at the regional level. R. Goff replied that the impact fee study and needs assessment does look at the region as well as local schools. R. Goff pointed out that if there is a need for improvements at the Police Station, the Council could update the Impact Fee Needs Assessment and make a change to the Ordinance to include an impact fee for the Police Department.

Councilor Walsh asked how the fees could go to the region and would Foster have to have the same setup. John Bevilacqua replied that whatever is provided for education, this impact fee would be qualified for those contributions to that area, whether it is local or regional. J. Bevilacqua pointed out that this is not part of the Zoning Ordinance but strictly the Code of Ordinance, which is under the purview of the Planning Board.

- a. 1st reading of proposed ordinance

The proposed ordinance is as follows:

An Ordinance Adopting and Enacting Impact Fees within the Town of Gloucester.

WHEREAS, the Gloucester Comprehensive Community Plan supports growth management and impact fees, and

WHEREAS, the Town Council of the Town of Gloucester has entered upon such a growth management program in the Town, and

WHEREAS, the Town Council of the Town of Gloucester has determined that costs associated with growth create unfair burdens on existing taxpayers, and

WHEREAS, the Town Council of the Town of Gloucester has determined that a program of impact fees is consistent with the Town of Gloucester's Comprehensive Plan, its Zoning Ordinance, and State enabling acts relative thereto,

NOW, THEREFORE, the Town Council of the Town of Gloucester does hereby ordain as follows:

Section 1. Impact fees Authorized

MOTION was made by Councilor Walsh to WAIVE the First Reading of the Gloucester Code of Ordinance, Proposed Code Amendment , Addition of Chapter 351, Impact Fees; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0

MOTION PASSED

b. Set Public Hearing date

MOTION was made by Councilor Reichert to SET a Public Hearing Date of February 21, 2008 for the proposed amendment to the Gloucester Code of Ordinance, Impact Fees; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0

MOTION PASSED

- D. Appointments (terms that have expired)
 - 1. Gloucester Land Trust Trustees
 - a. Two (2) 5 year terms to expire 02/2013
 - b. Members at Large
 - Two (2) 1 year terms to expire 2/09
 - (Chair or designee from Planning Board & Conservation Comm)

Councilor Sette stated that the Chairman has asked these appointments be tabled until the 2/21/08 meeting.

MOTION was made by Councilor Reichert to TABLE the appointments to the Gloucester Land Trust Trustees; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier
NAYS: 0

MOTION PASSED

- E. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools
 - Construction and/or Renovation

Lawrence Desormier, Building/Zoning Official, distributed a construction update to the Council members. L. Desormier stated that copies are available to anyone upon request. Councilor Sette recommended that Walter Steere and Ronald Cervasio, School Committee members, be given copies of the update. L. Desormier noted that he has been invited to the Building Committee meeting on February 12th which he plans to attend. Councilor Sette stated that he would like to generate this to the School Committee instead of the Building Committee, based on the Court decision which was rendered.

John Bevilacqua, Town Solicitor, concurred, stating that the Court has said that the supervising authority of the Building Committee is the Regional School Committee. Councilor Reichert stated that Gregg Piccirilli, legal counsel for the School Committee, advised the district committee that the Town Council has no control and that the Committee is an autonomous body which is self-governing until the completion of the school construction.

John Bevilacqua stated that his interpretation is that the Building Committee is not autonomous, but that the Regional School Committee has a supervisory authority over the Building Committee. J. Bevilacqua noted that the School Committee and the Building Committee have the same legal counsel. L. Desormier asked if the Building Committee is excluded from following State Building Codes. J. Bevilacqua replied in the negative, adding that the only bodies which are excluded from following State Building Codes are the State itself and the Federal Government.

For the record, Lawrence Desormier stated that he has not had any contact with any members of the Foster-Glocester Building Committee except for Warren Ducharme. L. Desormier gave a brief summary of his report, which includes all activity from August 27, 2007 to the present. Councilor Reichert stated that it was said at the School Committee meeting that the delays by the Town and specifically the Zoning Office will result in a loss of \$600,000.

There was discussion regarding the boilers and their foundations. L. Desormier stated that when he inquired why the high school biomass foundation had not been done yet, he was told that the boiler specs which were submitted to the State for approval were generic. L. Desormier stated that he conducts frequent surprise inspections and has a good rapport with the workers on site and with Tim Alix, the project manager.

Councilor Sette stated based on L. Desormier's report, it does not appear that the Town is holding up the project. Chris Hebert, School Committee member, stated that his hope is that all parties can work together to get this project done.

Ron Cervasio, Regional School Committee member, stated that the problem is that the attorneys continue to disagree on how they interpret the Court's decision regarding the Building Committee. Councilor Sette asked if we have a project involving 60 million dollars of taxpayer money with neither the School Committee nor the two Town Councils having oversight. Councilor Sette explained that he is not suggesting impropriety with money, but stated that this is a large amount of money with nobody having accountability.

L. Desormier stated that according to Tim Alix, every Tuesday at 10:00 a.m. there is an owners' meeting. Councilor Sette stated that he has been invited to the site by Walter from H. V. Collins for a walk-through.

L. Desormier stated that he asked three foremen if he is holding up the job, to which they replied "no." L. Desormier stated that he will not issue a permit for the biomass boiler for the high school until he sees specs. Councilor Walsh recommended that L. Desormier put everything in writing.

For clarification, John Bevilacqua, Town Solicitor, read a portion of the Superior Court Decision as follows:

"The Regional Building Committee has the same "agent of the State" status as school committees because 1) the RBC was authorized by the Act, which also created the Regional School District and the Regional School Committee; 2) the RBC is formed upon the direction of the Regional School Committee; and 3) the RBC's building and oversight authority is exclusively reserved by the various municipal-wide school committees throughout the state. See G.L. 1956 §§ 45-50-10(2), 16-3-11(a)(4). Accordingly, the authority of the Council to appoint members of the RBC does not alter the RBC's status as an agent of the State."

J. Bevilacqua noted that this clearly means that the Town Council has no authority other than to name a person on the Committee. Councilor Sette pointed out that the bonds for the projects were all signed by the chairs of the School Committees.

Ron Cervasio, Regional School Committee member, stated that he has asked Mr. Piccirilli about his ability to serve as attorney for both entities. R. Cervasio stated that he also has questions regarding the Solicitor representing both towns.

Russell Gross commented that the Building Official has everything documented. R. Gross stated that it is time for the Council to place something in the newspaper regarding the lack of cooperation from the Building Committee.

Councilor Sette reiterated that when statements are made that it is the Town holding up the project and the Town is responsible for not getting reimbursement, it is not true. Councilor Reichert stated that it was said at the January 2nd Foster-Glocester School Committee meeting that the Town was holding everything up. Councilor Reichert questioned Mr. Piccirilli, who admitted that it was the Fire Code which was not approved.

F. Gloucester School Committee Vacancy

1. Appoint candidate

Councilor Sette stated that the Clerk has received an email today from the first candidate eligible for the position of Gloucester School Committee. Councilor Sette read the following into the record:

February 6, 2008

To Gloucester Town Council:

I would be honored to accept the position of School Committee for the Town of Gloucester and for the Ponaganset Regional School. Thank you for keeping me in consideration as a position opened.

I can be reached at xxxxxxxxxxxxxxxxxxxxxxxxxx to schedule a meeting time or for any questions.

Sincerely,
Kimberly Michalik

(end of memo)

2. Oath of Office

Councilor Sette stated that Ms. Michalik indicated she could not attend this evening but would be available for swearing in at the next Council meeting.

MOTION was made by Councilor Reichert to TABLE the appointment of Kimberly Michalik to the Gloucester School Committee; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked Chris Hebert when the next Gloucester School Committee is scheduled. C. Hebert replied that the Gloucester School Committee will meet on February 19th and the next Regional meeting will be on March 4th. Councilor Walsh asked if the Council could ratify the appointment now and swear in the candidate at the next meeting. John Bevilacqua stated that the candidate must appear before the Council before taking the position on the Committee.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

- G. Use of Building - Senior Center
 - 1. Ratification
 - a. Request by Rep. Gorham

Councilor Sette read the following into the record:

Council Members:

I would respectfully request the use of the Town Council Chamber, or other suitable area in the Town Hall, for the conduct of an open forum/legislative coffee hour on Saturday, February 9th from 8:00 a.m. to 11:00 a.m.

Thank you for your consideration of my request.

Very truly yours,
Nicholas Gorham

(end of memo)

Councilor Sette stated that after some discussion, it was agreed that perhaps the Senior Center would be more conducive to a coffee hour. The Clerk notified some council members to reach a consensus on the use. Council now needs to ratify that consensus.

Councilor Sette noted that there is a precedent for this request; Representative James Langevin used the Senior Center last year for a similar function. Councilor Sette further stated that there will be no campaigning allowed during the coffee hour.

MOTION was made by Councilor Poirier to AUTHORIZE the Use of Building-Senior Center for Representative Nicholas Gorham for Saturday, February 9th, 2008 from 8:00 a.m. to 11:00 a.m.. Facility is to be left "as found" and the use is as stated in the request "open forum/legislative coffee hour"; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

A. Councilor Sette stated that he would like to invite our legislators, Senator Fogarty and Representatives Gorham, Pacheco and Winfield, to the next Town Council meeting to provide an update regarding what is proposed for the Town of Gloucester this year. Councilor Sette expressed concern regarding the budget and the shortfall of State funds. Councilor Sette noted that the meeting will convene at 7:00 p.m. to allow for questions that the Council may have for the legislators.

B. Councilor Walsh suggested sending a Resolution to the Governor asking what unfunded mandates are being cut. Councilor Walsh further stated that the Resolution should be forwarded to all other cities and towns for support.

C. Thomas Mainville, Finance Director, stated that at a recent conference, the three bond rating companies addressed weaknesses and strengths in the Northeast as compared to the rest of the country. It was stated that one of the weaknesses in the Northeast is the lack of fund balances. T. Mainville stated that the median fund balance for areas outside of New England is 24%. T. Mainville noted that Gloucester is at 16%.

T. Mainville read his memo regarding the replacement of computer servers at the Town Hall and the Police Department. The conversion will take place over the weekend of February 16-18. T. Mainville stated that the total anticipated cost for this replacement is \$24,610.00, adding that much of our own labor and services will be used. Councilor Walsh inquired where the funds would come from. T. Mainville replied that there is money in the computer budget. T. Mainville stated that we have no choice and that the upgrades are necessary.

T. Mainville stated that he attended the Regional School Committee meeting and offered to assist with the Regional Budget. Councilor Walsh asked T. Mainville if he has everything he needs for the Gloucester School finances. T. Mainville replied that, considering the circumstances, it seems to be working. T. Mainville noted that the Business Office has been very cooperative.

D. Jamie Hainsworth, Police Chief, stated that the Safety Commission has reviewed the plans for the Ponaganset High School. Chief Hainsworth commented that the Commission showed no favoritism because the school is a Town entity. Chief Hainsworth stated that the lighting in the parking lot at the middle school is terrible, and the Commission does not want this problem at the high school. The Commission's recommendations have been forwarded to the Town Planner.

E. Ray Goff, Town Planner, stated that a member of the Affordable Housing Board has not been attending meetings for the last several months. Councilor Walsh stated that according to the Charter, a letter must be sent to the member asking for his or her

attendance at the next Town Council meeting. Councilor Walsh added that if the member does not appear, the position can then be declared vacant. R. Goff noted that a member of the Housing Authority has expressed interest in serving on the Board.

XI. Boards/Commissions

David Steere, Budget Board chair, stated that the Board has met with the Department Heads and Boards which have submitted their information. D. Steere added that there are two Boards which have not submitted budget requests.

XII. Council Correspondence/Discussion

- A. Councilor Sette stated that a complaint has been filed regarding CVS by an abutting property owner. The complaint addresses delivery times and noise issues. John Bevilacqua, Town Solicitor, and Larry Desormier, Building/Zoning Official, stated that correspondence will be sent to CVS regarding this complaint.
- B. Councilor Sette stated that the Council has received correspondence regarding “Lights Out America Day” which is scheduled for March 29th. Councilor Sette explained that this is a conservation event during which all of America will be asked to turn off all non-essential lighting between 7 and 8 p.m. and to install at least one compact fluorescent light bulb. There was consensus to place this on the next agenda for support.
- C. Councilor Sette stated that we have Resolutions from the Towns of Exeter and Newport. Councilor Walsh stated that the one from Newport deals with allowing towns to decide hours of gambling instead of the State. Councilor Sette stated that the Resolution from Exeter addresses long term health care for veterans, adding that we have already acted on this matter.
- D. There was discussion concerning correspondence from the RI Department of Health with regard to the water quality at the middle school.
- E. Councilor Sette stated that a claim has been filed against the Town of Glocester regarding an accidental drowning at Pulaski State Park. John Bevilacqua, Town Solicitor, stated that the Town does not have responsibility and that the claim has been sent to the Trust. J. Bevilacqua noted that the Town does not hire lifeguards at Pulaski Park which is a state-run facility.
- F. Councilor Sette stated that a request was received from the Police Dispatchers to extend the agreement until June 30th and to begin negotiations for a successor agreement.
- G. Councilor Sette stated that a request for funding was received from the Samaritans group.

XIII. Open Forum

Rose LaVoie commented that the School Committee's reason for not allowing the public to speak at their meetings is that it "causes chaos." Mrs. LaVoie stated that the Town Council allows public comment which does not result in anything chaotic. Mrs. LaVoie stated that she disagrees with the School Committee's policy.

Rose LaVoie commended Tom Mainville, Finance Director, for the amount of extra time he puts in for the Town. Mrs. LaVoie also stated that Gloucester has dedicated Board and Commission members who give their time for no compensation.

Rose LaVoie spoke regarding the Gold Cane award which is given to the oldest citizens in Town. Councilor Walsh stated that Mrs. Halbig is over 100 years old.

Rose LaVoie spoke regarding the letter to the editor submitted by Ted Burlingame.

Rose LaVoie reminded the Council of the fund-raiser planned for the Dorr Rebellion Museum, at which Kevin Kitson will be honored with the Thomas Wilson Dorr Award.

XIV. Executive Session Pursuant to:

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

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to RIGL 42-46-5(a)2 Litigation/Collective Bargaining; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:50 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh & Poirier

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the February 21, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **February 21, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; and Kevin Walsh.

Member Absent: Charles Poirier.

Also present: Jean Fecteau, Town Clerk; Susan Harris, Deputy Town Clerk, John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Jamie Hainsworth, Chief of Police; Lawrence Desormier, Building/Zoning Official; and Elinor Tetreault, Western RI Home Repair Program Manager.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Rose LaVoie.

IV. Open Forum for Agenda Items

None.

MOTION was made by Councilor Joyce to MOVE item VII. B.1, Gloucester School Committee Vacancy, Appoint Candidate, to this point of the agenda; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

Councilor Sette explained that after following the proper procedures, the Council has determined that the qualified next highest voted candidate for School Committee at the last General Election would like to assume the vacant position on the Gloucester School Committee. Councilor Sette called for Kimberly Michalik to step forward to be sworn in as a member of the Gloucester School Committee.

After Ms. Michalik was sworn in by Councilor Sette, congratulations were extended by the Town Council.

V. Legislative Updates

Councilor Sette stated that Senator Paul Fogarty was present to address the Council and the public in attendance. Senator Fogarty stated that due to current budget conditions, schools can

expect to be level-funded as they were last year. Senator Fogarty added that there is pending legislation which would eliminate the unfunded mandates which are placed on the Towns. Along the same lines, Senator Fogarty stated that there is another bill in the Senate which is reimbursement of extraordinary circumstances.

Senator Fogarty stated that he has introduced a bill which would roll back revaluation from three years to five years. Senator Fogarty noted that, due to budget concerns, the Dept. of Transportation has postponed the Route 44 project until at least 2011; however, work is scheduled to begin in early May concerning the retention pond on Tourtellot Hill Road.

There was discussion regarding the State Police barracks on Putnam Pike, which will be sold in the near future. Councilor Sette stated that he believes that the Town is in a position to acquire the property.

Senator Fogarty stated that he has received calls concerning the excessive amount of sand which is on the sides of the road on Route 44. Senator Fogarty noted the Dept. of Transportation will not be sweeping until the weather gets warmer, due to the water involved in the process. Councilor Sette noted that he has also received calls about the sand, but stated that the Town cannot sweep the road because it is a State road.

Councilor Reichert asked why the State is doing so much work on the roads in the South County area which are less traveled except by beach-goers in the summer months. Councilor Reichert pointed out that Route 44 is a main thoroughfare which keeps getting put off again and again. Senator Fogarty agreed that the portion of Route 44 between Chepachet and Smithfield has been in need of improvements since he served on the Gloucester Town Council twelve years ago.

Senator Fogarty stated that he is working on legislation to assist the Sand Dam Association to alleviate the problems they are having with milfoil weeds growing in the Smith and Sayles Reservoir. Senator Fogarty pointed out that property owners on the water pay more in taxes but do not have the quality of life because of these issues.

Councilor Sette stated that the Council has sent a Resolution to Senator Fogarty and to our House Representatives asking for a repeal of the legislation which allowed school committees to hire their own legal counsel, which goes against the Town Charter. Councilor Sette stated that this Resolution was also submitted to the League of Cities and Towns, adding that this legislation results in paying legal fees twice during a time when budgets are tight. Councilor Sette stated that Gloucester is looking for help with regard to this and other issues.

Councilor Reichert asked if the proposed bill is only for future mandates, to which Senator Fogarty replied that it would apply to current unfunded mandates.

Walter Steere, School Committee member, stated that we have approximately 15 students who attend Cranston Vocational School, adding that we are charged for this, while Smithfield sends students to Davies Vocational for no cost. W. Steere stated that this costs over \$200,000 per year. W. Steere asked Senator Fogarty to look into this matter to determine if either the fees

could be waived or the Town could choose not to send the students to the vocational school. W. Steere also expressed concern regarding pension contributions for certified staff.

Viviane Valentine, Tax Assessor, thanked Senator Fogarty for attending the meeting and asked for clarification regarding the bill which deals with revaluation. V. Valentine stated that she understands that the State wishes to extend the period from three to five years to save money, but expressed her concern there is a danger that values would have to be kept at a higher level, regardless of the real estate market. Senator Fogarty invited V. Valentine to attend the committee hearing to voice her opinion.

In closing, Senator Fogarty pointed out that all communities in northern Rhode Island are facing the same financial challenges. Councilor Sette thanked Senator Fogarty for taking the time to attend the meeting.

MOTION was made by Councilor Reichert to move item IX. C, Road Acceptance: White Oak Estates, to this point of the agenda; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0
MOTION PASSED

- C. Road Acceptance: White Oak Estates
 - 1. Appleton Lane
 - 2. Blossom Circle

Councilor Sette stated that because he is an abutting property owner to this development, he will recuse himself and pass the chair to Councilor Reichert.

Council Reichert read the following request:

Town Council President

We are formally requesting Town acceptance for Appleton Lane and Blossom Circle.

We are also requesting approval for the road improvements and drainage into the Town road system. Thank you for your consideration in this matter.

Sincerely:
Raymond D'Amico
Managing Member
White Oak Estates LLC

(End of memo)

Councilor Reichert stated that the Council has received the following recommendation from the Public Works Director:

February 5, 2008

To: Gloucester Planning Board

Subject: White Oak Estates

I have inspected Appleton Lane and Blossom Circle, the two roads in White Oak Estates, and find all work has been satisfactorily completed in compliance with this department's recommendation.

Please accept this as final approval.

Alan

(End of memo)

Councilor Reichert read the following motion made by the Planning Board:

A motion was made by David Calderara to have the Planning Board recommend to the Town Council the acceptance of the road and drainage system called Appleton Lane and Blossom Circle in development known as White Oak Estates into the Town's road system. The Planning Board has approved the final plan on the subdivision at their February 11, 2008 meeting. The Public Works Director has inspected and approved the roads as stated in his letter to the Planning Board dated February 5, 2008. In addition to throughout the construction process the Public Works Director as well as the Design Engineering Firm inspected the phases of the construction based on the oversight and competency shown on the construction of the roads, and drainage the Board is confident in the quality and workmanship of the on sight improvements. Motion was seconded by Anthony Autiello.

Vote: AYES: Ayes – 6, NAYS: Nays – 0 Motion carried on a unanimous aye vote.
(end of minutes)

Discussion: None

MOTION was made by Councilor Joyce to ACCEPT Appleton Lane and Blossom Circle as additions to the Town Road List; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Walsh, Joyce and Reichert

NAYS: 0

RECUSED: Sette

MOTION PASSED

VI. Public Hearing
A. Community Development Block Grant - 2008

Councilor Sette stated that this Public Hearing was advertised on February 14, 2008 and is the first of two required public hearings.

Councilor Sette DECLARED the Public Hearing Open and read the following correspondence from Elinor Tetreault, Program Manager:

Council Members
Attention: Steve Sette

RE: Program Performance Home Repair Program/Community Development Block Grant 1st Public Hearing

Dear Town Council Member and Interested Parties,

The Western RI Home Repair Program has completed 26 projects to date. The projects included replacement windows, vinyl siding, new floor, septic system design, new septic system, new hot water heaters, a new well, a new roof and lead inspections.

The program replaced one substandard 1974 mobile home in FY 07, located in Hemlock Estates.

There are 12 projects currently pending.

The Western RI Home Repair Program will request funding through the Community Development Block Grant in the amount of \$218,000.00.

All proposals need to be delivered to the Western RI Home Repair Programs office by March 3, 2008.

The proposed activities will be sent to the Planning Board for an advisory opinion. The Planning Board will advise the Town Council if the activities are in compliance with the Town's comprehensive plan.

The second Public hearing is scheduled for 4/3/08.

I can be reached at 568-6206 ext. 6 if anyone has any questions regarding the Community Development Block Grant process.

Sincerely,

Elinor C. Tetreault
Program Manager

(End of memo)

Councilor Sette also read the following request from the Human Services Director:

February 3, 2008
Glocester Town Council
Mr. Steve Sette, President
C.D.B.G. Grant

I am requesting \$4,500.00 for the Glocester Food Pantry from the C.D.B.G. Block Application. We presently have as of December 31, 2007, 80 families and 174 individuals who receive food. Another 5 families plus 27 more individuals have signed up since January 1, 2008. Of these families 50 are single mothers, 38 are handicapped, and 37 are elderly. The Food Pantry is open every Wednesday from 8:30 A.M. TO 12:30 P.M., however my office hours now that I am back at the Town Hall are every Monday and Friday afternoons, and as long as I am there I can give food to anyone who cannot come on Wednesday. I keep accurate records of all recipients to be sure they are Glocester Residents, plus accurate records of what is spent on food and vouchers, and how much we receive in donations. I also advertise for food drives during the year and keep in contact with schools and businesses who hold food drives for me. This past Holiday season was very good as far as donations.

The Town of Glocester has allotted me \$6,500.00 for the fiscal year of 2007-2008 , and I have not requested an increase for 2008-2009 for food. I finally received \$5,000.00 from the 2005 and 2006 CD.B.G. Grant which was very helpful, and I should get another \$2,000.00 from them for 2007 upon request. I continue to get donations, but the amount drops drastically after the holidays and the cost of food continues to rise.

Over \$16,000.00 was spent on food and vouchers during the calendar year of 2007.

I appreciate your consideration on helping the Food Pantry with the C.D.B.G. Grant again this year.

Virginia M. Peters
(end of memo)

Councilor Sette stated that the Council has also received the following request from Community Housing Land Trust of RI Inc.:

February 2008
Steven A. Sette, President Town Council
RE: CDBG Application FY 2008-09 Submission

Dear Mr. Sette:

Kindly be advised that the Community Housing Land Trust of Rhode Island (CHLT-RI) intends to seek CDBG funding in the amount of \$3,000 from your community to provide

essential operating support for the statewide Housing Land Trust and our Foreclosure Property Recapture Program as well as continued technical assistance to local communities in the implementation of their Affordable Housing Plans. It is our firm belief that CHLT-RI is ideally suited to work in partnership with municipalities, community development corporations, and private developers using the community land trust home ownership model. CHLT-RI will provide effective and efficient land trust administrative and foreclosure property recapture services and will assure that both developed and "recaptured" housing units remain affordable.

Since the last funding cycle, CHLT-RI has completed legal condominium documents for mixed income development's participation in the Housing Land Trust, provided technical assistance to 19 communities, provided 5 educational training presentations, developed marketing materials, constructed 9 affordable housing units, and worked with 9 for-profit developers interested in creating affordable housing.

Continued funding is necessary to assure that these services can be further developed and offered on a statewide basis.

We would appreciate the opportunity to address the Town Council at your CDBG hearing scheduled for February 21st.

If you have any questions, please do not hesitate to contact me at (401-738-8088 - E-Mail at jgoftonlalcox.net) or Jeanne Tracey-McAreavey, CHLT Executive Director at (401-521-1461 – Email at jtracey.housingnetworkri.org.) If you have any questions, please do not hesitate to contact us.

Sincerely,
Jeffrey A. Gofton
Jeanne M. Tracey-McAreavey, AICP

(End of memo)

Councilor Sette read the following request from the Echo Lake Water District:

Western RI Home Repair Program
Attention: Ellie Tetreault

Dear Ms. Tetreault,

The Echo Lake Water District is a not for profit public utility service providing water to 54 homes in the Chepachet community of Echo Lake.

I am requesting that we be included in your Community Development Block Grant for calendar year 2008.

It is the District's intention to apply for a grant of \$22,000 so as to provide the necessary improvements to our District and to comply to all federal and state regulations. Some of these estimated costs are as follows:

- site security improvements - \$4,000.
- new storage tank - \$10,000.
- operational expenses ● \$8,000

(to include maintenance, chemicals, utilities, DOH testing etc)

Please accept this proposal for the First Public Hearing to be presented to the Gloucester Town Council on Thursday, 2/21/08.

I intend to provide a completed application before the deadline of 3/3/08.
Thank you in advance for your help.

Brian W. Bicki
Chairman
Echo Lake Water District

(end of memo)

Councilor Sette read the following request, which was just submitted this evening:

Elinor Tetreault
Western Rhode Island Home Repair Program
1145 Putnam Pike, PO Box B
Chepachet, RI 02814-0702

RE: CDBG Monitoring Proposal
Mobile Home Units

Dear Ms. Tetreault:

Please find attached proposal for providing Rhode Island Housing approved monitoring services for two (2) mobile home units purchased with CDBG funding.

Monitoring the long-term affordability of these municipally subsidized units will permit the Town of Gloucester to "COUNT" these units against the Town's "10% quota" for affordable housing.

This proposal includes a monitoring fee of \$2,000 per mobile home unit for a duration of 30 years. This fee is a one-time charge to the Town. The fee for any future "re-sales" of the units will be borne by the mobile home owner at the time of re-sale. Should you wish to add additional mobile home units to this monitoring proposal, the monitoring fee and terms for these units will be \$2,000 per each unit.

The Community Housing Land Trust of RI is certified as an approved monitoring agent in the State of Rhode Island by Rhode Island Housing.

Should you need any additional information or clarification, please contact me at 401-521-1461 or jtracey@housingnetworkri.org. Thank you for permitting us to provide you this proposal.

Sincerely,
Jeanne M. Tracey-McAreavey, AICP
(end of memo)

Councilor Sette asked if there were any other requests. Hearing none, Councilor Sette explained that all requests will be considered and those chosen will be forwarded to the Planning Board for determination as to consistency with the Comprehensive Community Plan. No requests shall be considered after March 3, 2008. The requests will then be prioritized by a motion of the Town Council at a Council meeting on March 6th, and the second public hearing, to review the completed application, will be held on April 3, 2008.

Councilor Sette asked if anyone wished to speak regarding this application. Jeff Gofton of the Community Housing Land Trust stated that if there are any questions regarding the two proposals submitted by the CHLT, he would be willing to answer them. Councilor Sette asked if Glocester was one of the 19 communities which were helped last year, according to the first proposal submitted.

Mr. Gofton stated that, in working with the Western RI Home Repair Program to monitor the mobile homes at Hemlock Estates, CHLT is assisting the Town in reaching their goal concerning affordable housing. Councilor Walsh pointed out that this is separate from the \$3,000 requested for operating support. J. Gofton replied that the funding which has been received from Glocester in the last two years has helped CHLT to get to the point of providing a subsidy and a mechanism for monitoring the mobile homes. J. Gofton commented that it is a win-win situation because the Town gets units toward the 10% requirement for affordable housing without creating any new developments.

There were no further questions.

MOTION was made by Councilor Reichert to continue the Public Hearing for the Community Development Block Grant – 2008 to the March 6, 2008 Council Meeting; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

B. Code of Ordinance
Proposed Code Amendment
Addition of Chapter 351, Impact Fees

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and also advertised in the Bargain Buyer.

Councilor Sette DECLARED the Public Hearing OPEN and stated that this proposed code amendment was introduced at a first reading on February 7th, 2008. Councilor Sette noted that copies have been available in the Clerk's Office since that time.

Councilor Sette read the following letter from Roger Warren, Executive Director of the Rhode Island Builders Association:

February 19, 2008
Mr. Steven A. Sette
President, Town Council

Dear Mr. Sette:

I have received calls from members who work and live in Glocester regarding a proposed impact fee scheduled to be heard this week. Apparently, this impact fee proposal has not been widely discussed as these individuals were unaware of the issue until very recently.

We are concerned that others may not be aware of the proposal as well.

Accordingly, we respectfully request that this hearing be postponed for a month in order that interested individuals can have the opportunity to review it and develop comments on the substance of the proposal.

Thank you for your consideration.
Roger R. Warren
Executive Director

(end of memo)

Discussion: Councilor Sette stated that he also has received calls from interested parties who were not able to attend the meeting this evening. John Bevilacqua, Town Solicitor, stated that this hearing will have to be postponed due to a substantive problem with the formula used to determine the fees.

J. Bevilacqua further explained that the information was incorrect and must be recalculated, adding that the change may be significant enough to require that the Public Hearing be re-advertised.

MOTION was made by Councilor Reichert to REMOVE Item VI. B., Code of Ordinance, Proposed Code Amendment from the Agenda; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Finance Directors Report, January 2008
- B. Tax Assessors Additions & Abatements
- C. Town Council Minutes of January 17, 2008 & February 7, 2008

MOTION was made by Councilor Walsh to ACCEPT the Finance Director's Report of January 2008, to APPROVE the Tax Assessors Additions to the 2007 Tax Roll in the amount of \$206.41 & Abatement to the 2007 Tax Roll in the amount of \$16.55, and to APPROVE the Town Council Minutes of January 17, 2008 and February 7, 2008; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

VIII. Unfinished Business

- A. Appointments (Terms that have expired)
 - 1. Conservation Commission
 - a. Expired three year terms
 - b. Alternate one year term

Councilor Sette stated that there have been no names brought forward for these positions.

MOTION was made by Councilor Walsh to TABLE the appointment to the Conservation Commission for the expired three year term and the alternate one year term; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

2. Gloucester Land Trust Trustees
 - a. Two 5 year terms to Expire 02/2013
 - b. Members at Large
Two 1 year terms to Expire 2/09
(Chair or designee from Planning Board & Conservation Comm.)

Councilor Sette stated that we have two expired five year terms.

Discussion: None

MOTION was made by Councilor Joyce to REAPPOINT Bruce Payton and Thomas Bazalak to the Land Trust for five year terms to expire 2/2013; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to REAPPOINT Walter Steere III and Roy Najecki to the Land Trust as Members at Large from the Planning Board and Conservation Commission; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

IX. New Business

- A. Update from Building/Zoning Official
 1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, reported that an incident occurred last week at the Middle School where an ERV unit froze and burst, causing significant water damage to the first and lower levels. L. Desormier stated that he has submitted a report to both Town Councils as well as each individual School Committee member. L. Desormier stated that the cause has been determined and corrections are being made. L. Desormier noted that progress reports will be submitted by H. V. Collins and will be forwarded to the Town Council.

Regarding the water storage tank, L. Desormier stated that the Department of Health has not responded to his calls.

L. Desormier stated that the new biomass specs are in hand for the high school and work is scheduled to begin on the 25th. L. Desormier also stated that all correspondence between the Building Office and H. V. Collins will be in writing in order avoid mis-communications.

- B. Community Septic System Loan Program (CSSLP)
Rhode Island Clean Water Finance Agency & Town of Gloucester
 - 1. Amendment to Resolution
(adopted August 15, 2002, previously amended May 19, 2005)

Councilor Sette stated that back in December 2007, the Council agreed to raise the loan ceiling from \$30,000 to \$50,000. Council needs to now amend the resolution that contains the guidelines for the loan program.

Councilor Sette read the Resolution as follows:

RESOLUTION
Originally adopted August 15, 2002
Amended May 19, 2005*
Amended February 21, 2008**

WHEREAS, the Town of Gloucester has entered into a Loan Agreement with the Rhode Island Clean Water Finance Agency under the Community Septic System Loan Program (CSSLP) to provide town residents loans greater than one thousand dollars (\$1,000) at an interest rate of four percent (4%) a year; and

WHEREAS, this loan program is administered through Rhode Island Housing & Mortgage Finance Corporation (RIHMFC) and the Town of Gloucester may apply specific homeowner loan criteria to the program; and

WHEREAS, said loan criteria has been reviewed and agreed upon by the Town Council of the Town of Gloucester; and

NOW THEREFORE, BE IT RESOLVED, that the following criteria shall be applied to the loans administered by RIHMFC:

The maximum amount of the loan shall be changed from thirty thousand dollars (\$30,000*) to fifty thousand dollars (\$50,000) and may include applicable one time fees for processing the loan.**

Councilor Sette pointed out that the rest of the resolution is the same and we can waive the reading as the Resolution, in its entirety, is on file.

Amendment seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

2. Waiver of application stipulation: Debt to income ratio

Councilor Sette stated that the Council has received a request to waive the debt-to-income ratio stipulation for grant qualification. Council has granted a waiver to this stipulation in the past.

We have also received a request from Rhode Island Housing:

To: Thomas Mainville, Finance Director
From: Michelle Labossiere, Community Lending
Date: February 2008
Subject: Gloucester Community Septic Program

Listed below is a loan that does not meet the loan criteria for the Gloucester Community Septic Loan Program. In this case, the borrower's debt to income ratio is 48%. The maximum debt to income ratio under the town's lending guidelines 45%.

Deborah Grasso, 476 Chopmist Hill Road

If the Town of Gloucester wants to close this loan, RI Housing will need a written exception.

Loan Amount \$12,400.00 @ 4% for 10 Years Monthly Payment \$125.54

Ms. Grasso has been employed for over 11 years with the same company. She currently has a mortgage on the property and the Loan to Value including this loan based on the Assessed Value is 36%. Her credit history overall is good.

Please advise if you wish to waive the debt to income ratio in order to close this loan.

Please advise in writing by February 27, 2008, how you would like RI Housing to proceed with this loan.

Thank you,
Michelle Labossiere
Rhode Island Housing

(End of memo)

Discussion: Councilor Sette stated that this has been done in the past, when necessary.

MOTION was made by Councilor Reichert to WAIVE the Debt to Income Ratio for Gloucester Community Septic Program applicant Deborah Grasso, 476 Chopmist Hill Road; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

- A. Larry Desormier, Building/Zoning Official, stated that the Department of Environmental Management is filing a violation with Superior Court regarding Pray Hill Farms, as nothing has been done at the site.

L. Desormier spoke regarding the complaint which was filed concerning CVS deliveries. L. Desormier confirmed that deliveries have been taking place between 3:00 and 3:30 a.m., and stated that he has a meeting with the manager next week. Councilor Sette asked L. Desormier to keep the Council apprised so that a response can be forwarded to the complainant.

L. Desormier stated that his department will be at or over budget before the end of the fiscal year, adding that he is currently consulting the Finance Director regarding the situation.

- B. Viviane Valentine, Tax Assessor, stated that we are getting towards the end of the statistical revaluation process and has requested the use of a room in the School Department. V. Valentine stated that space is needed for hearings during the remainder of February and the month of March.

XI. Boards/Commissions

None.

XII. Council Correspondence/Discussion

- A. Councilor Sette stated that there is a request from Bluff Head Enterprises for information regarding health and welfare benefits for employees. There was consensus to forward this correspondence to the Finance Director.

- B. Councilor Sette stated that correspondence was received from Fuss & O'Neill regarding a site investigation of property on West Greenville Road.

- C. There was discussion regarding correspondence from the town of Burrillville which addresses Senate Bill 2008 - S 2037, An Act Relating to Public Utilities - Excavation Near Underground Utility Facilities - Costs. Councilor Sette expressed agreement that utilities should be required to pay the cost of relocating infrastructure, noting that when Route 44 is done in 2011, the Town should not bear the cost. A Resolution of support will be on the next agenda.
- D. Councilor Sette stated that Ross & Company has been bought by another printing company after 70 years of service. Councilor Sette noted that a letter of thanks should be sent to Mr. and Mrs. Ross.
- E. Councilor Sette stated that an invitation was received from United Healthcare concerning a seminar regarding reducing costs. Councilor Sette stated that he plans to attend.
- F. Councilor Sette stated that correspondence was received from Blue Cross regarding Governor Carcieri's proposed supplemental budget.
- G. Councilor Sette stated that correspondence was received from Representative Gorham regarding his proposal to combine several towns into one.

XIII. Open Forum

- A. Rose LaVoie spoke regarding the condition of the sidewalks in Town, stating that they are a disgrace. R. LaVoie commented that when she served on the Chepachet Village Planning Commission, repairs were scheduled to take place in 2006. Mrs. LaVoie stated that there is no excuse for the delay, adding that there is enough money in this country spent on other things.

R. LaVoie expressed concern regarding the recent incident at the middle school where a pipe froze and burst, causing much damage. R. LaVoie asked who will be responsible for repairing the damage. Councilor Sette replied that H. V. Collins, the contractor, will cover the cost of repairs.

- B. Walter Steere, School Committee member, expressed agreement with Mrs. LaVoie's comments regarding the roads and sidewalks in the village, noting that the repairs have been put off year after year.

W. Steere discussed the budget, stating that it has come to his attention that exemptions may be requested for loss of revenue, adding that on the Gloucester side this could amount to approximately \$218,000. W. Steere noted that \$100,000 of that amount was what the Town Council asked the School Committee to cut from their budget, which should not be called loss of revenue, in his opinion. W. Steere stated that he does not believe that we should be asking for an exemption because this was misuse of funds by the School Committee. W. Steere stated that there are even more problems on the regional side of the budget.

W. Steere stated that he and Ron Cervasio, as co-chairs of the School Committee, attended a meeting of the Building Committee at which there was explanation regarding how the debt service is going to work. W. Steere stated that the Building Committee was to contact the Finance Directors of both towns to discuss this, but Tom Mainville, Finance Director, has not yet been contacted. W. Steere stated that the Building Committee wishes to borrow \$614,000 from one or both of the towns to help reduce the impact of the debt service on the two towns in the first year.

Councilor Sette asked if it has been determined if the additional money will get relief from the cap. Councilor Sette pointed out that if the money is in the operating funds, it does not get relief from the cap. Councilor Sette stated that we need answers before we can go forward with any budget. Councilor Sette asked if there will be any attempt made to move the Financial Town Meeting date until we have accurate numbers.

Walter Steere replied that it is still being talked about and is a possibility. W. Steere stated that the School Committee went through everything that could be cut which was not mandated, including sports, band, music and business programs. W. Steere further stated that administrative positions have also been cut, such as Dean of Students. Councilor Sette pointed out that we have a Superintendent and an Assistant Superintendent. W. Steere stated that he will not support cutting sports or band programs. Councilor Sette stated that we are spending a lot of money on building, but this is not doing anything for the students. Councilor Sette questioned the need to operate three buildings.

There was discussion regarding unfunded mandates, such as transportation to private and parochial schools, textbooks and bus monitors for grades K through 5. Councilor Sette stated that the Coalition of Cities and Towns has asked for a Resolution which states that when a city or town cannot afford these unfunded state mandates, they will not be implemented.

- C. Kevin LaVoie spoke regarding the water damage at the middle school and asked where the students were relocated to when seventeen classrooms were damaged. K. LaVoie commented that half of the building is empty and stated that he would not be opposed to closing down the building and cutting our losses while we can.

XIV. Executive Session Pursuant to:

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

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

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

XV. Reconvene Open Session
A. Disclosure of Votes Taken

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:26 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 30, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **March 6, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; and Kevin Walsh.

Member Absent: Charles Poirier.

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; and Elinor Tetreault, Western RI Home Repair Program Manager

III. Pledge of Allegiance

The Pledge of Allegiance was led by Elinor Tetreault.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Community Development Block Grant - 2008

Councilor Sette stated that this Public Hearing is a continuation from February 21, 2008. Councilor Sette stated the Council will consider the Planning Board opinion on consistency of the requests with the Comprehensive Plan and the Program Manager's opinions before prioritizing these requests. Councilor Sette further explained when the application is completed, Council will hold the second Public Hearing to review the final application.

Councilor Sette read a letter from the Program Manager of Western Rhode Island Home Repair Program:

3/06/08

RE: 2008 CDBG Proposed Activities (Prioritize)

The Western RI Home Repair Program has made the following recommendations for the FY 08 Community Development Block Grant.

The proposed activities are as follows:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement Program	65,000.00
Community Housing Land Trust- Monitoring	
The affordability of the replaced Mobile Homes (2)	4,000.00
Operations	\$45,000.00
Administration	\$8,000.00
Food Bank	\$4,500.00
Echo Lake Water District	\$22,000.00
Community Housing Land Trust	\$1,500.00

Total Proposed Activities **\$250,000.00**

The Town Council needs to prioritize these activities as part of the CDBG requirement. The total amount allowable for the grant application is \$250,000.00.

I will start the application process, once the activities are prioritized. The activities were reviewed by the Planning Board on 3/3/08. The Planning Board will issue an advisory opinion to the Council on whether the proposed activities are consistent with Gloucester's Comprehensive Community Plan.

The 2nd Public Hearing is scheduled for April 3, 2008; at that time the application will be complete and available for public review.

The application is due to the State of Rhode Island on April 17, 2008.

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

Sincerely,

Elinor C. Tetreault Program Manager

(end of memo)

Jean Fecteau, Town Clerk, noted that she has not received the Planning Board's motion but was advised by the Town Planner that the Board has no objection to the recommendations submitted by Elinor Tetreault.

Discussion: Councilor Walsh stated that he has reviewed the list and feels that the items are in a good order. Councilor Sette questioned the \$65,000 for the mobile home replacement. Ms. Tetreault explained that last year, there was a set-aside amount which was not included in the \$250,000, but this year there is not.

Councilor Sette asked if anyone wished to speak regarding the prioritization. Hearing none, Councilor Sette declared the Public Hearing closed.

MOTION was made by Councilor Walsh to Prioritize the proposed activities to be included on the Community Development Block Grant application for 2008 as follows:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement Program	65,000.00
Community Housing Land Trust- Monitoring	
The affordability of the replaced Mobile Homes (2)	4,000.00
Operations	\$45,000.00
Administration	\$8,000.00
Food Bank	\$4,500.00
Echo Lake Water District	\$22,000.00
Community Housing Land Trust	\$1,500.00
Total Proposed Activities	\$250,000.00

seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

Councilor Sette stated that the second public hearing will be scheduled for April 3, 2008.

VI. Resolutions

A. Senate Bill S-2037

Relating to public utilities-excavation near underground utility facilities cost

Councilor Sette stated that the Council has received requests from other communities, for example:

From their letter of 1/31/08:

The Burrillville Town council continues to believe that utilities should be required to pay the cost of relocating infrastructure. To that end, they respectfully request your support of Senate Bill 2008 - S 2037, An Act Relating to Public Utilities - Excavation Near Underground Utility Facilities - Costs. The council has also asked that similar legislation be introduced to the House.

(End of memo)

Councilor Sette stated that a request was received from Senator Fogarty's Office regarding a hearing, scheduled for March 11, regarding this legislation. Councilor Sette asked the Council members to please let Senator Fogarty know if they can attend.

Councilor Sette noted that a Resolution has not yet been prepared, but one will be drafted prior to the hearing on March 11th.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward a resolution in support of S-2037, an Act Relating to Public Utilities - Excavation Near Underground Utility Facilities - Costs, to our local legislators; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

B. Request for Support:

Repeal of R.I.G.L. 16-2-9.g

Relating to Education-School Committees & Superintendents

(House Bill H-5661 of the 2007 session)

Councilor Sette stated that in August of 2007 this Council forwarded a resolution to our legislators asking for the repeal of 16-2-9.g, which authorizes School Committees to hire separate legal counsel.

Councilor Sette asked for authorization to again send the resolution to our State legislators.

MOTION was made by Councilor Reichert to again forward the Resolution to our legislators asking for the repeal of R.I.G.L. 16-2-9.g, which authorizes school committees to hire separate legal counsel; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments (Terms that have expired)

1. Conservation Commission

a. Expired three year terms

b. Alternate one year term

Councilor Sette stated that Councilor Poirier was in contact with Roy Najecki, the Chair of the Conservation Commission regarding these appointments, but no names have been brought forward.

MOTION was made by Councilor Reichert to TABLE the appointments to the Conservation Commission for one expired three year term and one expired alternate term; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

VIII. New Business

A. Update from Building/Zoning Official

1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that he has visited the construction site twice this week. L. Desormier reported that he has met with Tim Alix, project manager and William Abt, member of the Building Committee. L. Desormier stated that the north building is 80% complete regarding underground plumbing and 90% complete with regard to rough electric. L. Desormier added that he is almost ready to issue permits for the south building.

L. Desormier spoke regarding the incident of February 11th at the middle school which resulted in water damage. L. Desormier commented that H. V. Collins worked quickly to rectify the problem, but he expressed concern that written approval has not been given regarding the spray-on fire protection on the structure. L. Desormier stated that unless he receives written documentation that the fire protection was not damaged, he will shut several classrooms down.

There was discussion regarding correspondence from the Building Committee which states that the Town is holding up the permitting process. L. Desormier stated that this is not the view of the entire Building Committee.

B. Authorization of Correspondence: State of Rhode Island Property 1116 Putnam Pike

Councilor Sette stated that the Town Planner has been corresponding with Statewide Planning regarding the status of the Chepachet State Trooper barracks on Putnam Pike. Councilor Sette stated the Planner has indicated there has already been some interest shown by Rhode Island Housing to purchase for affordable housing, therefore the Planner has recommended the Council discuss what possible uses they might see for that building, if we were able to acquire. Councilor Sette stated that Senator Fogarty has sent a letter on behalf of the Town requesting acquisition of the property. Councilor Sette pointed out that at this time, the Town needs room for office space.

Councilor Sette further stated that at the Regional School Committee meeting, there was discussion regarding moving the School Department into an existing school building at a cost of \$250,000.

Councilor Sette stated that if the Town could acquire the State Police Barracks for this purpose, it would result in a significant cost savings.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward correspondence to the State of Rhode Island regarding the possible acquisition of 1116 Putnam Pike; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

C. Appointments

1. Planning Board

Two (2) Expired 5 year terms

Councilor Sette stated that we have two expired 5 year terms to the Planning Board up in March: George Charrette, current Vice Chair and Anthony Autiello.

MOTION was made by Councilor Reichert to REAPPOINT George Charrette and Anthony Autiello to the Planning Board for five year terms to expire 3/2013; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

2. Board of Canvassers

One (1) Expired 6 year terms

Councilor Sette noted that the election this week went extremely well, adding that Barbara Kelly does a great job.

MOTION was made by Councilor Reichert to REAPPOINT Barbara Kelly to the Gloucester Board of Canvassers for a six year term to expire 3/2014; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

D. Establishment of Charitable Contribution Fund

Councilor Sette stated that Councilor Joyce requested this item and asked Councilor Joyce to explain. Councilor Joyce stated that this came up several months ago and he has discussed with John Bevilacqua, Town Solicitor, and Tom Mainville, Finance Director. Councilor Joyce stated that he is seeking a motion to open an account and prior to conducting an organized fund-raiser, he would give the Council the opportunity to review the information which would go out to the donors.

MOTION was made by Councilor Reichert to establish a Charitable Contribution Fund; seconded by Councilor Joyce.

Councilor Reichert withdrew his motion and Councilor Joyce withdrew his second.

MOTION was made by Councilor Joyce to authorize the Finance Director to open a Charitable Account meant to supplement Gloucester's Town Aid Social Services, with conditions as required by the Finance Director; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

E. Gloucester Affordable Housing Advisory Board

1. Declare vacancy

Councilor Sette stated that the Clerk has forwarded correspondence to Mr. Angevine and left telephone messages, but she has not been able to contact. The Planner has been trying to reach Mr. Angevine also. Councilor Sette stated that the Affordable Housing Board has a problem meeting their quorum and has canceled meetings. Councilor Sette stated that there has been an effort for this committee to meet on a regular basis, and if they are having trouble getting a quorum, it was recommended that another individual be appointed as soon as possible.

MOTION was made by Councilor Walsh to VACATE the position on the Gloucester Affordable Housing Advisory Board held by Harry Angevine; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

2. Appoint replacement

Councilor Sette stated that there has been no name brought forward for appointment at this time.

MOTION was made by Councilor Joyce to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

IX Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that it has been requested that the Public Hearing for the Town's budget be held at 7:00 p.m. on April 3rd prior to the regular meeting instead of having a special meeting on April 10th. The Town Council members agreed to the request.

B. J. Fecteau stated that she has been receiving numerous complaints regarding the parking at the Town Hall. J. Fecteau noted that many bus commuters park in the front spaces along Douglas Hook Road as well as in the lot behind the Town Hall. J. Fecteau noted that it is public parking, but asked if the amount of time allowed could be limited by ordinance. Councilor Reichert suggested posting signs which indicate "Town Hall Parking Only". Councilor Walsh added that there could be a two-hour limit as well. J. Fecteau stated that the commuters used to park in the former CVS lot across the street until the owner of the property notified them that they could no longer do so. There was consensus to place this matter on the agenda for the next Town Council meeting for discussion.

X. Boards/Commissions

None.

XI. Council Correspondence/Discussion

A. Councilor Sette read the following letter into the record:

February 28, 2008

The Honorable Steven Sette

President Gloucester Town Council

Dear President Sette:

Based upon the continuing saga of incompetence and/or corruption exhibited by most Rhode Island elected or appointed office holders, I have obviously given up all hope of saving our beloved State. Ironically, our state motto "hope" contradicts the reality of our situation.

That being said, I am appealing to you to exercise your best efforts in saving our Town of Gloucester where I have lived for 70 years. Certainly, I will not enjoy seeing our Town suffer the same fate as the rest of the State.

Some examples or factors which are particularly upsetting are as follows:

The Superior Court ruling that the Gloucester Town Council does not have the power to discharge a board member;

Gloucester's tax payers being the victims of the construction of a public school building which differs entirely from the accepted plans;

The possibility of loss of accreditation due to overcrowding when in fact the student population is declining;

The tomfoolery of "Esco;"

The lack of an open forum at school committee meetings which denies every one the opportunity to comment; surely a denial of free speech;

The need of an investigation by the proper authority to determine whether an alleged inappropriate relationship unduly influenced votes cast on critical issues;

The need of a forensic audit in order to determine where and how taxpayers' dollars are being spent.

Owners of real estate who have no children enrolled in our public schools are being unduly burdened for obvious reasons. Parents with school children should be asked to be more responsible for their children's education especially for athletics, field trips and similar. Our seniors are just as much a vital cog presently, for our Town as our children will be in the future. Lest we forget our roots!

In my opinion the above list represents a good beginning. Obviously, a great many other issues remain to be resolved. On a national level, candidates for the office of President of the US are emphasizing the need for change! I agree; Gloucester needs a change and not necessarily a change in approach to act as a community.

Over two hundred years ago, one of our founding fathers, Thomas Paine, stated the following: "Ignorance like hell is difficult to overcome". We are not ignorant; at least, I don't think so; therefore, since the Town's problems are not at a hellish level, we should have no difficulty in overcoming each and every one of them!

Personally, I derive little benefit from the Town in return for my tax dollars except for police protection, which, fortunately, I never had to use. I do wish to emphasize that I thoroughly enjoy my weekly visits to the dump; often times the air is "cleaner" there than "other places".

As you must be aware, my purpose in writing this letter to you is not to cast aspersions on people's character and not to degrade our Town; moreover, my purpose is to have this communication act as a catalyst to not only the members of the Council but also to all of the good citizens of our beloved Town.

I thank you in advance for your courtesy and consideration.

Respectfully,

Russell Gross
(end of letter)

- B. Councilor Sette stated that there is correspondence from the Town of Putnam, Connecticut regarding the establishment of a telecommunications tower.
- C. Councilor Sette stated that the Council received an invitation to the Newport St. Patrick's Day Parade.
- D. Councilor Sette spoke regarding a seminar entitled "Winning Interest Arbitration" on March 12th by the Rhode Island City and Town Management Association.
- E. Councilor Sette stated that an e-mail was received from a resident of Indian Trail concerning the poor condition of the road. J. Fecteau, Town Clerk, stated that a response was sent.
- F. Councilor Sette stated that a resignation was received from Peter Skeffington from the Charter Review Commission. Councilor Sette stated that a new member will be appointed by the Council before the next Charter Review Commission meeting.

XII. Open Forum

- A. Lorraine O'Connors commented that when she served on the Charter Review Commission, meetings were advertised in the newspaper to allow any interested citizens to attend. Mrs. O'Connors stated that she has not seen anything pertaining to the current review of the Charter. Councilor Sette noted that the agendas are posted, but stated that he will suggest that the Commission place a news brief to notify the public of upcoming meetings.
- B. Rose LaVoie reminded the Council of the gala which is scheduled for Wednesday, April 30th to raise funds for the Dorr Rebellion Museum.

Mrs. LaVoie spoke regarding a commentary in the Providence Journal which addressed the cost of education per student statewide and how poorly test scores are coming in.

Mrs. LaVoie commented that she feels that road and sidewalk work cannot wait until the year 2011 and suggested that the Council contact our legislators in an attempt to expedite the repairs.

Regarding the State Police Barracks, Mrs. LaVoie noted that when it was first known that the Police would be relocating, the Chepachet Village Coordinator received promises that the property would be offered to the Town.

Mrs. LaVoie recommended that the Town look into purchasing the Texaco property to create additional parking.

- C. Bob Lyons expressed his hopes that the parking situation can be rectified, stating that “park and ride” is very important to our environment.

Mr. Lyons commented on the condition of the roads in Town, noting that the past winter has made the situation worse. Mr. Lyons recommended that the Public Works budget be increased to handle resurfacing private roads in Town. Mr. Lyons pointed out that residents of private roads do not receive a tax break and the Town is responsible for maintaining safe passage.

- D. Christine Gallagher, 5 Spring Place, spoke regarding a water problem she is having. Ms. Gallagher stated that water comes off of Route 44 onto Lake Shore Drive, flows down Spring Place, and finally down her driveway, causing the driveway to wash away. Ms. Gallagher stated that she has spoken with the Director of Public Works, who agreed that a problem exists. Ms. Gallagher stated that there are berms missing on Route 44 beginning at Echo Road. Ms. Gallagher commended the Public Works Department for the work they do on private roads, however she feels that it is a waste because the damage recurs. Ms. Gallagher noted that the State has indicated that the replacement of the berms is their responsibility, but nothing has been done. Councilor Sette stated that the Director of Public Works will write a letter to the State regarding the situation.

Councilor Sette stated that Councilor Poirier’s absence is due to illness and expressed wishes for a speedy recovery. Councilor Sette noted that Councilor Poirier asked that a letter be sent to the Department of Elderly Affairs regarding the requirement of security cameras at the entrances of the senior housing developments. Councilor Sette pointed out that each unit has its own entrance which would make it cost prohibitive to install the cameras. Councilor Sette stated that the Council will explain the situation to the Department of Elderly Affairs and request a waiver of this requirement.

XIII. Executive Session Pursuant to:

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

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

XIV. Reconvene Open Session

- A. Disclosure of Votes Taken

There were no votes taken in Executive Session.

MOTION was made by Councilor Reichert to transfer funds from the Town of Gloucester's Fund Balance as follows: for Fiscal Year 2006-07: approx. \$212,709; and for Fiscal Year 2007-08: approx. \$235,533; to the Foster/Glocester Regional School Committee and to budget an additional amount of approx. \$247,310 in the 2008-09 Fiscal Year Budget for the Foster/Glocester School District (to be voted on at F/G Regional Meeting), for an approx. total of \$695,552.

This action is to settle a pending action between the Town of Gloucester and the Regional School Committee resulting from a vote taken at the Foster/Glocester Financial Town Meeting of 2007 and thereby adjusts the Town of Gloucester's base figure to be the same figure carried by the Region. The Finance Director for the Town of Gloucester to review the approximate figures above and adjust accordingly; seconded by Councilor Joyce.

Discussion:

VOTE: AYES Sette, Reichert, Joyce, Walsh

NAYS 0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:15 p.m.; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES Sette, Reichert, Joyce, Walsh

NAYS 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the March 20, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
The Town of Gloucester on **March 20, 2008**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director, John Bevilacqua, Town Solicitor; Susan Harris, Deputy Town Clerk; David Steere, Budget Board Chair; Jane Steere, Tax Collector; Viviane Valentine, Tax Assessor; Roy Najecki, Conservation Commission Chair; and Lawrence Desormier, Building/Zoning Official.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Joyce.

IV. Open Forum for Agenda Items

Bob Lyons spoke regarding Item H. under New Business, Targeted Brownfields Assessment Access Agreement Chepachet River Park. B. Lyons stated that he has reviewed the Chepachet River Park project and feels that the Town should not be spending funds on the project. B. Lyons added that this project will not benefit many people in Town and feels that the money could be better used elsewhere, such as road repairs.

V. Public Hearing

A. Victualing License

1. NC Pelski, Inc., d/b/a Char's Bar & Grille

Location of Business: 812 Putnam Pike, Gloucester, RI 02814

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal on March 7, 12th, & 19th, 2008.

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to speak for or against the license.

Discussion: Charlene Pelski, applicant, stated that she and the owners of the building decided that the establishment needed more than just a nightclub persona and have added a chef to expand the existing menu.

Councilor Sette asked again if anyone wished to speak for or against the license.

Hearing none, Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Poirier to GRANT a Victualing License to NC Pelski, Inc., d/b/a Char's Bar & Grille, location of business: 812 Putnam Pike contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Transfer of Liquor License

1. FROM: IB Lincoln Inc., David C. Lincoln d/b/a The White Horse Sports Pub
Location of Business: 812 Putnam Pike

TO: NC Pelski, Inc., Charlene Pelski and Neal Pelski d/b/a Char's Bar and Grille
Location of Business: 812 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on March 12 & 19th 2008.

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to speak regarding the transfer of liquor license.

Discussion: Councilor Reichert recused himself from this matter. Council Sette stated that the Council has received a claim regarding this establishment from Reichert Oil as follows:

March 11, 2008
Glocester Town Hall

To Whom It May Concern:

We, at Reichert & Sons Fuel Company, would like to enter a grievance against the Transfer of the liquor license from the White Horse Tavern to Char's Bar and Grille.

The White Horse Tavern has an outstanding bill owed to us for the sum of \$755.28.

This bill is over 30 days past due.

Respectfully Yours,
William E. Reichert
President

Discussion: It was noted that the above-mentioned outstanding bill has been satisfied.

Councilor Sette asked if anyone else wished to speak regarding the transfer of liquor license. Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Joyce to GRANT the Liquor License Transfer FROM: IB Lincoln Inc., David C. Lincoln d/b/a The White Horse Sports Pub, Location of Business:812 Putnam Pike; TO: NC Pelski, Inc., Charlene Pelski and Neal Pelski d/b/a Char's Bar and Grille, Location of Business: 812 Putnam Pike; contingent upon 1)Certificate of Good Standing; 2)Health Department approval; 3)Rhode Island Permit to Make Sales; 4)Building/Zoning approval; 5)Fire Department approval; 6)list of all employees with Alcohol Service certification (to be kept current); 7)Diagram of service area to be maintained on file in the Office of the Town Clerk; 8) all conditions for outdoor use of alcohol set by the Town Council on August 4, 2005 will be included on the license and will be strictly adhered to 8)Claims filed are discharged or disputed per R.I.G.L 3-5-19; seconded by Councilor Walsh.

Discussion: Councilor Poirier pointed out that when this was first granted for the White Horse Tavern, it was said that it would not be automatic on the transfer. John Bevilacqua, Town Solicitor, stated that this is correct; it has to be approved by each Council.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
RECUSED: Reichert

MOTION PASSED

C. Entertainment License

1. NC Pelski, Inc., d/b/a Char's Bar & Grille
Location of Business: 812 Putnam Pike, Glocester, RI 02814

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on March 12, 2008.

Councilor Sette DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the entertainment license.

Discussion: Councilor Poirier asked the applicants if they intend to change the current type of entertainment at this establishment. Charlene Pelski replied that she and her husband have run the bar over the last nine months to get a sense of what would work and what would not. Mrs. Pelski stated that most live bands are loud, so they plan to have more low-key types of entertainment such as a two-man band or background music while patrons are eating. Mrs. Pelski noted that karaoke is successful and they plan to continue this type of entertainment.

Councilor Sette asked if anyone else wished to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing Closed

MOTION was made by Councilor Poirier to GRANT the issuance of an Entertainment License to NC Pelski, Inc., d/b/a Char's Bar & Grille, Location of Business: 812 Putnam Pike, contingent upon the following: 1) Payment of all Town taxes; 2) Building Official approval; 3) Fire Inspector approval; 4) Police Chief approval; this license shall be for the interior of the premise only and is valid from March 21, 2008 to November 30, 2008 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 secured, and that doors only are opened for normal ingress and egress from the premises.
3. That all live entertainment cease at 1:00 a.m.
4. When there is live entertainment, the Town Council, at its discretion, may assign a supplemental police officer or officers at such time and in such a place as the Town Council deems appropriate and the license holder shall reimburse the Town of Gloucester for the expense of such police officer(s) and to such other reasonable conditions and restrictions as the Town Council may from time to time promulgate.
5. All entertainment shall be limited to that which is applied for in writing on the application for said Entertainment License;

seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

D. Earth Removal

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

Councilor Sette stated that the Renewal of this Earth Removal License was advertised on March 10, 2008 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing OPEN and asked anyone wishing to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion: None.

Councilor Sette again asked if anyone wished to be heard. Hearing none, Councilor Sette DECLARED the Public Hearing closed

MOTION was made by Councilor Reichert to GRANT the Earth Removal License Renewal to Applicant: Adler Brothers Construction, Inc.; Location of Business: Putnam Pike, further described as AP 14, Lots 18, 19, & 20; contingent upon: 1) Building/Zoning approval; 2)all Town fees being paid; 3)current bonding secured; said license to be valid April 1, 2008 to March 31, 2010;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

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

Councilor Sette stated that the Renewal of this Earth Removal License was advertised on March 10, 2008 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing Open and asked anyone wishing to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion: None.

Councilor Sette again asked if anyone wished to be heard. Hearing none, Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Poirier to GRANT the Earth Removal License Renewal to Applicant: George O. Steere, Sr. et als; Location of Business: Rte. 102, further described as AP 13, 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, 2008 to March 31, 2010; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

3. Applicant: Bella Sand, LLC
Location of Business: Between Rt. 98, Rt. 102 & Cross Road, further described as AP 10, Lot 105, 106, 106A and 116

Councilor Sette stated this Renewal of an Earth Removal License was advertised on March 24, 2006 in the Providence Journal Legal Ads and abutters notices were sent out.

Councilor Sette DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposed renewal of this earth removal license to step forward and state their name and address for the record.

Discussion:

1. Bruce Bowen, 32 Cross Road, asked what measures are being taken to protect the well water in the area. Mr. Bowen also stated that they are experiencing earthquakes from the moving of equipment which result in electrical problems in his house. Mr. Bowen noted that the activity starts at 7:00 a.m., which is a half-hour earlier than it should.

Larry Desormier, Building/Zoning Official, responded that the applicant is present and has been cooperative in addressing the issues. L. Desormier stated that there was a problem on Route 98 which was a result of heavy rains, but the problem has been taken care of. L. Desormier stated that this is the first complaint he has heard regarding the hours of operation, noting that he thought hours of operation were 7:00 a.m. to 4:00 p.m., according to our Charter.

2. Enrico Degregorio of Bella Sand stated that the noise is not generated from the earth removal operation, but rather the golf course nearby, adding that the Police have responded six or seven times in the past year. Regarding the groundwater, Mr. Degregorio stated that they dig test pits 7 to 10 times per year to ensure that they are 5 feet above the groundwater.

Councilor Sette asked Mr. Degregorio if they are working close to Cross Road. Mr. Degregorio replied that recently they have been working closer to Cross Road than normal. Councilor Walsh suggested that the activity begin on the other side for the first part of the day, to which Mr. Degregorio replied that this would not be a problem. Mr. Degregorio added that the excavation is nearly finished on the side near Cross Road.

3. Steven Bowen of 32 Cross Road asked what could be done regarding the sand blowing across the sand pit. Mr. Degregorio replied that this will be less of a problem when leaves are on the trees, but it is worse in winter.

Councilor Sette again asked if anyone else wished to be heard. Hearing none, Councilor Sette DECLARED the Public Hearing closed.

MOTION was made by Councilor Reichert to GRANT the Earth Removal License Renewal to 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; contingent upon: 1) Building/Zoning approval; 2) all Town fees being paid; 3) current bonding secured; said license to be valid April 1, 2008 to March 31, 2010; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

Councilor Sette advised Bruce Bowen to contact the Building Inspector if any future problems should arise.

- VI. Consent Items
 - A. Finance Directors Report, February 2008
 - B. Tax Assessors Additions & Abatements
 - C. Town Council Minutes

MOTION was made by Councilor Reichert to ACCEPT the Finance Director's Report of February 2008; (there are no Tax Assessor Additions & Abatements for February 2008); and to APPROVE the Town Council minutes of March 6, 2008; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, & Joyce
NAYS: 0
ABSTAIN: Poirier
MOTION PASSED

- VII. Unfinished Business
 - A. Appointments (Terms that have expired)
 - 1. Conservation Commission
 - a. Expired three year terms
 - b. Alternate one year term

Discussion: Councilor Sette stated that Roy Najecki, Chair of the Conservation Commission, has informed the Clerk today that advertisements have been run and there are no names at this time.

MOTION was made by Councilor Walsh to TABLE the Appointments to the Conservation Commission for one expired three year term and one alternate one year term; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. New Business

A. Resignations:

1. Charter Review Committee

Councilor Sette stated that the Council has received a resignation from Pete Skeffington from the Charter Review Committee which is filed in the office of the Town Clerk.

Discussion: None.

MOTION was made by Councilor Reichert to ACCEPT the resignation of Pete Skeffington from the Charter Review Committee; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Wastewater Management Board

1. Request from Chairman to vacate position

Discussion and/or Action

Councilor Sette stated that the Council has received a request from Lou Cadwell, Chair of the Wastewater Management District Board. Mr. Cadwell has requested the position held on the Board by Frank Williams to be vacated due to lack of attendance. Councilor Sette noted that when this situation occurred with the Affordable Housing Board, correspondence was sent to the member asking for his attendance at the next Town Council meeting. It was noted that Mr. Williams has not attended a meeting in over a year. John Bevilacqua, Town Solicitor, stated that if there is a record of his lack of attendance, it would be sufficient reason to vacate the position. There was consensus to send a letter to allow Mr. Williams an opportunity to respond.

2. Appointment

Councilor Sette stated that the Council has received a talent bank application for this Board from Thomas Lemos. Councilor Sette noted that because the position has not yet been vacated, the appointment must be tabled.

MOTION was made by Councilor Reichert to REMOVE the appointment to the Wastewater Management Board for a term to expire 6/2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Appointments:

1. Gloucester Affordable Housing Advisory Board

MOTION was made by Councilor Poirier to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Charter Review Committee

Councilor Sette stated that the next candidate on the list of volunteers is George O. Steere. (Buster).

MOTION was made by Councilor Poirier to APPOINT George O. Steere to the 2008 Charter Review Committee; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

D. Update from Building/Zoning Official

1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Discussion: Lawrence Desormier, Building/Zoning Official, stated that the testing of the fire protection at the new middle school has come back and has passed with flying colors. L. Desormier reported that the foundation has begun for the biomass building at the middle school, however, the main electrical line was hit and there will be a bit of a delay. L. Desormier noted that there will be no additional cost to the Town. L. Desormier stated that at present, our as-built plans only require a foundation, adding that he would like to amend that to require that all utilities are indicated.

L. Desormier stated that there has been no news from the Department of Health concerning the water tank. L. Desormier noted that he has called repeatedly with no response and will bring it up at his next weekly meeting with the builders.

Regarding the high school renovations, L. Desormier stated that as of today, all permits for the north, south, and biomass have been issued. The only permits left to be pulled are for omissions such as exterior lighting. L. Desormier reported that underground plumbing is 100%, mechanical duct work is 80%, mechanical piping is 75%, block work interior is 25%, connector foundation is 85%, windows are 80%, rough electric is 50%, and fire alarm is 10%. L. Desormier noted that the roof will begin in 2-3 weeks. Councilor Walsh asked if the roof will be stripped and replaced or are they going over the existing roof. L. Desormier replied that he does not have the specs yet. L. Desormier noted that the town of Smithfield will be assisting with regard to mechanical inspections.

Councilor Reichert stated that there are plans to remove the boilers from the old middle school and asked if there was a way the boilers could be used since they are already there. L. Desormier stated that there will be a 30 degree drop from one end of the building to the other because the new boiler will be in the south building and recommended leaving one boiler in the other building. L. Desormier stated that Gary King, the mechanical welder on site, has anticipated this problem and is attempting to put in additional valves.

L. Desormier stated that there have been questions regarding what the new biomass boiler will be able to handle percentage-wise. L. Desormier stated that he was told by Warren Ducharme, Building Committee member, that on a 23-degree day, the biomass boiler will handle 100% of the heating. L. Desormier pointed out that in this area, it often gets colder than that. L. Desormier further stated that there will be evening activities at the school which will require the building to be heated. L. Desormier noted that the biomass boiler is a 6.7 million BTU output, while the oil boiler is 12.3 BTU output.

Councilor Walsh asked L. Desormier if he has looked at the parking at the high school. L. Desormier replied that this is going through development plan review, adding that in order to obtain the required number of parking spaces, there will be a grassy area for extra parking. Councilor Walsh asked if this will affect water quality. L. Desormier replied that he feels that this will not be an issue. There was discussion regarding the lighting in the parking lot and exterior lights on the building.

E. Tax Bills: Reformatted Discussion and/or Action

Councilor Sette explained that there have been requests for separate tax bills which indicate what portion of the tax goes to schools and what portion goes toward Town expenses. Councilor Sette pointed out that only 150 voters were at the Regional Financial Meeting, which decides the School Budget, adding that when the tax bills go out, many more residents will be complaining about an increase. Councilor Sette read the following memo from the Tax Collector outlining printing options for this year's tax bills.

DATE: March 17,2008
TO: Gloucester Town Council
FROM: Jane A. Steere, Tax Collector
RE: Tax Bill-Town and School

In regards to having a separate bill for the Town portion and School portion I have found the following information.

Quotes received total \$6,000 for single bill-breakdown follows:

- for bill processing, costs are approximately two thousand nine hundred dollars (\$2900.00).
- Postage for mailing based on the numbers I have at this time will be three thousand one hundred dollars (\$3100.00).

Some of the deterring factors for having two bills:

- An additional six thousand dollars (\$6,000) for second bill
- the assessor would have to set up two receivable rolls and when posting payments we would have two posting rolls. This would be very confusing, especially to people who escrow their taxes as the banks would now receive two bills for each property and there would be payment errors.
- We now mail the tax bills from the printer who has an automated process to fold/insert each bill into a separate envelope and we pay a reduced rate of \$.33 per envelope.

I have spoken to our software provider, Peter DiCicco at Opal Works, and he feels we can show the school and town portions separated in the body of the tax bill in a bold color as shown on the following sample bill. The only cost to this option may be a small setup fee.

Respectfully,
Jane

(end of memo)

Discussion: Councilor Sette stated that there are other communities throughout the country who have done this in the past to let people know how much of their tax bill goes where. Councilor Sette expressed his opinion that this will call people's attention to the fact that they need to be more aware of what is being done. Jane Steere, Tax Collector, pointed out that if there were two tax bills, they would have to be mailed from the Town Hall because it could not be automated at the printer's facility.

Councilor Walsh expressed concern that if two tax bills were received, a taxpayer may choose to pay one and boycott the other. Councilor Sette asked if we could obtain a mock-up of a tax bill with the school and town portions separated and shown in a bold color, as suggested by our software provider. J. Steere replied that she will request a sample and have it at the next Town Council meeting.

Russell Gross commented that many taxpayers do not receive their tax bill due to the fact that they have escrow accounts with their mortgage companies. R. Gross stated that these people may not know how much their tax bill actually is, or how it is broken down. J. Steere stated that it would not be feasible to send bills both to the taxpayer and the financial institution because some of the homeowners would unknowingly pay the bill and the amount would be credited to their mortgage instead of their taxes. Councilor Sette suggested placing an ad in the Bargain Buyer which would notify taxpayers of the breakdown on the tax bills. J. Steere noted that she already runs an ad prior to the mailing of the bills and she will include this information in the ad.

F. Echo Lake Dam Management District Enabling Legislation
Discussion and/or Action

Councilor Sette stated that there are several representatives of the Echo Lake Dam Management District here to discuss the next step to be taken. Present were Kevin Menard, Chuck Mainville, Peggy Dudley, Mike Karmozyn, Brian Bicki and Leo Plouffe.

Kevin Menard of Burrillville stated that he had hoped to be here with a passed Resolution from the Town of Burrillville, but now they are asking Gloucester to go first. K. Menard stated that he feels that both towns are very close to completing the work needed to develop this Ordinance. K. Menard noted that in Gloucester, the Town owns the lake bed while in Burrillville, it is owned by a private party who has indicated that he may be interested in donating it to the Town. K. Menard stated that if this occurred, the tax bill would probably be in excess of what they plan to have for an annual budget. K. Menard noted that there is no provision in the enabling legislation to allow for any forgiveness, so this would require an exception to the enabling legislation, which the Town of Burrillville has agreed to support.

K. Menard stated that the dam district has the authority to enter into contract to borrow money but there is no mechanism to enforce the debt. K. Menard stated that financial institutions would be reluctant to lend money to the District. K. Menard stated that the District is asking for the same level of authorities and powers that the Towns and Fire Districts have. K. Menard requested that the Gloucester Town Council support the Resolution to modify the enabling legislation and then to make a formal request for the Burrillville Town Council to do the same.

Councilor Sette stated that he and Councilor Poirier met with the group and are in favor of supporting this request. John Bevilacqua, Town Solicitor, stated that the members of the Dam Management District need a recommendation from one or both towns in order for this to go forward. J. Bevilacqua stated that after a lengthy discussion with Tim Kane, attorney for the District, he sees no difficulty in this type of amendment to the enabling legislation in order to do what is necessary to make the District work.

Councilor Sette pointed out that if the Council does a Resolution of support, it would allow Burrillville to put it back on their agenda. K. Menard stated that presenting the Ordinance at a Public Hearing without these changes would be presenting an unfinished product. K. Menard pointed out that the exemption would only apply to the land under the lake and the land which encapsulates the dam. Therefore, if the Dam District would buy another piece of property, the exemption would not apply.

MOTION was made by Councilor Walsh to forward a Resolution asking the State Legislature to amend the enabling legislation Title 45 Chapter 62, Dam Management Districts, that would 1)allow both Towns to be exempt from taxation of property owned by dam management districts including the dam and land under the lake and 2)provide for the setting and collection of dam management district fees solely for the maintenance and operation of the dam; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

G. Town Hall Parking Lot
Discussion and/or Action

Discussion: Councilor Sette explained that the owner of the property across the street instructed the Postmaster to place no-parking notices on cars which are parked in the lot all day. These cars, for the most part, belong to bus commuters. Consequently, Councilor Sette stated that by 8:00 a.m., all of the parking spots in front of the Town Hall are occupied and some spots in the lot behind the Town Hall are already filled. Councilor Sette stated that one solution would be to place "Town Hall Parking Only" signs. Another suggestion was to have the bus stop moved to the State Police barracks and allow the commuters to park there.

Jean Fecteau, Town Clerk, recommended that a section of the parking lot behind Town Hall be designated as commuter parking. Councilor Walsh also recommended placing a 2-hour limit on the parking spaces in front of Town Hall and sending a letter to the State Police to request additional parking at the barracks. Ron Bachman, a regular bus commuter, stated that he will request that the commuters park behind Town Hall rather than in front.

H. Authorization:

Targeted Brownfields Assessment Access Agreement - Chepachet River Park

The Town Planner has requested the following:

TO: Town Council, Steve Sette
FROM: Raymond Goff, Town Planner
DATE: February 20,2008
SUBJECT: Targeted Brownfields Assessment Access
Agreement - Chepachet River Park

Attached please find a copy of the access agreement between RIDEM and the Town for Brownfields Site Assessment.

This is essentially a renewal of the access agreement that was signed in 2004. RIDEM has asked that we sign a new agreement since the previous one has expired. This agreement allows the RIDEM Contractor, Fuss & O'Neil access to the River Park property (AP 10B, Lots 3 & 46).

Please authorize the Town Council President to sign the attached agreement.
(end of memo)

Discussion: Councilor Sette noted that earlier there was concern expressed about spending money on this project. Councilor Sette asked Ray Goff what D.E.M. needs to do on this property at this time. R. Goff explained that this is the grant we received in 2003, adding that this is to allow Fuss and O'Neill to access the property. Councilor Sette asked if this obligates the Town to any other funding going forward.

R. Goff replied that we are trying to reach a point with D.E.M. to determine what the treatment level is for this site. R. Goff stated that the site of the contamination is isolated to where the mill ruins are located and would not be accessed if the park is developed. R. Goff noted that the Town will not incur any cost for this inspection. Councilor Walsh questioned how this would affect the liability of the parties from whom the Town purchased this property. John Bevilacqua, Town Solicitor, replied that the sellers would still be liable.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the RIDEM Contract dated 2008 to allow access to the River Park property, AP 10B, Lots 3 & 46, said agreement is a renewal application of a previous 2004 application; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, reminded the Council that the Budget Public Hearing on April 3rd will begin at 7:00 p.m. J. Fecteau also stated that the Town Financial Meeting is scheduled for May 3rd.

- B. Larry Desormier, Building/Zoning Official, reported that he has conducted an inspection of Pray Hill Tree Farm due to a complaint he received. L. Desormier stated that the silt fence is in total disarray and recommended calling in the bond before the situation becomes catastrophic. L. Desormier stated that he checked with D.E.M and they did not have a problem with calling in the bond. L. Desormier presented photos to the Council. John Bevilacqua, Town Solicitor, stated that notice of the violation will have to be given followed by exercise against the bond.

- C. Tom Mainville, Finance Director, stated that we have not yet had our exit review meeting with the auditors. T. Mainville stated that this can be done in one of two ways; the auditors could come to the Council meeting, or a separate meeting could be scheduled. There was consensus to schedule the exit review for April 17th at 7:00 p.m., before the regular meeting. There was discussion regarding the School Department's exit review which took place the night before. Walter Steere, School Committee

member, stated that some mistakes were made, mostly due to the shape that the Business Office was in, but expressed confidence that since the Finance Director has taken over, the mistakes will be corrected.

- D. Councilor Walsh noted that, according to correspondence from the Building Official's Office dated May, 23, 2007, the security bond for Pray Hill Tree Farm is in the amount of \$10,000.

X. Boards/Commissions

- A. David Steere, Budget Board Chair, stated that the Board has finalized the Budget for Fiscal Year 2008-2009. D. Steere distributed copies to the members of the Council. Councilor Sette asked if we are at 5% on the Operating side to which D. Steere replied in the affirmative. Councilor Sette noted that the Public Hearing is scheduled for April 3rd at which time the Council members may ask questions.

Councilor Sette asked Tom Mainville, Finance Director, if anything needs to be done concerning the application for exemption from the cap. T. Mainville replied that he has already sent in the application. T. Mainville stated that there is a concern because the new high school debt is not yet bonded. D. Steere pointed out that the projected tax rate on page 2 is based on current assessment due to the fact that the numbers for the revaluation are not yet available.

XI. Council Correspondence/Discussion

- A. Councilor Sette stated that there is correspondence from the American Red Cross requesting support in the amount \$1500.00.
- B. Councilor Sette stated that letters have been sent to abutters to the Town landfill to notify the property owners of the upcoming capping of the current landfill. The letter allows the abutters a period two weeks during which they may contact DEM with any questions or concerns. Afterward, if there are no concerns to be addressed, the process will begin. Councilor Sette noted that FM Global is planning to expand their research facility in West Glocester, adding that some of the material which will be excavated can be used in the capping of the landfill.
- C. Councilor Poirier spoke regarding correspondence from the General Assembly concerning the Education Funding Formula. Councilor Poirier pointed out that there is a hearing next week at the State House and suggested notifying our Representatives that they may wish to attend.
- D. Councilor Walsh spoke regarding a bill received from the legal counsel of the Regional Schools and the Building Committee. Councilor Walsh questioned whether this bill was for both entities. It was stated that the bill is unclear.

XII. Open Forum

- A. Beverly Thomas spoke regarding a letter she has submitted regarding the condition of Indian Trail. Ms. Thomas stated that she represents about 100 residents of the area and

reported that the road is deplorable and should be rebuilt. Ms. Thomas pointed out that the road is the only public access that they have; there is another road but it is gated. Councilor Sette stated that there is sub-committee which is working on a road policy. Ms. Thomas stated that she brought this to the Council's attention last November and was told by the Public Works Director that the cost to rebuild would be approximately \$100,000.

- B. Robert Crowther, another resident of Sunrise Gardens, stated that he has spoken with Mr. Anderton, the owner of the upper portion of Indian Trail. Mr. Anderton told Mr. Crowther that he had offered the road to the Town. Councilor Reichert stated that he was on the Council at the time, and Mr. Anderton did offer the road to the Town, but also wanted to cut house lots. Councilor Walsh pointed out that the Town recently assisted in the repair of a private road (Phillips Lane) and asked if there was a standard to use or if one could be written up. Councilor Sette stated that with the current school building projects, we are at our debt capacity.

Councilor Sette suggested that any additional tax revenue the Town receives from the FM Global expansion could be targeted towards infrastructure. Councilor Sette also stated that in the case of Phillips Lane, the residents were assessed an amount to be put toward materials, and the Town provided some of the labor. Mr. Crowther stated that he is on the Board of the Keach Pond Association and will bring this up at the next meeting. Mr. Crowther thanked the Council for their time.

- C. A resident asked how long the Phillips Lane process took. Councilor Sette replied that the discussion began in the Spring and the road was complete by October.

XIII. Executive Session Pursuant to:

- A. R.I.G.L. 42-46-5(a)2 Litigation & Collective Bargaining
- B. R.I.G.L. 42-46-5(a)5 Acquisition or disposition of property

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)2 Litigation & Collective Bargaining and R.I.G.L. 42-46-5(a)5 Acquisition or disposition of property; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

- A. Disclosure of Votes Taken

No votes were taken in Executive Session.

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:10 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 3, 2008 Town Council Meeting.

At a Town Council meeting holden in and for
The Town of Gloucester on **April 3, 2008**.

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; and Charles Poirier.

Member Absent: Kevin Walsh.

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Lawrence Desormier, Building/Zoning Official; Viviane Valentine, Tax Assessor; Jane Steere, Tax Collector; Alan Whitford, Director of Public Works; David Steere, Budget Board Chair; Ronald Bachman, Budget Board Member; Dr. Michael Barnes, Acting Superintendent; Christopher Hebert and Walter Steere, School Committee Members; and Roy Najecki, Conservation Commission Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Sette.

IV. Open Forum for Agenda Items

A. Rose LaVoie asked if there would be an opportunity to speak regarding budget items as they come up during the Public Hearing. Councilor Sette replied in the affirmative.

B. Brian Kauch stated the he also wishes to ask specific questions regarding the budget. Councilor Sette replied that Mr. Kauch would have the opportunity when the Public Hearing is declared open.

V. Public Hearing

A. Budget for Fiscal Year 2008-2009 (Advertised for 7:00 p.m.)

Councilor Sette stated that this Public Hearing is to consider the Gloucester budget for fiscal year 2008-2009. Councilor Sette added that this Public Hearing was advertised in the Providence Journal, North section on March 19, 2008 and Bargain Buyer on March 18, 2008.

Councilor Sette noted that the Clerk has also advertised the change of time for this meeting and budget hearing.

Councilor Sette DECLARED the Public Hearing Open and asked the Budget Board chair to explain the proposed budget.

David Steere, Budget Board chair, began with the School Budget. D. Steere stated that for the 2008-2009 budget, the maximum tax levy is capped by state law at 5% over the previous amount, adding that this increase amounts to \$906,730. D. Steere noted that the 5% cap does not include any exemptions applied for or approved for the debt service increase.

Tom Mainville, Finance Director and Chris Hebert, Gloucester School Committee chair, presented the Gloucester School budget. T. Mainville stated that the budget is in compliance with the Paiva-Weed law as it is at 5%. T. Mainville stated that Blue Cross and Delta Dental have both increased by 5%, pension for the certified staff is at 14%, and new textbooks are budgeted at \$46,000, which was the net result of a decrease of \$23,000. T. Mainville pointed out that both fuel and transportation are up due to the increasing cost of fuel.

Regarding changes in personnel, T. Mainville stated that there are four (4) retirees, three (3) of which will be replaced at lower steps. T. Mainville added that a part-time custodial position will be cut. T. Mainville stated that there are built-in increases in the budget for when teachers move between steps, and this accounts for \$64,000. T. Mainville noted that the certified contract ends on June 30th and negotiations are about to begin, adding that the non-certified contract ended last June and has not been settled.

T. Mainville asked if anyone had any questions regarding specific items in the School Budget.

Discussion: Brian Kauch questioned the second line on page 2, which is "claim settlement." T. Mainville explained that this was back in 2005-2006 before the Town assumed responsibility for the Business Office function; therefore, T. Mainville stated that he cannot answer the question. Walter Steere, School Committee member, stated that he believes that this settlement occurred when one of the principals retired.

Rose LaVoie referred to a recent newspaper article which stated that the taxpayers are left out of the loop when it comes to contract negotiations, whether it be for school committees, police or fire departments. R. LaVoie stated that we are picking up the tab but have no input. R. LaVoie wondered if taxpayers could sit in on these negotiations to see who is watching out for us. R. LaVoie expressed concern regarding pensions going up 14%, adding that some people in this state don't have pensions.

Chris Hebert, School Committee member, replied that this is a legal question which he cannot answer, but stated that the Governor has been pushing for legislation which would require that all municipal contracts be negotiated in the public purview. Rose LaVoie asked if a Council member sits in at negotiations. Councilor Sette replied that, by law, he believes they cannot. Chris Hebert stated that he is on the negotiating teams for both contracts and assured Mrs. LaVoie that they are doing the best that they can.

R. LaVoie referred to the article in the paper which listed the top ten salaries in Gloucester and commented that all but two were positions on the Police Department. R. LaVoie further stated that some of the Foster-Glocester regional teachers were listed at \$85,000 per year and above. Councilor Joyce noted that this was an error and any school position above \$75,000 would be a

principal or administrator. Councilor Sette commented that the police salaries include detail pay, which is paid by whatever company has hired the detail and not the taxpayers.

Ron Bachman, member of the Budget Board, expressed his concern that books will be cut. R. Bachman noted that Isaac Paine Elementary School in Foster has replaced books more recently than the elementary schools in Glocester and stated that he is concerned that when the students reach the Middle School level, the students will be at a disadvantage. Dr. Michael Barnes, Acting School Superintendent, stated that this has been a historic issue within the communities.

Chris Hebert stated that we are budgeting approximately \$46,000 more this year for books. R. Bachman stated that the School Committee should look at things a bit closer before they start cutting things such as books. Councilor Sette concurred that there are certain things that a parent should expect when they send a child to school; a safe building, staff that can teach, and the tools that the teachers need to teach. Councilor Sette cautioned that we should not lose sight of the real mission.

Councilor Sette asked if a decision has been made not to fund any unfunded mandates. Chris Hebert stated that this recommendation would have to come from the Superintendent. Chris Hebert further stated that this budget is different from those in the past due to the transition in the Business Office.

Councilor Poirier asked if there is any replacement schedule for textbooks. Dr. Michael Barnes stated that they have made the upgrading of instructional materials a priority. Dr. Barnes stated that the fact that we have twenty year old textbooks is reflective of the fact that for eighteen years, books were not put in the budget. Councilor Poirier asked if there is or ever has been a five-year plan for replacement of textbooks in a particular curriculum area. Dr. Barnes replied that historically there has not been such a plan.

Roy Najecki stated that five-year replacement of books is not always necessary in all subjects, such as mathematics, noting that the general rules of math do not change. R. Najecki agreed that history books should be updated to include current events. R. Najecki stated that if English or math books are in good shape, there is no reason to replace them so soon. Chris Hebert explained that a new math program has started at West Glocester which combines two different concepts.

R. Najecki commented that many of these new concepts are discarded in favor of the tried and true methods which work just fine. R. Najecki stated that there was discussion about a year ago regarding combining school districts and the potential savings which might result. R. Najecki asked if this would be a possible way to free up funds. C. Hebert replied that he was on the regionalization sub-committee and was in support of the concept; however, the residents of Foster voted against it. C. Hebert stated that he feels that we will ultimately be forced to regionalize if we do not do it voluntarily.

Rose LaVoie commented that years ago at her restaurant, she employed students from parochial schools who were bright, but more recently she has had employees from the school system who could not add without a calculator. R. LaVoie stated that arithmetic is basic and we should go back to the old way of teaching it.

Walter Steere, School Committee member, expressed agreement with Rose LaVoie and Roy Najecki regarding teaching math. W. Steere noted that other districts have tried this program and have dropped it. W. Steere stated his concern that we will purchase books and after a few years will change the program. Chris Hebert pointed out that the math books were purchased out of the last budget, adding that this year's budget is for English textbooks. W. Steere stated that if there is a possibility of saving money elsewhere in this budget, he would like to put money towards the books that we planned to buy.

Councilor Sette stated that both the Town and School Department must look at the way we pay for health care, adding that this should be put out to bid. Regarding retirement, Councilor Sette suggested buying an annuity instead of trying to budget for retirement each year.

Councilor Sette asked if there were any more questions regarding the school portion of the budget. Hearing none, David Steere, Budget Board chair, continued with the Municipal Budget.

D. Steere highlighted what was increased and what was decreased from the previous budget. D. Steere commented that there is a 3% increase in salaries for non-union employees. D. Steere noted that under Central Administration, much of the increase is due to advertising costs, which have gone up significantly. D. Steere further stated that there is an increase in the Town Clerk's office due to the upcoming election, which requires poll workers and police detail. D. Steere stated that there is an increase in the Building Official's office for an assistant building official, mainly because of two major construction projects.

D. Steere noted that there are some decreases to offset the increases. D. Steere pointed out that there is a decrease in advertising costs for the Planning Department due to lack of use, as well as a cutback on the funding reserved for the Comprehensive Plan. D. Steere stated that there is a major decrease of \$13,000 in the Treasurer's Office, a reduction of \$3,500 in Engineering Services, and a decrease of \$15,000 in the amount set aside for revaluation.

D. Steere explained that the increase in the Public Works Department is related to fuel costs. D. Steere stated that the position of Senior Center Director will be added at a salary of \$5,357.00. D. Steere stated that there is an increase of \$9,735 for aid requests, 90% of which are for the two libraries.

D. Steere noted that we are projecting an increase in revenue in the amount of \$128,826. D. Steere stated that the net municipal increase is 5.81%, but the true figure is 2.82%. D. Steere stated that the Regional School budget was approved on March 18th and Gloucester's share is \$7,795,055, which is an increase of \$320,998. D. Steere stated that the Debt Service is proposed at \$1,549,708, which is an increase of 96%, due to the new school construction. D. Steere noted that there is, by charter, a 2% set-aside for capital improvements, which amounts to \$488,756. D. Steere stated that the Gloucester Schools debt service is decreasing this year, as is the non-school debt.

D. Steere added that there are two adjustments; an allowance for uncollectible taxes in the amount of \$90,000, and a transfer from surplus in the amount of \$380,000. These adjustments bring down the amount to be raised by taxes to \$19,692,581, which represents an increase of

\$1,557,989 over last year's budget, or an 8.6% increase. D. Steere explained that the 5% cap is \$906,730, which we have met with this budget, and the remaining \$651,260 is debt. D. Steere further stated that the Town has applied for an exception to the 5% cap, which was granted.

D. Steere referred to the last page of the budget, which addresses Capital Improvements. D. Steere noted that they include repairs at the Town Hall, a new Police vehicle, and Public Works projects such as paving and crack-sealing. D. Steere pointed out that another item under Public Works is the capping of the landfill.

D. Steere asked if anybody had any questions.

1. Brian Kauch stated that at the Transfer Station, there is a sign which indicates how much money has been saved due to recycling. Mr. Kauch stated that the Public Works Director explained to him that the Town has executed a contract for recycling. Mr. Kauch asked if the Town has decided to renegotiate the contract, stating that the price of commodities, such as aluminum and scrap steel, has gone through the roof. Councilor Reichert replied that recycling is a State Law and what is negotiated is the cap. Mr. Kauch stated that he would like to obtain the statute and asked the Town Solicitor to provide a copy. Mr. Kauch further stated that he would like to obtain the statute referred to earlier which prohibits taxpayers from attending budget negotiations for any of the salaries.
2. Roy Najecki spoke regarding recycling, stating that he read recently that there may be a profit sharing agreement coming forth which would enable municipalities to share the profits generated from aluminum and steel collected. Mr. Najecki stated that this is still pending before the General Assembly. Alan Whitford, Director of Public Works, explained that the recycling contract is between RI Resource Recovery and each city and town in the state. A. Whitford added that this contract allows RI Resource Recovery to increase the tipping fees if all recyclable material is not turned in.
3. Brian Kauch asked if the Town has the right to negotiate such a contract for the price of the commodities which would reflect the increased cost of these commodities. Councilor Reichert stated that the contract is just sent to us on an annual basis. T Mr. Kauch spoke regarding property taxes. Mr. Kauch questioned the fact that since 2003, the valuation summary of single family homes reflects a cost approach vs. a market approach. Mr. Kauch stated that he feels that this affects this budget, since the majority of Town income comes from property taxes. Mr. Kauch asked if the Town Council approved a change in the valuation summary from a market approach to a cost approach.

Councilor Sette stated that he does not remember this issue coming up. Mr. Kauch stated that if the Town Council is unaware of this, the taxpayers have been taxed based on artificially inflated assessments. Mr. Kauch stated that this may lead to litigation. Councilor Sette stated that there will be a review of Council minutes to determine if this subject was ever addressed. Councilor Reichert pointed out that the Town must raise a certain amount of money, regardless of what properties are valued at. Mr. Kauch noted that Certified Revaluation has insurance for errors and omissions, and the Town could tap into that if there was a flaw in their process.

4. Rose LaVoie spoke regarding recycling, stating that we talk about it, but nobody tries to change it. Mrs. LaVoie asked if we are going to get “ripped off” forever. Mrs. LaVoie pointed out that metals are worth more than the six or seven thousand dollars a year that the Town receives for recycling. Mrs. LaVoie suggested that the Town Council take the initiative to try to get this changed. Councilor Sette asked if the schools have maximum recycling. Chris Hebert, School Committee member, replied that they have not been because it would cost more to recycle than to throw everything away. However, C. Hebert noted, there is a recycling program presently being implemented at Fogarty School, and West Gloucester will begin next year.
5. John Devine spoke regarding the line item for \$500 for Gloucester Economic Development. Mr. Devine asked why we are bothering with this, adding that he has not seen any economic development in Town in the fifty years he has been in business here. Mr. Devine stated that this item is deceiving to taxpayers, leading them to believe that we are working on economic development. Mr. Devine recommended removing this item from the budget. Councilor Sette pointed out that this item has been removed from the last two budgets.

Mr. Devine noted that there is almost a half-million dollars under Recreation. Mr. Devine asked what we are doing with this money and suggested giving it back to the people who are paying an excessive amount of property taxes.

John Devine spoke regarding the number of mortgage foreclosures in Town, noting that there is an average of three to four per week. Mr. Devine asked how declining property values are affecting our revaluations in Gloucester. Mr. Devine stated that if the property value is down, the taxes should also decrease. Mr. Devine stated that he feels that the budget is fair, but would like to discuss the Middle School after the Public Hearing.

6. Walter Steere, School Committee member, stated that he has been in negotiations before and does not think that there is a State Law which states that negotiations cannot be open to the public. W. Steere stated that he has tried to make these meetings public, but unions will not agree to it.
7. Roy Najecki asked if it would be possible to make every registered voter an alternate to the negotiating team.
8. Beverly Thomas stated that more money should be in the Public Works Department budget for road maintenance. Councilor Sette stated that there is a project going on with FM Global and he will speak to the Finance Director about the feasibility of placing the additional revenue in a reserve account earmarked just for infrastructure in the Town.
9. Doug Folcarelli questioned the item in the Public Works budget for paving in the amount of \$200,000, asking if this will be for paving roads. Councilor Sette stated that there is a schedule that has been followed for several years. Mr. Folcarelli asked if we have the money to pave the roads. Councilor Sette stated that this would be appropriated within this Capital Budget, if approved. Mr. Folcarelli questioned the purchase of a forklift at a cost of \$32,000, asking why we are buying a forklift if the Town is in dire need of money. Mr.

Folcarelli suggested purchasing something like a grader instead of a forklift, to grade private roads to allow easier travel. Mr. Folcarelli noted that people who reside on private roads do not receive a tax break.

10. Councilor Sette commented that at the Regional Financial Meeting, where the majority of money in the budget is spent, there were only about 140 people in attendance. Councilor Sette encouraged everybody to attend the financial meetings in the future to ask questions and vote.
11. Brian Kauch asked if there will be a vote this evening. Tom Mainville, Finance Director, replied that the Council will approve the budget at the next meeting as a Council recommended budget. The budget will then be presented at the Town Financial Meeting in May where the vote is taken by the people. Mr. Kauch stated that he feels that the Town is looking for ways to increase taxes rather than cut spending. Councilor Poirier pointed out that what we are dealing with now is a responsible budget to deal with the debt we have been handed.

Mr. Kauch stated that he does not believe that there is any statute prohibiting public attendance at negotiations for salaries and stated that he plans to attend. John Bevilacqua, Town Solicitor, reminded the public that at a Town Financial meeting, the Council championed a revolution in not paying an amount which was increased at the Regional Financial Meeting which went over the operational 5% maximum tax levy. J. Bevilacqua added that the Department of Education and the Board of Regents decided that no matter what you do, you have to pay, because it is education.

12. John Devine stated that the 5% cap obviously means nothing in other towns because they all go to court to supercede it. Mr. Devine commented on the lack of attendance at the Regional Financial Meeting and stated that we have a lot to do or we will go broke.
13. Rose LaVoie spoke regarding open meetings and also spoke regarding the new school, stating that we are stuck with it. Mrs. LaVoie stated that there has been discussion regarding bussing children in because there is plenty of room in our schools.

Councilor Sette DECLARED the Public Hearing Closed.

B. Community Development Block Grant -

1. 2nd & Final Public Hearing for 2008 Block Grant Application (Advertised for 7:00 p.m.)

Councilor Sette stated that this Public Hearing was advertised on March 20, 2008 in the Valley Breeze & Observer.

Councilor Sette stated that this Hearing is the second of the two hearings as required by the Department of Administration.

Councilor Sette DECLARED the Public Hearing Open.

Councilor Sette stated that the Council has previously voted on the prioritization of requests as follows:

The proposed activities are as follows:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement Program	65,000.00
Community Housing Land Trust- Monitoring	
The affordability of the replaced Mobile Homes (2)	4,000.00
Operations	\$45,000.00
Administration	\$8,000.00
Food Bank	\$4,500.00
Echo Lake Water District	\$22,000.00
Community Housing Land Trust	\$1,500.00
Total Proposed Activities	\$250,000.00

Councilor Sette asked if anyone wished to speak for or against the proposed allocations.

Discussion: None.

Councilor Sette again asked if anyone wished to be heard.

Hearing none, Councilor Sette DECLARED the Public Hearing Closed.

2. Authorization: Signature on Final Application

MOTION was made by Councilor Poirier to APPROVE the Community Development Block Grant Application 2008 with the following items submitted on the application:

Housing Rehabilitation	\$100,000.00
Mobile Home Replacement Program	65,000.00
Community Housing Land Trust- Monitoring	
The affordability of the replaced Mobile Homes (2)	4,000.00
Operations	\$45,000.00
Administration	\$8,000.00
Food Bank	\$4,500.00
Echo Lake Water District	\$22,000.00
Community Housing Land Trust	\$1,500.00
Total Proposed Activities	\$250,000.00

Seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Victualing License (Advertised for 7:30 p.m.)

1. April's On The Pike, LLC, d/b/a April's On The Pike
Location of Business: 401 Putnam Pike, Glocester, RI 02814
(Formerly Harmony Restaurant)

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on March 17th, 24th, and 31st, 2008.

Councilor Sette DECLARED the Public Hearing OPEN and asked anyone wishing to speak step forward.

April Young, owner, was present to answer questions. Councilor Sette asked Ms. Young if the business would stay the same as it was in the past. Ms. Young replied that the restaurant would be open for breakfast from 5:30 a.m. to 11:30 a.m. during the week and until 1:00 p.m. on weekends. Ms. Young further stated that at some point, she would like to expand the hours of operation to include lunch. Ms. Young stated that she has not had final inspections by the Fire Department or the Department of Health, but asked to have the license granted contingent upon the completion of these inspections.

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

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT a Victualing License to April's On The Pike, LLC, d/b/a April's On The Pike, Location of Business: 401 Putnam Pike, pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS:0

MOTION PASSED

VI. Consent Items

- A. Town Council Minutes of 3/20/08

MOTION was made by Councilor Poirier to APPROVE the Town Council minutes of March 20, 2008; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Conservation Commission

a. Expired three year terms

b. Alternate one year term

Councilor Sette stated that a talent bank application for this board has been received in the clerk's office for Daniel W. Pearson, 26 Putnam Pike.

MOTION was made by Councilor Poirier to APPOINT John Andrade to the Conservation Commission for one expired three year term and Daniel Pearson to the Conservation Commission for one Alternate one year term; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Gloucester Affordable Housing Advisory Board

MOTION was made by Councilor Joyce to TABLE the appointment to the Gloucester Affordable Housing Advisory Board for a term to run concurrent with the Town Council; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Tax Bills: Reformatted

1. Discussion: Review Options

Councilor Sette stated that the Tax Collector has given the Council an example of a way to send out more information with this year's tax bill.

2. Action (vote)

MOTION was made by Councilor Poirier to AUTHORIZE the Tax Collector to change the tax bill format to include a breakdown of school and town allocations on each tax bill; seconded by Councilor Reichert.

Discussion: Councilor Joyce asked how the breakdown was calculated. Jane Steere, Tax Collector, replied that it is taken from last year's tax rate and apportioned that way. J. Steere added that the school figure is only based on what Gloucester pays to the Region. Councilor Poirier asked if the figure is inclusive of the debt service for the school. J. Steere replied in the affirmative.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. New Business

A. Resolution

1. Echo Lake Dam Management District Enabling Legislation

Councilor Sette stated that after discussion with members of Burrillville's Town Council at Gloucester's last Council meeting, by Council consensus the plan was that Gloucester would adopt a resolution requesting a legislative amendment. This amendment would allow a dam management district, if successfully created by ordinance, to become a taxing authority and to become tax exempt.

Councilor Sette read the Resolution as follows:

Gloucester Town Council
Resolution
Requesting Legislation:
Amendments to §45-62. – Dam Management Districts.-

WHEREAS, at the Regular Meeting of the Gloucester Town Council held on Thursday, March 20, 2008, at which time a quorum was present and acting throughout, the Town Council supported amendments to Title 45, Chapter 62, Dam Management Districts that would:

- 1) allow the Towns of Burrillville and Gloucester to exempt from taxation certain property owned by a dam management district and
- 2) provide for the collection of dam management district fees.

NOW THEREFORE BE IT RESOLVED we, the Town Council of the Town of Gloucester, respectfully request legislation that would amend §45-62. – Dam Management Districts, by adding the following:

1. The Towns of Burrillville and Gloucester may, by ordinance, exempt from taxation real and personal property owned by a Dam Management District created pursuant to this

section, said exemption to be limited to property that consists of the lake bed of the Pascoag Reservoir, also known as Echo Lake and property on which any dam, spillway and any appurtenant structures may be located as the same relate to the Pascoag Reservoir, also known as Echo Lake.

2. With respect to the Towns of Burrillville and Glocester, collection of Dam Management District fees shall be in the same manner as provided by law for the collection of taxes by municipalities and the collector of fees for said Management District shall, for the purposes of collecting fees assessed by said Management District, have the same powers and authority as are by law conferred on collection of taxes for towns in the state.

PASSED AS A RESOLUTION of the Glocester Town Council this 3rd of April, 2008.

Steven A. Sette, President
Glocester Town Council

Seconded by: Councilor Reichert

Discussion: None

VOTE: AYES: Sette, Reichert, Poirier & Joyce
NAYS: 0

MOTION PASSED

- B. Update from Building/Zoning Official
 1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that the last two weekly meetings with the builder were cancelled due to scheduling conflicts. L. Desormier reported that when digging took place for the biomass foundation at the Middle School, they ran into the main electrical line for the entire school, so he line has to be moved. L. Desormier stated that this will take place during school vacation in April.

L. Desormier noted that he learned today that the bus travel route will be altered, adding that neither the Fire Department or Police Department were made aware of this. Councilor Sette expressed concern that traffic will back up onto Route 102 and suggested that a detail officer be on duty to direct traffic during school hours. There was discussion regarding the water tank. L. Desormier noted that permits have not yet been pulled.

L. Desormier gave an update on the renovation project at the high school. L. Desormier noted that 90% of the foundation for the connector has been formed and poured. They will finish the last twenty or thirty feet when school is closed because that is a fire exit. L. Desormier commented that the subcontractors do not feel that the project will be completed on time because they have problems obtaining responses to their Requests For Information.

2. Authorization to Bldg Official
Retain services: Smithfield Mechanical Inspector

Councilor Sette stated that the Building/Zoning Official has asked for authorization to call on the Smithfield Mechanical Inspector for assistance with the inspections:

April 1, 2008

To: Gloucester Town Council
From: Lawrence G. Desormier, Jr., Building/Zoning Official
Re: Ponaganset High School Mechanical Inspections

Due to a conflict of interest, Gloucester's Mechanical Inspector, Albert Danti, is unable to perform inspections of work currently being performed relative to the addition/renovation projects at the Ponaganset High School. I have contacted neighboring communities and the State Building Commissioner's Office for assistance with mechanical inspections. It has been suggested to me that we use Smithfield's Mechanical Inspector, Donald DiMuccio, to perform the inspections. Mr. DiMuccio is a Mechanical Inspector certified by the Rhode Island Building Code Standards Committee. I have discussed the scope of the project, duties, and salary rates with Mr. DiMuccio, and he has agreed to perform the necessary inspections.

I am, therefore, requesting Town Council approval to retain the services of Mr. Donald DiMuccio to perform the mechanical inspections at the Ponaganset High School on a 'pro-tem' basis at the salary rates currently paid our inspectors according to the Schedule of Remuneration.

(End of memo)

MOTION was made by Councilor Poirier to APPROVE Donald DiMuccio, (currently the Town of Smithfield's Mechanical Inspector) to perform mechanical inspections for the town of Gloucester on a pro-tem basis at current inspector salary rates; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

- C. Resignation
 1. Public Works Director

Councilor Sette stated that after 12 years of service to the Town of Gloucester Council has received Alan Whitford's resignation as Public Works Director, effective 4/30/08.

Councilor Sette stated that Alan Whitford has given the Town a lot of service and will be difficult to replace. Councilor Sette expressed hope that the Town may retain A. Whitford as a consultant during the transition period.

April 3, 2008

MOTION was made by Councilor Reichert to ACCEPT the resignation of Public Works Director, Alan Whitford, effective 4/30/08; seconded by Councilor Poirier (with regret).

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce
NAYS: 0
MOTION PASSED

There was a round of applause for Alan Whitford.

2. Wastewater Management Board
One unexpired five year term to expire 6/2008

Councilor Sette stated that the Clerk has received a verbal resignation from Frank Williams, a member of the Wastewater Management Board.

MOTION was made by Councilor Joyce to ACCEPT the resignation of Frank Williams from the Wastewater Management Board for the five year term to expire 6/2008; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Reichert, Poirier & Joyce
NAYS: 0
MOTION PASSED

- D. Appointment
 1. Wastewater Management Board
One unexpired five year term to expire 6/2008

Councilor Sette stated that Mr. Cadwell has recommended Tom Lemos for the position; Council has received a talent bank application.

MOTION was made by Councilor Poirier to APPOINT Tom Lemos to the Wastewater Management Board for a five year term to expire 6/2008; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce
NAYS: 0
MOTION PASSED

- E. Waiver: Employee Handbook
Annual Leave, Section C

Councilor Sette stated that the Council has received a request from the Finance Director to carry over more vacation days than is allowed by the Employee Handbook. Councilor Sette pointed out that T. Mainville has been putting in extra time due to the takeover of the Gloucester School finances and has been unable to use some of his vacation time. Councilor Poirier commented that T. Mainville deserves this request, especially since there is no comp time for his extra hours.

MOTION was made by Councilor Reichert to WAIVE the policy, "We Are Gloucester" handbook, Annual Leave, Section C, and allow Thomas Mainville to carry over 54.6 hours from 2006-07 and any unused vacation from 2007-08 to fiscal year 2008-09; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

F. Senior Center Task Force

1. Dissolution of Committee

Councilor Sette read the following request from Ray Goff, Town Planner, in his capacity as Chair of the Senior Center Task Force:

TO: Town Council
FROM: Raymond Goff
DATE: March 18, 2008

SUBJECT: Senior Center Task Force

On behalf of the Senior Center Task Force (task force) I am forwarding this memo to you. The task force held its final meeting on March 12, 2008 and voted to ask the Council to dissolve the task force. The task force completed the senior center construction management, and the daily operations have been turned over to the Senior Center Board of Director's.

The task force is pleased with the finished product and hopes that the Council and the town are just as pleased. We have been frugal with the town's money and have tried to make sound investment decisions which will have long term enjoyment by our residents.

This was a complicated project that required cooperation between the task force, contractors, town departments and the Town Council. The cooperation that we experienced during this project allowed for very smooth development of the senior center, relocation of the Playground and the senior center's timely opening in January 2007.

The task force wishes to thank the Council and all town departments for your support through this project and hope that this spirit of cooperation can be spread to other projects in the town.

On behalf of the task force members, I wish to thank you for this opportunity to serve the town of Gloucester and its residents.

(End of memo)

Discussion: None.

MOTION was made by Councilor Reichert to DISSOLVE the Senior Center Task Force, established by the Town Council March 15, 2001, as the charge of this committee has been completed; seconded by Councilor Joyce.

Discussion: Councilor Sette asked David Fecteau, Co-Chair of the Senior Center Board of Directors, if there are plans to formally recognize the members of the Task Force with a plaque to be placed inside the Senior Center. D. Fecteau replied that this is not in the budget. Councilor Sette asked if we could determine the cost because he feels that it is important that the members receive recognition for their accomplishment.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

G. Municipal Subsidy Ordinance

1. 1st Reading

Councilor Sette stated that the Town Planner has requested a first reading on the following proposed ordinance:

MOTION was made by Councilor Reichert to waive the 1st reading of the proposed amendment to the Gloucester Code of Ordinance, seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

Councilor Sette summarized that this ordinance would allow the Town to grant the opportunity for developers to set aside a certain number of units which would be considered affordable housing. Councilor Sette added that at the present time, the Council is not able to grant any type of waiver on projects deemed affordable. Councilor Poirier pointed out that in addition, if we do not provide some type assistance, the development does not count toward our quota of affordable housing.

An Ordinance Establishing the Town of Gloucester Municipal Government Subsidy Program for Low and Moderate Income Housing

Draft 4

Planning Board recommendation to the Town Council

March 17, 2008

Section 1. Declaration of policy. The “Rhode Island Low and Moderate Income Housing Act” was established pursuant to Title 45, Chapter 53 of the General Laws of Rhode Island to provide opportunities for the establishment of low and moderate income housing within every City and Town throughout the State. It is the policy of the Town of Glocester to facilitate the development of all types of low and moderate income housing in accordance with the “Rhode Island Low and Moderate Income Housing Act” and in conformance with the Glocester Comprehensive Community Plan.

Section 2. Findings of Fact. The Town Council finds that the Rhode Island Low and Moderate Income Housing Act requires every City or Town throughout the State to provide low and moderate income housing in excess of ten percent (10%) of the housing units reported that City or Town in the census. The Town Council further finds that the Rhode Island Low and Moderate Income Housing Act authorizes every City or Town to provide opportunities for housing that qualifies as low and moderate income housing through the adoption of a Municipal Government Subsidy Program. The Town Council finds that the Housing and Affordable Housing component of the Comprehensive Community Plan for the Town of Glocester states that there are no local programs to assist Low and moderate income households in accessing affordable housing. The Town Council further finds that the Housing and Affordable Housing component of the Comprehensive Community Plan for the Town of Glocester establishes as one of its goals that the Town should provide opportunities for new housing that is geared to the needs of all segments of the population. The Town Council further finds that it is in the interest of the residents of the Town of Glocester to adopt a Municipal Government Subsidy Program for all residential developments.

Section 3. Definitions. The following word, whenever used in this Ordinance, unless a different meaning clearly appears from the context, have the following meanings:

- (a) “**Affordable Housing**” means residential housing that has a sales price or rental amount that is within the means of a household that is moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which principal, interest, taxes, which may be adjusted by state and local programs for property tax relief and insurance constitute no more than thirty percent (30%) of the gross household income for a moderate income household. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat, and utilities other than telephone constitute no more than thirty percent (30%) of the gross annual household income for household with eighty percent (80%) or less of area median income, adjusted for family size. Affordable housing shall include all types of year-round housing, including but not limited to, manufactured housing, housing originally constructed for workers and their families, accessory dwelling units, housing accepting rental vouchers and/or tenant based certificates under Section 8 of the United States Housing Act of 1937, as amended, and assisted living housing, where the sale or rental amount of such housing, adjusted for any federal, state, or municipal government subsidy, is less than or equal to thirty percent (30%) of the gross household income of

the low and/or moderate income occupants of the housing, or as defined by R.I.G.L 42-128-8.1(d)(1)

- (b) **“Low or moderate income housing”** means any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by the federal, state, or municipal government under any program to assist the construction or rehabilitation housing affordable to low or moderate income households, as defined in the applicable federal or state statute, or local ordinance that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal or state or municipal subsidy program but is not less than thirty (30) years from initial occupancy, or as defined by R.I.G.L 45-53-3(5)
- (c) **“Moderate income household”** means a single person, family, or unrelated persons living together whose adjusted gross income is more than eighty percent (80%) but less than one hundred and twenty percent (120%) of the area median income, adjusted for family size.
- (d) **“Municipal government subsidy”** means assistance that is made available through a city or town program sufficient to make housing affordable, as affordable is defined in this ordinance; such assistance may include, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or internal subsidies, and any combination of forms of assistance.
- (e) **“Affordable housing fund”** means an interest bearing fund that is subsidized by developments that wish to pay a fee in lieu of constructing the required Affordable Housing unit. The fee shall be at least \$200,000 per unit or donation of a buildable lot (i.e. with all necessary permits in place to receive a building permit) with the number of lots/units being equal to the required affordable set aside percentage. The custodian of said funds shall be the Director of Finance for the Town of Gloucester.

Section 4. Eligibility. The provisions of this Ordinance are applicable to all subdivisions and residential land developments according to Rhode Island General Laws Chapter 45-53, titled Low and Moderate Income Housing, in the Town of Gloucester.

Section 5. Designation of Units. There shall be a minimum of ten percent (10%) of the total number of units in the land development project dedicated to affordable housing. This ten percent (10%) can be a combination of low and moderate income housing.

Section 6. Selection of Municipal Government Subsidy. The municipal government subsidy shall be one or more of the following:

- a density bonus, where granted in accordance with the provisions of the Zoning Ordinance of the Town of Gloucester, and/or
- a waiver of the building permit fee and/or
- a waiver or reduction of any municipal fees, guarantees, and charges and /or

- a waiver of the impact fee on the affordable units

The Planning Board or applicant may wish to apply a subsidy in order to allow certain units to qualify as affordable housing. One or more subsidies may be utilized by the development to qualify as affordable housing under the state definition. Selection of the subsidy shall be made by the Planning Board, which may be based on the recommendation of the Town Planner, and/or the Gloucester Affordable Housing Board. When considering the amount and type of subsidy, the Board may consider, but not be limited to the project size, site constraints, location, and other issues.

Section 7. Development of Housing. The applicant shall have the following options for construction of housing. The options are ranked in order of the town's preference:

- a) to construct market rate housing together with the affordable housing or;
- b) construct market rate housing and provide the town with buildable lot(s) equivalent to the required affordable set aside or;
- c) construct market rate housing and pay the fee in lieu of affordable housing. (The town would prefer the provision of a buildable lot for affordable housing which in turn could be given to a non-profit affordable housing developer to develop.) All funds will be placed in an Affordable Housing Fund.

It is the preference of the town to have affordable housing constructed as part of any development rather than to have land set aside, collecting a fee in lieu or any other option.

Section 8. Length of Affordability. Low and moderate income housing must be designated as such for a period of ninety-nine (99) years or such other period that is either agreed to by the applicant and town but shall not be for a period of less than thirty (30) years from initial occupancy through a land lease or deed restriction. The affordability deed restriction must be renewed with each sale of the property. The right of first refusal shall lie with the Town of Gloucester, and should the monitoring agent forego this right it would be offered to Rhode Island Housing as a secondary right of refusal.

Section 9. Low Income Housing. The Planning Board of the Town of Gloucester may require the inclusion of low income housing units and/or provide a greater municipal subsidy when a development provides for low income housing. When considering the amount and/or type of subsidies granted by the Planning Board, they may consider, but not be limited to the following factors: any unique developments constraints including but not limited to project size, project location, and site size; economic feasibility and the amount of low income housing being proposed. The Town Planner may provide a recommendation regarding the municipal subsidy based upon the above considerations.

Section 10. Monitoring and Compliance. Rhode Island Housing or an approved monitoring agent as approved by Rhode Island Housing, its successors or assigns shall monitor the

units designated as low and moderate income housing units to insure compliance with the affordability requirements of the land lease and/or deed restriction.

Section 11. Housing Quality. The units created under the Gloucester Municipal Subsidy Program must be physically consistent with the overall character of housing already established in the development and the community. Every effort will be made to integrate affordable units into the surrounding community.

Section 12. Tenure of Housing. This ordinance shall apply to both rental and ownership units, with rental units not to exceed 80% AMI (Area Median Income).

Section 13. Timing of Construction. Within a project low and moderate income units must be built simultaneously or prior to construction of the market rate units.

Section 14. Allowed Income Limits. For the purpose of creating ownership units a tiering of incomes is to be applied. One half (50%) of the affordable units in a project must be at eighty (80%) percent AMI or lower, and the other half (50%) can be negotiated with the planning board up to 100% AMI.

Section 15. Occupancy of Units. The affordable units created under this ordinance must be the owner/renters primary residence.

Section 16. Tax Assessments. The Town of Gloucester will assess low and moderate income units based on the deed restricted price, not the comparable value of a non- deed restricted property for the life of the affordable deed restriction unless some other arrangement has been made with the Town of Gloucester.

Section 17. Qualified Program. The Municipal Government Subsidy Program adopted by this Ordinance qualifies for the establishment of low and moderate income housing under the Rhode Island Low and Moderate Income Housing Act established pursuant to Title 45, Chapter 53 of the General Laws of Rhode Island.

Section 18. Severability. If any provision of this Ordinance or of any rule, regulation or determination made there under, or the application thereof to any person, agency or circumstance is held invalid by a court of competent jurisdiction, the remainder of the Ordinance, rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this Ordinance shall not affect the validity of the remainder of the Ordinance.

(end of proposed ordinance)

Discussion:None

2. Set Public Hearing Date

Councilor Sette stated that the Planner would like Council to set a public hearing date. Councilor Sette added that the clerk would need time for advertising; therefore May 1st would be the soonest possible date.

MOTION was made by Councilor Joyce to set a Public Hearing Date for consideration of the proposed amendment to the Gloucester Code of Ordinances, An Ordinance Establishing the Town of Gloucester Municipal Government Subsidy Program for Low and Moderate Income Housing, for May 1, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that the Council has received a second entertainment license application from David Bergeron, owner of Clasico's Restaurant. Mr. Bergeron is seeking to conduct car rallies on Saturday afternoons throughout the summer months. Upon consultation with the Town Solicitor, it was determined that a Special Event license would not be appropriate since this is a business and the event would be sponsored by a radio station which would be broadcasting at the site. Mr. Bergeron came forward to present his proposal and distributed paperwork to the Council. D. Bergeron explained that he wishes to provide a safe and responsible environment to host what is called "Cruising Night," which entails classic cars, concept cars and bikes valued at over \$40,000.

D. Bergeron noted that these vehicles are investments which owners like to showcase. D. Bergeron stated that he has spoken with Brian McKay of the Fire Department as well as the Building Official regarding erecting a canopy where the radio station equipment would be located. D. Bergeron stated that there would be shuttle service to and from Barnes Concrete for extra parking. D. Bergeron stated that he will meet with the Chief of Police concerning safety issues and the possible need for a Police detail officer. Councilor Sette asked Mr. Bergeron what the hours of this event would be. D. Bergeron replied that the radio station would broadcast from 4:00 p.m. to 6:30 p.m., the vehicles would arrive at 1:00 p.m. and the event would be open to the public from 3:00 p.m. D. Bergeron added that at 6:30 p.m. there would be awards given and the event would conclude by 7:00 p.m.

Councilor Poirier asked if there was any concern regarding the sound which will result from the radio broadcast. D. Bergeron replied that there would be speakers outside, but he would have full control over degree of noise generated by the radio station.

Councilor Sette noted that there are ways to deflect the noise away from residential

areas and toward the road. Councilor Sette also pointed out that alcohol would be prohibited outdoors at the event. D. Bergeron stated that he will have security personnel to monitor this, as he does not wish to jeopardize his license. It was decided to schedule a Public Hearing for the meeting of April 17th.

Jean Fecteau, Town Clerk, noted that she has forwarded to the Council a list of pending legislation for the month of March and asked the members to determine if they wish to support any of them. If so, Resolutions will be prepared for the next meeting.

- B. Alan Whitford, Director of Public Works, stated that there is a Department of Environmental Management matching grant which would pay up to half the cost of a sweeper, adding that the sweeper would be shared with Foster, who does not have a sweeper. A. Whitford noted that ours is eight years old. A. Whitford stated that the budget does not include the purchase, but added that he wished to make the Council aware that the grant is available. A. Whitford further stated that sharing the equipment with Foster could be problematic because both towns would need it at the same time of year.

- X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

- A. Councilor Sette referred to a letter from the principal at the high school which requested that the Council reconsider the School Resource Officer. Councilor Sette stated that the Police are spending more and more time at the High School responding to incidents and feels that it may be a good idea to consider having an officer there on a part-time basis.
- B. Councilor Sette stated that an invitation was received from the Gloucester Light Infantry regarding the Memorial Day Parade.
- C. Councilor Sette stated that a Resolution was received from the town of Smithfield regarding global warming. Councilor Sette further stated that a Resolution was received from East Greenwich with respect to allowing for negotiation with health providers. Councilor Poirier noted that the Council received this Resolution from several towns, adding that he would be in favor of this. There was consensus to place this on the agenda for the next meeting.
- D. Councilor Sette stated that a Resolution was received from South Kingstown asking for support for a fifteen million dollar State bond for open space programs in the General Election in November.
- E. Councilor Sette stated that correspondence was received from Mr. Crowther from Indian Trail regarding assistance with the rebuilding of the road. Councilor Sette stated that he has forwarded this to the Town Solicitor for review.

XII. Open Forum

- A. Brian Kauch spoke regarding the matter of a resource officer at the high school. B. Kauch stated that there are a number of problems with having a resource officer if it is not planned out, and suggested that the Council examine the need. Councilor Joyce responded that the eight years of data compiled indicates that the Foster-Glocester Regional School System doubles the State average in frequency of illegal drugs use within a 30-day period. B. Kauch stated that he takes statistics, money and politics with a grain of salt. B. Kauch stated that, while he is all for safety, there are budget constraints to consider. John Bevilacqua, Town Solicitor, replied that there are serious drug and alcohol issues at both the Middle and High Schools which must be stopped.
- B. Gary Martinelli of Briarwood Road stated that he grew up in Glocester and has been a teacher at the high school since 2002 after ten years of working in the private sector. G. Martinelli stated that he was shocked at the level of drugs and alcohol that is openly talked about and is dismayed at the level of ignorance by the people of the community who refuse to pay attention to it. G. Martinelli stated that he does not know if a resource officer will be effective, but stated that nothing that has been done to this point has worked. G. Martinelli stated that the Town and the Schools have to work together to solve the problem.
- C. Beverly Thomas spoke regarding Indian Trail, stating that this road is considered public domain because it has a State boat ramp on it. Ms. Thomas stated that this situation is different from Phillips Lane due to the fact that there are many blue collar workers residing on Indian Trail who cannot afford to contribute to the repair of the road. Ms. Thomas asked the Council to consider other ways of funding the project. Councilor Sette replied that research needs to be done to determine what is actually necessary. B. Thomas again mentioned the boat ramp at the end of the road, asking if the State has any obligation whatsoever. John Bevilacqua, Town Solicitor, replied that he cannot answer until he reviews the records regarding who owns the property leading to the boat ramp.
- D. Rose LaVoie reminded the Council members about the gala on April 30th. Regarding the situation at the schools, R. LaVoie stated that she finds it shocking. R. LaVoie spoke regarding economic development, stating that at one time we had the Chepachet Village Plan, a Chepachet Village Planning Committee, and an Economic Development Commission. R. LaVoie commented that now we have none of these. R. LaVoie expressed concern regarding the number of empty buildings in Town.

Regarding the Business Manager for the School Department who is on leave, Rose LaVoie commented that the School Department should pay closer attention to contracts for positions such as this. Councilor Sette noted that he believes that this individual has resigned.

- E. Walter Steere, School Committee member, stated that a resignation was received from the Business Manager several days ago. W. Steere noted that this was a three-year contract, but the School Department does not have to pay her anything else.

Walter Steere spoke regarding the recent problem with the excavation at the Middle School, stating that the Building Committee should have notified the Fire Department, Police Department and Safety Commission immediately since it affected bus traffic. W. Steere noted that the Building Committee did not have a representative at the Regional School Committee meeting.

W. Steere stated that the School Committee has received a proposed calendar for the next school year which indicates that school will not start until the second week of September. W. Steere stated that the Committee did not approve the calendar because this would mean school would not end until June 24th, adding that possible snow days would extend it even further. W. Steere stated that an option would be to eliminate one of the school vacations. Regarding the reimbursement, W. Steere stated that a bond was obtained for the entire project because the State will not reimburse until the project is complete, including the high school. W. Steere noted that it will be at least a year and a half before this project is complete. W. Steere commented that only the Building Committee knows what is going on and they do not tell anyone else. W. Steere noted that there is a Building Committee meeting scheduled for April 8th.

- F. John Devine spoke regarding the biomass system and the projected cost savings. J. Devine stated that after eleven years, we are supposed to see a savings, adding that a lot can happen in eleven years regarding the cost of wood chips. J. Devine noted that it was voted that there be a certain percentage of the cost reimbursed by the State but stated that what we voted on was not what we got. J. Devine stated that this is fraud. J. Devine stated that when changes are made to the Town Charter, it should allow for the firing of committee members. J. Devine also spoke regarding other school matters such as bus traffic on Route 102 and the renovation project at the high school. J. Devine stated that there is too much infighting which is impacting the taxpayers. J. Devine expressed his opinion that Gloucester is in good shape in comparison to other cities and town and stated that we should try to keep it that way.

XV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:05 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the April 17, 2008 Town Council Meeting.

At a Town Council meeting holden in and for
the Town of Gloucester on **April 17, 2008**.

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice President; Charles Poirier; Michael Joyce; and Kevin Walsh.

Member Absent: Steven Sette, President

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Alan Whitford, Public Works Director; Anthony Parrillo, Recreation Director; Susan Harris, Deputy Town Clerk; Walter Steere, School Committee member; and Roy Najecki, Conservation Commission Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

IV. Open Forum for Agenda Items

A. Rose LaVoie spoke regarding the Resolution for Earth Day, asking if there were any other events planned. Jean Fecteau, Town Clerk, replied that the wording of the Resolution mentions several activities scheduled to take place in Gloucester.

B. Gael Taddeo, 26 Hemlock Road, stated that he represents the George Wiley Center and is a member of their "Consumers Fighting Back" problem-solving team. Mr. Taddeo noted that the group is requesting use of the Senior Center, Item X. on the agenda. Mr. Taddeo stated that they are operating on tight time constraints and asked that the Council to either approve or deny the request this evening.

V. Audit Report - Fiscal Year Ending 6-30-07

Bacon & Company, CPA'S LLC

Pat Boucher and Cheryl Langevin of Bacon & Company were present. Cheryl Langevin, Audit Manager, gave an overview of the report, stating that the Town ended the year with net assets of \$17,474,880.00 which is an increase of \$1,004,267.00 from the prior year. C. Langevin added that the Land Trust ended the year with net assets of \$6,075,596.00, an increase of \$493,897.00. Regarding the General Fund, C. Langevin stated that the Town ended the year with a total fund balance of \$4,338,701.00, adding that \$200,000.00 of this amount was designated for use in the Fiscal Year '08 budget. Regarding the School Unrestricted Fund, the year-end total fund balance was \$555,681.00, \$50,000 of which was designated for use in Fiscal Year '08.

Cheryl Langevin asked if there were any questions. Councilor Walsh commented that there were several specific problems associated with the schools, but they did not appear to be major. C. Langevin agreed, stating that the Management Letter indicates items which are not material in nature, but opportunities for improvement. However, C. Langevin stated that there is one major finding concerning the Department of Education grants which the School receives. C. Langevin noted that there is a federal requirement which states that personnel activity reports must be maintained which indicate how many hours are spent working on a grant. C. Langevin stated that the School Department did not have a system in place to provide the adequate documentation required.

C. Langevin presented an overview of the Management Letter, beginning with payroll. C. Langevin stated that a sample of 25 payroll checks were selected, adding that in one instance, the ADP report was not approved by the Business Manager. C. Langevin further stated that there was an error in the salary schedule used for Fiscal Year '07, which resulted in an overpayment of \$436.80. C. Langevin noted that another calculation error resulted in a teacher being underpaid \$27.30, therefore, the recommendation is that when salaries are updated each year, an independent party should review and compare to the contract to make sure that it agrees.

Another comment was made by C. Langevin that when the school entered the budget into their general ledger system, it was out of balance by \$312,054.00 which resulted in inaccurate financial information. C. Langevin also stated that there was a problem with the school providing information to the Treasurer's Office in a timely manner. Regarding the Aesop computer system used for employee attendance, C. Langevin stated that there in one user name and one password for the entire system. C. Langevin stated that the recommendation is to have each employee obtain their own user name and password. There was a recommendation that the computer backup be maintained off-site. Regarding the school's purchasing system, it was noted that four (4) invoices were not approved by the Business Manager and one (1) invoice was not stamped "paid."

Councilor Poirier asked if there have been any problems in the transition to the Town's Finance Department. C. Langevin replied that this audit is for Fiscal Year ending June 30, 2007; therefore, next year's audit will address the transition.

C. Langevin asked if there were any more questions. Hearing none, Councilor Reichert expressed thanks for a thorough job.

VI. Public Hearing

- A. Entertainment (Special event) License
Applicant: Classico's LLC d/b/a Classico's
Location: Putnam Pike, Chepachet, RI

Councilor Reichert stated that this public hearing was advertised in the Providence Journal on April 9, 2008.

Councilor Reichert DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding this application.

Councilor Reichert read the following letter from an abutter to the property:

To the Gloucester Town Council,

Regarding special entertainment license for cruise nights at Clasicos at 2461 Putnam Pike. I am the property owner at 2435 Putnam Pike, which abuts Clasicos. I have a few concerns that I would like the council to address while considering this special license. Currently, the paved parking lot between Clasicos and 2435, approximately half of the paved lot, belongs to 2435 apartment complex. At no time is this portion of lot available for use by Clasicos. The customers and employees of Clasicos are infringing upon this area of parking. This situation has become a burden of privacy and safety for the tenants of my complex. Mr. Bergeron, owner of the property, needs to address this situation by perhaps putting a guardrail dividing along the boundary line.

As we are aware, from time to time Rt. 44 can be a highly traveled state highway, especially in the summer months. The state of Rhode Island does not allow parking along the state highway. This may be a good time to install no parking signs to avoid any confusion by the public in this matter. Furthermore, during these events there is sure to be a large amount of vehicles coming and going from the property. To ensure the safety of the public it would be a good idea to have a uniformed police officer at all of these events. The officer could assist in traffic safety insuring that the events stays under confines of Clasicos property and to monitor the policy that there is no consumption of alcoholic beverages beyond the inside walls of the establishment.

This West Gloucester area of 44 where Clasicos is located is basically surrounded by residential homes. For eighteen years my wife, Susan, and myself ran a family restaurant at this location. During this time, we conducted business solely within the inside of the building. This ensured that I was respecting the privacy and safety of all the neighbors abutting this property.

The matter of liability I'm sure, is a great concern for the town and also all of us abutters. Mr. Bergeron should have to show proof of special event insurance for any of these events. Most commercial policies only cover activities within the premises.

The West Gloucester Fire Chief should also be notified so in case there is a situation at one of these events there is a clear route for entrance and exit.

This event will be broadcasted over an amplifier system. Having residential houses so close would certainly be a hardship for anybody trying to enjoy a peaceful weekend.

I am confident that the town council will carefully consider this request by Mr. Bergeron ensuring that all the concerns of the West Gloucester residents are addressed. I would like to thank you for this time in this matter and will support any decision the council makes.

Sincerely,
David and Susan Day

(end of letter)

Councilor Reichert asked if anyone wished to speak for or against the application.

Discussion: David Bergeron, owner of Clasicos, was present and stated that he has addressed most or all of the concerns in the previously read letter. D. Bergeron stated that he has spoken with the Police Department and it was determined that it would not be necessary to hire Police detail, adding that if the Council requires it, he will do so willingly. D. Bergeron stated that overflow parking will be addressed by having a shuttle service to and from Barnes Concrete. Regarding outdoor alcohol consumption, D. Bergeron stated that there will be two (2) employees posted at the doors to assure that no bottles, glass or alcohol leave the restaurant, noting that he does not wish to endanger his investment in this town. D. Bergeron stated that he will have full control over the entertainment.

Councilor Reichert stated that Mr. Day's main concern is that his parking lot would be infringed upon. David Bergeron stated that months ago when he applied for his initial permits, Mr. Day was more than enthusiastic to help in any way possible to make the restaurant successful. D. Bergeron added that at the closing, Mr. Day said there would be no problem with using the parking lot. D. Bergeron noted that due to other circumstances outside the privy of this proposal, things are changing. D. Bergeron stated that he will stay off Mr. Day's property.

Councilor Walsh suggested that something be devised to delineate between the two parking areas. Councilor Poirier pointed out that shuttling people back and forth will alleviate some of the parking problems. D. Bergeron agreed and stated that this will keep it under control without any impact on Route 44. Councilor Poirier asked if Mr. Bergeron is insured for this type of event, to which Mr. Bergeron answered in the affirmative.

A representative from E & A Resource Management stated that he is a consultant for Clasicos LLC and that the parking arrangements will entail yellow bicycle fence surrounding Clasicos' parking area. It was also stated that there will be roving staff to make sure that people entering have parked either at Barnes or other designated area. If anyone parks on the street, they will not be allowed to enter the event until they move their car to an appropriate place.

Mary Ellen Mason of Mason Media stated that the parking issue will be addressed in any newspaper ads as well as in their radio ads. Ms. Mason added that the DJ she hired is a professional DJ that specifically handles car events.

Councilor Reichert asked again if anyone wished to speak.

Discussion: Bruce Payton, 26 Lake Washington Drive and chair of the Gloucester Land Trust, stated that the Land Trust owns a piece of property across the street. B. Payton wished to be assured that there will be no parking on this property for this event. It was stated that parking will not be allowed on the Land Trust property.

Councilor Reichert DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Joyce to GRANT the Entertainment (Special event) License to Applicant: Classico's LLC d/b/a Classico's, Location: Putnam Pike, Chepachet, RI contingent upon the following:

1. Said event is limited to the following dates and times: June 7th & 21st; July 5th & 19th; August 2nd & 30th , from 1:00 p.m. to 7:00 p.m. and shall be so noted on the Entertainment (Special Event) license.
2. At all times, the owners of the establishment (Clasicos) will take any and all means necessary to maintain the public peace and safety, including but not limited to:

Police and/or Fire detail if required

Maintaining a "reasonable" volume of noise

Ensure there is no alcohol being consumed on the property outside of the establishment (Clasicos)

No glass will be allowed to be carried out of the establishment for consumption, takeout orders to be served in paper products.

3. If at anytime during the event it is deemed necessary the Town Council or Chief of Police may stop the event. If this should occur, the applicant would be required to come before the Town Council, in their capacity as Licensing Board, before any previously granted event is held.

Seconded by Councilor Walsh

Discussion: John Bevilacqua, Town Solicitor, stated that an insurance rider should be required for these events, to be filed with the Clerk.

Councilor Joyce added the following to his motion:

4. That a rider issued by the insurance company of Clasicos to be filed with the Clerk prior to the issuance of the license.

Seconded by Councilor Walsh

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

VII. Resolutions

A. Earth Day- April 22, 2008

Each year the Council acknowledges the importance of observing days such as Earth Day and Arbor Day with a resolution. Councilor Reichert read the following into the record:

PROCLAMATION

WHEREAS, the Town Council of the Town of Gloucester and the Town Clerk recognize that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation. As a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and superfund legislation putting a lasting framework for the future into place; and

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

WHEREAS, on April 26th, The Conservation Commission will be giving away 500 trees to the public and fifty (50) trees to pre-school children at Chepachet Learning Center. The Land Trust will be picking up litter on Land Trust properties the weekend of April 26th and 27th; and

WHEREAS, in 2008 Earth Day is on April 22nd and in Rhode Island Earth Day activities will take place in the days and weeks around that date. The Town Council supports the activities of the 38th year of Earth Day in Gloucester and on a statewide, national, and global level and we encourage our youth and adults alike to take the Pledge to keep Rhode Island Clean and Green; and

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

Dated this 17th Day of April, 2008.

Steven A. Sette, President
Gloucester Town Council
Jean M. Fecteau, Town Clerk

seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Arbor Day- April 25, 2008

PROCLAMATION

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 observance of Arbor Day, on April 25th, the Land Trust will be planting two (2) Japanese Maple trees at the Gloucester Manton Free Public Library to replace two (2) trees that had died and on April 26th, The Conservation Commission will be giving away 500 trees which include Black Walnut, Norway Spruce, Winterberry Holly, American Arborvitae and Chinese Dogwood. They are also giving fifty (50) trees to pre-school children at Chepachet Learning Center to give to their parents for planting; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 25th as

Arbor Day

in the Town of Gloucester, and urge all citizens to celebrate by supporting efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees and promote this celebration of nature to future generations.

Dated this 17th Day of April, 2008.

Steven A. Sette, President
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Land Trust: Open Space Bond

The Chairman of the Land Trust has requested this item. The Land Trust seeks to have referendum on the ballot in November, 2008 regarding an Open Space Bond in the proposed amount of \$500,000.

MOTION was made by Councilor Walsh to WAIVE the reading of the Resolution regarding Land Trust: Open Space Bond; seconded by Councilor Joyce.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

**RESOLUTION
TOWN OF GLOCESTER RHODE ISLAND**

Whereas: Through the efforts of the Town Council, the Gloucester Land Trust was established by the Rhode Island Legislature in 1987. With the enthusiastic support of the citizens of Gloucester and their elected officials, the Trust is dedicated to the conservation of Gloucester's rural heritage as an environmental, educational, and recreational resource for all who live, work, or visit in the Town of Gloucester therefore;

BE IT RESOLVED, That:

The Gloucester Town Council requests the General Assembly of the State of Rhode Island to place on the November 2008 General Election ballot, authorization for the Town of Gloucester to finance the acquisition of Open Space for the preservation and groundwater protection in the Town by the issuance of not more than \$ 500,000 bonds and/or notes.

SECTION 1. Pursuant to Chapter 292 of the Public Laws of 2000, an amount not to exceed \$500,000 is hereby appropriated for the purpose of financing the acquisition of open space for preservation and groundwater protection in the Town by the issuance of not more than \$500,000 bonds and/or notes (the "Project").

SECTION 2. The Finance Director and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Five Hundred Thousand Dollars (\$500,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$500,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Finance Director, at the written direction of the Town Council, may expend funds from the general treasury of the Town or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (I) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Finance Director and the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized to and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds and notes in accordance with the purposes of the laws of the State. This resolution confirms the Town's declaration of official intent, pursuant to Treasury Regulation § 1.150-2, to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date hereof but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$500,000 and shall be reimbursed not later than eighteen (18) months after the later of: (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Finance Director and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Finance Director and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered

an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon its passage.

Steven A. Sette, Town Council President

Discussion: Bruce Payton, Land Trust chair, explained that the Land Trust has developed a list of critical properties which they wish to acquire, adding that this bond will help in that effort. B. Payton noted that Senator Paul Fogarty has agreed to submit for consideration this Resolution if passed by Council.

Roy Najecki, Land Trust member, explained that for every dollar raised locally through property taxes, the Land Trust has obtained four (4) dollars from outside the Town. R. Najecki stated that a \$500,000 local bond would equate to approximately 2 million dollars of spending power for the Town.

MOTION was made by Councilor Walsh to ADOPT the Land Trust Open Space Bond in the proposed amount of \$500,000 to be placed on the ballot in November, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. Consent Items

A. Town Council Minutes of 4/03/08

B. Finance Director's Report - March, 2008

C. Tax Collector's/Tax Assessor's Additions & Abatements

MOTION was made by Councilor Poirier to APPROVE the Town Council Minutes of 4/3/2008; to ACCEPT the Finance Director's Report of March, 2008; to APPROVE the Additions to the 2008 Tax Roll in the amount of \$14.84; (No abatements for April 2008); and to APPROVE the Abatement to the 1997 Receivable Tax roll in the amount of \$23,831.58; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Reichert, Poirier & Joyce

NAYS: 0

ABSTAIN: Walsh

MOTION PASSED

IX. Unfinished Business

A. Appointments

1. Gloucester Affordable Housing Advisory Board

Councilor Reichert stated that the Planner does not have a recommendation at this time.

MOTION was made by Councilor Reichert to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

X. New Business (Discussion and/or Action)

A. Use of Town Property application
Gloucester Senior Center

Councilor Reichert stated that the Council has received a request for the use of the Senior Center, noting that this request was forwarded to Council because it comes from a non-town group. The policy of the Senior Center is to consider only town, non-profit groups.

Discussion: Gael Taddeo, 26 Hemlock Road, stated that he is a volunteer facilitator with the George Wiley Center, a state-wide organization out of Pawtucket. Mr. Taddeo stated that the group meets each Wednesday afternoon at the Gloucester Manton Library. Councilor Reichert asked how many people Mr. Taddeo expects to attend the event for which they seek to use the Senior Center. Mr. Taddeo replied that it would be between 200 and 300 people. Mr. Taddeo stated that they have been fund-raising to allow them to advertise in the Bargain Buyer. Mr. Taddeo stated that they are in the second step of a forty year old problem solving process. Mr. Taddeo added that this involves data collection and analysis.

Councilor Poirier asked if there are any plans for solicitation for funds for the organization at the proposed event in August. Mr. Taddeo replied in the negative, stating that there would be no admission charged nor requests for donations. Councilor Poirier asked what is the purpose of this event. Mr. Taddeo replied that they plan to present to the public their findings regarding fuel costs. Councilor Reichert stated that he has spoken to Mr. Taddeo and understands that the group is trying to get support from their elected officials. Councilor Walsh stated that he has several concerns regarding the use of the building.

Councilor Walsh stated that the capacity of the dining room is 229, which may not accommodate the number of people expected to attend. Mr. Taddeo replied that there is an adjoining room which has a capacity of 200, making the total capacity 400. Councilor Walsh disagreed, stating that the other room holds 151 people, for a total capacity of approximately 350. Councilor Walsh also expressed concern regarding parking. Councilor Walsh stated that if there is a need for police detail, the group would be responsible for the cost. Mr. Taddeo stated

that there has been fund-raising to cover expenses such as this. Councilor Walsh added that there may be a cost for the custodian to prepare the rooms prior to the event as well as to replace everything afterward.

Councilor Walsh asked Mr. Taddeo if they have insurance for this purpose. Mr. Taddeo replied that the George Wiley Center insurance will cover the event provided a board member signs the application. John Bevilacqua, Town Solicitor, requested that a binder be obtained from the insurance company to cover the event and filed in the Town Clerk's Office. J. Bevilacqua added that this will indicate that the insurance policy will cover any damage or liability which may occur during the course of the event.

Joseph Peters, member of the Senior Center Board of Directors, stated that with the number of people expected, there would have to be police and fire personnel present. Mr. Peters also noted that the parking lot accommodates approximately 70 vehicles. Mr. Peters suggested that the group hold the event at the high school.

Councilor Joyce asked who primarily attends this type of event. Mr. Taddeo replied that since everyone is affected by energy costs, there is a wide variety of demographic groups who would attend. Regarding the high school, Mr. Taddeo stated that they felt that this would be a problem because the event will be held in the summer when school is closed. Walter Steere, School Committee member, stated that the renovation work at the high school may still be in progress at that time.

Alan Whitford, Public Works Director, noted that the paved parking at the Senior Center only constitutes a small amount of the parking to the rear of the building. A. Whitford also pointed out that if this event is held during the summer when activities are taking place at the park, it should be coordinated with the Recreation Director. Joe Peters asked how the group can call themselves non-profit when their ad in the Bargain Buyer asks for tax deductible contributions. Mr. Taddeo stated that they are non-profit, but like most non-profit organizations, they have to raise funds.

Tom Mainville, Finance Director, stated that the Trust should be consulted regarding this request, as it is a gray area as far as whether or not the Town would have to purchase an "event rider."

Mr. Taddeo stated that his group is still seeking other venues in the northwest part of the state, and asked for a definitive answer from the Council to allow them to move on with their search.

Regarding parking, Councilor Walsh stated that there are several churches within walking distance, and stated that if the timing does not interfere with religious services, the churches might agree to allow parking on their property. Mr. Taddeo noted that his group was very impressed with the Senior Center, but it is not their only option.

It was agreed to table this matter until the next meeting. Councilor Walsh suggested that Mr. Taddeo speak to the Police and Fire Chiefs in the meantime to obtain their recommendations. Mr. Taddeo expressed his appreciation for the Council's consideration.

MOTION was made by Councilor Walsh to TABLE the Use of Town Building/Senior Center application filed by the George Wiley Center for use August 9th, 2008 from 1:00 p.m. to 3:00 p.m.; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Resignation

1. Land Trust

One unexpired five (5) year term to expire 2011

Councilor Reichert stated that the Clerk's office has received the resignation of Tom Murgio from the Land Trust.

MOTION was made by Councilor Walsh to ACCEPT the resignation from the Gloucester Land Trust of Tom Murgio for the five (5) year unexpired term to expire 2/2011; seconded by Councilor Joyce.

Discussion:

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Appointment

1. Land Trust

One unexpired five (5) year term to expire 2011

Councilor Reichert stated that the Council has received a talent bank application for Henry Gold for consideration of an appointment to the Land Trust.

MOTION was made by Councilor Poirier to APPOINT Henry Gold to the Gloucester Land Trust to fill the unexpired five (5) year term to expire 2/2011; seconded by Councilor Walsh.

Discussion:

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

D. Adoption of Budget for Fiscal Year 2008-2009

Councilor Reichert stated that this budget was presented to the Town at a public hearing held on April 3, 2008. Tom Mainville, Finance Director, stated that the budget has been changed slightly since the Public Hearing. T. Mainville noted that the net levy did not change but expenses and revenues for the Gloucester Schools have changed. T. Mainville added that the anticipated tax rates have changed to reflect the new assessment amounts.

Councilor Reichert asked if the school is running on a deficit. T. Mainville replied that in order to balance the budget for the current year, he had to take \$150,000 out of their fund balance, which will leave approximately \$200,000. T. Mainville stated that the warrant will be worded to reflect this.

MOTION was made by Councilor Joyce to ADOPT the proposed Operating Budget, including debt service, in the amount of \$27,492,903 for Fiscal Year 2008/09 for presentation at the Town Financial Meeting on May 3, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Reichert to ADOPT the Proposed Capital Improvement Budget in the amount of \$471,336 for Fiscal Year 2008/09 for presentation at the Town Financial Meeting on May 3rd, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

E. Update from Building/Zoning Official

1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that the building permit to replace the underground storage tank for domestic water has been applied for. Councilor Walsh asked what will be done with the additional tank at the middle school. L. Desormier replied that it will become part of the fire suppression system. Regarding the high school, L. Desormier reported that the biomass building is being worked on after a slight delay due to a water problem. L. Desormier noted that the new gymnasium is approximately 85% complete. L. Desormier stated that he found several violations in the old work at the south building and will require that it be brought up to date. Councilor Walsh expressed his concern that when

building materials are recycled, the money should go back to the Building Committee and not to the contractor.

F. Legislative Updates

Councilor Reichert stated that Representative Nicholas Gorham is present to address the Council with a legislative update.

Rep. Gorham explained that when the Council invited the legislators to the Town Council meeting in February, he was unable to attend. Rep. Gorham stated that the priorities this year are very limited on the state level, and commented that if we can keep school aid level-funded, we will be lucky. Rep. Gorham stated that this is what was in the Governor's budget. Councilor Walsh asked about the proposal to re-do the school calculations.

Rep. Gorham replied that under the first scenario, Foster-Glocester did quite well, but under the more recent one, it would be devastating to Foster-Glocester. Rep. Gorham noted that the new formula would take away approximately ½ million dollars or more. Rep. Gorham stated that, generally speaking, the latest school aid formula favors the urban areas, but, in his opinion, is not very favorable for the suburban and rural areas. Rep. Gorham pointed out that this has not been approved yet and stated that he will not support it.

Rep. Gorham stated that every year, the number of mandates placed on cities and towns increases, while the amount of school aid or other support diminishes. Rep. Gorham stated that he has voted against each mandate and has put in amendments every year to increase school aid. Rep. Gorham also stated that he supports the Governor's order to enforce the law against people who are in our state illegally and asked the Council for a Resolution of support in this regard.

Rep. Gorham spoke regarding the next agenda item, Glocester Housing Security System Mandate. Rep. Gorham stated that the law does not say that security cameras "have" to be installed. Rep. Gorham expressed his opinion that there are better ways to spend our money.

Rep. Gorham asked if anyone had any questions or comments for him to take back to the General Assembly. Councilor Reichert stated that it is against the law in Connecticut and other states for oil companies to raise prices during the day without 24 hour notice. Councilor Reichert stated that there is no control over this in Rhode Island. Rep. Gorham stated that he will look into it. Rep. Gorham also noted that he plans to vote against 24-hour gambling at Twin River.

Rep. Gorham spoke regarding his proposal to create a "super town" in western Rhode Island. Rep. Gorham stated that we should take the initiative now to choose our partners before they are chosen for us. Rep. Gorham pointed out that the counties in Rhode Island are horizontal, yet the demographics of the state are vertical; the western corridor is made up of towns which are rural. Councilor Walsh stated that there are many good points in the proposal, such as merging school districts and police departments. Rep. Gorham stated that there will be a study commission formed and expressed hope that the Council will participate.

Rose LaVoie asked Rep. Gorham to look into the way recycling is set up, adding that the program does not help the towns that participate.

The Council thanked Representative Gorham for his attendance.

G. Gloucester Housing
Security System mandate

Councilor Reichert stated that Councilor Poirier has requested this item. Council Poirier is asking for authorization to forward correspondence to our legislators regarding a state wide security system mandate for Housing Authorities.

Discussion: Councilor Poirier explained that it would be cost prohibitive to install security cameras at each of the entrances at the two housing complexes. Councilor Poirier stated that the Chief of Police issued a statement as follows: "I see no need, benefit or justification for installing surveillance camera systems at those locations. These two locations have always been low crime areas and our calls for service there are generally to assist rescue personnel."

MOTION was made by Councilor Joyce to AUTHORIZE Councilor Poirier to forward correspondence to our state legislators asking for an exemption from the mandates regarding security cameras; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

H. Land Trust - Website

Councilor Reichert read the following request into the record:

April 14, 2008

To: Steve Sette, President, Gloucester Town Council Town Council Members
Jean Fecteau, Town Clerk

From: Debra Najecki, Gloucester Land Trust

Re: Gloucester Land Trust website

At the March 26, 2008 meeting of the Gloucester Land Trust the Trustees discussed the land trust information presented on the GloucesterRI.org website. It is our consensus that the public and Land Trust would be better served with a separate website owned, developed, maintained, and paid for by the Trust.

Being an experienced website developer, I was directed by Land Trust Chairman Bruce Payton to investigate the cost of the website and seek approval from the Town Council.

The cost to secure the domain name and computer server host space for the proposed website would be \$84 for the first year and \$94 in future years, and funds would come from the existing Land Trust account. There would be no cost to develop or maintain the website as that would be done by the Trustees. The domain, i.e. website name, would likely be either GLT.org or GloucesterLandTrust.org and would be linked to the existing Town website.

The proposed website would emulate the appearance and functionality of the websites for South Kingstown www.SKLT.org and Aquidneck Land Trust www.AILT.org.

Among the features of the proposed website would be photos and video of the thirteen Land Trust properties, cultural history and environmental information, directional maps to the sites, downloadable PDF trail maps of each property, email links to Trustees, calendar of upcoming events such as trail walks with a forester or visiting vernal pools with a biologist, volunteer opportunities, rules and regulations such as where and when hunting and fishing are allowed, news on current projects, and information on how Gloucester land owners can partner with the Land Trust to have their property protected as open space.

With our own website, the Land Trust would be able to gauge the amount of interest in the various properties by using the statistics function offered by the host server, for example, how many times a trail map is viewed.

By this letter, we are requesting your approval for the Gloucester Land Trust to create, develop and maintain a website, and to link it to the GloucesterRI.org website.

Thank you,
Debra Najecki
Trustee, Gloucester Land Trust

(end of memo)

Discussion: Debra Najecki, 1203 Reynolds Road, spoke regarding the request of the Land Trust to start and maintain their own website. D. Najecki stated that the current website is one page and is outdated. D. Najecki pointed out that there would be no cost to the Town as she would maintain the website. Jean Fecteau, Town Clerk, noted that we do get many requests from people who would like to view the trail maps of the Land Trust properties.

MOTION was made by Councilor Joyce to AUTHORIZE the Gloucester Land Trust to establish and maintain a web site specifically for the Gloucester Land Trust; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

I. Personnel

1. Establish: Public Works Director

Councilor Reichert stated that the Finance Director is recommending the following individuals to serve on the Search Committee for Public Works Director:

Councilor Reichert, liaison to Public Works; Jean Fecteau, Town Clerk; Thomas Mainville, Personnel Director; Ray Goff, Town Planner; Larry Desormier, Building/Zoning Official; Alan Whitford and Beth Decorte.

Councilor Reichert pointed out that Councilor Walsh is the liaison to the Public Works Department, but added that he would also like to serve on the committee.

MOTION was made by Councilor Poirier to form a Search Committee for the purpose of interviewing candidates for the position of Public Works Director to include; Councilor Kevin Walsh, Liaison to Public Works; Councilor William Reichert; Thomas Mainville, Personnel Director; Ray Goff, Town Planner; Larry Desormier, Building/Zoning Official; Alan Whitford and Beth Decorte; after completion of the interview process a recommendation will be forwarded to the Town Council; seconded by Councilor Walsh.

Discussion: Councilor Walsh pointed out that Jean Fecteau, Town Clerk, was not named in the motion. Councilor Walsh withdrew his second and Councilor Poirier amended his motion to include Jean Fecteau.

Seconded by Councilor Walsh.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. New Position: (Create & appoint)
Manager- Special Projects

Councilor Reichert read the following request from the Personnel Director:

April 9, 2008
To: Town Council
Re: Position of *Manager, Special Projects*, for the Dept. of Public Works

At the April 3 Town Council meeting, Alan Whitford, Director of Public Works submitted a notice of his intent to retire on April 30, 2008.

It may prove extremely difficult to find a replacement who can become completely acclimated to the position by that date.

There are several projects currently open in which Alan's background and experience would continue to be invaluable to help effectively guide them to their completion.

Specifically:

1. Capping the landfill.
2. Paving town roads (including Ramblewood and Hazelwood Roads).
3. Cracksealing town roads.
4. Review of all the dam sites in Gloucester (to be coordinated with Charlie Miller, EMA Coordinator).
5. Building of the new Transfer Station facility (site-plan has been developed).

It may be advantageous to the Town to continue to employ Alan on a part-time basis to manage these projects either to completion or until his replacement is able to assume effective and efficient responsibility for them.

Alan can continue to work for the Town on a limited basis without jeopardizing his retirement benefits. Alan's wage rate (excluding benefits) as Director of Public Works is a little more than \$30 per hour.

If the Council wishes to continue to employ Alan in a part-time capacity, the Council may consider it reasonable to compensate him at \$30 per hour and allow him to continue to be eligible to receive a Town paid single plan in the Town's health insurance program. It should be noted that, if he were paid as a consultant, his per hour rate billed to the Town would conceivably include amounts for compensation and benefits.

Also, as further compensation for his past and near term continued services, the Council may want to consider providing Town paid single plan health coverage for Alan between the age of 62 and 65 as is currently allowed in the 'We are Gloucester' employee handbook.

Tom Mainville
(End of memo)

Discussion: Councilor Joyce asked if there are stipulations regarding how many hours a retiree can work and for how long a period of time. Tom Mainville replied that we would make sure that A. Whitford's hours do not exceed the maximum allowed.

John Bevilacqua, Town Solicitor, cautioned the Council that if this is adopted as-is, it would change the personnel policy regarding health coverage. J. Bevilacqua suggested that the Town and the individual enter into a contract which specifically outlines the compensation. J. Bevilacqua stated that he will get this done immediately and a special meeting can be held to accept the contract.

MOTION was made by Councilor Walsh to TABLE the appointment of Alan Whitford as Manager-Special Projects to the Public Works Department, at an hourly wage of \$30; effective May 1, 2008; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS:0

MOTION PASSED

XI. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, stated that there will be an Executive Session pertaining to collective bargaining on Monday at 7:00 p.m.

J. Fecteau stated that the Council has been formally invited to the Gloucester Little League's opening day parade on Sunday at noon.

B. Tom Mainville, Finance Director, spoke regarding the \$250,000 revolving loan program with Rhode Island Clean Water. T. Mainville pointed out that this money will all be loaned out shortly and stated that there is an option for another \$300,000, but an application must be submitted. T. Mainville asked the Council members if they have any objections to this. There were no objections.

C. Larry Desormier, Building/Zoning Official, stated that he has received several phone calls regarding CVS delivery times. L. Desormier stated that he had spoken with the manager of the store two months ago regarding the situation and thought it was resolved. Councilor Reichert stated that he has also spoken to the manager, telling him that if this happens again, the police will be called. L. Desormier noted that when the license was granted, it was recommended that the deliveries take place during the same time frame (4:30 to 7:00 a.m.) as the other two businesses nearby, Dino's and Dunkin' Donuts. However, L. Desormier pointed out that this was not "set in stone". J. Bevilacqua replied that the recommendations were adopted by both the Zoning Board and Planning Board, adding that CVS did agree that their delivery hours would be in conformance with the other businesses in the area. L. Desormier stated that he will call the district manager in the morning and will follow up with a formal letter.

D. Alan Whitford, Public Works Director, reported that the landfill closure has begun.

A. Whitford stated that he has received material from several sources at no cost in addition to material which we have had in storage.

XII. Boards/Commissions

None.

XIII. Council Correspondence/Discussion

Councilor Walsh stated that he would like to have a Resolution on the next agenda regarding the Governor's initiative concerning illegal immigrants. There was Council consensus to do so.

XIV. Open Forum

- A. Rose LaVoie spoke regarding the water tank at the middle school, asking why we need to store water when there is a well. Councilor Reichert explained that a tank is required to store drinking water in the event of contamination of the well. Councilor Walsh further explained that the tank is filled from the well and the water is used for the building.

Rose LaVoie spoke regarding the Governor's resolution and stated that fifteen years ago, there was a law that if you hired anyone, documentation was required to prove that the employee was a citizen. R. LaVoie pointed out that this law should have been enforced from the beginning. R. LaVoie recommended that the Council support the Governor's position on this matter.

Rose LaVoie spoke regarding recycling, stating that it is time to change the way things are done in the State.

Rose LaVoie commented that a large amount of funds were appropriated for highways and asked if our \$500,000 for the street scape was included. R. LaVoie stated that somebody should be pushing for this. R. LaVoie also asked for the status of Chepachet River Park. Mrs. LaVoie was advised to contact the Town Planner.

Rose LaVoie expressed her agreement with Rep. Gorham's idea to consolidate some of the towns in Rhode Island.

- B. Walter Steere, School Committee member, asked what the proposed tax rate increase will be. T. Mainville, Finance Director, replied that the proposed increase will be 8.6%. W. Steere expressed concern that the tax rate increased by \$1.42 last year and will again increase by the same amount this year. There was discussion concerning the new property assessments.

XV. Adjourn

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

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 15, 2008 Town Council Meeting.

At a Special Town Council Meeting holden in and for
the Town of Gloucester on **April 25, 2008**:

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, & John Bevilacqua, Town Solicitor.

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)2 Collective Bargaining and R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

IV. Reconvene Open Session

A. Disclosure of Votes Taken

The following vote was taken:

MOTION was made by Councilor Sette to APPROVE the "Agreement Between the Town of Gloucester & the International Brotherhood of Police Officers, July 1, 2007 to June 30, 2010" as presented with minor corrections to be made to correct typographical errors and the salary schedule for clarification only; seconded by Councilor Joyce.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

V. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 7:35 p.m.; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS:0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 15, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 1, 2008**:

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Michael Joyce (arrived at 8:00 p.m.); Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director, John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Alan Whitford, Public Works Director; and Raymond Goff, Town Planner.

III. Pledge of Allegiance

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

IV. Open Forum for Agenda Items

A. Ron Thurber spoke regarding the item which addresses low income housing. Mr. Thurber expressed concern that this will bring more people to the Town and consequently more students to the school system, more police and fire, etc. Mr. Thurber asked what the long-term impact would be for the taxpayer. Councilor Sette stated that Mr. Thurber's concerns will be addressed during the Public Hearing.

Councilor Poirier stated that the Council was opposed to the mandate which requires that the Town have 10% affordable housing. Mr. Thurber asked what the percentage is at this time. Councilor Poirier replied 2%. Mr. Thurber asked what the Town would lose by having less than 10%. Councilor Sette replied that the Town would lose State aid. Councilor Poirier explained that the Municipal Subsidy Ordinance would provide incentives for the development of affordable housing.

Mr. Thurber asked which would cost the taxpayers less; implementing this Ordinance or receiving less funding from the State. John Bevilacqua, Town Solicitor, replied that the implementation of the Ordinance would have less impact because certain monies can be collected from the developers. Mr. Thurber expressed concern that the developers would be making money at the expense of the taxpayers. J. Bevilacqua explained that the subsidy is in the area of density bonuses, waiving of building permit fees and reduction of municipal fees. Councilor Sette pointed out that these are one-time things which do not carry on for the life of the project.

Councilor Sette stated that we are trying to find a way to meet the State mandate for affordable housing in a way which fits this community. Mr. Thurber expressed concern that with increased development, sewers may be necessary in the future. Councilor

Walsh stated that the State has given us a mandate that we cannot possibly meet but that this Ordinance would indicate that we are trying.

- B. Brian Kauch of Joe Sarle Road stated that he was at a recent Town Council meeting at which he spoke regarding property valuations. Mr. Kauch stated that this subject is related to low income housing and he mentions it because it has to do with taxpayer money. Councilor Sette stated that the Council has received Mr. Kauch's letter and it will be addressed during the Correspondence portion of the meeting.
- C. Janice Lowell, 2402 Putnam Pike, spoke regarding the zoning violation for Europa restaurant. In reference to the tree buffer which was required by the Council, Mrs. Lowell reported that there has been no change since the last time she appeared. Mrs. Lowell expressed her opinion that it is time for the Council to take action against the owner of the restaurant. Mrs. Lowell pointed out that this situation has been going on for five years now, adding that it has been 913 days since the order was given for the tree buffer to be replanted. Mrs. Lowell stated that it is time to not issue the license until the owner complies.

V. Public Hearing

- A. Amendment to Gloucester Code of Ordinance
Municipal Subsidy Ordinance

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on April 18th and the Bargain Buyer on April 21, 2008. The first reading was held on April 3, 2008

Councilor Sette DECLARED the Public Hearing open and read the Planning Board opinion of March 17, 2008:

Proposed Municipal Subsidy Ordinance Review, Discuss and Recommendations to Town Council

Motion was made by Janine Pitocco to recommend approval to the Town Council of an Ordinance establishing the Town of Gloucester Subsidy Program for Low and Moderate Income Housing, Draft 3 dated March 17, 2008, and forward this recommendation with the Ordinance.

The Ordinance was drafted to comply with State Legislation that requires any subsidy program be established by local Ordinance in order to ensure that such subsidies are offered in a fair and impartial manner. Comments received from Rhode Island Housing have been incorporated. The Board finds that if this Ordinance is not in place, the Town will be unable to offer municipal subsidies and therefore will be unable to receive credit towards its 10% requirement for any affordable units created.

This Ordinance does not require a Town to give a subsidy, but merely establishes the opportunity on an equitable basis for Gloucester to offer municipal subsidies in order to encourage affordable housing. This Ordinance will allow for at least four (4) types of

subsidies to be offered for encouraging affordable housing: 1) A density bonus; 2) A Waiver of the building permit fee; 3) A Waiver of the impact fee on an affordable unit; or 4) A Waiver or reduction of any municipal fee, guarantees and/or charges.

The decision of applying a municipal subsidy will rest with the Planning Board when a particular development is under consideration.

Motion was seconded by Susan Shuster.

Vote: AYES: 6

NAYS: 0

Motion carried on a unanimous aye vote.

(End of motion)

Councilor Sette asked if anyone wished to speak for or against the proposed ordinance.

Discussion: Ray Goff, Town Planner, explained that two years ago, the State changed the affordable housing regulations. R. Goff stated that we are required by law to have 10% affordable housing and this Ordinance would give the Town the opportunity to offer subsidies in an effort to meet the 10% requirement. R. Goff further stated that the Town has an Affordable Housing Plan which encourages affordable housing.

R. Goff stated that we would rather have individual houses in neighborhoods as opposed to complexes. R. Goff noted that affordable housing has been stigmatized throughout the State. R. Goff pointed out that the Affordable Housing Plan will not draw people from other areas, but is a way for Gloucester to look at our residents and their children and help them find a place to live. R. Goff stated that this Ordinance is just a step in that direction.

Councilor Sette asked again if anyone wished to speak.

Brian Kauch referred to Section 6 of the proposed ordinance and suggested changing the wording from "waiver" to "reduction" of fees. R. Goff replied that this is to encourage affordable housing and a reduction of fees may not be enough. Mr. Kauch also recommended that the Town could charge less fees to a non-profit developer and more fees to a for-profit contractor. John Bevilacqua, Town Solicitor, replied that it would be very difficult to modify this wording.

Councilor Sette asked again if anyone wished to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED for the consideration of an addition to the Gloucester Code of Ordinance.

Ray Goff read the following memo into the record:

TO: Town Council, Steven A. Sette, President

FROM: Raymond Goff, Town Planner

DATE: April 30, 2008

RE: Municipal Subsidy Ordinance

Based on comments received by a few people who reviewed the Municipal Subsidy Ordinance, the following changes are suggested:

Page 1, Section 3. Change the sentence as follows: “The following words, whenever used...”

Page 3, Section 7. Last sentence, rewrite as follows: “All funds will be placed in an affordable housing fund.”

Page 1 Section 3. Definitions

Add this definition: **AMI (Area Median Income):** AMI is the midpoint in the income distribution within a specific geographic area. By definition, 50% of households earn less than the median income, and 50% earn more. HUD calculates AMI levels for different communities annually, with adjustments for family size. AMI is used to determine the eligibility of applicants for both federally and locally funded housing programs.

(end of memo)

MOTION was made by Councilor Poirier to TABLE an amendment to the Gloucester Code of Ordinance, Chapter 352, An Ordinance Establishing the Town of Gloucester Municipal Government Subsidy Program for Low and Moderate Income Housing, Articles 1-18; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS : 0

MOTION PASSED

VI. Resolution

A. Support of Governor’s Executive Order re: Illegal Immigration

Councilor Sette stated that the Council has acknowledged an Executive Order with a resolution in support of the order as follows (read by Councilor Reichert):

RESOLUTION

WHEREAS, the Town Council of the Town of Gloucester supports Executive Order, 08-01, “Illegal Immigration Control Order”, signed by Governor Donald L. Carcieri on March 27, 2008; and

WHEREAS, per said order, the President and Congress have been unable to resolve the problem of illegal immigration, leaving the states to deal with the consequences. The presence of significant numbers of people illegally residing in Rhode Island creates a burden on the resources of the state and local human services, law enforcement agencies, educational institutions

and other governmental institutions and diminishes opportunities for citizens and legal immigrants in Rhode Island; and

WHEREAS, this Order requires the Department of Administration to use the federal government's E-Verify program to electronically verify the employment eligibility of new hires; as well as requiring all businesses working with the State of RI to also register with and utilize the services of the E-Verify program. This order outlines other ways in which the State of Rhode Island can become more diligent in the areas of identity safety and mandating the training of our government employees; and

WHEREAS, nothing in this Executive Order shall be construed to supersede, contravene or conflict with any federal or state law or regulation or deny a person's rights under the RI or United States Constitution; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Glocester supports the Executive Order, "Illegal Immigration Control Order", signed by Governor Donald L. Carcieri.

Steven A. Sette, President
Glocester Town Council

seconded by Councilor Walsh.

Discussion: Councilor Poirier stated that the last sentence of the third paragraph does not read right and recommended that the wording be amended. Councilor Sette noted that several months ago, the Town Council was asked to support a similar resolution and at that time, the Council questioned why they would get involved in something which is the responsibility of the Federal Government. Councilor Sette added that this resolution appears to be the responsibility of the State. Councilor Poirier replied that this is a way to show support for the State to do something about the problem. Councilor Walsh agreed, stating that we are showing support for the Governor's initiative.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Rhode Island Clean Water Finance Agency's- Community Septic System Loan Program

Councilor Sette stated that this resolution is to authorize additional monies for the Clean Water Finance's Loan Program. Councilor Poirier read the following into the record:

RESOLUTION

WHEREAS, the state of Rhode Island and Providence Plantations, Department of Environmental Management and the Rhode Island Clean Water Finance Agency has available to Rhode Island communities a Community Septic System Loan Program; and

WHEREAS, the Town of Glocester is eligible for funding up to \$300,000 and has completed its Facilities Management Plan as amended, has successfully completed the necessary review for such program and has been found to be consistent with the State Guide Plan of the State of Rhode Island and Providence Plantations; and

WHEREAS, the Town of Glocester is desirous of providing low interest loans to residents and businesses of Glocester under such a program for projects that may be eligible for such assistance; and

NOW THEREFORE BE IT RESOLVED, that the Town Council and Town Clerk of the Town of Glocester hereby authorizes the Wastewater Management Board to apply for and obtain funding for said program under the Rhode Island Clean Water Finance Agency's Community Septic System Loan Program and to work with the Western Rhode Island Home Repair Program to establish loan operational policies, application procedures and appropriate review and approval processes.

Steven A. Sette, President
Glocester Town Council

Jean M. Fecteau, Town Clerk

Seconded by Councilor Walsh

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Town Council Minutes of 4/03/08

Councilor Sette noted that these minutes were approved at the last Council meeting. No action necessary.

VIII. Unfinished Business

- A. Appointments
 - 1. Glocester Affordable Housing Advisory Board

Councilor Sette stated that the Planner does not have a recommendation but has recommended advertising for volunteers for all boards and commissions.

MOTION was made by Councilor Reichert to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Use of Town Building/Senior Center

Councilor Reichert stated that the group has contacted him to withdraw their request.

MOTION was made by Councilor Reichert to REMOVE from the Table, B. Use of Town Building/Senior Center; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

C. Public Works: New Position: (Create & appoint)
Manager- Special Projects

Councilor Sette explained that the Public Works Director has announced his intention to retire, but the Council wishes to create a position which would allow Mr. Whitford to remain in that position until it is filled. Councilor Sette stated that the Council will continue to work out a contract with Alan Whitford, but in the meantime a temporary appointment can be made to allow Alan to fill in as Interim Public Works Director.

MOTION was made by Councilor Reichert to appoint Alan Whitford interim Public Works Director, effective May 1, 2008 at an hourly rate of \$30. seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

IX. New Business

A. Resignation

1. Conservation Commission

One unexpired three (3) year term to expire 01/2009

Councilor Sette stated that the Council has received the resignation of Dan Nardelli from the Conservation Commission.

MOTION was made by Councilor Poirier to ACCEPT the resignation of Dan Nardelli from the Conservation Commission for an unexpired term to expire 1/2009; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. Personnel Board

Councilor Sette stated that the Personnel Director has informed the Clerk that he has received the resignation of Debra Stockwell from the Personnel Board.

MOTION was made by Councilor Walsh to ACCEPT the resignation of Debra Stockwell from the Personnel Board for an unexpired two year term to expire 1/2009; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Appointments

1. Conservation Commission

One unexpired three (3) year term to expire 01/2009

Councilor Sette stated that the Council has received a talent bank application for Greg Ponte. Councilor Poirier stated that he would like to speak to Mr. Ponte prior to appointment.

MOTION was made by Councilor Poirier to TABLE the appointment to the Conservation Commission for the unexpired three year term to expire 1/2009; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. Personnel Board

MOTION was made by Councilor Joyce to TABLE the appointment to the Personnel Board for a two year term to expire 1/2009; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

C. Gloucester Licensing Board

1. Zoning Violation Status

Europa Food Inc., 2400 Putnam Pike

Councilor Sette explained that on January 17, 2008 the owner of this establishment signed an agreement to do certain things to the property where his business is located, one of which was to plant 30 evergreen trees.

Larry Desormier, Building/Zoning Official, reported that as of yesterday, nothing has been done regarding the planting of trees. L. Desormier spoke with the landscaper and reiterated that thirty trees must be planted and anything less will not be accepted. George Melanis, owner, is planning to meet with the landscaper tomorrow and the work will be started immediately. John Bevilacqua, Town Solicitor, stated that the agreement is very specific that thirty evergreen trees were to be planted as early as possible in the Spring of 2008, depending on weather conditions. J. Bevilacqua pointed out that the weather has been good for the past several weeks, and there is no reason why this work has not been done. Councilor Sette asked if anyone was present on behalf of Europa. L. Desormier replied that he requested that Mr. Melanis appear at the meeting, but he is not present.

There was discussion regarding whether to allow the license to expire on May 3, 2008 or to extend it beyond that date. Councilor Walsh expressed his concern for the employees of the establishment who are not to blame for the situation. Councilor Walsh recommended that the Council allow two weeks for the employees to make arrangements before the Council suspends the license. Councilor Sette noted that this pertains to the liquor license and the Council must also consider the victualing license, which is valid through November. Jean Fecteau, Town Clerk, pointed out that the Council, as the Licensing Board, has the authority to revoke any license they wish.

Janice Lowell stated that although she is sympathetic toward the employees, she wonders how many chances the owner will get and how much longer this will continue. Mrs. Lowell pointed out that Mr. Melanis does not live in this Town but profits from his business here. Mrs. Lowell stated that this is the time for action, adding that she has waited five years. There was discussion concerning imposing a fine in addition to suspending the license. Mrs. Lowell noted that according to the Zoning Ordinance, there can be a fine of \$100.00 per day, adding that each day is considered a separate offense.

MOTION was made by Councilor Joyce that the action to extend the Liquor License further is hereby denied by the Council but the Council will allow the license to lapse on May 3, 2008, based on the zoning violation that was agreed to on January 17, 2008, that said owner would perform certain work as outlined by Article 9, New Business, of the January 17, 2008 minutes of the Council, which indicates an agreement by George Melanis and Mark Courtemanche dated 1/17/08, also presented to the Building/Zoning Official. If owner of license (Melanis) performs that which was agreed to on January 17, 2008, and creates a buffer and plants thirty (30) evergreen trees as outlined by said agreement, he may request a meeting before the Council that will allow them to grant the license if the Council so determines to at that time;

seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- D. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that progress is being made, noting that there is a new supervisor on site who appears to be very knowledgeable. Starting with the Middle School, L. Desormier stated that he will not issue a full building permit for the pump house for the new water tank until State approval is obtained. L. Desormier stated that a foundation permit for the structure has been issued. L. Desormier stated that he will set a deadline for repairs to the landscaping. Regarding the renovations at the High School, L. Desormier reported that we are in good shape, contrary to a recent newspaper article which stated that there has been a three-month delay. L. Desormier noted that the work on the south building and the connector are ahead of schedule.

- X. Department Head Report/Discussion
 - A. Jean Fecteau, Town Clerk, stated that the Financial Town Meeting is scheduled for Saturday, May 3rd at 1:00 p.m.
 - B. Alan Whitford, interim Public Works Director, stated that he has submitted a report to the Council regarding the State project on Tourtellot Hill Road. A. Whitford also stated that the landfill closure is progressing.

- XI. Boards/Commissions
 - None.

- XII. Council Correspondence/Discussion
 - A. Councilor Sette read the following letter into the record:

April 29, 2008

Dear Mr. Sette,

At the April 3, 2008 Gloucester Town Council meeting which you chaired, as a resident of Gloucester, I attempted to explain to you and the Council a serious financial matter relating to Gloucester's nearly \$1,000,000 shortfall and how to fill this gap.

Since 2003, Gloucester has hired a company named Certified Revaluation Company, Inc. to appraise the town's real estate, and since that time it appears Gloucester's hired appraiser has consistently erred in determining real estate valuation for our residents' single family homes. The real estate field card, two of which I have attached for reference, show a process called the "Cost Approach" which has been erroneously used to determine the value of real estate in Gloucester. This approach should never have been used for determining the value of single family homes. Instead the Market Approach should have been used. This "Cost Approach" is flawed in that it sets the higher end of valuation, and is chiefly used for insurance purposes for determining the replacement value, and thus artificially inflates valuation, which may be a leading reason for foreclosures in Gloucester.

The Market Approach is the standard by which valuation has been used by most municipalities in the United States for single family homes, and which is most recognized by mortgage underwriters consistent with Federal National Mortgage Association Guidelines.

Records indicate that the Town Council was unaware of the erroneous valuation approach used by Certified Revaluation Company, Inc.

Therefore, I request the Gloucester Town Council make a binding resolution asking for explanation from Certified Revaluation, Inc. as to why the cost approach was used instead of the market approach for valuation of Gloucester single family homes.

You should be aware that the Principle Appraiser of Certified Revaluation, Inc., Mr. Neal Dupuis, may have an Errors and Omissions Insurance Policy that, if the Town of Gloucester chooses to make a claim from, may be able to fully fund the Town's budget shortfall.

I ask you most serious consideration in this matter.

Brian S. Kauch
189 Joe Sarle Road
Gloucester, RI 02814

(End of letter)

Councilor Sette pointed out to Mr. Kauch that Gloucester does not have a million dollar shortfall. Councilor Sette noted that the additional million dollars is going to debt service

May 1, 2008

for the regional school system. Councilor Sette read the following response into the record:

May 1, 2008

Thomas P. Mainville, Finance Director
Town of Glocester
1145 Putnam Pike - P O Box B
Chepachet, RI 02814

RE: Assessment Methodology

Dear Mr. Mainville:

I am sending this letter as a follow up to our conversation yesterday.

All of the assessments in Town were based on "Fair Market Value" in accordance with Rhode Island Law and industry standards. The fair market value assessments were generated based on sales occurring within the Town during calendar year 2007.

The results of our fair market value analysis are displayed on the Property Record Card Summaries in a Cost Approach Market Model format. The designation of "Cost Approach" on the bottom of the reports refers to the format - not to the method of value given the most weight. In all cases, market sales formed the basis for our opinion of value.

The rates indicated on the individual property record cards are not construction cost figures. Rather, these rates are the result of our analysis of the 2007 sales that occurred within the Town of Glocester. Essentially, the cost approach model is modified for each individual property to reflect the results of our sales analysis as required.

We do it this way for several reasons:

1. We are required to provide the Town with separate land and building values. The cost approach model is the only method of value that allows for separation of land values. The Market and Income Approaches are used as well, but these approaches only generate an overall valuation estimate and do not allow for separation of land value.
2. This model displays the assessment date and valuation components in a clear, concise and uniform manner. Property owners are able to easily see the mathematical calculations involved in their tax assessment. This allows for an easy comparison to other properties and gives the taxpayers a sense of understanding and confidence that they were treated fairly in relationship to others. In a straight market analysis, property owners would have a difficult time in performing such a review since different comparable properties would be applicable to individual parcels.

3. Changes in assessments between revaluations for new homes are generated by entering data into the computer software. The software takes this data and generates an assessment automatically. The Tax Assessor would need to do a much more time consuming analysis to process these interim changes if the model did not work this way.
4. Our model allows for ease of maintenance for changes such as decks, sheds, and house renovations without requiring the Tax Assessor to do a re-appraisal of the property to add a small change to a property. Under a straight Market Analysis format, the Tax Assessor would again need to spend much more time in performing this analysis.
5. It is the industry standard to present the results of the assessments in this format. Most, if not all Rhode Island Tax Assessments are presented in a similar format.

The IAAO (International Association of Assessing Officers) standard for determining accuracy and uniformity requires a coefficient of dispersion (COD), to be a 10.0 or less for single family homes. This measure reflects the spread in assessments above and below the median sales to assessment ratio. The result of our sales analysis in the Town of Glocester using all valid 2007 sales produced a COD of 5.14 which is well within the acceptance level of the standard.

Another important statistic that we utilize is the PRD (Price Related Differential). The PRD reflects the assessment equality between high valued homes and low valued homes. The IAAO standard for a PRD is between .97 and 1.01. A PRD of 1.0 reflects 0.00 percent disparity in assessment of lower end to upper end homes. The PRD for the Town of Glocester in the recent revaluation is 1.002 which is also well within the standard.

As you can see, these standards use market sales as their basis. If our methodology did not properly reflect market sales and conditions, the adherence to these industry standards could not be met.

I hope this information is helpful to you in understanding the assessment and revaluation process. Please let me know if you would like any additional information.

Sincerely,
Neal J. Dupuis, President

(End of letter)

Brian Kauch disagreed with the numbers stated in Mr. Dupuis' letter, stating that they are inaccurate. Mr. Kauch further stated that Mr. Dupuis was paid \$82,000 to perform a job which could have been done for less, adding that he did not do a thorough job.

Councilor Sette asked Tom Mainville, Finance Director, how many other communities are serviced by Neal Dupuis of Certified Revaluation Company, Inc. T. Mainville replied that presently ten (10) municipalities have their revals done by Mr. Dupuis, which represents

25% of the State. T. Mainville noted that Mr. Dupuis had performed thirty (30) revaluations without any problems. Councilor Sette suggested that Mr. Dupuis attend the next Town Council meeting to answer any questions regarding property assessments.

- B. Councilor Poirier spoke regarding the mandate for security cameras at the Gloucester Housing Authority properties. Councilor Poirier noted that there is legislation that the State would cover 3/4 of the cost.
- C. Councilor Sette stated that an e-mail was received from a resident of Indian Trail requesting repairs to the road. There was consensus that the condition of the road is very bad and something needs to be done.
- D. Councilor Sette stated that an invitation to participate in the Fourth of July Parade was received from the Parade Committee.
- E. Councilor Sette stated that there was correspondence from the Department of Health regarding water quality and new lead and copper regulations.

XIII. Open Forum

- A. Rose LaVoie thanked the Council members and the Town Clerk for their attendance at the Heritage Society's gala the previous evening. R. LaVoie commented that Bob Billington, who was the Master of Ceremonies, recently received an award in Dubai for promoting tourism, adding that Mr. Billington is an asset to the community.

R. LaVoie spoke regarding issues surrounding the new Middle School and the renovation of the High School.

R. LaVoie stated that she has heard a rumor that the walkways on the Chepachet River bridge may be declared unsafe by the Department of Transportation. R. LaVoie expressed concern regarding the effect that this would have on businesses in the village.

- B. John Devine spoke regarding the \$50,000 in overtime which was paid in order to make the deadline on the school project. J. Devine stated that this money was not in the budget which we voted for. J. Devine questioned Strategic Building Solutions, asking who they are, where they are from and what is their purpose. J. Devine feels that Mr. Laramie of the Building Committee owes the Building Inspector an apology for placing blame on the Building Office for delays. J. Devine stated that this whole situation warrants an investigation. J. Devine expressed concern that Gloucester may not receive enough State aid next year. J. Devine stated that we probably will not need the Middle School since families will not be able to afford their taxes and will have to relocate. J. Devine commented that teachers and books educate students, not the building.

Councilor Sette stated that he has contacted the reporter for the Observer and directed her to the Building Official to find out that there is much more going on than just a permit not being issued. Councilor Sette explained that the real problem was that the

engineers were late in getting rewrites back to the contractors, which delayed the project. J. Devine stated that we must begin to think about how we will handle this expenditure which is way over what the voters agreed to spend.

Rose LaVoie asked what can be done at the Financial Town Meeting to address this situation. Councilor Sette replied that if the budget is cut at the Financial Town Meeting, it will come from the municipal side of the budget, which is already only a 2½% increase. Councilor Sette added that the meeting that voters should attend is the Regional Financial Meeting at which the school budget is set.

- C. Janice Lowell stated that at the meeting of November 15, 2007, the liquor, victualing and entertainment licenses for Europa were all granted contingent upon the filing of a bond concerning the landscaping work which was to be performed. Mrs. Lowell asked why only the liquor license is being suspended, and not all three licenses. Mrs. Lowell stated her opinion that all operations at Europa should be stopped until the owner is in full compliance. Councilor Sette replied that the Council cannot act on the other two licenses at this meeting because it was not on the agenda.

XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:40 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 15, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **May 15, 2008**:

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; Michael Joyce; Kevin Walsh & Charles Poirier.

Member Absent: William Reichert, Vice President

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director, John Bevilacqua, Town Solicitor; Susan Harris, Deputy Town Clerk; Viviane Valentine, Tax Assessor; David Steere, Budget Board Chair; Raymond Goff, Town Planner; Alan Whitford, interim Public Works Director and Anthony Parrillo, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

- A. Susan Collins, 45 Sunrise Terrace, spoke regarding the dangerous condition of Indian Trail and asked the Council to do something about it. Ms. Collins expressed her concern regarding school children who are bouncing out of their seats as the school buses travel down the road. Also, Ms. Collins noted that if any type of delivery truck goes down the road, any other vehicle going the other way must completely pull off the road. Ms. Collins stated that in 1993, the neighbors each contributed \$600.00 to have the road paved, but the road was never properly maintained. Ms. Collins further stated that there are some older residents in the area and she is concerned that rescue vehicles will have difficulty traveling on the road. Ms. Collins pointed out that this is the only way in and out of the neighborhood. Ms. Collins again asked the Council for their help in this matter.
- B. Patti Trepanier, also of Sunrise Terrace, stated that she had a contractor who would not use Indian Trail to get to her house due to its poor condition.
- C. Lynn Medeiros, of 11 Rocky Road, expressed her agreement with Ms. Collins' comments, adding that she does not believe that a rescue vehicle could even get down there. Ms. Medeiros asked the Council members to drive their cars down Indian Trail to see for themselves how bad the road is. Ms. Medeiros also commented that there are many residents in the area, some of them elderly. Ms. Medeiros stated that there is another access which is blocked, but there is supposed to be a key for rescue vehicles. Ms. Medeiros stated that when her father needed a rescue, it took an extra eight minutes because the vehicle had to go all the way around Indian Trail.

- D. Mike Maloney, 25 Rocky Road, concurred with previous comments regarding the condition of Indian Trail. Mr. Maloney noted that there are gullies on either side of the road and is concerned that someone will swerve into the gully when an oncoming vehicle approaches.

MOTION was made by Councilor Walsh to move Item VIII. New Business, A. Tax Assessor: Revaluation to this point of the meeting; seconded by Councilor Joyce.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

VIII. New Business

- A. Tax Assessor: Revaluation
Council Discussion with Certified Revaluation

Councilor Sette explained that this evening, Neal Dupuis, representative of Certified Revaluation Company, will speak regarding the issue raised by a resident concerning the methodology used to determine tax assessments in Glocester. Councilor Sette noted that a letter from Mr. Dupuis was read into the record at the last meeting, but there were still some questions. Councilor Sette stated that there was a letter circulating which alluded to political matters. Councilor Sette stated that there is no political agenda regarding the reval program. Councilor Sette further stated that there was reference to a deficit, which is also a misconception. Councilor Sette asked Neal Dupuis to come forward make his presentation.

Neal Dupuis, President and Owner of Certified Revaluation Company, stated that he is a Certified General Appraiser since 1995 and served as Tax Assessor in Lincoln for approximately eight years. N. Dupuis stated that the company has been incorporated since 1998 and since that time has performed 27 revaluations within the State of Rhode Island. N. Dupuis stated that this is the third revaluation project for the Town of Glocester.

N. Dupuis noted that most of his clients are concentrated in the northern and western part of the state, adding that his company has quite a bit of knowledge about the real estate market in the local region. The International Association of Assessing Officers (IAAO) is the leading authority within the taxation world. The definition of "mass appraisal", as defined by the IAAO, is the process of valuing a group of properties as of a given date using common data, standardized methods, and statistical testing. N. Dupuis stated that our sales analysis is the cornerstone to the revaluation.

N. Dupuis explained that at the start of a revaluation project, he utilizes recent sales in order to identify the starting assessment level. They then extract factors to adjust for the pricing tables. At the completion of the revaluation, the results are tested. The median assessment ratio is determined by dividing the assessments by the sales price of a group of sales, then calculating the median, or middle, ratio. N. Dupuis stated that the standard in the industry is .9 to 1.10 for a single family residence. N. Dupuis pointed out that the real estate market has been rapidly changing throughout the past year.

N. Dupuis explained the three types of appraisal techniques utilized; the cost approach, the market approach, and the income approach. N. Dupuis noted that these methods were considered when they were applicable, adding that the income approach would not be applicable on a single family home. N. Dupuis stated that the market model used in Gloucester combines the strengths of the market approach with the strengths of the cost approach. N. Dupuis stated that all municipalities in the state of Rhode Island use a similar format.

N. Dupuis stated that many people feel that revaluations are done to raise revenue. N. Dupuis stated that this is not true; revaluations are revenue neutral. N. Dupuis pointed out that in a declining market, the Town does not take less money, and in an increasing market, the Town does not get more money, adding that the amount of money is set based on the tax levy cap. N. Dupuis explained that the main goal of revaluation is to provide equitable distribution of the tax burden. N. Dupuis noted that lowering assessments would not lower taxes, it would just raise the tax rate per thousand. N. Dupuis asked if there were any questions.

Mike Maloney asked how the methodology has changed since 2004. N. Dupuis replied that the methodology has not changed but was simply updated to reflect the current market.

A gentleman from the back of the room asked a question which was inaudible on the tape. N. Dupuis replied that the 92% median reflected calendar year 2007 in total and the 95% median was the last quarter of 2007. N. Dupuis further stated that the appraisal date is December 31st, so the target is to look at the sales surrounding the end of the year and not prior to that. N. Dupuis added that the old assessment is not used in setting the new assessment.

Hank Reagan stated that there has been a 20% drop in valuation in the last three years. H. Reagan stated that his house assessment increased by \$14,000 and he does not believe that he could sell his house for this amount. H. Reagan stated that he cannot see how some houses go down in value and others go up. N. Dupuis asked if Mr. Reagan came in and discussed his situation when informal hearings were conducted. H. Reagan replied that his attorney advised him that it would cost thousands of dollars to battle any revaluation. N. Dupuis expressed his disagreement, noting that there are several levels of the appeal process. N. Dupuis stated that there is no incentive for the Town to keep the values higher or lower than reality.

Linda Laliberte commented that the problem she is having is that the evaluations increased as well as the tax rate. L. Laliberte asked what is the percentage of properties in Town which actually had an increase with this last revaluation and what the average increase was. N. Dupuis replied that it would be misleading if an average was calculated because each property is affected uniquely.

Rose LaVoie and Dante Marinaro spoke, but their comments were inaudible on the tape.

Councilor Sette suggested that a property owner can speak to the Tax Assessor regarding any of these issues.

Diane Armstrong stated that she is concerned with keeping her property at the present value instead of having it decrease. D. Armstrong pointed out that she has lived on Rosewood Drive

for almost forty years and the road has never been maintained. D. Armstrong stated that she wishes to sell her home, but is concerned that she will have difficulty doing so.

Nancy Clarke of Evergreen Road stated that she cannot sell her house, also because of the condition of the road. Councilor Sette stated that the condition of Indian Trail is on the agenda for discussion later.

Councilor Sette noted that the period of time for challenges to the assessments has closed and asked if there is any way to reopen it. Viviane Valentine, Tax Assessor, stated that her door is always open. Councilor Sette asked if a more formal process could be arranged. Neal Dupuis stated that he would be willing to work with the Town.

Brian Kauch of 189 Joe Sarle Road stated that he is responsible for generating a letter which prompted Mr. Dupuis to attend this meeting. B. Kauch stated that he is a real estate broker and when he received his assessment, it did not look right. B. Kauch stated that he has reviewed the methodology used in the process and finds that it is flawed. B. Kauch stated that the key word is marketability. If somebody cannot sell a house at a reasonable price, even for what the mortgage is worth, they then get into a negative amortization problem.

B. Kauch asked who is the chairman of the Tax Assessor's Board of Review. Viviane Valentine replied that Tom Cash is the chairman. B. Kauch recommended that property owners file appeals with the Board of Review. B. Kauch requested that the Council direct the appraiser to review his work regarding the revaluation and open up the appeal process until such time that the Town Tax Assessor can certify the tax rolls. Councilor Sette replied that the appeal period will be reopened and the dates will be publicized.

Councilor Poirier asked if this revaluation was a statistical revaluation. Neal Dupuis replied in the affirmative. Councilor Sette asked N. Dupuis what is the total valuation percent increase from the last revaluation to the current one. N. Dupuis replied that he does not have that figure available and would have to calculate it. Councilor Poirier asked what is the valuation of vacant acreage which cannot be subdivided. Viviane Valentine, Tax Assessor, replied that each individual property is taken on its own merits. V. Valentine pointed out that if a parcel is unbuildable, that is taken into account.

Councilor Sette thanked Neal Dupuis for his attendance at the meeting. Councilor Sette called for a five-minute recess.

V. Public Hearing

- A. (Public Hearing Closed on May 1, 2008)
 - Amendment to Gloucester Code of Ordinance
 - Municipal Subsidy Ordinance

Councilor Sette stated that this Public Hearing was opened on May 1, 2008, after public discussion the hearing was closed. Council requested a "fresh" copy reflecting minor changes before a final motion is made. Councilor Sette read the following changes:

Page 1, Section 3. Change the sentence as follows: “The following words, whenever used.....

Page 3, Section 7. Last sentence, rewrite as follows: All funds will be placed in an affordable housing fund.”

Page 1 Section 3. Definitions

Add this definition: **AMI (Area Median Income):** AMI is the midpoint in the income distribution within a specific geographic area. By definition, 50% of households earn less than the median income, and 50% earn more. HUD calculates AMI levels for different communities annually, with adjustments for family size. AMI is used to determine the eligibility of applicants for both federally and locally funded housing programs.

(End of suggested corrections)

Discussion: Councilor Sette explained that the Municipal Subsidy Ordinance would allow us to establish for the Town of Gloucester a subsidy program for low and moderate income housing. Councilor Sette noted that we have an affordable housing mandate from the State and this ordinance would allow the Planning Board to offer certain incentives to developers.

Councilor Walsh explained that the mandate from the State is to have 10% affordable housing in the next twenty years. Councilor Walsh stated that we will never be able to meet this goal, but if we do not implement something like this ordinance, the State will come in and mandate what to do without going through the Town Council or any boards and commissions.

MOTION was made by Councilor Joyce to ADOPT an amendment to the Gloucester Code of Ordinance, addition of: CHAPTER 352, an Ordinance Establishing the Town of Gloucester Municipal Government Subsidy Program for Low and Moderate Income Housing, Articles 1-18, to include the changes stated above; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Entertainment License
Let’s Party Extreme, Inc.
d/b/a Three Amigos Cafe
LOCATION OF BUSINESS: 11 Money Hill Road

Councilor Sette stated that this Public Hearing was advertised on May 5, 2008 and abutter’s letters were sent out.

Councilor Sette DECLARED the Public Hearing OPEN.

Councilor Sette stated that one of the stipulations of the agreement signed by the Town and the Business owner after violations occurred in January, 2008 was as follows:

“The Owner/licensee shall apply for a full entertainment license with the Town Clerk outlining the type of events that will be allowed on the Premises.”

Councilor Sette read the following memo from the Chief of Police:

To: Honorable Town Council
From: Jamie A. Hainsworth, Chief of Police
Date: May 13, 2008
Re: Lets' Party Extreme/Three Amigos' Café

The purpose of this letter is to express my concerns and opposition to the agenda item before you concerning the application for an “Entertainment” license for “Lets Party Extreme” located at 11 Money Hill Road.

I have many reasons for this opposition, the first being the pretense in which this business was granted a special use of the establishment, which was done so on the testimony and representation that was given to the Zoning Board (October 26, 2006) in order to receive the special use permit.

In that testimony, the owner clearly testified about the types of parties he was going to service, stating 98 % would be children ages 1-11 with anticipated crowds of 12-17 in attendance and each lasting for approximately 2 hours. He also testified that an additional 1 % of his business would be ages 12 -16. Mr. Scharf also told the Board his hours of operation would be from 10am to 7pm and would never be later than 9pm. There was a question from a member of the Board concerning parking, and the applicant's response was there wouldn't be any more than 30 cars at one time in the parking lot so parking was of no concern.

I bring this to your attention because my impression is, if this testimony was all true, why is this applicant are now before the Council looking for an apparent all together different type of business. Additionally, currently before the Planning and Zoning Boards with expanded use applications as well. This causes me to ask if the original testimony was truthful or merely intended to tell that Board what they wanted to hear, in order to get their “foot in the door”, enabling the issuance of the special use permit.

I say this because the owner has not displayed the level of responsibility that the “Local Licensing Authority” expects of such a business when permits, licenses and special uses are issued. As you all are well aware when such privileges are granted, it is done with an expectation of great responsibility for the owner/operators to act and operate in a safe and respectful manner to ensure a high level of safety, peace and quiet for our community.

On the contrary to this expected level of responsibility, I remind you of the incident that took place on January 20, 2008 when there was 400 people in the establishment at 2:09 am,

with over 200 cars parked in every parking lot in that portion of Town and there was alcohol, entertainment and gambling going on inside (see attached memo from me to the solicitor dated 1/23/08). I would say the owner has not demonstrated a sense of responsibility. This lack of responsibility being less than four months ago, I suggest that not enough time has gone by to judge whether that level responsibility and trust has since improved.

Some other reasons I have for my opposition is the concern of neighbors, whom had no problem with the initial application in October of 2006, but have since voiced their opposition to me for any expansion at this point mainly based on the incident of January 20, 2008. Today when news of this application came out, I again have heard from some of these neighbors opposition to entertainment and expanded hours of operation.

I also understand after the January 20, 2008 incident, the Council had instructed the owners if they wanted to run this type of operation, then they need to obtain the proper entertainment license(s). I now find these applications are in two different settings, one before the Honorable Council and the other before the Zoning Board of Review. Under this dual application process, it's almost as if one is granted the other body must follow suit. This I find creates an unfair advantage or leverage against the other Licensing body.

Another consideration I bring to your attention is the fact that there are many businesses in Town already properly licensed to perform the services this applicant seeks to perform and I submit to you the Town is already adequately supplied with a more than adequate number of such licensed businesses. From my conversations with many of these current owners, some are just about keeping their business going; to introduce another increases the supply and weakens the ones now operating.

Finally, expansion of hours and added licenses creates additional duty for police officers to perform at the time of day when Officers already have important duties to perform. With many licensed establishments services have increased and the burden ultimately has a fiscal impact on the budget and/or takes away services needed in other areas or from residents of the Town.

Thank you for your time and consideration in this matter.

(End of memo)

Councilor Sette stated that an application has been submitted to the Zoning Board which is to be heard later this month. Councilor Sette stated that the applicant is requesting:

Change of hours of operation on Friday & Saturday to 8:00 a.m. to 12:00 a.m.

Change of hours of operation on Sunday to 8:00 a.m. to 9:00 p.m. unless a holiday, 12:00 p.m.

Change of hours of operation on Monday – Thursday to 8:00 a.m. to 11:00 p.m. unless holiday, 12:00 p.m.

Request use of Outdoor PA system for events

Councilor Sette stated that the Council has received letters from an abutter, Lori Blanchflower, and from the Chepachet Fire Chief. Councilor Sette read the following into the record:

Glocester Town Council
RE: Entertainment License-Lets Party Extreme

To whom it may concern:

This letter is in regards to the entertainment license application forwarded by Russell Scharf of Lets Party Extreme.

The Chepachet Fire Department has inspected this facility under a place of assembly/mixed occupancy. At which time it was originally slated to be used for kids birthday parties as stated by Mr. Scharf and hat we had originally inspected the building under. In our opinion this building and its design is not compatible for which Mr. Scharf is intending to use it for. This building in its design, will not hold the capacity of people that the different events can and will generate. The area where Mr. Scharf can have a maximum number of people is on the upper level, this area will hold 90 persons, that is with all the games and other entertainment type facilities within the area.

The Chepachet Fire Department is not in agreement with this change in venue(s) i.e.: banquets, band concerts, theatrical play, father daughter dances, re-enactments, etc. However, the Chepachet Fire Department is in agreement with the facility holding children's birthdays, puppet shows, and sweet sixteen birthday parties. If you should have any questions regarding this matter please feel free to contact me in my office at: the above telephone number.

Thank you,
Robert G. Dauphinais,
(End of memo)

Councilor Poirier also read the following letter:

Dear Council Members:

I am writing this letter to oppose the granting of an entertainment license to Let's Party Extreme. First of all, what type of entertainment would be presented? Would it be live bands, d.j.'s, rodeo clowns, exotic dancers? Just what exactly will it be? Where exactly will the entertainment take place? Indoors? Outdoors? How much noise pollution can we expect? And if you grant this license, exactly how do you plan to fix it if the entertainment proves to be an issue affecting the quality of life of the surrounding residents who actually live here? With the current amount of property taxes we residents are expected to pay, exactly how much disturbance should we have to put up with? My feeling at this point is none.

Secondly, Let's Party Extreme and its owners have already demonstrated an absolute lack of responsibility and consideration toward its neighbors. While I believe Mr. Scharf thinks he is in the wilds of Gloucester, he should realize exactly how close his business is to residential neighbors.

On January 19, 2008, a "lock in rave" was held at Let's Party Extreme which began at 5:00 p.m. and was scheduled to end at 8:00 a.m. the following morning. This was done without any regard to the closing time which I presume was established when Mr. Scharf received his original special use permit to do business. In a newspaper article published in the Providence Journal, Mr. Scharf states "It was basically a misunderstanding with our (allowed) zoning and hours of operation.

We got to know our limitations. But we were not above capacity". Now Mr. Scharf is a businessman currently owning the Chepachet facility and a store in Cumberland. He also previously was a manager at Dave & Buster's in Providence. Are we supposed to believe he didn't understand the limits of his permit to do business in Gloucester and this was all just a little "misunderstanding"? Or was this just an excuse to hold an event he wasn't licensed to hold and is this the type of event/entertainment which the surrounding residents can look forward to if this license is granted?

This "lock in rave" was in full swing at 2:00 am. until the police finally arrived and broke it up. The music was so loud, I could have held my own "rave" in my living room. We could clearly distinguish exactly what songs were being played. We finally called the police at 2:00 a.m. and were advised there were many complaints received and the police were investigating. Apparently the police had difficulty accessing the building as they were told it was a "closed" party. Maybe Cady's Tavern or any other venue in town should try that approach and party all night regardless of what their licensing states. Somehow I don't think that will work. But this was just a little "misunderstanding." This was supposed to go on all night until 8:00 a.m. Where is the consideration for the neighbors??? Is this what we can expect? It is also noted that upon inspection of the property and surrounding area, empty beer cans and liquor bottles were discovered.

Does Mr. Scharf believe that if something happened to one of the minors in attendance at this party due to alcohol consumption, whether he sanctioned the consumption or not, he would have been responsible for what took place on his property. As a property owner with teenagers, I have to be vigilant about this type of activity not occurring with either my own children or anyone else's child who is a guest at my home whether I can see what is happening or not. Mr. Scharf also speaks to not being over capacity. Another newspaper article states the building has a capacity of 600 people. Perhaps this is true if there was nothing else in the building and everyone was shoulder to shoulder.

As I understand it the current capacity is listed at 276 people which would be crowded. Clearly the "rave" crowd of 350-400 people was over capacity. Suppose something as simple as a fight broke out during this event. The police were unable to get in the building. Anyone who has ever been in this building knows it is absolutely not conducive to over crowding with its three levels and maze of stairways. Suppose people started trying to

escape the fight and were rushing down the stairways trying to find the exits. Suppose someone were trampled on the stairs. No state of the art fire alarm/sprinkler system would prevent injuries or panic. In light of what happened at the Station nightclub partly because it was over crowded among other problems, should we allow this behavior? But again, this was all just a little "misunderstanding" over knowing the limits.

Mr. Scharf also stated that the rave was a "charitable" event (as though this somehow excused the lack of permits etc) with \$3.00 per \$25.00 ticket going to a charity. With 350-400 people attending, I would venture to say there was a tidy profit to be had with the charity not getting much out of it. I suppose it would have been worth the risk of running this event considering the fine was only \$1500.00 and even this would be waived if there were no problems with 60 days. So because it was a "charitable" event, the rules don't apply?

I would also like to note that we have witnessed alcoholic consumption in the parking lot even after the town sent a letter on December 28, 2007 advising that no alcohol was allowed without a liquor license. We finally stopped patronizing the café for takeout because of this issue.

Lastly, I previously lived on Colonial Road in the Harrisville section of Burrillville. For many years my neighborhood was treated to "Toadfest" which was a live rock band event held every August. My home was separated from "Toadfest" by woods. My Chepachet home is probably closer to Let's Party Extreme than my Harrisville home was to "Toadfest." "Toadfest" was a nightmare to the surrounding residents. The all night noise was ridiculous, the drunkenness of the attendees was appalling, the litter they left behind was awful and the parking all over all the surrounding streets including mine left a snarl of cars that if a rescue vehicle were needed, they couldn't get through. This wasn't enough.

I had the distinct pleasure of witnessing attendees who parked in front of my house urinating into my front yard while a neighbor on Steere Street had the lovely experience of his daughter opening the front door the following day to discover an obviously drunken festival couple engaging in sex on the front lawn. What a sight!!! Everything about "Toadfest" was awful for the residents. No matter how much we complained, nothing could be done to stop this "event". The town had issued permits. It wasn't until a man attending "Toadfest" was seriously injured (paralyzed and by the way, the rescue couldn't get through to get to him) did it all finally come to a halt. But of course the town got sued. What a mess!

Given that Let's Party Extreme is looking for a liquor license, an expansion of hours and an OUTDOOR p.a. system, what can we expect? And should all these things be granted, will Let's Party Extreme be required to fence the outdoor event area as Sticks Tavern and the former White Horse Tavern were required to do? Can you guarantee my quality of life and peace and quiet aren't going to be disturbed? How about my fellow residents on Douglas Hook Road, Main Street, Money Hill Road, Victory Highway, Tanyard Lane, Oil Mill Lane, and however much further this noise etc. can reach? While I appreciate the influx of new business, it really needs to conform to the area. I'm sure the taxes all we surrounding

neighbors are paying far exceed whatever Let's Party Extreme's contribution to the town coffers.

I am not against Mr. Scharf running his business as it was originally permitted. However, I cannot see that an expansion of this business will benefit anyone but Mr. Scharf. I will even state that I had my child's birthday party at Let's Party Extreme and the kids had a good time. But I absolutely am against this entertainment license, expansion of hours, liquor license and especially an OUTDOOR p.a. system. Let's Party Extreme has already had problems within the first year of its existence because Mr. Scharf doesn't understand or seem to care about the limits set by the Town of Gloucester. It seems to me that past practice is a good indication of future performance.

Sincerely,
Lori Blanchflower
(end of letter)

Councilor Sette asked if anyone wished to be heard regarding the Entertainment License application.

Morgan Gonsalves, owner of Let's Party Extreme at 11 Money Hill Road, stated that 96% of the parties which have taken place at the establishment are children under the age of 12. M. Gonsalves noted that there are more teen events, such as Sweet Sixteen parties, at this location than at the Cumberland location, but added that adult parties still only comprise 1% of their business. M. Gonsalves stated that he and his partner did not know what a "rave" was when this event took place. M. Gonsalves stated that with the exception of the one incident referred to in Chief Hainsworth's letter, they have never gone above their parking lot's capacity.

M. Gonsalves stated that his partner, Russell Scharf, has tested the noise level and has determined that most of it is no more than the sound of a car going by. M. Gonsalves stated they are trying to keep their business as wholesome as possible and are trying desperately to get people to try the new menu items at the café. M. Gonsalves stated that they are not seeking a full liquor license, but only a beer and wine license for the café. Councilor Poirier asked, if M. Gonsalves and R. Scharf did not know what a "rave" was, who did the advertising for the event.

M. Gonsalves replied that the event was booked as an MS Benefit which was to conclude at 1:00 a.m., with employees staying until 8:00 a.m. to clean up. It was noted that this was still beyond the times allowed for parties at the establishment. Councilor Sette asked why the applicants are seeking an outdoor PA system. R. Scharf replied that this is in case they wish to host a car show or other type of event which requires announcing. M. Gonsalves also pointed out that the PA system would be helpful when conducting paint ball tournaments.

John Bevilacqua, Town Solicitor, pointed out that the owner/applicants were placed on probation for a period of sixty (60) days as a result of the incident of January 19, 2008. J. Bevilacqua noted that there have been problems during the probationary period and stated that his recommendation to the Town Council, as the Licensing Authority, is not to grant any license until the Chief of

Police, the Fire Department, and the Solicitor's Office are reasonably satisfied that the owners have followed the directives that all business in Town must follow.

Russell Scharf stated that he conducted tests by which he took sound meters in all corners of the building with music at piercing levels, noting that birds chirping registered louder than sounds coming from the building. R. Scharf apologized for the incident which occurred and stated that they just wish to move forward. R. Scharf pointed out that his business generates a large amount of taxes for the Town. R. Scharf attested that he did not know what a rave was when the event was booked and again apologized for the misunderstanding.

Allen Rogler, 30 Douglas Hook Road, stated that he has been to the establishment to pick up food and stated that there was drinking going on in the parking lot. A. Rogler commented on the noise which was generated by the rave party in January, adding that his house is 1500 feet away and it was still loud.

Rose LaVoie, owner of property at 10 and 12 Oil Mill Lane, stated that when she advertises for tenants for her property, she always states "quiet country living". R. LaVoie stated that if outdoor speakers are allowed, it will no longer be quiet. R. LaVoie commented that the property behind Let's Party Extreme used to be a wooded area and is now all dirt with netting put up for paintball. R. LaVoie noted that many people live on Oil Mill Lane and Tanyard Lane and their quality of life will diminish if outside events are allowed.

Vin Iannuzzi, 7 Oil Mill Lane, stated that he purchased his property 2½ years ago because of the quiet environment. V. Iannuzzi expressed his concern that if this license is granted, there will be increased traffic on Oil Mill Lane as well as more noise. V. Iannuzzi further stated that the property values in the area will decrease.

Councilor Sette asked if anyone else wished to be heard regarding the application. Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED and asked if the Council members had any questions or comments.

Councilor Walsh asked if this can be removed from the table. John Bevilacqua, Town Solicitor, replied that action must be taken unless the application is withdrawn by the applicants. Councilor Walsh asked if the Council denies the application, when can the applicants come back before the Council. J. Bevilacqua replied if the application is denied, it can be resubmitted in approximately one year.

Russell Scharf stated that he wishes to withdraw the application. Councilor Walsh noted that he understands that the applicants have been doing a good job since the incident, but expressed his opinion that it is probably in their best interest to withdraw the application at this time.

MOTION was made by Councilor Poirier to GRANT the Petition to Withdraw, without prejudice, the application for an Entertainment License to Let's Party Extreme, Inc., d/b/a Three Amigos Café, LOCATION OF BUSINESS: 11 Money Hill Road

Seconded by Councilor Walsh

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to move item VIII. B. Indian Trail (Road condition) Discussion and/or Action to this point of the Agenda; seconded by Councilor Joyce.

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Indian Trail (Road condition)

Discussion and/or Action

Discussion: Councilor Sette stated that this item was requested by Councilor Reichert, who is not present tonight. However, Councilor Sette stated that there needs to be discussion regarding this matter. Councilor Sette noted that anyone who drives on Indian Trail is aware of its poor condition, but that does not change the fact that it is a private road. Councilor Sette stated that school buses must travel this road and noted that the Postmaster is once again considering stopping mail delivery in the area. With that in mind, Councilor Sette stated that the Council is looking at other opportunities to do something on an emergency basis.

Alan Whitford, interim Public Works Director, concurred that we are all aware of how bad the road is. A. Whitford stated that the trenches along the side of the road are necessary for drainage. A. Whitford stated that doing the whole road from Chestnut Hill to where the buses turn around would be cost prohibitive. A. Whitford stated that to do the work properly, the cost would be from \$70,000 to \$90,000. A. Whitford stated that it would cost between \$45,000 and \$50,000 to repair the worst sections of the road. A. Whitford pointed out that these estimates are at today's asphalt prices and would increase by 10% to 20% if not done before our contract expires in June. A. Whitford stated that we have 147 private roads and this is one of two roads which consume most of our maintenance budget.

Councilor Sette stated that this is an extreme situation and would like to go forward with repairing the worst parts of the road. Councilor Sette pointed out that this road is the only access to the area and stated that any Motion made by the Council should be worded in such a way that would not make this a Town policy. John Bevilacqua, Town Solicitor, stated that the main concern is the school bus service and access which is necessary. Councilor Walsh asked whose permission must be obtained to work on a private road. J. Bevilacqua replied that if the Council chooses to repair the road, they will need the owner's consent.

Councilor Walsh expressed concern regarding where the \$156,000 which was cut from the budget is going to come from. Councilor Walsh stated that he is not against fixing the road, but wants to keep everything in mind. Councilor Sette stated that amount was cut from the new budget.

Ed Graff of 15 Rocky Road stated that he travels Indian Trail frequently, adding that the condition of the road has gotten gradually worse over the years. E. Graff stated that he averages approximately \$1,000 per year in car repairs. E. Graff asked why there cannot be an order to open the gate at the Saunders Brook end. Alan Whitford stated that he has been assured by the Fire Chief that each rescue vehicle has keys and bolt cutters to use in case of emergency.

Susan Collins commented that if the road was repaired once and for all, it would eliminate the large percentage of the budget used for patching. S. Collins also stated that the Highway Department does a fabulous job of maintaining the gravel roads which lead to the many homes in the area. S. Collins added that the only problem is the area from Chestnut Hill Road to the bus turnaround.

Lynne Medeiros stated that she lives near the gate and has never seen an emergency vehicle come through. L. Medeiros expressed her concern that emergency vehicles will not be able to respond in the case of accidents at the pond.

MOTION was made by Councilor Joyce to AUTHORIZE the Acting Public Works Director to expend funds for the purpose of paving a portion of Indian Trail to allow for safe passage of school buses, emergency vehicles and postmaster access, and any and all emergency vehicles, subject to the approval of the owner of said road;

seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Town Council Minutes of 4/17/08, 5/1/2008, & Special Meeting of 5/8/2008
- B. Finance Director's Report- April 2008
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Joyce to APPROVE the Town Council minutes of 4/17 & 5/1/2008 regular meetings; to ACCEPT the Finance Director's Report for April 2008; (no additions or deletions); seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Walsh to TABLE the minutes of the Town Council Special Meeting of 5/8/2008; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Gloucester Affordable Housing Advisory Board

MOTION was made by Councilor Poirier to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Joyce.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

2. Conservation Commission

One unexpired three (3) year term to expire 01/2009

Councilor Poirier read the following request from Roy Najecki:

Jean,

I just spoke to Councilman Poirier about the Gregg Ponte application to the Conservation Commission. If possible we would like to have Daniel Pearson, who was appointed last month, moved from Alternate to a Regular member and have Gregg Ponte appointed as an Alternate member.

I have a tree stewardship class to attend on Thursday, otherwise I would be at the Town Council meeting to voice my support for Daniel and Gregg.

Thanks,
Roy Najecki
(end of letter)

MOTION was made by Councilor Poirier to APPOINT Daniel Pearson to the Conservation Commission for a three year term to expire 01/2009; and Gregg Ponte to Alternate position for a one year term to expire 4/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

3. Personnel Board

MOTION was made by Councilor Joyce to APPOINT Russell Gross to the Personnel Board for a term to expire 1/2009;seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

C. Resignations

1. Wastewater Management Board
One five (5) year term to expire 6/2009

MOTION was made by Councilor Walsh to ACCEPT the resignation of Rebecca Schultz from the Wastewater Management Board for a five year term to expire 6/2009; seconded by Councilor Joyce.

Discussion: It was noted that Ms. Schultz served on the Board for a long time and did a fine job.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

D. Appointments - Boards & Commissions

1. Personnel Board member to Director of P.W. Search Committee

Councilor Sette stated that the Finance Director has requested a member of the Personnel Board be included on the Public Works Director Search Committee.

Tom Mainville, Finance Director, requested that the Council allow the Personnel Board to choose which member will serve on the Search Committee.

MOTION was made by Councilor Walsh to ALLOW the Personnel Board to choose a member to serve on the Public Works Director Search Committee; seconded by Councilor Joyce.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Wastewater Management Board
 - a. One five (5) year term to expire 6/2009

Councilor Sette stated that Lou Cadwell, chair, has recommended John Salisbury.

MOTION was made by Councilor Poirier to APPOINT John Salisbury to the Wastewater Management Board for a five year term to expire 6/2009; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- b. One five (5) year term to expire 6/2008

Councilor Sette stated that this is the position that was recently filled by Thomas Lemos,

MOTION was made by Councilor Poirier to REAPPOINT Thomas Lemos to the Wastewater Management Board for a five year term to expire 6/2013; seconded by Councilor Walsh.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- E. Appointments for Recreation (Summer 2008) Positions
 1. Tennis Instructor (1)
 2. Arts & Crafts Instructor (1)
 3. Water Safety Instructors (2)
 4. Water Safety Aides (6)
 5. Lifeguards
 6. Tennis Aides
 7. Parks & Grounds - Maintenance (2)
 8. Parking Lot Attendants (6)

Councilor Walsh RECUSED himself from voting on this matter.

Councilor Sette stated that the Council has received recommendations for these positions from the Recreation Director, Anthony Parrillo.

MOTION was made by Councilor Joyce to APPOINT Richard Lawrence as Tennis Instructor at an hourly wage of \$19 per hour; Sara Martin as the Arts & Craft Instructor at an hourly wage of \$10; Ashley Leja & Justyna Barlow to the position of Water Safety Instructors at an hourly wage of \$14; Eric Beltram, Ethan Walsh, Jesslyn Boisclair, Julie Landry, Phoebe Shumas-Goodier, Kayla Theroux to the position of Water Safety Aides at an hourly wage of \$8.25; Benjamin Boisclair, Kathleen Muscimeci, Katherine Sherman, Joseph Hannon at an hourly wage of \$11; Julie Barrows, Dan Sherman, Bryce Connors, & Seth Snow to the position of Lifeguards at an hourly wage of \$10.25; Chris Brown, Meryl Lawrence, Alexandra Lawrence, Jesse Tucker, & Ashley Winsor to the position of Tennis Aides at an hourly wage of \$8.25; Chris Tate and David Jacques to the position of Parks & Grounds – Maintenance at an hourly rate of \$8.75; and Kristin Nadeau, Jennifer Lawson, Megan Lowell, Chris St. Goddard, Jacob Michaels, Sam Rubin to the position of Parking Lot Attendants at an hourly wage of \$7.40; and Jay Coutu, Sherri Ann Coutu, and Tyler Ducharme to the position of Alternate Parking Lot Attendants at an hourly wage of \$7.40; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Poirier & Joyce

NAYS: 0

RECUSED: Walsh

MOTION PASSED

- F. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Councilor Sette stated that Larry Desormier, Building/Zoning Official, is not present this evening.

- G. Budget for Fiscal Year 2008/2009
 - 1. Discussion and/or Action

Councilor Sette asked David Steere, Budget Board chair, if the Budget Board is planning to meet again regarding the budget. D. Steere replied that there is a meeting scheduled for one week from tonight. Councilor Sette asked if the School Committee members will be in attendance. D. Steere replied that the School Committee will meet two days before and will hopefully bring information concerning budget cuts to the Budget Board meeting. Councilor Sette stated that, personally, he would like to see the cuts be made at the Regional level and would like to see it recommended by the Gloucester School Committee.

- H. Authorization
 - 1. Horsley Witten Contract Blackstone/Chepachet Village Storm Water/Wastewater Project

TO: Town Council
Steven A. Sette, President
FROM: Raymond Goff, Town Planner
DATE: May 12, 2008
SUBJECT: Horsley Witten Contract - Blackstone/Chepachet Village
Stormwater/Wastewater Project
cc: Town Clerk

Enclosed is the contract between the Town of Gloucester and Horsley Witten Group Inc. who has been awarded the bid (\$288,260) to perform the engineering and design of wastewater and stormwater systems for Chepachet village. The Town was awarded a grant of \$671,000 from USEPA through RIDEM to design and install septic and stormwater solutions. The remaining funding is to be used to assist in the installation of some of the designed solutions.

This project is to demonstrate the application of innovative decentralized on-site septic disposal systems and innovative stormwater management in the Village. It will focus on these issues to improve water quality and encourage sustainable redevelopment in Chepachet Village.

This project is also intended to result in the installation of septic and stormwater systems in the Village which will solve existing problems and that encourage in-fill development and business expansion.

(End of memo)

Raymond Goff, Town Planner, explained that this pertains to a project for which the Town received a grant from US EPA through the Department of Environmental Management, adding that this is basically a piggy-back of the 319 Grant which we received eight years ago. R. Goff noted that this project is intended to alleviate septic and stormwater problems which exist in the Village. R. Goff stated that the bid has been awarded to the Horsley Witten Group and this contract will formalize that relationship.

Councilor Walsh asked in what area of the Village this project would take place. R. Goff replied that the area would be up to the junction of Route 102 down to the Chepachet River and then south to approximately where the State Police barracks are located.

Tom Mainville, Finance Director, stated that the contract was worked on and has been changed substantially from when it was first introduced. T. Mainville expressed concern regarding the Town's ability to meet the match on this grant. T. Mainville stated that if the Town could not provide in-kind services to meet the match, a dollar amount would have to be paid. R. Goff stated that he believes that the Town could meet the grant requirement.

David Steere, Budget Board chair, asked if there is a time limit in which to use these funds. R. Goff replied that we have until January but anticipates having to ask for an extension.

MOTION was made by Councilor Walsh to AUTHORIZE the contract between the Town of Gloucester & Horsley Witten Group, Inc. for the performance of engineering and design of wastewater and stormwater systems for Chepachet Village; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

- I. 1st Reading
 - 1. Code of Ordinance
 - Proposed Code Amendment
 - Addition of Chapter 351, Impact Fees

Councilor Sette stated that we are now ready for a 1st reading on the Proposed Code Amendment, Addition of Chapter 351, Impact fees. This Ordinance came before public hearing on February 21, 2008 and was removed from the table after it was determined more work was needed on the formula to calculate the fees.

Councilor Sette stated that after this 1st reading, a Public Hearing must be set.

MOTION was made by Councilor Poirier to WAIVE the first reading of Code of Ordinance , Proposed Code Amendment, Addition of Chapter 351, Impact Fees; seconded by Councilor Walsh.

Discussion: Councilor Sette encouraged anyone interested to take a copy of the Proposed Ordinance, adding that it is interesting reading.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Poirier to set a Public Hearing to consider Code of Ordinance, Proposed Code Amendment, Addition of Chapter 351, Impact Fees for June 19, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

2. Comprehensive Community Plan
Five Year Up-Date

MOTION was made by Councilor Joyce to WAIVE the First Reading;

Councilor Sette read the following memo submitted by the Town Planner which outlines the proposed amendments in lieu of a first reading:

TO: Town Council
Steven A. Sette, President
FROM: Raymond Goff, Town Planner
DATE: May 13, 2008
SUBJECT: Comprehensive Community Plan 5 Year Update

Enclosed is the Gloucester Comprehensive Community Plan (the Plan) for your review and consideration for adoption. The Plan has been amended in compliance with the State requirement that all Town Comprehensive Community Plans be amended every five (5) years. The Planning Board has spent over a year working with consultants and holding public meetings and hearings to make the necessary amendments to the Plan.

The Plan has been adopted by the Planning Board in accordance with State statutes and has been forwarded to the Town Council in accordance with the Town Ordinance. It is requested that the Council review the enclosed plan and schedule a Public Hearing for consideration of adoption.

The Plan has a number of amendments that bring the Town into compliance with new State and federal laws. We have also made amendments with regard to the Town's growth and changes which occurred since the Plan was written in 1994 and adopted in 2000.

The Planning Board and staff believe these changes move Gloucester in a direction which is progressive, but consistent with the Town's history. The consultants have either met with staff or department heads in order to gather new information or to confirm the information already in the Plan.

We have amended the Plan to reflect the adoption of the Conservation Development and Residential Compound Ordinances. The housing section was completely revised in accordance with the Town's adoption of an Affordable Housing Plan. Additional properties acquired by the Land Trust have also been added to the plan. Statistical data was updated where new and better data was available or based upon changes in population or economic indicators.

The maps have all been updated and improved using the Town's GIS system. They have been printed separately, but will be incorporated into the final document in printing.

I have provided you with a clean copy of the Plan and a marked up version so you may clearly see the revisions which were made to the Plan. Although this takes a bit more paper, it does help how the Plan has changed with this update.

Please review the enclosed Plan and consider it for adoption at the June 19, 2008 Town Council meeting. If you have any questions, please feel free to contact me.
(END OF MEMO)

seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Poirier to SET a Public Hearing Date for June 19, 2008 to consider the amendments to the Comprehensive Plan due to a mandatory five year review; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

A. Jean Fecteau, Town Clerk, expressed her concern regarding the zoning application submitted by Let's Party Extreme. J. Fecteau stated that the owner is asking the Zoning Board to allow the use of an outdoor PA system as well as an increase in hours of operation. John Bevilacqua, Town Solicitor, stated that the Town Council, as Licensing Board, should communicate the decision made at this evening's Public Hearing regarding the application for an Entertainment License.

J. Fecteau stated that after such applications are heard by the Planning and Zoning Board, they should be referred to the Town Council. J. Fecteau asked the Council to reconsider the current practice as she feels that something needs to be amended. Councilor Sette asked that the Clerk and the Solicitor work on a draft ordinance which would address this matter.

Jean Fecteau reported that the State flag is at half staff in honor of Memorial Peace Day and Police Memorial Week.

B. Councilor Sette stated that he received a call from Mr. Smith of Absalona Hill Road regarding speed tables which are to be installed on that road. Alan Whitford, Public

Works Director, explained that he was not present at the meeting at which this was approved. A. Whitford stated that he understands the need for this and feels that it would be much less expensive than posting a police officer. However, A. Whitford commented that there may be complaints once the speed tables are installed. Also, A. Whitford stated that in order to properly install the tables, two parallel road cuts must be made sixteen feet apart, adding that once they go in, they are permanent fixtures. A. Whitford further stated that while the work is being done, it would be necessary to close the road for several days.

X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

A. Councilor Sette read the following into the record:

May 6, 2008
Ms. Jean M. Fecteau
Town Clerk
Town of Glocester
1145 Putnam Pike, PO Box B
Chepachet, RI 02814

Dear Jean:

At their meeting of April 23, 2008, the Town Council of Burrillville voted to support the Glocester resolution requesting amendments to §45-62-Dam Management Districts and asked me to thank the Glocester Town Council for the work that they put into the matter.

If and when the legislation passes, the Burrillville Town Council would be interested in holding a joint hearing with the Glocester Town Council. I will contact you to discuss arrangements for the session.

Please let me know if you have any questions or need further information.

Sincerely,
Louise R. Phaneuf (l.s.)
Burrillville Town Clerk

(end of correspondence)

XII. Open Forum

A. Janice Lowell, 2402 Putnam Pike, thanked the Town Council and Zoning Official for taking action regarding the violation at Europa Restaurant. Mrs. Lowell reported that the trees have been planted. However, J. Lowell stated that the owner of the business

has placed an old, nail-ridden fence on the property line. J. Lowell stated that she assumes that this was done in retaliation and she considers this harassment. J. Lowell presented photos to the Council members and asked them to follow up on this and not let the situation continue. Councilor Sette noted that the Building/Zoning Official is on vacation but will be informed of the situation upon his return.

- B. Rose LaVoie referred to an article in the newspaper regarding negotiation with School Departments. Mrs. LaVoie stated that Mr. Gorham has introduced Bill H-7664 which would limit collective bargaining to salary and benefits, with all else off limits. R. LaVoie urged the Council to support this legislation.

Rose LaVoie stated that her property in Maine is on a private road which is assessed each year for purposes of maintaining the road. R. LaVoie stated that there are 90 to 100 families in the Indian Trail area and suggested that each property owner contribute a certain amount to be used for road repair and maintenance.

- C. Brian Kauch repeated his request to reopen the appeal process for residents to appeal their assessments. Councilor Sette responded that it was decided to do so. B. Kauch further requested that the hired appraiser redo his work, as Mr. Kauch has found that it has been done incorrectly. Councilor Walsh replied that the Council has no intention whatsoever to go to the revaluation company and tell them to redo their statistical data. Councilor Sette agreed that there is no need to do so. Councilor Sette explained that if Mr. Kauch wishes to submit a request to the Town Clerk's office to place this item on a future agenda, he may do so, but a Council member must direct the Clerk to place it on the agenda. Councilor Sette further stated that, based on the presentation given tonight, he feels that the process and methodology which is followed is valid.

XIII. Executive Session Pursuant to:

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

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

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

XIV. Reconvene Open Session

- A. Disclosure of Votes Taken

No votes were taken in Executive Session.

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:59 p.m.; seconded by Councilor Joyce.

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 5, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 5, 2008**:

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President (arrived at 7:45 p.m.); Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director, John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; and Viviane Valentine, Tax Assessor, Susan Harris, Deputy Town Clerk

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum for Agenda Items

A. Chris Hebert, School Committee chair, asked to reserve his comments regarding the budget. Councilor Sette advised Mr. Hebert that he would be given the opportunity to speak after Council discussion.

B. Renee Palazzo had the same request as Mr. Hebert.

V. Public Hearing

A. Earth Removal

Applicant: Stephen E. Hopkins, Trustee

Location of Business: Keach Dam Road, further described as AP 12, Lot 134

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on May 22, 2008 and declared the Public Hearing OPEN. It was noted that the application is not ready for consideration.

MOTION was made by Councilor Walsh to TABLE the Public Hearing for Earth Removal License to Applicant: Stephen E. Hopkins, Trustee, Location of Business; Keach Dam Road, further described as AP 12, Lot 134; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Resolution & Citations
A. Recognition: Laurel Grange

Councilor Sette stated that some members of the Laurel Grange have been invited to the meeting to accept a Resolution which celebrates the organization's 100th year.

Councilor Sette asked the following members to stand: Warren Howard, Ronald Poudrier, Priscilla Poudrier, Carolyn Mathewson, Russell Howard and Robert Howard. Councilor Sette also noted that Milton Aldrich is present to receive a citation for his mother, Bertha, who has 75 years of service with the Laurel Grange.

Councilor Sette read the following Resolution into the record:

RESOLUTION

WHEREAS, the Laurel Grange No. 40 was founded on December 16, 1907 in the Union Chapel in Harmony where 45 chartered members were present when Gloucester residents received the obligation from the late State Deputy Edmund Spooner and assisted by Harry Bartlett, Master of the North Scituate Grange; and

WHEREAS, the meetings were held in the chapel until the present Grange Hall was built. Land was purchased and sheds built in 1910. In 1913 the hall was started and the new building was dedicated in 1914; and

WHEREAS, for 100 years the Laurel Grange has sought to advance the interest of farmers, rural living, and our community's families through the simple but powerful idea that by working together we can accomplish much; and

WHEREAS, voluntary association with the Grange not only provides the benefits of economic and political cooperation for its members, but also elevates their character by providing social, cultural, and educational programs, along with opportunities for personal growth; and

WHEREAS, the Laurel Grange runs service projects that directly benefit the local community; including projects involving animal welfare, supplying dictionaries to third grade students, and providing food to the needy; and

WHEREAS, the Laurel Grange has often been recognized by the State Grange for its exemplary contributions and energetic service by its members and has been an integral part of Gloucester's rich heritage and history and continues to enhance the special character of our Town; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester recognize the contributions by the Laurel Grange over their century of faithful service. Members such as Warren Howard with 55 years of service, Ronald

Poudrier, Priscilla Poudrier, Carolyn Mathewson, Russell Howard and Robert Howard with 50 years of service and Bertha Aldrich, who is now 102 years old, with 75 years as a Grange member have given their time and energy which contributed to the Grange's 100 year milestone.

Steven A. Sette, President
Glocester Town Council
Jean M. Fecteau, Town Clerk

Seconded by Councilor Poirier.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

Councilor Sette presented individual Citations for years of service to the members recognized: Warren Howard with 55 years of service, Ronald Poudrier, Priscilla Poudrier, Carolyn Mathewson, Russell Howard and Robert Howard with 50 years of service and Milton Aldrich accepting for his mother, Bertha Aldrich, with 75 years as a Grange member and a Resolution was given for the Grange.

VII. Consent Items

- A. Town Council Minutes: 4/25/2008 Special Meeting., 5/8/2008 Special Meeting (Tabled 5/15/08) & 5/15/2008 Regular Meeting

MOTION was made by Councilor Walsh to APPROVE the Town Council Minutes of 4/25/08 Special Meeting; 5/8/08 Special Meeting; and 5/15/08 Regular Meeting; seconded by Councilor Joyce.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Joyce to move Item G. Fiscal Year 2008/09 Budget to this point of the agenda; seconded by Councilor Poirier.

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

Prior to reading the recommendation from the Budget Board, Councilor Sette explained that at the Town Financial Meeting in May, the proposed budget was reduced by \$156,000.00.

Councilor Sette read the following letter into the record:

May 29, 2008

TO: Gloucester Town Council
FROM: Gloucester Budget Board
SUBJECT: FY 08/09 Budget Cut Recommendation

As we are all aware, the taxpayers at the Town Financial Meeting held May 3, 2008 reduced the proposed 08/09 Town budget by \$156,963. This number would be adjusted for the 2% set aside for capital expenditures in the amount of \$3,078. Therefore, operating expenses would need to be reduced by \$153,885. At your request, the Budget Board met on May 21, 2008 to review the Municipal portion of the 08/09 budget for possible cuts. The Gloucester School Committee met on May 20, 2008 and it was anticipated that they would also be reviewing their budget for possible cuts and offering suggestions to the Budget Board. Chris Hebert, Chairman of the Gloucester School Committee and Dr. Michael Barnes, Acting Superintendent, attended the Budget Board meeting.

Mr. Hebert indicated that the Gloucester School Committee did not identify any areas within their budget that could be cut. In fact, he indicated that the budget presented at the Town Financial Meeting for 08/09 already reflects a deficit of \$121,000 (should be following Town Charter Article VI Section C6-10) and further cuts at this time could not be identified and would be dependent on pending contract negotiations.

The municipal portion of the 08/09 budget was reviewed and few areas for possible cuts could be identified without dramatically reducing Town services or the number of Town employees. The one area identified was the Aid Request section of the budget which currently is proposed at \$48,603 for FY 08/09. The members of the Budget Board realize that each individual aid request, in whatever amount, is very important to the organization applying for the funding and reducing the budget in this area may cause some hardships. After much discussion, it was voted to cut \$21,400 from the Aid Request section of the budget. Aid request would be retained as budgeted for the following: Gloucester Little League, Gloucester Senior Association, Northwest Health Care and CAST.

Therefore, the Gloucester Budget Board recommends the following:

1. The Aid Request section of the Municipal portion of the budget be reduced by \$21,400 or 16% of the total cut required. This would result in an increase in the 08/09 operating expenses of \$160,793 or 2.5% from 07/08 expenses.
2. The Gloucester School budget be reduced by \$132,485 resulting in an increase in the operating expenses for 08/09 budget of \$180,461 or 1.9% from the 07/08 expenses. Areas to be reduced within the school budget would be determined by the school committee.

(End of memo)

Councilor Sette asked if the Council members had any comments. There were none at this time. Councilor Sette asked if anyone else wished to speak regarding this matter. Chris Hebert, School Committee chair, asked if this was on the agenda for discussion or action. Councilor Sette replied that it is for discussion and/or action. C. Hebert stated that he had hoped to hear the Council members' comments before stating his own. Councilor Sette stated that the Council has a recommendation from the Budget Board and asked C. Hebert if he has any other suggestions.

C. Hebert replied that neither the Town nor the School Department will be able to absorb the unfortunate budget cut without incurring some hardship. Councilor Joyce asked C. Hebert if a deficit is anticipated in the upcoming budget year. C. Hebert stated that Tom Mainville, Finance Director, would be better able to answer the question. T. Mainville explained that certain items such as heating oil, the bus contract, diesel fuel and special ed transportation are over the amount budgeted by \$181,000. Councilor Walsh asked if the budgeted amount is the same as it was last year. T. Mainville replied that this year's budget was 5% over last year's budget.

Discussion followed relative to the transition period of finance records and C. Hebert explained how student transportation is handled at the region.

Councilor Joyce stated that one reason why the budget was cut at the Financial Town meeting was because the bottom line figure did not include a cut made the previous year. Walter Steere, School Committee member, stated that if we do not get this year's budget in shape, it will make next year's budget that much harder. Councilor Joyce stated that there is no easy solution, adding that taxes are increasing this year due to debt service for the new school. Councilor Joyce stated that in July, we will have a better idea of whether we will finish the year with a surplus and asked if it is possible to transfer some of the surplus to allow the schools to function. Councilor Joyce stated that this would keep the integrity of the vote taken at the Town meeting intact and would not change the bottom line figure going forward. Councilor Sette stated that this would create a budget which is above the 5% increase.

David Steere, Budget Board chair, commented that we are putting in \$380,000 from surplus now and if we put more into next year's budget, there will not be anything for the future. D. Steere suggested that the Council and both School Committees meet well before the budgets are prepared in the future.

Councilor Sette presented the following scenarios:

1. To recommend that we level-fund the Town's budget. This would mean that non-essential services would be eliminated. Councilor Sette gave examples of operations at the Senior Center, reducing staff at the Public Works Department, and elimination of the overnight shift at the Police Department. Councilor Sette stated that this would keep the Gloucester schools intact. C. Hebert disagreed, stating that the schools will still have a deficit. Councilor Sette added that by level-funding the Town, the tax increase would be strictly for the schools, the majority of which would go to the region.
2. Councilor Sette stated that at the Regional Financial Meeting, money which was supposed to be debt service on the Esco was moved to the operating budget. Councilor Sette added

that the amount of debt service which should have been paid was \$733,573. Councilor Sette stated that the bond anticipation note is \$220,000, which leaves a net of \$513,573 that the Region got which it was not supposed to get. Councilor Sette suggested that the cut come from the Region, adding that the Region would still get \$300,000 that they didn't have.

3. Councilor Sette's third proposal was to go forward with the Budget Board's recommendations, adding that this would cause deficit spending.
4. Councilor Sette's last suggestion was to refuse to pay \$156,000 to the Region, which we have done in the past. However, Councilor Sette stated that this would end up in court resulting in legal fees.

Chris Hebert again stated that neither the Gloucester School Department nor the Town of Gloucester can fully or even partially sustain this budget cut. Councilor Sette stated that the Gloucester School Committee and the Town Council should join forces to have the budget cuts made at the regional level. C. Hebert replied that there is no legal basis for it and we would lose in court once again.

Councilor Walsh express his concern that at the Regional Meeting, somebody got up and said "Give the schools an additional \$314,000". The response was that we had already given the schools 11.6% increase and did not have the additional \$314,000 to give them. The Regional School Committee took the Town to court and the Town ultimately gave the schools the money. Councilor Walsh also stated that the school's budget had a 3% increase for fuel over two years, adding that this is not logical.

T. Mainville explained that the numbers were obtained from the previous Superintendent. C. Hebert agreed that there have been problems with the budget historically, and we are trying to fix the problem now. C. Hebert suggested that we do as Councilor Joyce stated and wait until July when the final figures are in for the fiscal year. Councilor Joyce commented that he served on the Budget Board prior to the Town Council, and stated that there is no wasteful spending at the Town level.

Chris Hebert asked what is the process regarding deficit spending. John Bevilacqua, Town Solicitor, replied that State law mandates that from the moment you realize you will be in a deficit situation, there must be a plan and certain agencies must be notified, such as the Finance Director, the Town Council, the Auditor General.

Councilor Walsh asked Chris Hebert what he is willing to cut from the school's budget. C. Hebert replied that several options are being looked at, including capital projects. John Bevilacqua stated that information has been received publicly that there is an anticipated deficit of a half-million dollars. J. Bevilacqua further stated that under State law and the Town Charter, shortfalls in revenue require an immediate plan by the School Committee, notification to the Council, and a cooperative effort in order to cure whatever fiscal problems exist, adding that this may require a Financial Town Meeting. J. Bevilacqua stated that legally, he feels that we have

no choice but to begin that process. Tom Mainville, Finance Director, stated that he will contact the Auditor General.

Councilor Sette again stated that there is \$513,000 in the school budget which was not supposed to be there. Councilor Sette stated this money belongs to the taxpayers of the two towns. Councilor Sette expressed his opinion that we are better served spending money on books and classroom education rather than bricks and mortar.

Councilor Walsh asked how we can go to the Auditor General to report a deficit when the budget period has not even started yet.

Renee Palazzo stated that she is a concerned and vocal parent and requested that the Council not make a decision tonight regarding where the budget cuts will come from. Mrs. Palazzo noted that we have good teachers who are making do with a minimum of resources. Mrs. Palazzo urged the Town Council to work with the School Committee, adding that she does not believe that the \$156,000 should come directly from the schools without looking at other options. Councilor Poirier noted that he has been an educator for 29 years and assured Mrs. Palazzo that there is no intention of cheating our school children out of a valuable education. Councilor Poirier stated that unfunded mandates are a reality as is our lack of State aid, but hits have been taken on the municipal side for a long time.

Walter Steere, School Committee member, commented that the State is the problem because they give us less funding each year. Regarding the possibility of having another Town Financial Meeting, W. Steere expressed his objection. W. Steere also stated that we need help from our unions, who get more each year. Regarding the Gloucester school budget, W. Steere stated that there are places where cuts could be made. W. Steere commented that this problem did not occur overnight but has been going on for years. W. Steere expressed hope that if the School Committee and Town Council work together, a solution can be reached.

Rose LaVoie spoke regarding the benefits that teachers receive, stating that the unions are breaking the backs of the taxpayers in this State and all over the country. R. LaVoie stated that if there is not enough funding for school supplies, it is because the money is being spent in the wrong places.

Having heard all those wishing to speak, Councilor Sette stated that the Council will now move back into the regular agenda.

VIII. Unfinished Business

A. Appointments

1. Gloucester Affordable Housing Advisory Board

MOTION was made by Councilor Reichert to TABLE the appointment to the Gloucester Affordable Housing Advisory Board; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

IX. New Business

A. Resignations

1. Western Rhode Island Home Repair Program
Executive Board Member

Councilor Sette stated that the Council has received a resignation from the Executive Board of the Western Rhode Island Home Repair Program from Michelle Ryan. Councilor Sette noted that Mrs. Ryan was a valuable member of this board for a number of years.

MOTION was made by Councilor Joyce to ACCEPT the resignation of Michelle Ryan from the Western Rhode Island Home Repair Program; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Appointments - Boards & Commissions

1. Wastewater Management District Board
One 5 (five) year expired term (to 6/2013)

MOTION was made by Councilor Poirier to REAPPOINT Peter Skeffington to the Wastewater Management District Board for a five-year term to expire 6/2013; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

2. Local Board of Appeals for Building Code
One 5 (five) year expired term (to 6/2013)

MOTION was made by Councilor Walsh to REAPPOINT Peter Scorpio to the Local Board of Appeals for Building Code for a five-year term to expire 6/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

3. Western Rhode Island Home Repair Program
Executive Board Member

Councilor Sette stated that since the member's resignation was just received this evening, the appointment will be tabled.

MOTION was made by Councilor Poirier to TABLE the appointment to the Executive Board of the Western Rhode Island Home Repair Program; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

C. Request for Authorization
Coventry Survey Inc.

Councilor Sette stated that the Council has received a request for the authorization of work to be done by a homeowner on Pascoag Reservoir. Councilor Sette stated the surveyor hired by the homeowner has worked under the belief that the Town of Gloucester owns the reservoir, but the chain of title indicates that the Town only has a tax interest in the property. Councilor Sette stated that this is on the agenda in order to clarify the ownership.

John Bevilacqua, Town Solicitor, explained that the Town does not own the property because the Town has never foreclosed on it. J. Bevilacqua added that the vested rights in fee are still with the original owner. Councilor Sette stated that the homeowner wishes to construct a dock and asked how he should proceed. J. Bevilacqua replied that the homeowner would have to notify the original owner of the reservoir and obtain permission to construct the dock.

Councilor Sette read the following letter into the record:

May 19, 2008
Mr. Steven Sette
Gloucester Town Council
1145 Putnam Pike
Chepachet, RI 02814

RE: Permission for Mr. Terrence Merkel to replace a dock at 259 Lake Drive (Pascoag Reservoir) in the Town of Gloucester being Plat PL Lot 25.

Dear Mr. Sette:

My client, Mr. Terrence Merkel, would like to replace a dock at his property on the southerly shore of Pascoag Reservoir. In order for the Freshwater Wetlands Section of the Rhode Island DEM to review the application, they are requesting that the application be accompanied by a letter from the body which either owns the water body or controls the water rights stating that they are aware of the application and that they do not have a problem with the application.

After speaking with the Planning Department in the Town of Glocester, it seems that your Council is the body that should produce that letter. I am therefore requesting that this item be placed on the next available Town Council Agenda for review and discussion. I am including seven (7) copies of the site plan, a copy of the RIDEM application and a copy of the two page Impact Avoidance and Minimization Statement which will accompany the application for your review. If you have any questions, please feel free to call me at 823-5038

Sincerely,
Peter Suorsa (l.s.)
Coventry Survey Co., Inc.

(End of letter)

Councilor Poirier stated that he believes the owner of the rights under the water is Patrick Connolly. John Bevilacqua stated that the owner of record is the Pascoag Reservoir and Dam LLC, which may be owned by Mr. Connolly. J. Bevilacqua added that Mr. Merkel would need permission from the owner of record.

D. Authorization

1. Department of Environmental Management
Wetlands Application Re-submittal for Chepachet River Park

Councilor Sette read the following memo into the record:

FROM: Raymond Goff, Town Planner
DATE: May 28, 2008
SUBJECT: Wetlands Application Resubmittal to RIDEM for Chepachet River Park

Enclosed is a wetlands application to RIDEM for the Chepachet River Park Project. As you know we have been strategically moving forward with this project in spite of limited funding. We have already submitted an initial wetland application for the trail installation and bridge crossings. Since all work will take place within the 100 foot riverbank setback a wetlands approval is required.

This additional application is necessary to submit responses to RIDEM's request for more information from our initial application. We submitted an application in March of this year and it was reviewed by RIDEM. They sent a letter outlining additional information they needed to approve our application. Our engineers have prepared a response to the request and this submittal forwards that information to RIDEM.

I am seeking Council authorization to allow the Council President to sign the application. This authorization will keep the approval request in process.

Please authorize the Town Council President to sign an the application at the earliest convenience.

(End of memo)

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the grant application: Wetlands Application Resubmittal to RIDEM for Chepachet River Park dated June 5, 2008; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Personnel

1. Interim Public Works Director Benefits

Tom Mainville, Personnel Director, stated that Alan Whitford retired as Public Works Director on April 30th, but he continues to assist the Town until the completion of several important projects. It was asked that A. Whitford continue to receive single member medical benefits during this interim period.

MOTION was made by Councilor Poirier to APPROVE as part of the compensation for Alan Whitford as Interim Director and/or Manager, Special Projects for a period from May 1, 2008 through November 30, 2008, the Town will provide, at no cost, individual plan medical and dental health benefits from July 1, 2008 through November 30, 2008, and he will receive credit for this period for those benefits that are provided for in the "We are Gloucester Handbook" for employees retiring at age 62; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Salary Adjustment: Police Captain

July 1, 2007 to June 30, 2010

Councilor Sette stated that in 2004, the Council made a motion to adjust the base salary of the position of Gloucester Police Captain to bring the salary to \$3,000 higher than the base salary of the position of Police Lieutenant. Councilor Sette further stated that with the signing of the new contract, the Council should now make a similar motion.

MOTION was made by Councilor Reichert to ADJUST the salary of the Gloucester Police Captain to bring the base salary to \$3,000. more than the Lieutenant base salary, effective July 1, 2007; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- F. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, distributed his report to the Council members and stated that the one “red flag” is the water tank. L. Desormier stated that the fine imposed by the State is \$100 per day as of January 1st, adding that if the fine is assessed it would total \$15,000 as of today. L. Desormier noted that a decision regarding the fine will not be made until the completion of the project, which is estimated to be mid-August. Councilor Sette inquired if we are in danger of losing any reimbursement. Walter Steere, School Committee member, replied that the project must be completed by June 30, 2009 in order to receive reimbursement.

Councilor Sette mentioned that there was a fire at a wood mill in Foster and asked W. Steere if this mill was one of the suppliers for the project. W. Steere replied that he does not believe so.

- G. Fiscal Year 2008/09 Budget
 - 1. Budget Board recommendation
 - 2. Discussion and/or Action re: Budget cuts

(Moved by MOTION to the beginning of the meeting)

- H. Town Council Meeting Schedule

Councilor Sette stated that the first meeting next month would fall on July 3rd and suggested that the Council only convene once during July. Councilor Poirier noted that there was discussion regarding the Town Council and School Committee scheduling a meeting concerning the budget. John Bevilacqua stated that a special meeting could be scheduled if necessary. There was consensus to advertise that the Council will not meet on July 3rd due to the holiday.

- X. Department Head Report/Discussion

- A. Larry Desormier, Building/Zoning Official, stated that we have the opportunity to receive free consultation services from the former director of ADA, which deals with handicap accessibility. L. Desormier stated that H. V. Collins is in favor of this and asked for Council approval. There was consensus that this would be a good idea for the school renovation.

L. Desormier spoke regarding Pray Hill Tree Farm, stating that he is attempting to get the bond released to cover damages incurred at the location. It was mentioned that the cost of repairs may exceed the bond, and Councilor Reichert stated that the Town could place a lien on the property if necessary.

L. Desormier stated that his Department has been approached regarding wood-burning furnaces. L. Desormier stated that the Town of North Smithfield has placed a moratorium on this type of furnace and recommended that we do the same until there are regulations in place. Councilor Sette asked if there are any State regulations and L. Desormier replied that he has not found any.

- B. Viviane Valentine, Tax Assessor, updated the Council members on the additional hearings which were conducted regarding revaluation. V. Valentine stated that she hopes to have final numbers together by the end of June in order to calculate the tax rate and get the bills sent out.
- C. Alan Whitford, Interim Public Works Director, spoke regarding the new RI Resource Recovery contract. A. Whitford noted that more recycling will be required, which costs more due to additional trips to the landfill, but if we do not increase our recycling, the price per ton will increase.

A. Whitford stated that his department is short-handed in the summer months because his employees cannot take vacation during the winter. A. Whitford requested that the Council allow him to put on temporary duty an individual who has worked for the Town for three years. Councilor Sette stated that, because this is not on the agenda, if the Council approves it, they could ratify at the next meeting. A. Whitford stated that there is paving coming up and he may need the employee prior to the next meeting. There was consensus that this would not be a problem.

XI. Boards/Commissions
None.

XII. Council Correspondence/Discussion

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

May 27, 2008
Viviane L. Valentine
Tax Assessor
1145 Putnam Pike
Chepachet, RI 02814

Dear Viviane:

Some information has come to my attention regarding a recent Council meeting in the Town. I have been told that a taxpayer named Brian Kauch used my name and seemed to suggest that I was in some way critical of the Gloucester revaluation, or the methodology used by the vendor, Certified Revaluation Company.

Since I was not there, I do not have the exact details of what was said, but I can assure you of several things: I have never commented about the Gloucester revaluation in any negative manner, and since I have never reviewed that data, it would be irresponsible to comment on it period. I know the project manager, Neal Dupuis, and I have full confidence that he knows the revaluation process and would provide the Town with a good product. He is well respected in the field and you can be confident in his abilities.

In regards to Mr. Brian Kauch, I have never met the man, have only had one conversation with him, and that conversation was months ago. When he called me, he represented himself as a real estate professional. He asked general questions about the revaluation process that I answered. He seemed to have objections to what he termed the cost approach in the valuation of property, and questions as to why that is used in the revaluation process. I explained that I could only speak to how our firm values property, and that we use a market adjusted cost approach, that is the standard in use in this region. I have noticed that more taxpayers question the revaluation model, since the market has turned downward, and we do try to provide an explanation when they request it.

I am attempting to contact Mr. Kauch, (although he is not listed in the phone book, or as a property owner), to make it very clear that he has no authority to quote me or to suggest how my firm or any other firm might handle the specifics of a revaluation project. If you have any contact information for him, please let me know.

Please feel free to share this information with anyone in the Town, and also, to call me should you have any questions in this matter.

Sincerely,
Richard K. Berlinsky (l.s.)
President
Appraisal Resource Company

(End of letter)

- B. Councilor Sette stated that a request was received from the dispatchers to schedule a meeting prior to negotiations concerning the pension matter which remains unresolved.
- C. Councilor Sette stated that a Resolution was received regarding Worldwide Neighbor Day.

- D. Councilor Sette stated that a thank-you was received from the Tri-Town Titans Football League for the Town's support.
- E. Councilor Sette stated that a letter was received from the Office of the Attorney General regarding disposition of domestic violence cases. John Bevilacqua, Town Solicitor, stated that we are in conformance.
- F. Councilor Sette stated that the Town has obtained permission from the Department of Transportation to hold the annual Fourth of July Parade.
- G. Councilor Sette stated that the Council has received a Resolution from the West Warwick School Committee regarding House Bill 7776 which Councilor Sette recommended that the Council members review.
- H. Councilor Sette read the following letter from Bowdish Lake Camping Area into the record:

May 29, 2008
Hon. Council of the Town of Glocester
Putnam Pike
Chepachet, RI 02814

RE: Low Electrical Voltage in West Glocester

Gentlemen:

We are requesting your assistance concerning a problem we have been experiencing with power lines which supply electricity to the West Glocester area, owned by National Grid. We are very sensitive to complaints from our customers which these low voltage problems have caused.

We are requesting any assistance that you can provide which would help us in rectifying this matter.

Thank you for your help.

Sincerely yours,
John H. Tillinghast (l.s.)

(End of memo)

Councilor Reichert confirmed that there have been on-going electrical problems in the West Glocester area which were supposed to be corrected 7 or 8 years ago. Councilor Sette suggested that the Council invite a representative from National Grid to a Council meeting to address the issue.

- I. Councilor Sette stated that the Council has received a request from Senior Services Inc. for assistance in funding a Specialist position, which will be eliminated by the State.

- J. Councilor Sette stated that correspondence was received from the China Earthquake Relief Committee of Rhode Island.
- K. Councilor Sette stated that a request for support was received from North Kingstown with regard to the USS Saratoga Museum. Councilor Sette stated that he has read through the Resolution and would like to place it on the agenda.
- L. Councilor Sette stated that we have received information from the Department of Environmental Management regarding the Transportation Improvement Program.

XIII. Open Forum

- A. Bob Lyons of Harmony stated that although Chepachet River Park could turn out to be a nice area, he feels that if the project goes through, it may result in additional maintenance costs. B. Lyons also stated that he has reviewed the enrollment figures for the elementary schools and suggested closing Fogarty Elementary School and sending all students to West Glocester Elementary School. B. Lyons complimented the Council regarding the appropriation of funds for the repair of Indian Trail.

B. Lyons commented that Goldmine Road is also in bad condition and recommended that it also be repaired. B. Lyons stated that 21 months ago, he appeared before the Council asking that the remaining roads in the Waterman Lake plat be accepted by the Town, adding that an answer was never given. B. Lyons also recommended that some of the Town's surplus be spent to repair roads and asked if the Town's bond rating is equal to the quality of life driving on pot-hole filled roads.

- B. Rose LaVoie spoke regarding the installation of speed bumps on Absalona Hill Road, stating that if she lived on that road, she would not be too happy. Councilor Sette pointed out that it is speed tables which will be installed, which are different from speed bumps. R. LaVoie commented that the traffic flow through Town was smooth during the holiday weekend because the light was set on blinking. R. LaVoie spoke regarding the need for an Economic Development Commission in Town.

Councilor Sette stated that a new member has been appointed who is anxious to have the Committee resume their meetings. R. LaVoie inquired if the Town still has a Good Citizen award. Councilor Sette replied that this is done in the month of August and will be discussed at the next meeting. Rose LaVoie spoke regarding impact fees, stating that this would be a hardship for young people who wish to build in Town.

- C. Tom Sanzi stated that there will be a re-enactment of the Dorr Rebellion the weekend of June 20, 21 & 22. T. Sanzi noted that the history in Glocester draws interest from all over the world. T. Sanzi commented that tourism brings in dollars, even in a struggling economy.
- D. Councilor Sette stated that on Sunday, June 8th, there will be a Fireman's Memorial Parade hosted by the Harmony Fire Department. The parade will begin at 1:00 p.m. at

Winsor Park and proceed down Saw Mill Road and end at the Harmony Fire Station on Putnam Pike.

XIV. Executive Session Pursuant to:

A. R.I.G.L. 42-46-5(a) 2 Litigation

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

XV. Reconvene Open Session

A. Disclosure of Votes Taken

No votes were taken in Executive Session.

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:35 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 17, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **June 19, 2008**:

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh

Member Absent: Charles Poirier

Also present: Jean Fecteau, Town Clerk, Susan Harris, Deputy Town Clerk; Thomas Mainville, Finance Director, John Bevilacqua, Town Solicitor; Jane Steere, Tax Collector; Viviane Valentine; Tax Assessor; and Lawrence Desormier, Building/Zoning Official.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Reichert.

Councilor Sette reminded everyone present that there will only be one meeting in July, to be held on July 17, 2008.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Earth Removal

Applicant: Steven E. Hopkins, Trustee

Location of Business: Keach Dam Road, further described as AP 12, Lot 134

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on May 22, 2008 and declared OPEN on June 5, 2008.

Councilor Sette noted that at that time, the Building Official was not ready to sign off on the application so the Public Hearing was tabled. The Clerk has been informed that this application needs to be tabled to the July 17, 2008 meeting.

MOTION was made by Councilor Walsh to TABLE the Public Hearing for Earth Removal License to Applicant: Steven E. Hopkins, Trustee, Location of Business: Keach Dam Road, further described as AP 12, Lot 134 to July 17, 2008; seconded by Councilor Joyce.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance

1. Proposed amendment to the Code of Ordinances

a. Addition of new Section § 351 entitled "Impact Fee Ordinance."

Raymond Goff, Town Planner, stated that Sam Shamoon, the consultant who is to speak regarding the next two (2) agenda items, has not yet arrived and asked that the matter be delayed slightly.

MOTION was made by Councilor Walsh to move item VI. Resolution - USS Saratoga, to this point of the meeting; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

VI. Resolution

A. USS Saratoga

Councilor Sette stated that the Council has been asked to support legislation that would help facilitate the formation of a museum that would showcase the USS Saratoga:

RESOLUTION

WHEREAS, the USS Saratoga was the second in a contract of four Forrestal-class "Large Aircraft Carriers to be built as a symbol (CVB-60). Consisting of the four were the Forrestal, Saratoga, Ranger and Independence; and

WHEREAS, the USS Saratoga was reclassified on October 1, 1952 as an "Attack Aircraft Carrier" (CVA-60) and her keel was laid down on December 16, 1952. The USS Saratoga launched on October 8, 1955 and commissioned on April 14, 1956 with Captain R.J. Stroh in command.

WHEREAS, the USS Saratoga has been home to more than 65,000 sailors, marines and air crew who manned and maintained her, sailed her in harm's way and brought her back safely from her many worldwide deployments; and

WHEREAS, the USS Saratoga Museum Foundation, Inc. has worked diligently for seven years to create a family attraction, educational center, museum and memorial at the former Quonset/Davisville Naval Complex featuring the aircraft carrier Saratoga as the centerpiece. The United States Navy has placed the USS Saratoga in Donation Status and has designated Rhode Island's USS Saratoga Museum Foundation, Inc. as the Sole Eligible Recipient of the ship under Title X, USC; and

WHEREAS, the USS Saratoga Museum Foundation, Inc. has already raised more than \$750,000 to pay for operating expenses, market demand, financial feasibility, economic impact and engineering studies required to move the

project forward. These studies conducted by five nationally recognized and independent consultants have concluded that the project can be successfully developed and become a self-sufficient economic engine, creating jobs and generating a major positive impact in our community, region and state. This project has generated significant grass roots support and endorsements from a wide range of interests, including elected officials, labor leaders, educators, environmental groups and business and community organizations; and

WHEREAS, fourteen other Rhode Island cities and towns and both houses of the General Assembly have also passed resolutions of support. The Governor of Rhode Island has recently recommended favorable consideration of the project by the Quonset Development Corporation; and

NOW THEREFORE be it resolved that the Town Council of the Town of Gloucester endorses and supports the legislation now pending before the Rhode Island General Assembly S-3000 and H-8208 that would allow the USS Saratoga to move to Davisville; and be it

FURTHER RESOLVED that a copy of this Resolution be forwarded to the Governor, to all members of the General Assembly, to elected officials of our sister cities and towns and to members of the Boards of the Quonset Development Corporation and the RI Economic Development Corporation.

Steven A. Sette, President
Gloucester Town Council

Seconded by: Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

Councilor Sette stated that since Mr. Shamoan has not yet arrived, the Council will continue with Item VII Consent Items.

VII. Consent Items

- A. Pole Grant: Verizon Comm. & Narragansett Electric Co.
Absalona Hill Road, Cooper Road, & Gazza Road
- B. Finance Director's Report - May 2008
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Reichert to APPROVE the Pole Grant on a petition dated May 21, 2008 from Verizon Communications and Narragansett Electric Company to relocate one

joint pole (P. 15) location 10' and place a pole brace and place three new joint poles (P.43S, 45s & 46) and two anchor guy locations on Absalona Hill Road and place one new joint pole (P.91 S) and anchor guy location and relocate one joint pole (P.97) location 60' northerly and place an anchor guy location on Cooper Road and place one new joint pole (P.107~)and anchor guy location on Gazza Road as shown on submitted plans; to ACCEPT the Finance Director's Report for May 2008; to APPROVE the Tax Assessor's Additions & Abatements as follows: Abatements to the 1999 Tax Roll in the amount of \$12.67; the 2000 Tax Roll in the amount of \$14.37; the 2001 Tax Roll in the amount of \$14.69; the 2002 Tax Roll in the amount of \$22.95; the 2003 Tax Roll in the amount of \$23.12; the 2004 Tax Roll in the amount of \$24.19; the 2005 Tax Roll in the amount of \$353.42; the 2006 Tax Roll in the amount of \$691.74 and \$126.72 and the 2007 Tax Roll in the amount of \$81.18: seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

Councilor Sette stated that the Council will continue with Item VIII. Unfinished Business, Appointments.

VIII. Unfinished Business

A. Appointments

1. Western Rhode Island Home Repair Program
Executive Board Member
One unexpired term to expire July 2009

Councilor Sette stated that the resignation of Michelle Ryan was accepted last month and the Clerk has asked the Program Manager to solicit names from her Board of Directors for next meeting.

Discussion: None.

MOTION was made by Councilor Walsh to TABLE the appointment to the Western Rhode Island Home Repair Program Executive Board for the unexpired term to expire July 2009; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

Councilor Sette stated that the Council will continue with Item IX. New Business, Appointments.

IX.. New Business

A. Appointments - Boards & Commissions

1. Chepachet Village Planning Committee
 - a. Two (2) expired 2 year terms
 - b. One (1) expired 1 year term

Councilor Sette noted that three of the positions on the Chepachet Village Planning Committee have come up for renewal, however, the last set of minutes received for this board is October of 2003. After discussion, it was decided to table the matter and to send correspondence to the members of the Committee.

MOTION was made by Councilor Joyce to TABLE the appointment of Clayton Lanphear and Thomas Sanzi for two year terms to expire 7/2010 & Elizabeth Tetreault for a one year term to expire 7/2009 to the Chepachet Village Planning Committee; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

Councilor Sette stated that Mr. Shamoan has arrived and the Public Hearings will begin.

B. Gloucester Code of Ordinance

1. Proposed amendment to the Code of Ordinances
 - a. Addition of new Section § 351 entitled "Impact Fee Ordinance."

Councilor Sette stated that a public hearing was called on this item in February 2008 after being advertised. At that time it was agreed to remove this item from the table until the fees could be recalculated.

Councilor Sette stated that the first reading of this proposal was on 5/15/2008 and this public hearing was advertised in the Providence Journal (June 10, 2008) and the Bargain Buyer (June 2, 2008).

Councilor Sette DECLARED the Public Hearing OPEN.

Discussion: Ray Goff, Town Planner, explained that this Ordinance is designed to look at the impact of growth in the community and to recoup some of the costs of that growth. R. Goff further stated that most impact fees address schools and the infrastructure associated with schools. R. Goff introduced Sam Shamoan, one of the consultants, and stated that Mr. Shamoan will answer any specific questions regarding the Ordinance.

Councilor Sette stated that in Smithfield, the impact fee is \$8,900 while the proposed fee for Gloucester is \$1,182 per dwelling. Councilor Sette asked why there is such a variance between the two towns. Mr. Shamoan replied that in Smithfield they are spending much more money for

their infrastructure, adding that the fees are based on the amount of money in the Capital Improvement Plan. Councilor Sette stated that the residents d for a 45 million dollar bond for the schools as well as an additional 14 or 15 million dollars for the ESCO project. Councilor Sette asked why we cannot get a benefit for it.

John Bevilacqua, Town Solicitor, replied that the Town cannot take credit for the bonds because they were sold. Councilor Sette remarked that we are spending 60 million dollars for the schools and we can only assess \$1,100 per new home. Mr. Shamoon stated that his recommendation is to adopt the Ordinance and subsequently amend it to increase the impact fees as additional capital development plans are contemplated.

Councilor Sette stated that there is concern that this would affect a homeowner who is putting an addition on their home. R. Goff replied that this Ordinance would apply to new homes only. R. Goff added that there would be waivers for certain construction such as affordable housing and elderly housing. Councilor Walsh pointed out that there have been several instances where houses have burned down and had to be rebuilt. R. Goff stated that the fee would be waived in those cases. Councilor Sette inquired about somebody buying a small home and tearing it down to build a larger home. J. Bevilacqua replied that this would be considered an existing structure as opposed to new construction. Mr. Shamoon noted that this is an exemption which is built into the Ordinance. Ray Goff noted that this is one of the lowest impact fees in the state.

Councilor Sette asked if anyone wished to speak regarding the proposed Ordinance.

1. Russell Gross stated that he has lived in Town for 70 years and feels that there should be a exemption for someone who has been here so long and would not have an impact with regard to having children.
2. David Steere asked if a 1,200 square foot house burns down, can the owner replace it with a 2,000 square foot house. Ray Goff read the following section from the proposed Ordinance: "Impact fees shall not be imposed for rebuilding a damaged structure, including the replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same use and gross livable area not exceeding 10% of the original size of the building." Councilor Joyce asked if he had a single family home and decided to replace it with a duplex, would he qualify for the waiver. Mr. Shamoon replied that he would not qualify in that case.
3. Buster Steere noted that these fees will prevent somebody from building in the town that he or she has grown up in. Councilor Sette asked if an exemption can be built into the Ordinance for this purpose. Mr. Shamoon replied that since this is part of zoning, special arrangements cannot be made. J. Bevilacqua added that a universal application must be standard for equal protection. Councilor Sette stated that this would make it unaffordable to subdivide one's property for one's children. Councilor Sette asked if the fees would apply in the case of a subdivision within a residential compound. R. Goff replied in the affirmative.

4. Alan Whitford asked if the fee is the same regardless of the cost of the home. The response was yes. A. Whitford stated that this will not hurt the contractors who will just add the fee to the cost of the lot, but it will have an effect on young people trying to build a house in town.
5. Walter Steere expressed agreement with the others who spoke, noting that this fee is another type of tax. W. Steere suggested that if this Ordinance is passed, there should be a graduated fee schedule so that the more a house is worth, the greater the impact fee. J. Bevilacqua pointed out that this deals with the impact on the community, which is the same whether the home is worth a million dollars or two-hundred thousand dollars.

Councilor Sette stated that the issues brought up are valid points. Councilor Sette stated that his concern is regarding property owners who wish to subdivide to allow their children to build homes, adding that this is a more appropriate use of the land than subdividing for four or five houses. Russell Gross asked if the fees would go to the schools. Councilor Sette replied that this is the only place it has been earmarked for. Ray Goff stated that the money will pay down the debt which we have already incurred regarding the schools.

Councilor Sette commented that the Ordinance Impact study is an excellent assessment of the Town which contains useful information and thanked Ray Goff and Mr. Shamoon for their efforts. Councilor Sette stated that he would like to take more time to review the Ordinance and to ask more questions.

MOTION was made by Councilor Joyce to CONTINUE until July 17, 2008, the Amendment to the Code of Ordinance : to include Addition of new Section § 351 entitled “Impact Fee Ordinance”; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
 NAYS: 0

MOTION PASSED

- C. Comprehensive Community Plan
 1. Proposed amendments: Five Year Update

The first reading on this proposal was done on May 15, 2008 and this public hearing was opened at that time

TO: Town Council
 Steven A. Sette, President
 FROM: Raymond Goff, Town Planner
 DATE: May 13, 2008
SUBJECT: Comprehensive Community Plan 5 Year Update

Enclosed is the Gloucester Comprehensive Community Plan (the Plan) for your review and consideration for adoption. The Plan has been amended in compliance with the State requirement that all Town Comprehensive Community Plans be amended every five (5) years. The Planning Board has spent over a year working with consultants and holding public meetings and hearings to make the necessary amendments to the Plan.

The Plan has been adopted by the Planning Board in accordance with State statutes and has been forwarded to the Town Council in accordance with the Town Ordinance. It is requested that the Council review the enclosed plan and schedule a Public Hearing for consideration of adoption.

The Plan has a number of amendments that bring the Town into compliance with new State and federal laws. We have also made amendments with regard to the Town's growth and changes which occurred since the Plan was written in 1994 and adopted in 2000.

The Planning Board and staff believe these changes move Gloucester in a direction which is progressive, but consistent with the Town's history. The consultants have either met with staff or department heads in order to gather new information or to confirm the information already in the Plan.

We have amended the Plan to reflect the adoption of the Conservation Development and Residential Compound Ordinances. The housing section was completely revised in accordance with the Town's adoption of an Affordable Housing Plan. Additional properties acquired by the Land Trust have also been added to the plan. Statistical data was updated where new and better data was available or based upon changes in population or economic indicators.

The maps have all been updated and improved using the Town's GIS system. They have been printed separately, but will be incorporated into the final document in printing.

I have provided you with a clean copy of the Plan and a marked up version so you may clearly see the revisions which were made to the Plan. Although this takes a bit more paper, it does help how the Plan has changed with this update.

Please review the enclosed Plan and consider it for adoption at the June 19, 2008 Town Council meeting. If you have any questions, please feel free to contact me.

(End of memo)

Discussion: Ray Goff, Town Planner, explained that this pertains to the required five-year update to the Plan which was adopted in 2000. R. Goff stated that Mr. Shamon was hired to assist in making the necessary changes to the Plan. There was discussion concerning implementation, including housing plan strategies.

Councilor Sette asked if anyone wished to speak regarding this matter. Hearing none, Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Reichert to ADOPT the Comprehensive Community Plan amendments, Five Year Update; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

IX.. New Business

- A. Appointments - Boards & Commissions
 - 2. Comprehensive Community Plan Coordinating Committee
 - a. Twelve (12) expired 2 year terms

Councilor Sette stated that this is another Board that has not filed minutes since December, 1997. At this time all the seats are up for renewal. Councilor Sette stated that this Committee is in place to discuss the Comprehensive Plan going forward.

MOTION was made by Councilor Joyce to REAPPOINT the members to the Comprehensive Community Plan Coordinating Committee: #1 (HDC) Daniel A. Romani, Jr.; #2 (Plan.Bd.) David Calderara;; #5 (WMDB) Louis H. Cadwell; #6 (Rec. Comm.) Anthony C. Parrillo; #7 (WRIHRP) Charles F. Miller, Jr.; #8 (Zoning Bd) Gregory J. Meinertz; #10 (GHA) Kai T. Goto; #11 (GLT) Bruce Payton; and & to APPOINT #3 (Budget Bd.) David Steere, and to TABLE the appointments from the following boards: #9 F-G School Committee, Gloucester Economic Development Commission & Conservation. Commission; Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- 3. Gloucester Housing Authority
 - a. One (1) expired 5 year term

MOTION was made by Councilor Walsh to REAPPOINT Glenn A. Sherman to the Gloucester Housing Authority for a five year term to expire 7/2013; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

4. Western RI Home Repair Program Executive Board
 - a. One (1) expired 2 year term

MOTION was made by Councilor Reichert to REAPPOINT Charles F. Miller, Jr. to the WRIHRP Executive Board for a two year term to expire 7/2010; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

5. Land Trust
 - a. Recording Clerk (Paid position-replacement)

Councilor Sette pointed out that this is not a new position, it is to replace an outgoing clerk.

MOTION was made by Councilor Reichert to APPOINT Cheryl Commendatore to the position of Land Trust Recording Clerk, effective 3/26/08, at an rate of \$125.00 per Land Trust meeting; seconded by Councilor Joyce.

Discussion:

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- B. Appointments
 1. Public Works
 - a. Ratification: Seasonal Part Time Ground Maintenance

Councilor Sette stated that the Council gave their consensus at the Council meeting of June 5, 2008 for the Public Works Department to hire their seasonal grounds maintenance person.

MOTION was made by Councilor Reichert to RATIFY the appointment of Alex Healy as Part Time Seasonal Grounds Maintenance worker, effective June 9 through August 31, 2008, not to exceed 20 hours per week, at an hourly rate of \$12.97 per hour; seconded by Councilor Walsh.

Discussion:

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- b. Litter Crew 2008
 - 1. Supervisor

Councilor Sette stated that the Council has received a recommendation from Public Works for this position.

MOTION was made by Councilor Reichert to APPOINT Marie Howard to the position of Supervisor, Litter Crew, for the period June 23 to August 8, 2008 at an hourly rate of \$11.00 per hour; seconded by Councilor Joyce

Discussion:

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- 2. Litter Crew

A lottery was conducted to determine the order of applicants for these positions.

MOTION was made to APPOINT Taylor Koferl and Brandon Tucker to the Litter Crew, for the period June 23 to August 8, 2008, at an hourly rate of \$8.00; alternates are 1)Thomas Varatta, 2)Mark Howard, 3)Josh Booth and 4)Brian Rounds; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- 2. Human Services
 - a. Transportation Driver - Part Time, as needed

Councilor Sette stated that Virginia Peters, Director of Human Services, has recommended Christine Gaj to the position of Transportation driver as needed.

MOTION was made by Councilor Reichert to APPOINT Christine Gaj to the position of Transportation driver, part time, as needed, effective June 3, 2008, at an hourly rate of \$12.47; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- 3. Recreation
 - a. Lifeguard (1 replacement)

Councilor Sette stated that we have a request from the Recreation Director asking a lifeguard be appointed to take one of the previously appointed positions as one of them has taken employment elsewhere.

MOTION was made by Councilor Joyce to APPOINT Justin Bergeron to the position of lifeguard for the 2008 summer season at an hourly rate of \$10.25, effective June 19, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
 NAYS: 0

MOTION PASSED

- C. Board of Contracts & Purchases
 - 1. Award Bid: IFB 2008-11 Hot Mix Asphalt

Councilor Reichert stated that he will recuse himself from this and left the chambers.
 Councilor Sette read the following recommendation from the Board of Contracts and Purchases:

June 19, 2008
 To: Town Council
 From: Board of Contracts & Purchases (BoCP)
 Re: Awarding of IFB 2008-11 ~ Hot Mix Asphalt

- I. IFB 2008-11 was advertised in accordance with current rules and procedures.
- II. Four (4) companies bid. Bid amounts and company names were:

	<u>Primary Bid</u>			<u>Secondary Bid</u>		
	Asphalt > 500 Ton			Asphalt < 500 Ton		
	In Place	Coat	Cuts	In Place	Coat	Cuts
Narragansett						
Improvement	\$76.00	\$.40	\$2.50	\$85.00	\$.55	\$2.50
J.H. Lynch	76.50	.55	4.00	78.00	.65	4.00
All States	64.10	.50	6.00	71.10	.50	6.00
Cardi Corp.	68.50	.16	2.50	125.00	.25	3.00

- III. The lowest bidder is All States Asphalt Inc., P O Box 91, Sunderland MA 01375. It was noted that their work has been satisfactory in the past.

The Board recommends that the bid be awarded to the low bidder, All States Asphalt.

Bid price:

Primary Bid of \$64.10 - In Place	Secondary Bid of \$71.10 - In Place
.50- Tack Coat	.50 -Tack Coat
6.00- Asphalt Cuts	6.00 -Asphalt Cuts

Respectfully submitted,
Jean M. Fecteau ~ Town Clerk
Ray Goff ~ Town Planner
Jane A. Steere ~ Tax Collector

(end of memo)

Discussion: Alan Whitford explained that Cardi Corp. presently holds the bid and we are still under the old contract until June 30th. A. Whitford stated that he has been satisfied with their paving quality, but there is a disparity in the price per ton. A. Whitford noted that we have done work with All States in the past. Councilor Sette asked if diesel fuel prices will affect the price. A. Whitford replied that this is a flat price with fuel costs built in. Councilor Joyce inquired about the tack coat and cuts. A. Whitford explained that his department typically tries to do the cuts themselves and the tack coat is a necessity which is very inexpensive.

Councilor Sette stated that the Council agreed to do some repair work on Indian Trail and asked what happens if the work is not completed by July 1st. A. Whitford replied that the new bid price would be in effect after July 1st. A. Whitford added that he is attempting to complete as much as possible by June 30th which would save a considerable amount of money. Councilor Joyce expressed his opinion that Cardi is dealing us a deal at \$10 less per ton now and is an in-state company as opposed to giving the bid to a Massachusetts company. A. Whitford noted that All States has a plant in Rhode Island also, but he would not be adverse to using both companies. Councilor Walsh asked how many tons are used in the course of a year. A. Whitford replied that we use between 2500 and 3000 tons in an average year.

Tom Mainville, Finance Director, inquired if All States has done reasonable work in the past and they are the low bidder, does the company have a basis for objection if they are not awarded the bid. John Bevilacqua, Town Solicitor, replied that the bid was written in such a way that the Town reserves the right to reject any and all proposals. J. Bevilacqua explained that if the Town feels that it is in their best interest to pick the highest bidder, they have the right to do so.

MOTION was made by Councilor Joyce to AWARD IFG 2008-11 Hot Mixed Asphalt to: Cardi Corp., Lincoln Ave., Warwick, RI, at the primary bid price of \$68.50 in place, .16 Tack Coat, \$2.50 Asphalt Cuts and the secondary bid of \$125.00 in place, .25 Tack Coat, and \$3.00 Asphalt Cuts

Discussion: Councilor Sette stated that Cardi is the current supplier but we are now awarding the bid for the next year. Councilor Joyce stated that he wishes to award the bid to Cardi Corp. because they are doing good work for us now, are an in-state contractor and have cut us a break on the last contract. Tom Mainville pointed out that Cardi Corp. was awarded the bid last year

because they were the low bidder. T. Mainville stated that he agrees with the Board of Contracts and Purchase in going with the low bidder. Councilor Joyce stated that we went with a higher bid with Barnes Concrete for sand based on our satisfaction with the product. T. Mainville pointed out that in that case, there was a product difference. Councilor Sette stated that he agrees that it is important to keep business in Rhode Island, however Councilor Sette that we have done business with All States in the past and have had no issues with them.

Councilor Joyce withdrew his motion.

MOTION was made by Councilor Walsh to AWARD IFB 2008-11 Hot Mixed Asphalt to: All States Asphalt Inc., Sunderland MA 01375 at the Bid Price of : Primary Bid \$64.00 in place, .50 Tack Coat, \$6.00 Asphalt Cuts and the Secondary Bid of \$71.10 in place, .50 Tack Coat, & \$6.00 Asphalt Cuts; seconded by Councilor Joyce.

Discussion: Councilor Sette stated that there is the opportunity to do business with Cardi if we need a secondary supplier.

VOTE: AYES: Sette, Walsh & Joyce

NAYS: 0

RECUSAL: 1 (Reichert)

MOTION PASSED

D. Authorization:

Solid Waste & Recycling Services Agreement FY 2009-2011

(July 1, 2008 to June 30, 2011)

Councilor Sette stated that per the Public Works Department the Town is now ready to enter into our FY 2009-2011 agreement with the Rhode Island Resource Recovery Corporation.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the agreement entitled "Solid Waste and Recycling Services Agreement" between the Town of Glocester and Rhode Island Resource Recovery Corporation for the Fiscal Year 2009-2011; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

E. Personnel

1. Administrative Aide step increases

Councilor Sette read the following memo from the Personnel Board:

June 12, 2008

To: Town Council

From: Personnel Board

Re: Step increases for Clerks

At our June 2, 2008 meeting, the Personnel Board met with:

Alan Whitford, Interim Director of Public Works, to discuss a step advancement for Elizabeth DeCorte from her current position of Senior Clerk in the Department of Public Works to Administrative Aide, Department of Public Works.

Thomas Mainville, Director of Finance and Human Resources, to discuss a step advancement for Jaclynn DiPietro from her present position of Financial Clerk in the Treasurer's Office to Administrative Aide, Treasurer's Office.

The Personnel Board reviewed the job descriptions that were submitted and discussed the relative merits of the proposed advancements.

Concurrent with the advancement, Elizabeth DeCorte will receive an increase of \$1.30 per hour to \$19.81 per hour (effective July 1, 2008) which equates to \$2,535 per year ($\$1.30 \times 1,950$ hours). Jaclynn DiPietro will receive an increase of \$0.30 per hour to \$19.81 per hour which equates to \$585 per year ($\0.30×1950 hours).

The Personnel Board agreed that the current duties and responsibilities of both employees matches or exceeds those described in the Administrative Aide job descriptions for their departments. Based on this, and positive reviews from their department heads, the Personnel Board recommends that both employees receive step advancements to Administrative Aide in their respective departments.

Shawn Harwood
Chair, Personnel Board

(end of memo)

Discussion: Councilor Walsh asked if these two Administrative Aide positions have the same duties. Tom Mainville replied that the respective duties are different, but it comes down to a matter of acceptance of responsibility.

MOTION was made by Councilor Reichert to APPROVE a step advancement for Jaclynn DiPietro from her present position of Financial Clerk in the Treasurer's Office to Administrative Aide, Treasurer's Office at an hourly rate of \$19.81; and a step advancement for Elizabeth DeCorte from her current position of Senior Clerk in the Department of Public Works to Administrative Aide, Department of Public Works at an hourly rate of \$19.81, effective July 1, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0
MOTION PASSED

2. Interim Public Works Director Benefits

Councilor Sette noted that this item was placed on the agenda in error.

MOTION was made by Councilor Walsh to REMOVE from the TABLE New Business, Item. 2 from the agenda; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0
MOTION PASSED

F. Update from Building/Zoning Official
1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that he has attended two weekly update meetings since the last Town Council meeting. L. Desormier stated that the items which had tentative dates still do not have dates scheduled, mostly for the biomass delivery and tank delivery. L. Desormier stated that he has made sure that Ben Anthony, State Boiler Inspector, is kept up to date with regard to the biomass project. Councilor Walsh asked if the renovation is progressing as scheduled. L. Desormier stated that school is scheduled to start on September 8th. Councilor Sette inquired about the Department of Health fines regarding the water tank.

L. Desormier replied that he has not heard anything since his last report to the Council. Councilor Walsh suggested that summer school be held at the middle school to allow the renovations at the high school to be done more quickly. L. Desormier replied that the middle school will have to be shut down for a period of time during the summer for the tying in of the new water tank and fire suppression system.

Councilor Sette asked if there is air conditioning in the new middle school. Walter Steere, School Committee member, replied that the library and administration offices are air conditioned, but he does not believe that the remainder of the building is. Russell Gross expressed concern regarding shutting down the sprinkler system and asked if this would affect our insurance coverage. John Bevilacqua, Town Solicitor, stated that this is a concern which should be addressed at a School Committee meeting.

G. Fiscal Year 2007/08 Budget
1. Reserve funds

Councilor Sette read the following request submitted by Tom Mainville, Finance Director:

June 19, 2008
To: Town Council
Re: Reservation of funds for *Service Contracts*

For fiscal year ending June 30, 2007, a Special Revenue Fund (titled *Police Equipment Maintenance*) was established to pay for maintenance, repairs and replacement of certain equipment that was not covered by annual service contracts. Attached is a copy of a memo requesting establishment of that fund. \$7,100 was reserved in the fund for fiscal year ending June 30, 2007.

Similar to last year, Chief Hainsworth and I are recommending that the unspent budgeted amounts for *Service Contracts* (General Fund account # 01-040-2106) for fiscal year ended June 30, 2008 be transferred to the *Police Equipment Maintenance* Special Revenue Fund. The *Service Contracts* account has a balance of \$5,741 as of June 18, 2008.

Tom Mainville
(end of memo)

Councilor Sette also read the following:

June 19, 2008

To: Town Council
Re: ***For Council Action*** ~ Transfer funds budgeted for '*GASB 45 - Actuarial study - Other Post Employment Benefits*' (Treasurer's Office budget) to a Special Revenue Fund

In the July 1, 2007 - June 30, 2008 budget, \$13,000 was budgeted for an actuarial study (encompassing Other Post Employment Benefits [OPEB]) required by Governmental Accounting Standards Board (GASB) Statement # 45.

The study has not yet been done. We are required to be in compliance by June 30, 2009. In attempting to get an accurate/appropriate study for the least cost (volume discount), I and David Faucher, Director of Finance - Portsmouth, have reached out to several other municipalities to put out a joint RFP for actuarial services. We anticipate the RFP will be advertised within two weeks and that the study will be completed and the results published by October 31, 2008.

Generally, under present guidelines, any amounts not paid out of, or where an expense has not been incurred in, the General Fund by year end would flow into the fund balance of the Town's General Fund. As nothing has been spent to date, the \$13,000 budgeted for the

study will, unless reserved, flow back to the fund balance at June 30, 2008. Nothing has been budgeted for an actuarial study in fiscal year July 1, 2008 - June 30, 2009.

I am asking the Town Council to transfer the \$13,000 in the General Fund budgeted account '*GASB 45 - Actuarial study - Other Post Employment Benefits*' (Treasurer's Office budget) to a Special Revenue Fund to be carried forward to fiscal year July 1, 2008 - June 30, 2009.

Tom Mainville
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to authorize the director of Finance to transfer up to \$5,741 from General Fund account number 01-040-2106 "Service Contracts" (Police Department) on June 30, 2008 (fiscal year end) to the Police Equipment Maintenance Special Revenue Fund to be carried forward to Fiscal Year July 1, 2008 - June 30, 2009 and future years to be used for maintenance, repairs, and replacement of equipment; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to authorize the Finance Director to transfer \$13,000 in the General Fund budgeted account '*GASB 45 - Actuarial study - Other Post Employment Benefits*' (Treasurer's Office budget) at June 30, 2008 (fiscal year end) to a Special Revenue Fund to be carried forward to Fiscal Year July 1, 2008 - June 30, 2009; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh & Joyce
NAYS: 0

MOTION PASSED

- H. Fiscal Year 2008/09 Budget
 - 1. Budget Board recommendation
 - 2. Discussion and/or Action re: Budget cuts

Councilor Sette stated that he and Councilor Joyce have scheduled a meeting with the School Committee and Superintendent to discuss recommendations for budget cuts. John Bevilacqua stated that under Title 16, it is illegal to present a budget to the Financial Town Meeting knowing that there is a deficit. J. Bevilacqua stated that in his opinion, there will have to be

another Financial Town Meeting. Councilor Sette stated that he would be uncomfortable moving any money out of the fund balance without the approval of the rs. Councilor Sette also stated that education aid to the Towns will be increased, but at the same time non-education aid will be decreased, and we need to see how it balances out before any decisions are made.

Tom Mainville, Finance Director, stated that he recently attended a conference at which there was discussion regarding ways to improve bond ratings. T. Mainville stated that when cuts are made at the Town level such as recreation or senior services, it is viewed negatively by the bond rating companies. T. Mainville stated that this puts us in a perilous situation if we have to cut these services. T. Mainville stated that the School Committee has to understand the global problem that we all face. T. Mainville stated that he needs to know how to pay the non-contract employees as of July 1st. Councilor Sette suggested that the employees get paid the budgeted amount.

Councilor Sette stated that at some point, there will have to be another Financial Town Meeting, adding that the meeting with the School Committee and Superintendent may indicate what must be done going forward.

It was noted that when the Town took over the finances of the School Department, there was a problem obtaining some items, such as history of budgets from prior years.

Councilor Sette stated that before continuing to Department Head Reports, he wished to acknowledge those individuals present who helped with the landscape planting in front of Town Hall, namely Dave Fecteau, Ray Goff, David and Jane Steere and Bob Lyons.

Councilor Sette also thanked the Town employees who water the plants each day.

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has submitted the recommendations of the Charter Review Committee. J. Fecteau stated that a Public Hearing should be scheduled for July 17th, but if the Council has any major concerns, a special meeting could be held prior to that.

Jean Fecteau made a clarification that Peter Scorpio III, who was reappointed to the Local Board of Appeals, is a resident of Gloucester.

Jean Fecteau stated that the non-contract employees have worked very hard to cut back on their budgets, and there is not one of them who would say “I have to have my raise this year”, if they thought that would help. J. Fecteau went on to say that for the Finance Director to recommend no increases on the same night that there were two step increases for contract employees is difficult to take. Councilor Sette expressed hope that we can find more creative ways to reduce the budget. Councilor Walsh added that we will not take money from the employees to cover the school’s misgivings. T. Mainville stated that this was not a suggestion, but meant for clarification.

- B. Alan Whitford, interim Public Works Director, stated that the speed platform has been installed on Absalona Hill Road and the paving has started.
- C. Ray Goff, Town Planner, stated that there is another grant available for Clean Water Finance funding. R. Goff added that the grant offers a 50% match which could help with infrastructure improvements. R. Goff stated that he does not need an answer tonight, but asked if the Council would like him to spend some time to determine if the Town can utilize this money. Councilor Sette asked if our 50% would come out of the Capital Budget. R. Goff replied in the affirmative. Councilor Sette stated that if it would be capital improvements, we should go forward.
- D. Viviane Valentine, Tax Assessor, reported that the statistical evaluation is complete and we are in the process of getting the numbers together in order to get the tax bills out. V. Valentine spoke regarding the new format for the tax bills. Councilor Sette stated that he sees V. Valentine's concern that somebody might want to dispute a portion of their tax bill. Councilor Sette stated that the Council's intention is to indicate how the tax is broken down between schools and municipal, adding that this will make taxpayers take notice of how much is being spent on schools.

V. Valentine stated that the form which the Council has in their computer was slightly different from what we normally had in the past. V. Valentine stated that the valuation portion of the bill will remain the same, but the breakdown between schools and municipal will be an added feature. V. Valentine noted that the percentages have always been indicated on the bill, but some people did not know how to calculate the amounts.
- E. Councilor Sette stated that a hot water heater had to be replaced at West Gloucester Elementary School and asked Larry Desormier, Building/Zoning Official how long the school was without hot water. L. Desormier replied that the water heater was down for approximately two (2) weeks. Councilor Sette asked if it was just the water heater or the boiler. L. Desormier replied that only the water heater needed to be replaced. Councilor Sette expressed concern that there was no hot water for an extended period of time. Walter Steere, School Committee member, stated that he was aware that there was a problem with the water heater, but was not told that there was no hot water. There was discussion regarding whether the school should have been closed until the problem was rectified.

XI. Boards/Commissions
None.

XII. Council Correspondence/Discussion

- A. Councilor Sette stated that there will be an Open Government Summit held on August 1st.
- B. Councilor Sette stated that the Council has received correspondence from RI Emergency Management regarding hurricanes.
- C. Councilor Sette noted that the fireworks will be held on June 28th at the Burrillville-Glocester Soccer Field and the parade will be at 4:00 on July 4th. Councilor Sette stated that Dave Chace will be the Grand Marshall and Helen Wilsey will be the Honorary Grand Marshall.
- D. Councilor Sette spoke regarding an Open Space Bond from the State Legislature.
- E. Councilor Sette stated that the Council has received a request for use of the Senior Center for weekly Alcoholics Anonymous meetings. Councilor Sette stated that this will be placed on the agenda for discussion.
- F. Councilor Sette stated that a letter of concern was received from a resident of the Village on Chopmist Hill, adding that the letter should be forwarded to the Chief of Police since it deals with criminal activity.
- G. Councilor Sette stated that an invitation was received for Blackstone Valley Day on June 21st.
- H. Councilor Sette spoke regarding Representative Gorham's idea to combine several towns into one community called Westconnaug. Councilor Sette stated that Mr. Gorham has requested budget information, but noted that the Council has not decided if Glocester wishes to be part of it. Councilor Sette suggested that more formal discussion take place at the next Town Council meeting.

XIII. Open Forum

- A. Jim Giarrusso stated that approximately six (6) months ago, he was appointed by the Council to assist the Building Official with mechanical issues concerning the school buildings. Mr. Giarrusso stated that there is a local contractor who is upset with the advice Mr. Giarrusso has offered. Mr. Giarrusso noted that there was an incident this morning where the contracting crew tried to intimidate him. Mr. Giarrusso asked if the Council wants him to continue to advise L. Desormier.

Mr. Giarrusso added that he received a phone call from a state investigator, also attempting to intimidate him. Mr. Giarrusso suggested that the Council send a letter to the contractor informing him that Mr. Giarrusso was appointed to assist the Building Official and has the right to do so. John Bevilacqua replied that the Council cannot do that because this is a zoning matter regarding the Building Code. J. Bevilacqua stated

that only the Building Official has the authority to enforce the Building Code. J. Bevilacqua noted that if there is a confrontation with an individual appointed by the Council, the Council can act in that sense, but not in the case of enforcement. Councilor Sette stated that if all of the parties meet to discuss the problem, it would help to cool things off. Mr. Giarrusso thanked the Council.

XIV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:05 p.m.; seconded by Councilor Joyce.

VOTE: AYES: Sette, Reichert, Walsh & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 17, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **July 17, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Kevin Walsh & Charles Poirier.

Member Absent: Michael Joyce

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Lawrence Desormier, Building/Zoning Official; Jane Steere, Tax Collector; and David Steere, Budget Board Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Aaron Dupuis.

MOTION was made by Councilor Walsh to MOVE VIII. C. New Business, Gloucester School Committee, a. Swearing In Candidate, to this point on the agenda; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

C. Gloucester School Committee

1. Certification of Board of Canvassers

a. Swearing in candidate

Councilor Sette stated that the Council has received the following memo from the Board of Canvassers:

At a duly posted meeting of the Gloucester Board of Canvassers, on July 2, 2008, at the Gloucester Town Hall the Board certified the following:

Per Gloucester Home Rule Charter the next highest votes received for the office of Non-partisan School Committee, in the election of November 7, 2006 was by eligible candidate:

Vincent W. Gieck

Gloucester Board of Canvassers

Deborah Charron
Debra Shadoian
Jean Fecteau, Clerk
(end of memo)

Councilor Sette stated that Mr. Gieck has accepted and is present to be sworn in to office. The Oath of Office was administered by Councilor Sette.

IV. Open Forum for Agenda Items

- A. Aaron Dupuis commented that Councilors Sette and Poirier will not be returning to office and thanked them for their service, adding that they have shown him how government works. Councilors Sette and Poirier thanked Aaron for his comments.

A. Dupuis also stated that he does not agree with the proposal to combine several towns into one larger town called Westconnaug. A. Dupuis explained that he feels that this will cause civil war between the towns. A. Dupuis noted that each of the 39 cities and towns should be allowed to run their own government the way they wish to.

- B. Darlene Gieck read the following letter into the record.:

To The Gloucester Town Council,

In Jan. 2007, we came before this council to ask for an exception to the ordinance regarding building permits. At that time there were some questions and concerns which were addressed and we thought were resolved at subsequent meetings, and by April 2007 we were given council approval.

Over the course of April and May 2007 we began construction of our private right of way working closely with public works director Alan Whitford and councilman Bill Reichert making sure we followed and adhered to all restriction and provisions laid out by this council. We thought we were good to go, and we had no further contact with the town regarding this matter until July 15, 2008 when after 4½ years of trying to get the various factions of the town government to approve the administrative subdivision we were going to finally close on one lot.

Until the West Gloucester fire district board of directors arbitrarily decided it was within their power to stop the sale by calling the closing attorney and telling him that this was not a buildable lot because we did not comply with all of the restrictions, specifically we needed an underground water storage tank.

Now nowhere in the motion that unanimously pass this council was that restriction levied. At this time we have been given no other option but to let the council know that we have retained an attorney and intend to pursue legal action against the town's West Gloucester Fire District board of directors and chief Larry Goodnough, William Flynn and possibly others. In closing I would like to say that I now no longer enjoy living in

Glocester .We have endured years of harassment from people who are supposed to be public servants it is very disheartening. We have ask for nothing outside of any ordinance currently on the books or anything that would lessen the quality of life in the town or my neighborhood . We feel we have been harassed and held to a higher standard than others before and after us for no other reason than they think they have the power to do so.

Respectfully
Vincent and Darlene Gieck
(end of letter)

Vincent Gieck spoke regarding their Exception to the Ordinance Regarding the Issuance of Building Permits and stated that they have complied with all the conditions specified at the time that the Exception was granted. V. Gieck asked who is responsible for the hiring of the Fire Chiefs of the three districts in Glocester. Councilor Sette replied that the Town Council has nothing to do with the operation of the fire districts, which are all independently chartered and run by their own boards.

Councilor Reichert noted that he serves on the board of the West Glocester Fire District, but was not in agreement with the decision to call the closing attorney to stop the proceeding. John Bevilacqua, Town Solicitor, suggested that a letter be submitted to the Building Official asking for an opinion regarding whether the Giecks have a sufficient buildable lot that qualifies for a building permit.

J. Bevilacqua added that he would note his approval of this since he is familiar with the situation. It was decided that the Town Council will send correspondence to the attorneys involved indicating that Mr. and Mrs. Gieck have followed all of the stipulations listed in the motion.

V. Public Hearing

A. Earth Removal

Applicant: Stephen E. Hopkins, Trustee

Location of Business: Keach Dam Road, further described as AP 12, Lot 134

Councilor Sette stated that this public hearing was advertised in the Providence Journal on May 22, 2008 and declared OPEN on June 5, 2008. The hearing has been tabled until all necessary documents were received. Councilor Sette stated that the Town Council has received the application and the plan as submitted by Mr. Hopkins.

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

Discussion: None.

Councilor Sette declared the Public Hearing closed.

MOTION was made by Councilor Reichert to GRANT an Earth Removal License to Applicant: Stephen E. Hopkins, Trustee, Location of Business: Keach Dam Road, further described as AP 12, Lot 134; said license to expire May 31, 2010; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

B. Gloucester Code of Ordinance

1. Proposed amendment to the Code of Ordinances

a. Addition of new Section § 351 entitled "Impact Fee Ordinance."

Councilor Sette stated that this public hearing was opened on June 19, 2008 and continued for further review.

Councilor Sette asked if anyone wished to be heard regarding the proposed amendments.

Discussion: None.

Councilor Sette declared the Public Hearing closed.

Councilor Sette noted that when discussion began several years ago regarding impact fees, it was a good idea. However, as Councilor Sette reads through the consultant's report, he no longer feels that way. Councilor Sette pointed out that in Smithfield, an impact fee for new construction is imposed in the amount of approximately \$9,000, a portion of which goes to schools, police and preservation efforts. Councilor Sette stated that when the calculation was done for Gloucester, the debt of the new school did not count, resulting in an impact fee of approximately \$1,100 per building permit, which would total approximately \$31,000 per year. Councilor Sette stated that this would not even pay for a teacher and feels that it would not be worth instituting the impact fee.

Councilor Walsh stated that he is not in favor of the amendment to the Code of Ordinance, adding that it would not do what it was intended to do. Councilor Walsh noted that the number of building permits issued annually has been decreasing as well as the number of students enrolled in the schools.

Councilor Poirier concurred that the Town would not gain very much from this mechanism.

MOTION was made by Councilor Reichert to indefinitely POSTPONE the Amendment to the Code of Ordinance: to include the Addition of new Section § 351 entitled “Impact Fee Ordinance”; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

C. Gloucester Town Charter (Council requested review)

1. Proposed amendments

Councilor Sette stated that The Charter Review Commission was called in November, 2007 to review concerns the Council had pertaining to certain portions of the charter and the overall enforcement of the charter. Recommendations have been presented to the Council. Due to time constraints decisions have to be made. The proposed amendments must be forwarded to the Secretary of State before August 6, 2008.

Councilor Sette declared the Public Hearing Open.

Councilor Sette read the following correspondence from the Chair of the Review Commission.

June 11, 2008

To: The Honorable Town Council

The Gloucester Home Rule Charter Review Commission has completed its review of the Charter and enclosed are our recommendations for your review and consideration. Also enclosed is a topics list for each of the items we reviewed and the action taken. For those sections where we are making specific recommendations, we have enclosed a rationale for each to assist you in your evaluation.

We are recommending language changes to five specific sections of the Charter and the addition of one new section which will provide for a recall procedure. Each of these sections has been reviewed by the Town Solicitor, John Bevilacqua and reflects his recommendations for additions and wording clarifications. The basic elements of the recall procedure were fashioned after the Smithfield Charter should you wish to cross check some information. In addition the Solicitor has recommended that we add a section which will deflect the State Law passed at the eleventh hour allowing School Committees to hire their own attorneys as it applies to the Town of Gloucester and the Gloucester School Committee. He will provide that language to you as a separate section to be included.

The members of the Committee want to thank you for the opportunity to serve on this commission given the importance of the Home Rule Charter to the town of Gloucester. We believe the recommendations enclosed will further the democratic process of local

government and at the same time increase the level of accountability for our elected officials.

Sincerely
Ted Burlingame, Chairman
Glocester Home Rule Charter Review Commission
(end of memo)

Councilor Sette read the proposed changes and the rationale for each:

June 11, 2008
Charter Change Recommendations and Reasons Why

Article IV Town Council

C4-3 Vacancies

Why the Change?

This article needed further definition as to forfeiture of office for Charter violations and a more reasonable time period (thirty days from the date of Board of Canvasser certification) to fill any vacancies on the Town Council.

The current wording would require two weeks from the date the vacancy was declared.

Article VI School Department

C6-3 Vacancies

Why the Change?

The article needed further definition as to forfeiture of office for Charter violations and clarification of filling vacancies on the School Committee. In addition a more reasonable time period (thirty days from the date of Board of Canvasser certification) to fill any vacancy is being recommended.

The current wording would require two weeks from the date the vacancy was declared.

Article VI School Department

C6-6 Building Committee

Why the Change?

This adds language to this section that provides for the removal of any member on a School Building committee by a majority vote the Town Council. If this language is not present the Town could experience a similar problem with a Gloucester project that occurred with the Regional School Building committee when a member could not be removed for what the Town Council felt was unacceptable performance.

Article XI Public Safety

C 1 1-4 Civil Defense

Why the Change?

This is a language update that changes the term "Civil Defense" to "Emergency Management" to make it consistent with the State and Federal agencies. Organization.

Article XIV General Provisions
C 14- 15 Initiative and Referendum

Why the Change?

The additional language to this article more clearly defines the process and timelines for a voter initiative or a voter initiated referendum and substantially reduces any vagueness due to lack of clarification in the process.

New Article: Recall
Why the Addition?

We currently have no provision for the recall of elected officials in the Charter. Given the recent events in our neighboring Town of Smithfield we deem it prudent to have this option open to the voters should the circumstances warrant it.

Discussion: John Bevilacqua, Town Solicitor, spoke regarding the provision which addresses the appointment of legal counsel for a school committee, stating that this is in Title 16. J. Bevilacqua noted that we already have a provision in our Charter which does not allow the School Committee to appoint legal counsel. J. Bevilacqua further stated that a separate bill would have to be passed by the General Assembly to allow the Town of Gloucester to have this exception. J. Bevilacqua noted that this could impede the adoption of the other changes if the General Assembly feels that the Town is trying to usurp their authority. J. Bevilacqua stated that he would rather exercise the effort to get Title 16 changed.

Councilor Sette asked if anyone wished to speak for or against the proposed amendments.

Lorraine O’Connors spoke regarding the changes which address forfeiture of office for Charter violations. Mrs. O’Connors asked if a violation must be proven or if there is an opportunity for appeal. Mrs. O’Connors also asked what body would adjudicate the violations of the Charter. Councilor Sette replied that the Council would adjudicate the violation, for which there would have to be factual evidence. John Bevilacqua stated that appeals would be through Superior Court.

L. O’Connors also spoke regarding the removal of a Building Committee member by a majority vote of the Town Council. Mrs. O’Connors noted that it is already difficult to get volunteers to serve on committees and they should be given some protection for the work that they do. Councilor Sette pointed out that there would have to be a substantial reason for removal. L. O’Connors replied that the wording indicates “any member may be removed without cause,” meaning that you would not need a reason.

Ted Burlingame, Charter Review Commission chair, stated that this is like any other appointed position, such as Police Chief, Finance Director and Solicitor, who serve at the pleasure of the Council. Mrs. O’Connors pointed out that the positions mentioned by Mr. Burlingame are all paid positions, whereas board and commission members are volunteer. Mrs. O’Connors stated that she feels a member should be removed for cause, but objects to the proposed wording. John Bevilacqua pointed out that, although they are volunteers, the members have control over taxpayer money and must answer to a higher authority.

Councilor Sette asked if anyone else wished to speak.

Ted Burlingame, Charter Review Commission chair, provided background information on the proposed amendments. T. Burlingame stated that the commission feels very strongly about accountability. Councilor Sette asked if the Commission had a reason behind sticking with the annual Financial Town Meeting. T. Burlingame replied that it was felt that the voters would not want to give up this option.

T. Burlingame pointed out that in the town of Lincoln, there was a 76% vote to retain the Financial Town Meeting. Councilor Sette noted that several communities such as South Kingstown have eliminated the Financial Town Meetings and have found that the budget process went much more smoothly. T. Burlingame replied that this would probably be true for Gloucester if not for the Regional Financial Meeting which takes place prior to the Financial Town Meeting.

Regarding the proposed new article which addresses the recall of elected officials, Councilor Poirier asked if there was discussion concerning the percentage of the electorate that would have to petition for a recall. T. Burlingame replied that the Commission agreed on 10%.

Councilor Sette again asked if anyone wished to speak. Hearing none, Councilor Sette declared the Public Hearing closed.

MOTION was made by Councilor Poirier to ADOPT the proposed amendments to the Gloucester Home Rule Charter; said amendments (as outlined) to be forwarded to the Secretary of State's Office for inclusion on the November 4th, 2008 ballot as local referendum; seconded by Councilor Reichert.

Discussion: Councilor Walsh asked John Bevilacqua, Town Solicitor, if he will write all of the clarifications and send them in. J. Bevilacqua replied the he will work with the Town Clerk to prepare the amendments.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0

MOTION PASSED

VI. Consent Items

- A. Pole Grant: New joint pole #105 & anchor guy (as drawn)
- B. Town Council Minutes of June 5th & June 19th, 2008
- C. Finance Director's Report - June 2008
- D. Tax Assessors Additions & Abatements

MOTION was made by Councilor Reichert to APPROVE a Pole Grant, Cooper Road as submitted; to APPROVE the Town Council minutes of June 5 & June 19, 2008; to TABLE the Finance Director's Monthly report for June 2008; and to APPROVE the Tax Assessor's Abatements to the 2007 Tax Roll in the amount of \$162.43 and the 2002 Tax Roll in the amount of \$225.39; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Western Rhode Island Home Repair Program
Executive Board Member
One unexpired term to expire July 2009

MOTION was made by Councilor Reichert to TABLE the appointment to Western Rhode Island Home Repair, Executive Board; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

B. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Sette stated that the Council has been attempting to meet with the members of the School Committee to discuss budget cuts, but due to vacations and other reasons, have not been successful. Councilor Sette stated that a meeting will take place prior to the August 7th Town Council meeting.

Councilor Poirier asked Walter Steere, School Committee member, if there has been discussion at a Regional School Committee meeting regarding the money which is being returned from the Northwest Collaborative. W. Steere replied that this will be on the agenda for the meeting of August 5th.

VIII. New Business

A. Appointments (Ratification)

Senior Center: Kitchen/Dining Room Assistants

Councilor Sette stated that the Senior Center dining room and kitchen has needed some help due to short staffing. Two people have been assigned to fill in. These people will be on an as needed basis only. The Personnel Director is asking the Council to ratify these appointments.

MOTION was made by Councilor Reichert to RATIFY the appointment of Lorraine Tucker and Miriam Freeman as part time Senior Center dining room assistants on an as needed basis for the hourly rate of **\$8.50**; seconded by Councilor Poirier.

Discussion: Connie Leathers questioned the fact that the Town is paying people to work at the Senior Center, which is also funded by the Town. Councilor Sette pointed out that the kitchen help is part of the Meal Site operation, which the Town had prior to the Senior Center.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

B. League of Cities & Towns

Authorization to Act as Agent: R.E.A.P. Renewal

Councilor Sette stated that the Council has received a request from the League of Cities & Towns. They are asking Council to sign a document that will give the League authorization to act as the town's agent in regards to the REAP program.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the "Authorization to Act as Agent for the Town of Gloucester" authorizing the League of Cities & Towns to work on the Town's behalf regarding the Rhode Island Energy Aggregation Program. Said authorization is to be in effect immediately upon signing and until such time as an energy supply contract is secured on behalf of REAP members; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

C. Gloucester School Committee

1. Certification of Board of Canvassers

a. Swearing in candidate

Moved on agenda

D. Municipal Court Formation

1. Discussion and/or Action

Councilor Sette stated that this item is on the agenda to determine if there is an interest in working to develop a Town-wide municipal court. Councilor Sette stated that he had discussion

with somebody from Burrillville regarding their Municipal Court. Councilor Sette explained that the Municipal Court handles minor traffic cases and in Burrillville, is held in the late afternoon/early evening, making it more convenient for residents who would otherwise have to go to Traffic Tribunal first thing in the morning.

Councilor Sette stated that Burrillville has offered to allow Gloucester to participate in their Municipal Court by adding another one or two sessions per month. Jean Fecteau, Town Clerk, stated that Judge Bernstein has offered to assist the Council if they wished to go forward. John Bevilacqua stated that Municipal Court does not only address traffic matters, but also zoning matters.

J. Bevilacqua further stated that it is a quick, expeditious method of having matters adjudicated with some force of effect. J. Bevilacqua added that there are financial benefits greater than what most people think. Councilor Sette concurred, stating that Burrillville has collected \$49,960. in violations and fines. J. Fecteau, asked if there has to be something in our Charter if we choose to establish a Municipal Court. J. Bevilacqua replied that State Enabling Legislation would be necessary.

There was consensus to continue this discussion at the next Town Council meeting.

E. Proposal: Westconnaug
1. Discussion and/or Action

Councilor Sette stated that he requested that Representative Nicholas Gorham attend the meeting tonight because there has been much in the news media regarding Westconnaug. Councilor Sette added that he and the other Council members have questions regarding this matter.

Discussion: Nicholas Gorham spoke regarding his proposal, stating that he submitted a bill to the General Assembly in February. Rep. Gorham stated that he considered going to each Town Council to discuss this, but decided it was logistically impossible. Rep. Gorham stated that he is serious about the general idea of combining several towns into one community, adding that there is much to be gained by the residents of western Rhode Island. Rep. Gorham pointed out that if we do not choose our partners now, they may be chosen for us later. For instance, Rep. Gorham noted that if we had a county form of government, we would be joined with Providence, Central Falls, Pawtucket, Johnston and Cranston.

Rep. Gorham stated that people move out here because they want to have a government which represents the rural way of life. R. Gorham explained that his idea is to create one town which would have seven Town Councilors, an appointed School Committee, one Department of Public Works, one Police Department, one Tax Assessor, one Tax Collector, one Town Hall and one Town Clerk for the towns of Foster, Gloucester, Exeter, West Greenwich, western Coventry and Scituate. Rep. Gorham stated that western Coventry tried to split from Coventry in the 1970's and those sentiments have never been lost, adding that the residents of western Coventry have a greater kinship with Foster and Gloucester than they do with the remainder of Coventry.

Rep. Gorham stated that he has had meetings in several of the towns which have been well-attended. Rep. Gorham noted that the town of West Greenwich has passed a resolution against the concept, but none of the other towns have expressed their opinion. Rep. Gorham stated that he does not think of Westconnaug as one town, but rather one government for the things which can be done with one government, such as police and regional education. Regarding Public Works, Rep. Gorham stated that there is duplicity of equipment, some of which is not needed.

Councilor Reichert asked how Rep. Gorham would be able to get Scituate to agree, since Scituate has a lower tax rate. Rep. Gorham replied that this is a challenge and there will be some towns that will not be persuaded.

Councilor Sette stated that the news media is making it sound like the towns are in favor of this idea, when in actuality, Rep. Gorham has not approached any of the Town Councils. Councilor Sette stated that while he agrees that education can be regionalized and that Rhode Island does not need 39 Police Chiefs, he totally disagrees with Mr. Gorham regarding Public Works. Rep. Gorham replied that his proposal was meant to be provocative to initiate discussion, but he realizes that people do not want to eliminate their towns. However, Mr. Gorham stated that he has received more comments in favor of this proposal than those which are opposed. Rep. Gorham pointed out that Representative Districts are changed every 10 years and nobody cares, but when you talk about changing town lines, it is a much bigger deal.

Councilor Walsh stated there are many good points as far as getting groups together, such as consolidating to get better representation on the State level. Councilor Walsh stated that he also agrees with combining school districts to eliminate Foster and Gloucester having 4 superintendents.

Councilor Poirier stated that there already has been some discussion on the State level regarding regionalizing school districts. Councilor Poirier asked Rep. Gorham if he has conducted any studies which show where the savings could come in. Rep. Gorham replied that the bill which he submitted did not pass, but he received enough encouragement to continue meeting with different groups for discussion. Rep. Gorham noted that the press shows up at these meetings and reports appear in the newspaper and on television.

Councilor Sette stated that the perception around the State is that the Towns involved have already voted in favor of this when in fact they have not. Rep. Gorham stated that he always informs the reporters that most towns are either silent or outright against the concept. Councilor Sette asked if the Towns would have to give their approval in order for this to be on the ballot. Rep. Gorham replied that the General Assembly usually requires that Town Councils endorse anything that appears on the ballot, but there are always exceptions.

Rep. Gorham expressed his appreciation that the Town Council gave him the opportunity to attend the meeting to speak and answer questions, adding that they are the first Town Council to do so.

- F. Gloucester Light Infantry
 - 1. Discussion and/or Action

Councilor Sette stated that he requested that this item be on the agenda after reading the newspaper article prior to the 4th of July parade, adding that he found the article to be totally out of line. Councilor Sette noted that the Gloucester Light Infantry is in charge of the Memorial Day Parade and does not pay for Police detail nor the marching bands that participate. Councilor Sette commented that the 4th of July Parade Committee pays for these things and the Gloucester Light Infantry asked for more money while other groups marched for free or reduced amounts.

Additionally, Councilor Sette stated that the Gloucester Light Infantry wanted to lead the parade. Councilor Sette stated that the Parade Committee decided that the parade should be led by active military personnel who have seen active duty and combat. Councilor Sette expressed that he found it offensive that the Light Infantry went to the newspaper with their complaint. Connie Leathers, Parade Committee chair, thanked the Council for their help and support. Councilor Walsh stated that the Committee does a great job and should not let one or two people spoil it for the ten thousand people who enjoy the parade.

G. Use of Senior Center request
1. Discussion and/or Action

Councilor Sette stated that the Council has received a request from a group desiring to have their weekly meetings at the Senior Center. This request was given to the Council because the group is not technically a town group. Councilor Sette stated that the issue would be providing somebody to be present to clean up and secure the building after the meetings. Councilor Walsh suggested that more information be obtained regarding the costs involved in situations such as this.

MOTION was made by Councilor Walsh to TABLE the Use of Senior Center per the use of form forwarded by the Board of Directors on 6/11/08; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS 0

MOTION PASSED

H. Mobile Home Taxation
1. Discussion and/or Action

Councilor Sette read the following correspondence from the Tax Collector:

DATE: July 8,2008
TO: Gloucester Town Council
FROM: Jane A. Steere, Tax Collector
RE: Chimera Inc.-Mobile Home Park

I am writing regarding Chimera Inc.-Mobile Home Park located on Tourtellot Hill Road. Plat 14 Lot 44 and Plat 14 Lot 77. It has come to my attention that Mr. Anthony Salvatore has been foreclosing on mobile homes and reselling without clearing the taxes on the foreclosed owner.

I know of three parcels in the mobile Home Park which have sold-amount totaling \$60,500 and taxes go back to 2001 and 2002 totaling \$7340.82 (tax only). I have in the past turned these collection over to Rossi Law and recently put UCC Liens on some of the properties (In conversation with Mr. Salvatore he stated those are useless). My next step is to have a UCC Lien sale.

I have spoken with Mr. Salvatore and explained that these taxes should be cleared with the sale of the Mobile Home. At that time he stated that money was owed to him as well and that they were mobile homes. I told him you could call them what you want but it is a residence that cannot be driven and parked just anywhere. Most of these residences have additions-hence no longer the mobile home. Mr. Salvatore is trying to acquire a demolition permit for another property with past due taxes-no trailer, no tax to owe (In conversation with him he informed me that he would just tear the unit down and there would than be nothing to pay on). The new owner does not feel that they are responsible for the previous owners taxes. Through these sales he is getting some of his money reimbursed but the Town is receiving nothing. No matter what measure I take, Mr. Salvatore seems to do just what he pleases. I have spoken with Attorney Bevilacqua regarding this and I believe Mr. Salvatore has called him also.

Thank you for your attention to this matter.

(End of memo)

Discussion: John Bevilacqua, Town Solicitor, stated that he sympathizes with the Tax Collector. J. Bevilacqua pointed out that if a person sells a vehicle on which taxes are owed, the Registry of Motor Vehicles does not allow the vehicle to be registered, adding that there is no such provision for mobile homes. J. Bevilacqua stated that we would need a legislative act to include this type of personal property in that formula.

Councilor Reichert asked if the mobile homes are taxed as a home would be. Jane Steere, Tax Collector, replied that the average tax on mobile homes is between \$400 and \$500 per year. J. Steere stated that if a Municipal Lien Certificate is required to transfer a mobile home, the taxes would be listed. John Bevilacqua stated that the League of Cities and Towns should be notified as well as the Department of Municipal Affairs.

- I. Update from Building/Zoning Official
 1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, reported that the largest project at this time is the biomass building at the middle school, which is 90% complete. There was discussion regarding the septic tanks at both schools. L. Desormier stated that the 8000 gallon tank for domestic water is due to be delivered mid-August. L. Desormier stated that he has not heard from the Department of Health regarding any fines which may be levied.

- J. Proposed Code Amendments - 1st Reading
 - 1. Zoning Board Application Fees
 - 2. Building Permit Fees

Councilor Sette stated that the Building Official has requested a 1st reading of proposed amendments to the fee schedule located in the Code of Ordinance. The amendments would include an increase of Building Permit Fees and the addition of Zoning Board Application Fees to that section. Larry Desormier, Building/Zoning Official has provided information from other municipalities and also has a list of his proposed increases:

L. Desormier stated that the current zoning application fee is \$200.00, which includes all mailing costs as well as legal notification. L. Desormier stated that this is becoming a burden and the Town is losing money. Of the eight municipalities polled, the average fee is \$275.00, and approximately half of them require extra fees to cover mailing and notification costs. L. Desormier noted that approximately 10 hours of work are spent between the Building and Planning offices to process each application. Councilor Sette stated that it has been at least 10 years since the fees were raised.

MOTION was made by Councilor Poirier to SET a Public Hearing for proposed Amendments to the Gloucester Code of Ordinance, Chapter 368 Fee Schedule, Section 368.1. Fees Enumerated for August 7, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

- K. Building/Zoning Office: Inspectors
 - 1. Fee increase

Councilor Sette stated that Larry Desormier, Building/Zoning Official is proposing an inspection fee increase for inspections done by Town Inspectors, to include Electrical, Mechanical and Plumbing. L. Desormier stated that the numbers he is suggesting are for residential only, adding that he is proposing something separately for commercial real estate. L. Desormier provided current fee schedules from 8 towns. L. Desormier stated that, regarding building permit fees, Gloucester is currently fifth lowest out of the 39 cities and towns, adding that it is costing him money from his budget to pay the inspectors.

L. Desormier stated that inspectors currently receive \$20.00 per inspection and noted that they use their own vehicles, gas and cell phones. Jean Fecteau, Town Clerk, stated that inspection fees are not currently in the Code of Ordinance. There was consensus to table this request until after the Public Hearing regarding application and building permit fees takes place next month. Councilor Sette recommended that this item be on the agenda to be addressed after the Public Hearing.

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has been approached by some of the numerous commuters who take the bus to Providence each day. J. Fecteau stated that RIPTA is considering eliminating the route altogether due to the economy. If this happens, the residents of Glocester and Burrillville would have to drive to Smithfield and find a place to leave their vehicles. L. Desormier pointed out that some of the commuters have no transportation other than the bus and would not be able to get to Smithfield. Councilor Sette recommended that the Council send correspondence to the state expressing concern and strongly urge them not to change the bus route.

X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

- A. Councilor Sette stated that we have received correspondence from the City of Pawtucket regarding their annual Dragon Boat Races.
- B. Councilor Sette stated that there have been letters of concern from residents at Hemlock Estates which will be referred to the Police Chief. Councilor Sette also stated that an Executive Session should be held at the next meeting.
- C. Councilor Sette stated that he has received a phone call and the Council has received a letter of complaint from a resident of Chestnut Hill Road regarding noise generated by dirt bikes. Councilor Sette read the letter into the record as follows:

Dear Mr. Sette:

I am writing to you because I would like to request that the topic of the Glocester Noise Ordinance (Chapter 217: Noise: Article II: Offensive Noise) be addressed in the upcoming Town Council meeting on July 17th. It is my understanding that this ordinance has been previously voted down by the council members, but I believe that this is an important matter that must be reconsidered.

I moved to Chepachet 22 years ago to raise my family in the peaceful, quiet atmosphere that the neighborhood provides and have enjoyed that peace until recently. For more that two years my neighbors and I have been disturbed by the constant, unbearably loud sounds of a mutual neighbor's children riding dirt bikes up and down their driveway which is just yards away from our homes. They ride their bikes all days of the week, at all times of the day. We have unsuccessfully attempted to reach out to our neighbor directly, hoping that the family would respect our feelings.

We informed them of a nearby dirt bike path that they could use instead of their driveway, but they did not have sympathy for us. We found it necessary to contact

the Gloucester Police whom have visited our neighbor's home multiple times to discuss this matter with them; however, because of a noise ordinance that is deemed "too vague" to regulate the noise, the problem persists and there appears to be no resolution insight. I am told this, despite the fact that a friend of mine was pulled over in his car by an officer several years ago as he was only passing through town and was ticketed for having a loud muffler.

I have read your Town Council minutes from 2007 and understand that this excessive noise problem has existed for at least several years and that many people in the area have been upset by this dirt bike phenomenon. The noise is louder and more erratic than a chainsaw, can travel great distances and affects those living in the area by resulting in anxiety, headaches, sleeplessness, anger and hostility.

I hope by alerting you of this serious problem that the town council members will work to find a solution immediately. The mental health and the quality of life of the residents of the town are threatened by this problem and it continues to get worse by the day. I understand that there is a sound level meter that is available in Burrillville and West Greenwich that the town of Gloucester is not utilizing. As a possible solution, I propose that we make this meter readily available in our town as well as set a threshold of appropriate noise levels for the town.

Additionally, I believe that the current ordinance needs to be revised to be clearer, resulting in the ordinance being enforceable. With all due respect, what is the point of writing up an ordinance that cannot be enforced due to being deemed too vague?

If you have any questions or concerns please do not hesitate to call me at (401) 456-4196 during the day or (401) 568-4091 in the evening.

Sincerely,
Marian E. Barrett
(End of letter)

Councilor Sette stated that there have been other letters and e-mails regarding the same subject. Councilor Sette stated that when this was before the Council, he was under the impression that the problem only existed in one particular area in town, but as this letter and others indicate, it is wide-spread. Councilor Sette expressed his opinion that the issue of the Noise Ordinance should be revisited.

Marian Barrett was present to describe her situation. Mrs. Barrett stated that she and other neighbors have asked the offenders to stop the activity, but it has only gotten worse. Mrs. Barrett stated that she did not want to contact the Police for fear of retaliation, but finally called when she could not tolerate the noise any longer. Councilor Sette pointed out that when the Police are called, the offenders hear it on a scanner and stop the activity before the Police arrive.

Councilor Walsh asked if this could be addressed again since the ordinance was not passed last year. John Bevilacqua, Town Solicitor, stated that it can be brought up at any time provided there is consensus among Council members. There was consensus to place this on the agenda for discussion at the next meeting.

- D. Councilor Sette stated that correspondence was received from the American Red Cross regarding disaster protocol.
- E. Councilor Sette stated that the Council has received notice from Senior Services, Inc. indicating that there has been budget approval for counseling for seniors.
- F. Correspondence was received from the Department of Health regarding emergency medicine during times of disaster and the procedure which must be followed.
- G. Councilor Poirier brought up the matter of sidewalks in Town. There was discussion regarding who is responsible for the maintenance of the sidewalks. It was decided to speak to the Acting Public Works Director at the next meeting.

XII. Open Forum

- A. Aaron Dupuis again spoke regarding his opposition to the concept of Westconnaug.
- B. Lorraine O'Connors spoke regarding the lawsuit the Town was served by Fast Lane Investments. Mrs. O'Connors stated that Waterman Lake Shores is now named in the suit and asked if the Town of Gloucester was dropped. Councilor Sette answered in the affirmative. Mrs. O'Connors stated that the condition of the roads at Waterman Lake has not changed, adding that large trucks filled with dirt are traversing Tucker Street to get to Parker Street causing the corner to erode further. Mrs. O'Connors stated that something needs to be done regarding the roads.
- C. Thomas Fortune, Gloucester resident for 27 years, stated that he has been studying to be a counselor and seeks to open a Christian-based learning center on Assessor's Plat 14, Lot 203 on Chopmist Hill Road. T. Fortune stated that this will be a non-profit entity for which he will be seeking state and/or federal funding and asked the Town Council to support his efforts. Councilor Sette replied that the Council would need to see a written proposal before taking any action.

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 10:28 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 21, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 7, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director; John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Alan Whitford, Interim Public Works Director; and Peter Skeffington and Walter Steere, School Committee members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

None.

V. Resolutions

A. R.I.P.T.A. Proposed Route #9 cuts

Councilor Sette stated that in light of recent proposed budget cuts by the Rhode Island Public Transit Authority, the Council has been asked for their support to try to retain the route through Gloucester.

Councilor Poirier read the following:

Resolution

WHEREAS; public transportation is an essential service for many Rhode Islanders, especially those commuting to the city for employment or medical services, and

WHEREAS; the high cost of fuel has made public transportation more crucial in terms of economy and energy conservation, and

WHEREAS; the Rhode Island Public Transportation Authority has proposed reducing bus service to some of the outlying areas of the state, including the elimination of bus Route 9 to Greenville, Gloucester and Burrillville, and

WHEREAS; for many riders of this route, bus travel is their only means of commuting to and from their places of employment, and

WHEREAS; the number of passengers on Route 9 has grown steadily over the last few years and ridership, especially during commuter hours, exceeds that of many other routes not being considered for elimination, and

WHEREAS; RIPTA's formula for ranking bus routes for elimination, weighted heavily by passengers/mile and passengers/hr, is inherently unfair to commuters from outlying communities, and

WHEREAS; the residents of communities affected by the elimination of bus Route 9, through fuel taxes and other taxes, subsidize RIPTA's operations,

Now therefore be it resolved that the Town Council and the Town Clerk of the Town of Glocester request that Governor Carcieri and RIPTA consider other cost cutting measures and continue to provide bus service to our residents, and

Now therefore be it further resolved that the Town Council and the Town Clerk of the Town of Glocester request that the RI General Assembly in bipartisan action work to reform the formula for funding RIPTA in order to avoid future threats to public transportation service.

Steven A. Sette, Town Council President
Jean M. Fecteau, Town Clerk

seconded by Councilor Reichert

Discussion: Councilor Poirier noted that the funding for RIPTA comes from gasoline tax, which is reduced when people buy less fuel. Councilor Poirier expressed that this formula does not make sense and should be reconsidered. Councilor Sette stated that RIPTA has been notified of the Town's position on this matter.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Ratification: Proposed Charter Amendments to November 2008 ballot

Councilor Sette stated that after public hearing, a motion was made to forward the proposed charter amendments recommended by the Charter Review Commission to the Secretary of State's office for inclusion on the 2008 ballot. Councilor Sette stated a resolution of the Council is needed, and as the Clerk has forwarded the questions passed by Council motion on July 17, 2008 the following resolution should be ratified back to that date:

**RESOLUTION
SUBMITTING PROPOSED CHARTER AMENDMENTS
TO THE ELECTORS**

WHEREAS, The Charter Review Commission of the Town of Glocester has convened in accordance with Article XIV Section II of the Town Charter and Article XIII Section 8 of the Constitution of the State of Rhode Island; and

WHEREAS, The Charter Review Committee has forwarded its proposed amendments to the Town Council as charged; and

WHEREAS, The Town Council, after consideration and hearing adopted the following amendments on July 17, 2008;

Now therefore be it **RESOLVED** as follows:

That the following questions shall be presented to the electors of the Town of Glocester at the next General Election for suggested approval as recommended by the Charter Review Committee:

**1. AMENDMENT TO GLOCESTER HOME RULE CHARTER
TOWN COUNCIL**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Glocester Town Charter be amended to further define forfeiture of office for Charter violations & the reasonable time period for filling vacancies?

**2. AMENDMENT TO GLOCESTER HOME RULE CHARTER
SCHOOL COMMITTEE**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Glocester Town Charter be amended to further define forfeiture of office for Charter violations & the reasonable time period for filling vacancies?

**3. AMENDMENT TO GLOCESTER HOME RULE CHARTER
SCHOOL BUILDING COMMITTEE**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Glocester Town Charter be amended to provide for the removal of any member of this committee by a majority vote of the Town Council?

**4. AMENDMENT TO GLOCESTER HOME RULE CHARTER
CIVIL DEFENSE**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Glocester Town Charter be amended to change the term "Civil Defense" to "Emergency Management" for consistency with the State?

**5. AMENDMENT TO GLOCESTER HOME RULE CHARTER
INITIATIVE & REFERENDUM**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Gloucester Town Charter be amended to better define the process and time lines for voter initiative or referendum?

**6. AMENDMENT TO GLOCESTER HOME RULE CHARTER
RECALL**

(Resolution of the Town Council adopted July 17, 2008)

Shall the Gloucester Town Charter be amended to include a provision for recall of elected officials?

Steven A. Sette, President
Gloucester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Public Hearing

A. Gloucester Code of Ordinance

1. Proposed amendment to the Code of Ordinances
 - a. Chapter 368 Fee Schedule, Section 368.1. Fees
Enumerated Fees Schedule
 1. Amend Building Permit Fees
 2. Addition Zoning Application Fees

Councilor Sette stated that the first reading on this proposed amendment was held on July 17, 2008 and this public hearing was duly advertised.

Councilor Sette DECLARED the Public Hearing OPEN and asked if anyone wished to speak for or against the proposal.

Discussion: Councilor Walsh asked Larry Desormier, Building/Zoning Official, where Gloucester stands in comparison with other cities and towns regarding fees. L. Desormier replied that the proposed fee schedule would place us in the middle, adding that at the present time, Gloucester is third or fourth from the bottom. L. Desormier noted that the existing fees do not cover the cost of processing the applications.

Councilor Sette asked John Bevilacqua, Town Solicitor, if he has reviewed the proposed fee schedule. J. Bevilacqua replied that he is having difficulty understanding how the fees are apportioned because some of the permits add the inspection fees. J. Bevilacqua stated that it is not clear what applicants are paying for. J. Bevilacqua added that the proposed fee schedule is left open for interpretation.

Councilor Poirier asked John Bevilacqua if clarification could be handled as a directive to the Zoning Official as opposed to holding up this hearing. J. Bevilacqua replied that the prudent thing to do would be to set the appropriate inclusive fee and to add a provision which would give the Building Official the opportunity to inform the applicant that additional inspections may be necessary based on the size of the project. J. Bevilacqua added that it should be made clear that any advertising fees or other costs incurred are the responsibility of the applicant.

L. Desormier, Building/Zoning Official, explained that a basic 1500 square foot house costs \$360 at this time. With the permit increase, L. Desormier stated that he will collect \$630 with the same number of inspections. There was discussion regarding the number of inspections included in the fee. J. Bevilacqua questioned that in the event that the inspections are not necessary, should the applicant have to pay the inspection fee and should a credit should be issued. L. Desormier replied that it is stated in the Ordinance that no credits will be given for overpaid fees.

Councilor Sette stated that he is not opposed to the proposed fees, but suggested that the Building/Zoning Official and the Town Solicitor work together to clarify the language. There was Council consensus to continue the hearing until the next Town Council meeting on August 21, 2008.

MOTION was made by Councilor Reichert to CONTINUE the Public Hearing, Proposed amendments to the Code of Ordinance, Chapter 368 Fee Schedule, Section 368.1. Fees Enumerated, Fees Schedule, 1. Amend Building Permit Fees, & 2. Addition Zoning Application Fees; seconded by Councilor Walsh

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Appointments

1. Western Rhode Island Home Repair Program

Executive Board Member

One unexpired term to expire July 2009

Councilor Sette stated that the Clerk has been in contact with Elinor Tetreault, Program Director, regarding this appointment. Councilor Sette stated that Monique Desormier has expressed an interest in this position, adding that Ms. Desormier is an attorney whose background would be a good addition to the Board.

MOTION was made by Councilor Poirier to APPOINT Monique Desormier to the Western Rhode Island Home Repair Program, Executive Board, for one unexpired two year term to expire July 2009; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Joyce explained his proposal that if the fiscal year which ends in July finishes in the black, we could potential utilize that money to address the School Department's budget issues. Councilor Joyce stated that he and Councilor Sette met with Chris Hebert and Walter Steere, School Committee members and Michael Barnes, Acting Superintendent to discuss the matter.

Councilor Sette stated that back in March, there was a Regional Financial Meeting at which the lion's share of the school's budget was decided, after which it could not be cut. In May, the Gloucester Town Financial Meeting took place at which time the Town's budget was presented. Councilor Sette noted that there was three hours of discussion regarding the school budget. Councilor Sette stated that there was a misunderstanding regarding the regional school budget vs. the Gloucester school budget.

Consequently, Councilor Sette stated that a motion was made to cut \$156,000 from the school budget. Councilor Sette stated that he believes that the people wanted the entire amount to come from the school budget, not understanding that the regional budget could not be cut. Councilor Sette pointed out that prior to this cut, the Town had given the Gloucester School Department a full 5% increase while the Town's municipal budget received a 2.4% increase.

Councilor Sette stated that the only way to cut \$156,000 would be to level-fund the Town. Councilor Sette further stated that the Budget Board has met and is recommending that the Gloucester Town budget be cut by \$21,000 and that the remainder of the cut (approximately \$135,000) be applied to the Gloucester School Department. Councilor Sette stated that one option would be to have another Financial Town Meeting.

Councilor Sette stated that there is a provision in the local budget which indicates that one part of the bussing that goes from the Middle School to the High School is paid for by the local school department. Councilor Sette express his opinion that this should be a regional expense. Councilor Sette stated that we have an excellent school system, but taxpayers should attend the regional meeting to say no to the region because the local schools are getting squeezed as a result.

Councilor Walsh stated that \$156,000 was cut out of the budget two years ago, but the schools arbitrarily decided not to take it out. When the School Department came back the next year and said they were over budget by that amount, the people stated that they wanted that \$156,000 out of the budget. Councilor Walsh stated that he finds it ironic that the School Department took the Town to court over the \$212,000 which was not paid, but then the school refused to cut the budget by \$156,000 as they were mandated. Councilor Walsh stated that the root cause of the problem is that the School Department is not keeping their budget to what the taxpayers approved. Councilor Walsh stated that several meetings have been held with the School Committee without reaching a solution.

Councilor Poirier asked if there was any discussion at the meetings regarding where cuts could be made. Councilor Joyce replied that the capital budget could be cut, but any other cuts are contingent upon contract negotiations, and the budget cannot be based on contingencies. There was discussion regarding the reclassification of instructional coaches.

Councilor Sette asked if anybody wished to be heard. Melissa Provencial expressed her concern regarding class size. Ms. Provencial questioned whether some students could transfer from West Gloucester Elementary School to Fogarty Elementary School, adding that the numbers at Fogarty are lower. Councilor Sette replied that this would be up to the School Committee.

Rose LaVoie stated that she received her tax bill which totals over \$11,000. Mrs. LaVoie stated that we have to live with our budgets and the School Department should also, noting that there are things they can do without.

Mike DeGrange of 686 Chopmist Hill Road, expressed disagreement that the students have too much. Mr. DeGrange pointed out that this is not the 60's or 70's when things were handled differently. Mr. DeGrange stated that if the class size is increased, the students will be more distracted than they already are.

Tracey Clifford of Sprague Hill Road stated that there are regions larger than the state of Rhode Island in other parts of the country which function with less overhead than our school system. Ms. Clifford stated that our State funding is based on performance and if we increase class size and cut back on teachers' resources, we will end up with a poor-performing school system, resulting in a loss of State funding. Councilor Sette asked Ms. Clifford if she thinks the School Department and the Town government should share the burden or if the entire \$156,000 should be taken from the Town. Ms. Clifford replied that she does not feel that we need to hire a new superintendent. Ms. Clifford added that she feels that we should work together to improve our schools.

Councilor Walsh stated that we do not cut anything at the schools nor do we add anything. Councilor Walsh stated that last year, we cut Town services to give the money to the schools. Councilor Walsh noted that he feels that the school system is great and the teachers do a great job, however the administration has been lacking in the past. Councilor Walsh stated that the administration is out of touch with reality and is not putting the money where it belongs.

Walter Steere, School Committee member, stated that he was not aware that class size would increase to 26 if another teacher is not hired. Michael Barnes, Acting Superintendent, explained that the number of kindergarten students tends to fluctuate, but at the present time, we have approximately a dozen extra. Due to this, the School Department is seeking to hire a half-time kindergarten teacher. Dr. Barnes stated that they have looked at every aspect of their organization to find cost savings.

Councilor Sette stated that we are spending too much money on buildings, adding that if we didn't have all these buildings, we would have the number of teachers that we need and would not be looking at cutting positions.

Dr. Barnes expressed hope that there can be some type of appropriate sharing between the two parties so that both can provide maybe not the optimum level of service, but at least a service to their respective constituents.

Councilor Sette stated that, unless somebody has a proposal to make tonight, he would like to table this for another meeting to allow for more discussion. Councilor Poirier stated that there was discussion at past financial meetings that if the school district received any unanticipated income, it would be returned to the Town. Councilor Poirier wondered if this applies to the \$40,000 which is expected from the Northern Rhode Island Collaborative.

There was Council consensus to leave this matter on the agenda for the next meeting for discussion and/or action.

C. Building/Zoning Office: Inspectors

1. Fee increases

The Building/Zoning Official has suggested increases that coincide with the permit fees.

MOTION was made by Councilor Joyce to TABLE the Building/Zoning Office Inspector fee increases and the amendments to the Schedule of Remuneration; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

D. Municipal Court Formation

1. Discussion and/or Action

Councilor Sette stated that he brought this subject up at the last meeting, but has not had the opportunity to research it further.

MOTION was made by Councilor Reichert to TABLE the discussion and/or action regarding Municipal Court Formation; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Mobile Home Taxation

1. Discussion and/or Action

Councilor Sette stated that, at the July 17th meeting, it was agreed to add taxes owed on mobile homes on the Municipal Lien Certificate which could be issued by the Tax Collector at time of sale for mobile homes. However, it was agreed that correspondence should be sent to our legislators and the League of Cities & Towns to consider amending state law regarding transfer of mobile homes. Currently, the MLC would only be issued if requested by a closing attorney and many mobile homes are just passed from one to another with no check on taxation.

John Bevilacqua, Town Solicitor, stated that he will prepare a Resolution and a recommendation prior to the next meeting.

VIII. New Business

A. Appointment

1. Recreation Department

2008 Lifeguard substitute

Councilor Sette stated that the Council has received a request from the Recreation Director for the appointment of a lifeguard substitute.

MOTION was made by Councilor Poirier to APPOINT Matt Macedo to the position of Lifeguard Substitute at the rate of \$10.25 per hour, effective 08/09/08; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Noise Ordinance
Discussion and/or Action

Councilor Sette stated that he asked to have this issue put back on the agenda after it was brought up at the last meeting. Councilor Sette referred to a newspaper article regarding the noise ordinance which was passed in the Town of North Smithfield. Councilor Sette noted that there have been numerous noise complaints over the last several years and suggested that the ordinance be reconsidered. John Bevilacqua, Town Solicitor, stated that because the ordinance was defeated at the last vote, a public hearing must be held. There was consensus to schedule a first reading for September.

C. Drainage Issues – Chepachet Village
Discussion and/or Action

Councilor Sette stated that there are drainage problems in the village which must be addressed by the Department of Environmental Management and the Department of Transportation. Alan Whitford, Interim Director of Public Works, explained that water and sediment have been draining into the property for years and has built up to the point where it is no longer a defined stream.

A. Whitford stated that DOT has indicated that they do not wish to get involved. A. Whitford suggested that we get our legislators to urge DOT and DEM to fulfill their responsibility. A. Whitford added that this problem is having a dramatic effect on the resident's home and barn.

D. Authorization: Audit Engagement Letter
Bacon & Company, CPA'S, LLC

Councilor Sette stated that the Finance Director has asked the Council to authorize the signing of the Audit Engagement Letter from Bacon & Company CPA's LLC, for the audit of fiscal year 2008.

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the Audit Engagement Letter for the audit of fiscal year ended June 30, 2008 between Bacon & Company, CPA's LLC and the Town of Gloucester; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Update from Building/Zoning Official
1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Councilor Sette asked Larry Desormier, Building/Zoning Official, if school is still expected to begin on September 8th. L. Desormier replied that this is the target date, but it may be close. L. Desormier stated that the water tank is scheduled to be delivered on August 15th and to be on line by the end of the month. Councilor Sette asked if fines will be imposed. L. Desormier replied that there is a possibility that there will be no fines, and if there are, it will not be much.

Councilor Walsh asked if there is a problem with the septic system, noting that the tank has been pumped out twice. L. Desormier replied that there was a problem with the installation which causes the system to operate inadequately. Councilor Walsh stated that we should not be paying for these errors and omissions.

IX. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that a request has been received from Clasico's regarding outside service. J. Fecteau stated that there already is a fenced-in area with tables and umbrellas where customers are allowed to carry food out. J. Fecteau stated that the request is for outdoor service of food and alcohol. Councilor Sette stated that a Public Hearing will be scheduled for this proposal.

J. Fecteau stated that the Town Clerk's Office will be open on Saturday, August 9th for voter registration only. J. Fecteau further stated that declaration forms for School Committee are now available and are due back on September 5th at 4:00 p.m. Councilor Walsh inquired if it is a state law to be open on the last day to register to vote. J. Fecteau replied in the affirmative.

- B. Councilor Sette stated that he saw in a back issue of the Observer that Anthony Parrillo, Recreation Director, was named Math Teacher of the Year in 2007. The Council offered belated congratulations to A. Parrillo.

X. Boards/Commissions

None.

XI. Council Correspondence/Discussion

- A. Councilor Sette stated that Glocester was awarded \$216,600 from the Community Development Block Grant. Councilor Sette noted that this was slightly more than was received last year.
- B. Councilor Sette stated that a request was received from DOT regarding the collection and analyzing of highway data for local government highway finance and expenditures. Councilor Sette stated that this will be forwarded to Tom Mainville, Finance Director.
- C. Jean Fecteau stated that a new Solid Waste contract was received which should be reviewed by the Town Solicitor, Finance Director and Public Works Director.
- D. Councilor Sette stated that the Council received a notice to vendors from the Department of Administration regarding surplus vehicles.

- E. Councilor Sette stated that several items were received from DEM, including a notice of approval regarding a Town ISDS.
- F. Councilor Sette stated that correspondence was received from Scott Pollard, candidate for State Representative, concerning the concept of Westconnaug.

XII. Open Forum

- A. Charlie Wilson, owner of the Town Trader, spoke regarding walkways on the bridge which have been closed by the Department of Transportation. Mr. Wilson noted that this has eliminated twelve parking spaces from the businesses in the village. Mr. Wilson stated that this is detrimental to his business as customers have told him that they went into town but had no place to park. Mr. Wilson expressed his frustration at the bureaucracy at the State level, stating that DOT acknowledges that there is a problem, but does not offer a solution. Mr. Wilson asked for the Council's assistance.
- B. Rose LaVoie also spoke regarding the closure of the walkways. Mrs. LaVoie stated that she called the Governor's Office, the Department of Transportation and Senators Reed and Whitehouse. Mrs. LaVoie expressed concern for the businesses which are affected by the closure.

R. LaVoie commented on how nice the Town Hall looks since the planting took place in front of the building.

Rose LaVoie noted that the only time we see teachers and parents is when they feel that money will be taken from the School Department. R. LaVoie stated that the public must be made aware of the fiasco taking place at the middle school concerning mistakes made in the construction of the building.

Rose LaVoie pointed out that the drainage issue in the village was brought up several years ago by the Chepachet Village Planning Commission, at which time the State completely ignored the problem. It was noted that the town of Burrillville gets more cooperation from the State than Glocester does, perhaps because they have a Town Manager working on their behalf instead of a part-time government. Regarding outside dining, R. LaVoie stated that she is in favor of this and questioned why there is always opposition when anybody wishes to put tables outside in Glocester..

XIII. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 9:46 p.m.; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 21, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **August 21, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director; John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Peter Scorpio, Building Inspector and Ray Goff, Town Planner.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Joyce.

IV. Open Forum for Agenda Items

A. Rose LaVoie spoke regarding the school budget, stating that if the teachers and parents attended Town Council meetings more frequently, they would be aware of the problems concerning the new school construction and might feel differently regarding the budget. R. LaVoie stated that she served on several PTO's through the years and that her three children and three grandchildren went through the school system. R. LaVoie expressed hope that the Town Council will hold the line and realize that the voters voted that money out and it should come out of the school budget.

B. Doreen Bicki, of 207 Lake Drive, spoke on behalf of the residents of Lake Drive who signed a petition. Councilor Sette informed Mrs. Bicki that this is not an agenda item, but the issue will be addressed during Correspondence.

V. Public Hearing

A. Gloucester Code of Ordinance (Continuance)

1. Proposed amendment to the Code of Ordinances

a. Chapter 368 Fee Schedule, Section 368.1. Fees Enumerated Fees Schedule

1. Amend Building Permit Fees

2. Addition Zoning Application Fees

Councilor Sette stated that the first reading on this proposed amendment was held on July 17, 2008 and this public hearing was declared open on August 7th after being duly advertised.

Councilor Sette stated that at that time it was suggested that the Building/Zoning Official and the Town Solicitor work together to clarify the language. There was Council consensus to continue the hearing to this meeting.

Councilor Sette asked if anyone wished to speak for or against the proposal.

Discussion: Larry Desormier, Building/Zoning Official, stated that there was correspondence back and forth between his office and the Town Solicitor's office, but an agreement has not been reached. L. Desormier explained that he is seeking a \$25.00 increase across the board from his current fees. Councilor Sette recommended that the hearing be continued to allow the parties to meet for further discussion. There was consensus to schedule a meeting for Tuesday afternoon. L. Desormier noted that there are items in the proposal which nobody had issues with and asked if these items could be addressed now.

John Bevilacqua, Town Solicitor, replied that part 2 of the proposal (Zoning Application Fees) can be approved at tonight's meeting. L. Desormier asked if this is approved tonight, is it effective immediately, or upon approval of the minutes of the meeting. J. Bevilacqua replied that it would be effective upon passage. J. Bevilacqua further stated that the Public Hearing could be closed as it applies to the Zoning Application Fees, leaving item 1 open for further discussion at the next meeting.

MOTION was made by Councilor Poirier to separate consideration of the two items under Chapter 368 Fee Schedule, Section 368.1 Fees Enumerated Fee Schedule; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Poirier to TABLE the Amendment to Building Permit Fees under Chapter 368 Fee Schedule, Section 368.1 Fees Enumerated Fees Schedule; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

MOTION was made by Councilor Poirier to AMEND Chapter 368 Fee Schedule, Section 368.1 Fees Enumerated Fee Schedule for the addition of Zoning Application Fees; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

- B. Liquor License - Expansion of Service
 - 1. Clasicos, LLC, d/b/a Clasicos Restaurant,
Location of Business: 2461 Putnam Pike

Councilor Sette stated that this public hearing was duly advertised per Rhode Island General Law. The applicant is requesting the expansion of the service area for alcohol and food to the outside of the establishment.

Councilor Sette declared the Public Hearing OPEN.

Discussion: Rose LaVoie of Wilmarth Road spoke in favor of the proposal, noting that it is difficult to do business in this economy, and outdoor dining would increase business.

David Bergeron, owner of Clasicos Restaurant, stated that he would like to provide outside service to his guests, adding that there seems to be a large demand for this type of service. Councilor Sette stated that a letter was received from the Building/Zoning Office regarding the request and read it into the record as follows:

Dear Mr. Bergeron:

I am forwarding this letter regarding your request for a Zoning Certificate for the referenced property, located in a B-2 (Highway Commercial) zoning district. You have requested this Certificate for the current use of the property as a “restaurant serving food/liquor/entertainment” inside of the premises.

Please be advised that it is the determination of this office that the use conforms to Chapter 350 Zoning, Article II, § 350-11, Section 6. Restaurant and Entertainment, subsection 1b, Lunchroom or restaurant, including live entertainment and liquor, of the Code of the Town of Gloucester.

You have also stated that you would like to amend the use to include your outside patio for food, liquor, and entertainment. Please be advised that this proposed expansion of use is not governed by the Zoning Ordinance, but would require approval by the Gloucester Town Council.

If you have any questions, please do not hesitate to contact me at (401) 568-6206, Extension 1, Monday through Friday, 8:00 a.m. to 4:30 p.m.

Sincerely,
Lawrence G. Desormier, Jr.
Building/Zoning Official

(End of letter)

Councilor Sette questioned what type of outdoor entertainment was proposed. D. Bergeron replied that stereo speakers would be placed outside, but no live entertainment would take place. There was concern among Council members that the wording may be such that a disc jockey or live entertainment could be allowed. D. Bergeron stated that he has hosted five cruising events with outdoor music and has not had any noise complaints from the neighbors.

John Bevilacqua asked if a separate bar would be set up outside. D. Bergeron replied in the negative, stating that the wait staff would serve liquor from the bar inside the restaurant to the tables outdoors. John Bevilacqua noted that if Mr. Bergeron is seeking to get his capacity increased with this application for expansion, it would have to be approved by the Fire Department and the State Fire Marshal. D. Bergeron stated that he is aware that glass beverage

containers would not be allowed, but asked if he could use china plates. J. Bevilacqua replied that there is no prohibition regarding plates.

Councilor Sette asked if anyone else wished to speak. Hearing none, Councilor Sette declared the Public Hearing closed.

MOTION was made by Councilor Joyce to GRANT the expansion of service for Clasicos, LLC, d/b/a Clasicos Restaurant, Location of Business: 2461 Putnam Pike, contingent upon: 1) Maintenance of a valid Victualing License; 2) payment of all Town taxes; 3) Building Official approval; 4) Fire Inspectors approval; 5) Rhode Island Certificate of Good Standing; 6) Health Department Approval; 7) Food Manager Certificate; 8) Rhode Island Permit to Make Sales; 9) Updated Diagram of the complete service area, 10) a list of all employees with Alcohol Service certification (to be kept current); with the following outdoor area conditions:

- 1) The outdoor area shall be completely contained and have no less than two (2) exits with the appropriate mechanism to allow individuals to go through in the event of an emergency.
- 2) The combined indoor and outdoor capacity, at any one time, shall be no more than the legal capacity as sited for the interior of building, per fire code.
- 3) There shall be no sale or storage of any alcoholic beverages within the outdoor enclosure.
- 4) Service & consumption shall be permitted in outdoor area. No bottles, glasses, or any other breakable containers shall be utilized by any patron for any beverage.
- 5) The licensee shall provide sufficient monitoring of the outside area and must submit to the licensing authority and the Chief of Police his plan indicating the supervision that will be provided for the entrance into the establishment to maintain the capacity and also supervise the outside area.
- 6) The granting of the outdoor service of alcohol is not transferable in the event that this business is sold or transferred to any other person and/or entity.
- 7) Live outdoor entertainment is prohibited in the patio area except for piped music.

Seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

I. Consent Items

- A. Council minutes of July 17, 2008 & August 7, 2008
- B. Finance Directors Report: June & July 2008
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Walsh to APPROVE the Council minutes of July 17, 2008 & August 7, 2008; to ACCEPT the Finance Director's Report of June 2008; to TABLE the Finance Director's report of July, 2008; to APPROVE the Tax Assessor's Additions to the 2007 Tax Roll in the amount of \$2,034.55, the 2008 Tax Roll in the amount of \$1,015.18; Abatements to the 2005 Tax Roll in the amount of \$162.01 & the 2008 Tax Roll in the amount of \$3,803; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Sette stated that \$153,885.00 must be cut from the budget as a result of the vote at the Financial Town Meeting. Councilor Sette presented three scenarios by which this cut could be made:

1. The full amount would be cut from the school budget.
2. The Budget Board's recommendation where \$20,000.00 would be cut from the Town and the remainder would be cut from the School Department.
3. \$50,000.00 would be cut from the Town's budget and \$103,885.00 would be cut from the School budget. This proposal reflects the same ratio of what the Town's split is for the school and municipal budget.

Councilor Walsh asked if the School Department has provided an opinion on the above mentioned scenarios. Councilor Sette replied that the School Department feels that even the third proposal is too much and wishes to split the amount \$81,000.00 for the schools and \$72,885.00 for the Town. Councilor Poirier pointed out that it was the will of the voters at the Financial Town Meeting to make the cut in the school area, which should weigh heavily on the decision.

There was discussion concerning the motion which was made at the Financial Town Meeting. Councilor Sette stated that his recollection of the motion was to authorize the schools to move \$156,000.000 to cover a deficit, not to add anything back in. Thomas Mainville, Finance Director, stated that we need to look at the motion. John Bevilacqua stated that the motion was for the funds to pay for the deficit and not to increase the bottom line.

Councilor Sette read the following motion from the Town Financial Meeting:

MOTION was made by Walter Steere and seconded as follows: Move that an amount of no less than \$156,963.00 be appropriated from the Gloucester School Department fund balance to be used to balance the School Department budget.

J. Bevilacqua noted that many budget problems are a result of previous years' overspending, adding that a "band-aid" approach can be used, but the deficit returns the following year.

Councilor Sette read the warrant as follows: "Approval of the transfer of no less than \$156,963.00 from the Gloucester School Department fund balance to be used to balance the Gloucester School Department 2007/2008 budget." Councilor Sette noted that it didn't indicate that anything was to be added back in; it was to cover an overage. Councilor Sette commented that the Council is portrayed as the "bad guys" for requesting an audit to protect the taxpayers' money.

John Bevilacqua, Town Solicitor, asked if anyone has notified the Auditor General regarding this situation. T. Mainville replied in the negative, adding that there are several significant items in play including two union contracts and the bus contract which have not yet been settled. J. Bevilacqua stated that, under the statute, the Auditor General must be notified when there is a discovery of imbalance. Councilor Sette stated that this goes back several years when letters to teachers did not go out on time and it cost the town \$300,000. There was consensus to take no action at this time.

- B. Building/Zoning Office: Inspectors
 - 1. Fee increases
 - 2. Approval: Remuneration chart

Discussion: Councilor Sette that this discussion will be tabled until the next meeting.

- C. Municipal Court Formation
 - 1. Discussion and/or Action

Councilor Sette stated that the Town Clerk has been getting information from other communities, most of which now have a municipal court. Councilor Sette added that there is interest among Council members and recommended that further research be conducted. It was suggested that correspondence be sent to Foster to determine if there is an interest in forming a joint municipal court. John Bevilacqua noted that enabling legislation would be required to establish a Municipal Court.

- D. Mobile Home Taxation
 - 1. Discussion and/or Action
 - 2. Resolution

John Bevilacqua, Town Solicitor, stated that he is working on a resolution as well as the appropriate type of legislation necessary for the amendment of certain Rhode Island General Laws to include that mobile homes must have taxes paid before transfer.

MOTION was made by Councilor Walsh to TABLE the Mobile Home Taxation Resolution to be forwarded to our legislators; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. New Business

A. Appointment

1. Police Dispatcher

Part-Time position

Councilor Sette read the following request from the Chief of Police:

TO: Honorable Town Council Members
FROM: Jamie A. Hainsworth, Chief of Police
Date: August 16, 2008
Re: Part Time Dispatcher

I have a shortage of part time dispatchers; these are the on-call type of personnel that is used when needed. This occurs when one of the full or part time dispatchers are not able to work there regular shifts for all kinds of reasons.

I have a person interested in starting immediately which would be very helpful to say the least right now. Chris Decesare, is currently a full time police officer in the Town of Johnston and has been so for the past ten years. He lives in Chepachet and is willing to work as need. Chris has never applied in the past, but with his qualifications, in addition to his ten years as a police officer he is trained as a communications officer as well including our records management and dispatch software (IMC).

Dispatcher rates of pay are from \$14.50 per hour and range up to \$18.48, Part timers start at the lower rate because they need to be trained. Because Chris is already trained and has the experience I am recommending his starting rate higher than a person starting with no experience.

I am asking that Chris Decesare be appointed as a part time dispatcher to be used as needed at a starting rate of \$16.75 per hour, effective date of appointment.

Please let know if you have questions or concerns.

Thank you for your attention in this matter.
(end of memo)

Discussion: Councilor Reichert stated that the applicant is already trained and would fit in as a dispatcher. Councilor Walsh asked if there would be a problem with other applicants. Tom Mainville, Finance Director, replied that there is an immediate need for this position to be filled and Mr. DeCesare is qualified.

MOTION was made by Councilor Reichert to APPOINT Chris DeCesare to the Gloucester Police Department, as part time, as needed basis, for the hourly wage of \$16.75 per hour; seconded by Councilor Poirier.

Discussion: None

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0
MOTION PASSED

- B. Bid Award
 - 1. IFB 2009-01 Dump Truck Body W/Screen

Councilor Sette read the following recommendation from the Board of Contract & Purchases:

August 21, 2008

To: Town Council
From: Board of Contracts & Purchase
Re: Award of: **IFB 2009-01** ~ Dump truck body with screen

- I. IFB 2009-01 was advertised in accordance with current rules and procedures.
- II. Two (2) companies bid.

Option:		
<u>Bid amount</u>	<u>load cover</u>	<u>Company</u>
\$ 27,797.00	\$ 1,475.00	W. H. Rose
28,181.00	1,650.00	J. C. Madigan, Inc.

It was noted that only \$23,336 was budgeted for this item in the 2008-09 capital budget and that the available funds are \$4,461 less than the low bid amount. Interim Public Works Director Alan Whitford has indicated that he could use savings from the purchases of other capital items to cover this shortfall. Specifically:

- \$2,029 will be saved from the purchase of a utility body for a services truck, because the Town will paint and install that utility body, and
- \$2,432 will be saved by purchasing a used, instead of new, forklift.

- III. The Board recommends the bid be awarded to the lowest qualified bidder.

W. H. Rose, Inc.
9 Route 66 East
Columbia, CT 06237

Bid price: \$ 27,797.00 for a dump truck body with screen per IFB 2009-01 specifications.

The Board does not recommend purchasing the optional load cover at this time.

Respectfully submitted,
Jean M. Fecteau ~ Town Clerk
Ray Goff ~ Town Planner
Thomas P. Mainville ~ Director of Finance
(end of memo)

Discussion: None.

MOTION was made by Councilor Walsh to AWARD **IFB 2009-01** ~ Dump truck body with screen to W. H. Rose, Inc. for the bid price of \$ 27,797.00 ; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

- C. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier was present to answer questions. Councilor Walsh inquired about the status of the failing septic system at the middle school. L. Desormier replied that it is functional and will not interfere with the start of school. L. Desormier stated that he has been informed that it is unclear whether the responsibility is that of Cardi Construction or H. V. Collins.

Regarding the high school renovations, L. Desormier reported that the north building appears to be ready for the start of school, but the south building is questionable. L. Desormier stated that each teacher and student will be given a map indicating which portions of the school will be open while the construction continues. L. Desormier noted that all workers at the construction site will wear identification badges and background checks will be conducted.

- D. Ratification:
1. Correspondence to D.O.T. regarding
Chepachet Village

Councilor Sette stated that the Council has forwarded correspondence to D.O.T. regarding opening a lane up for parking and pedestrian traffic over the bridge on the Chepachet River in town.

MOTION was made by Councilor Reichert to RATIFY the correspondence sent to D.O.T., on August 14, 2008, requesting some relief of the restrictions placed on pedestrian traffic and automobile parking on the Chepachet River Bridge; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

- A. Tom Mainville, Finance Director, spoke regarding the exemption allowance which was addressed last year. T. Mainville distributed an analysis and gave an explanation as it pertains to the school budget. T. Mainville stated that the net result is that the base did not change, but the budget was balanced by taking money from surplus.
- B. Jean Fecteau, Town Clerk, asked if a First Reading of the Noise Ordinance will be on the next agenda. It was decided to discuss the matter at the next meeting and to schedule the First Reading for September 18th.
- C. Larry Desormier, Building/Zoning Official, spoke regarding his request to increase the fee for inspections. Councilor Sette stated that when this is approved, it could be made retroactive.

X. Boards/Commissions

None.

XI. Council Correspondence/Discussion

- A. Councilor Sette stated that a petition was received from residents of Lake Drive regarding the condition of the road. Doreen Bicki of 207 Lake Drive spoke on behalf of the 80 residents who signed the petition. Mrs. Bicki stated that the residents are requesting that the road be regraded and resurfaced due to its deteriorating condition. Mrs. Bicki stated that Lake Drive is listed as a private road, but added that research indicates that in the 1950's it was considered a town road, perhaps under a different name. Mrs. Bicki commented that the potholes are not only damaging residents' vehicles, but are making the road unsafe for people who walk and cycle for exercise.

Tom Etheridge of 120 Lake Drive stated that he has been a resident of Gloucester since 1954. Mr. Etheridge explained that years ago, the residents were told by the Town Clerk and Public Works Director at that time that the Town had the equipment to improve the road, but not the money. Mr. Etheridge stated that he and another resident went door to door collecting money which they turned over to the Town in order to have the road oiled. Mr. Etheridge stated that they were told that if the road was oiled and was satisfactory to the Town, it would become a town road.

John Salisbury of 187 Lake Drive stated that his father bought land from Vacation Homes and was obligated to surface the road before the Town would accept it. Mr. Salisbury stated that the road was surfaced and the Town did accept it. Mr. Salisbury stated that the Town now claims that it does not own the road, but Mr. Salisbury stated that he knows that his father turned it over to the Town and it was accepted. Brian Etheridge of 113 Lake Drive stated that he spoke to the clerk at the Public Works Department and was told that Indian Trail, which is not a Town road, was recently redone.

Councilor Sette explained that this was an emergency situation. Mr. Etheridge replied that Lake Drive is also an emergency situation. Councilor Sette further explained that the Post Office was no longer going to deliver mail on Indian Trail because of the condition of the road. Councilor Sette noted that just a portion of Indian Trail was redone. B. Etheridge replied that the amount of Indian Trail which was repaired would cover most of Lake Drive.

John Garabedian, 125 Lake Drive, stated that there was some water work performed at the other end of Lake Drive which has not been repaired. Mr. Garabedian asked if this was the Town's responsibility or the public utility that did the work. Mr. Garabedian noted that if the Town wishes to save money on snow plows and truck repairs, it should make a smooth road.

Councilor Sette stated that the Council is often faced with situations such as this. Councilor Sette stated that Alan Whitford, Interim Public Works Director, is not present to address the issue. Councilor Sette pointed out that the materials used for Indian Trail were obtained at last year's bid prices, noting that the price of asphalt and all petroleum based products have risen dramatically. Councilor Poirier stated that he spoke to the Public Works Director regarding this matter and A. Whitford stated that he is willing to work with everyone, but there are concerns such as drainage and DEM permitting.

Councilor Walsh read a motion from the Town Council meeting of August 18, 1994, at which time a number of roads, including Lake Drive, were deleted from the list of Town roads. Councilor Sette pointed out that some of the Town Council members from that time are still in Town and perhaps it could be determined what prompted them to make that decision in 1994.

- B. Councilor Sette stated that a Resolution was received from the Town of Charlestown regarding “Silver Star Banner Day”, which pertains to wounded members of the armed forces.
- C. Councilor Sette noted that he would like to have a Veterans’ Day celebration again this year in November.
- D. Councilor Sette stated that correspondence was received regarding a disclosure seminar. Tom Mainville, Finance Director, noted that somebody from his office will attend.

XII. Open Forum

- A. Rose LaVoie stated that Senator Whitehouse serves on the Public Works Committee in Washington, D.C., and recommended that the Council contact him regarding improvements to the village and the Chepachet River Bridge.
 - R. LaVoie asked if the Town could obtain a recycling bin for plastic grocery bags, adding that the one at Dino’s Supermarket has been removed.
 - R. LaVoie stated that she read that if the high school is not ready in time for the start of school, some students will be sent to the new middle school. R. LaVoie commented that we spent 46 million dollars for a new school which has all this extra room.
 - R. LaVoie expressed her objection that glasses cannot be used for outdoor dining. R. LaVoie stated that the Blackstone Valley Tourism Council is having their annual meeting next month and noted that the Town of Glocester has been conspicuous by their absence at events such as this. R. LaVoie urged the Council members to consider attending this year.
- B. Janice Lowell, 2402 Putnam Pike, asked what is the status of the budget discussion. Councilor Sette replied that it will remain on the agenda under Unfinished Business. J. Lowell noted that she was unaware of the budget cuts and wondered how many others are also unaware. J. Lowell asked if this matter will be advertised as a Public Hearing or if it is only posted on the agenda. Councilor Sette replied that it is posted on the agenda because it is a result of a cut made at the Financial Town Meeting, which was an advertised Public Hearing. J. Lowell asked if the public is given the opportunity to speak regarding this matter. Councilor Sette replied in the affirmative, adding that if she would like something read into the record, she could forward it to the Town Clerk’s office.
- C. Carol Kut, 83 Long Entry Road, stated that the school budget is so huge as compared to the town’s budget, and every year we must cut different programs from our town which are not school-related. C. Kut expressed her opinion that the \$156,000 should not come out of the town budget, adding that it would not hurt the schools as much as it would hurt the town.

- D. Councilor Sette stated that we have received a request from the Town of Burrillville regarding the Dam Management District Ordinance. Town officials from Burrillville wish to hold a joint workshop with the Gloucester Town Council and have provided four dates from which to choose. After discussion, there was consensus to reply that Monday, September 15th would be acceptable.

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:36 p.m.; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 18, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **September 4, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also present: Jean Fecteau, Town Clerk, John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Walter Steere, School Committee member; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Susan Harris.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Gloucester Code of Ordinance (Continuance)

1. Proposed amendment to the Code of Ordinances

a. Chapter 368 Fee Schedule, Section 368.1. Fees Enumerated Fees Schedule

1. Amend Building Permit Fees

2. Addition Zoning Application Fees

(Voted on at meeting of 8/21/2008)

Councilor Sette stated that this public hearing was declared open on August 7th after being duly advertised. Councilor Sette explained at that time it was suggested that the Building/Zoning Official and the Town Solicitor work together to clarify the language and there was Council consensus to continue the hearing until the Building Official and the Solicitor agree on the appropriate language.

Councilor Sette stated that the Public Hearing was closed as it applies to the Zoning Application Fees at the last Council meeting, leaving item 1 open for further discussion.

Councilor Sette stated that a meeting was convened with the Building Official, the Town Solicitor, the Administrative Aide from the Building/Zoning Office and one of the Building Inspectors, adding that at this point, all are in agreement regarding the wording of the fee schedule.

Councilor Sette asked if anyone wished to speak for or against the proposal regarding the amendment to the Building Permit Fees.

Hearing none, Councilor Sette declared the Public Hearing CLOSED.

MOTION was made by Councilor Poirier to AMEND Chapter 368 Fee Schedule, Section 368.1. Fees Enumerated , Building Permit Fees as amended with the final language approved by the Town Solicitor, seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Unfinished Business

A. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Sette explained that as a result of a vote at the Financial Town Meeting, the budget must be reduced by the amount of \$153,081. Councilor Sette stated that there are three recommendations to consider: cutting the entire amount from the School Department budget, which was the intent of the voters; to cut the Town budget by \$20,000 with the remainder to be cut from the School budget, which was the Budget Board's recommendation; and to reduce the School budget by a flat \$100,000, with the remainder to be cut from the Town's budget.

Councilor Sette noted that the School Department will be in deficit spending upon approval of any cuts to the budget. Councilor Sette pointed out that there is an item on tonight's agenda to approve a fuel oil bid which may result in savings. Councilor Sette asked if any of the Councilors or members of the public had any comments.

Councilor Walsh asked if the School Committee has offered any suggestions regarding cuts to the budget. Councilor Sette replied that he attended the Regional School Committee meeting and reported that the most recent fiscal year ended with a \$430,000 surplus. Councilor Sette further stated that there is a \$43,000 charge to transport students from the Middle School to the High School which comes out of the Gloucester School budget. Councilor Sette stated that he has challenged Mr. Hebert, Chair of the School Committee, to have the Region absorb that amount. In response to Councilor Walsh's question, Councilor Sette replied that the School Committee has not offered any suggestions.

Greg Meinertz of 123 Douglas Hook Road stated that as a parent, he feels that the schools are trying to cut spending. Mr. Meinertz noted that there are 23 students in each of the two kindergarten classes at Fogarty, adding that the ideal number of students per class is 15. Mr. Meinertz asked the Council to limit the cuts made at the school level to no more than 50/50 with the Town.

Councilor Walsh pointed out we have no control over the hiring practices and even if we give the schools the \$156,000, there is no guarantee regarding how it would be spent. Greg Meinertz reiterated his concern regarding class size. Councilor Sette noted that the Region drives what happens on the local level. Councilor Sette stated that the \$43,000 that the Town is charged to

bus students from the Middle School to the High School would pay for another teacher. Councilor Sette advised Mr. Meinertz and other parents to voice their concerns to the School Department.

John Bevilacqua, Town Solicitor, spoke regarding a Superior Court decision in the city of Cranston, quoting as follows: "The School Committee blatantly failed to comply with numerous statutory prerequisites, particularly to file a corrective action plan with the Mayor, City Council and Auditor General as soon as it recognized a potential budget deficit, as required by law." J. Bevilacqua stated that as Solicitor for this Town, he instructs the School Committee to take heed to this legal obligation and not to treat it lightly.

David Chace of 54 Chopmist Hill Road stated that his grandson is about to start kindergarten at Fogarty Memorial School and was informed this week that he may be switched to West Gloucester Elementary School due to the elimination of a teaching position. D. Chace commented that adults forget about the children.

Walter Steere, School Committee member, stated that he was aware that kindergarten at Fogarty was over by one or two students, but did not know it was actually 6 students. Councilor Sette asked if there has been any discussion regarding the \$43,000. W. Steere replied in the negative, but stated that he would place it on the agenda for the next regional meeting. W. Steere added that he doesn't feel that it would go very far because they will be told that it is in the charter that local schools pay all transportation charges.

Councilor Sette explained that when the charter was developed, the new school did not yet exist. W. Steere commented that Dr. Barnes, Acting Superintendent, has looked for other ways to avoid moving students from one district to another, but has no alternative.

Councilor Sette pointed out that tonight's bid award for fuel should help save some money and may help correct the deficit, if the deficit is purely based on fuel costs. W. Steere replied that fuel costs were part of it as was busing, but added that it was just bad budgeting.

Greg Meinertz asked the Council to consider giving funds back to the schools contingent upon the hiring of a teacher. John Bevilacqua, Town Solicitor, replied that Title 16 would not permit this.

Lisa Giorgianni, a teacher at Fogarty Memorial School, spoke regarding the redistricting of kindergarten students, noting that her son is one of the students. Ms. Giorgianni stated that she has spoken with the principal and the superintendent and was told that this was a financially motivated decision.

Ms. Giorgianni stated that the subject of overcrowding was addressed last spring at which time Dr. Barnes assured her that her child would not be affected. Ms. Giorgianni stated that she has two younger children and would like all three of her children to attend Fogarty, where she teaches. Ms. Giorgianni expressed her hopes that the redistricting will be for this year only to correct the overcrowding issue and her son will be transferred to Fogarty for first grade.

Councilor Walsh suggested that the Council invite the Chair of the School Committee to the next meeting to indicate how he will help solve the budget problem.

MOTION was made by Councilor Joyce to TABLE further discussion regarding FY 2008/09 Budget; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Building/Zoning Office: Inspectors

1. Fee increases
2. Approval: Remuneration chart

MOTION was made by Councilor Walsh to APPROVE the Building/Zoning Office Inspection fees and remuneration chart as submitted after approval of language is completed by the Town Solicitor; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Continuation of:

A. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

At this time, Christopher Hebert, School Committee chair, arrived at the meeting and discussion resumed regarding the FY 2008/09 Budget. Councilor Sette informed Mr. Hebert of the concerns of parents regarding redistricting of students. Councilor Sette stated that a suggestion has been made that the Town and the School Department split the budget cut 50/50. Councilor Sette asked Mr. Hebert if there was any guarantee that there would be a half-day kindergarten teacher added at Fogarty School.

Chris Hebert explained that they are over the limit by six children at Fogarty due to two last minute entries, adding that they were considering sending four of those children over to West Gloucester for kindergarten. Mr. Hebert suggested that \$81,000 could be cut out of the budget for Capital Improvements. Mr. Hebert stated that there are two full-time and one half-time kindergarten teachers and he could recommend that the third teacher be increased to full-time status. C. Hebert noted that he is only one vote and the rest of the School Committee would have to vote on it.

Councilor Sette spoke about the \$43,000 to bus regional students which comes out of the local budget. Robert Wallace, Superintendent of the Gloucester Elementary Schools, and Michael

Barnes, Acting Superintendent of the Regional Schools, arrived at the meeting. Councilor Sette asked the two superintendents and the three School Committee members present to end this right now because it happens year after year. Councilor Sette asked for a change to the Charter regarding the Regional meeting. Councilor Sette stated that the meeting should take place on a Saturday afternoon instead of at 8:00 on a Tuesday evening when most people cannot attend.

There was discussion regarding whether to act on this item or table it until the next meeting. Councilor Sette asked if a cut is made tonight, will the students still be sent to West Gloucester on Monday or will they remain at Fogarty? Chris Hebert replied that his recommendation to Mr. Wallace would be to put on the agenda for the next School Committee meeting the addition of another half-day kindergarten. C. Hebert noted that the next meeting is in two weeks, therefore something would have to be worked out in the meantime.

Councilor Walsh suggested doing it the other way around; to agree to a certain amount of money if the teacher was added. It was agreed that this will be on the School Committee's agenda for 9/16 and the Town Council agenda for 9/18. C. Hebert thanked the Council for considering this solution. There was discussion regarding the \$43,000 paid by the local schools for transportation to the regional schools. Councilor Sette again stated that he would like to see this amount removed from the Gloucester School budget. Chris Hebert concurred, adding that he would like to see the entire transportation bill sent to the region; instead of having three different companies for the two towns, we would have one bus company and one contract for the entire region and the elementary schools.

- C. Mobile Home Taxation
 - 1. Discussion and/or Action
 - 2. Resolution

John Bevilacqua, Town Solicitor, stated that he is working on the resolution and suggested legislation.

- VII. New Business
 - A. Noise Ordinance
 - 1. Discussion and/or Action
 - 2. Set 1st reading date & Public Hearing date

There was consensus to set the First Reading date for October 2, 2008, if possible.

- B. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, reported that he will not give his approval until the Fire Department has done so. L. Desormier stated that his issues are life and safety, as is the case with the Fire Department. L. Desormier stated that he was asked if the teachers and administration could get into the building to begin setting up, but they would only get in the way of the workers and delay the job further.

L. Desormier stated that school is scheduled to open on Monday, but if Fire Department approval is not given by 3:00 p.m. tomorrow (Friday), school will not start on time. Councilor Sette pointed out that schools are closed on Tuesday for the Primary Election, which would allow an extra day for work to be completed.

There was discussion regarding the parking area at the High School. L. Desormier stated that he believes the parking will be adequate, but if necessary, cars may be parked on the grassy area facing the connector.

L. Desormier reported that the public water supply at the Middle School did not pass testing by the Department of Health, adding that he cannot issue a Certificate of Occupancy for the building.

Robert Dauphinais, Chepachet Fire Chief, reported that there is a multitude of things which must be accomplished at the High School prior to the start of school. Chief Dauphinais stated that there are fire code deficiencies and the fire alarm system is not complete. Chief Dauphinais added that once construction is done and the Fire Department can perform an inspection, it may take another 3 to 5 days.

L. Desormier stated that he needs the Council's permission to seek an alternate plumbing inspector because the Town's plumbing inspector is now an employee of the company doing work at the school. L. Desormier noted that the inspector is working at different location, but stated that it would still be a conflict of interest. Council approved of this action.

- C. Gloucester Code of Ordinance
 - 1. Proposed Amendment to Noise Ordinance
 - a. Discussion and/or Action

Councilor Sette stated that this item was inadvertently duplicated on the agenda.

- D. Award Bid
 - 1. IFB 2009-02 #2 Fuel Oil

Councilor Reichert recused himself from this matter and left the room.

Councilor Sette read the following recommendation from the Board of Contracts & Purchases:

September 2, 2008

To: Town Council
From: Board of Contract & Purchase
Re: Awarding of IFB 2009-02 ~ Fuel Oil #2 (for Town Hall)

- I. IFB 2009-02 was advertised in accordance with current rules and procedures.
- II. Two (2) companies bid - both in accordance with the specs.

The specs required that the bid prices be based on the lowest posted Providence Terminal Tank Car price as found under the Daily Petroleum prices of the Journal of Commerce. Specifically, the 'increment' amount bid is to be added to the price (cost) posted daily in the Journal of Commerce.

The specs also gave an option for bidders to offer a protected 'lock-in' per gallon price for the months of October 1, 2008 to April 1, 2009.

Bids received:

	<u>Option #1</u> Per gallon <u>increment</u>	<u>Option #2</u> Per gallon <u>lock-in</u>
Martini's Oil, Inc.	\$0.1000	No bid
Reichert & Sons Fuel Oil	0.0085	\$3.19 no gallon limit

III. The Board recommends that:

- A). if the Council chooses to award the bid based on option 1, the bid be awarded to the qualified bidder who was the low bidder:

Reichert and Sons
210 Old Snake Hill Road
Chepachet, RI 02814

Bid price: \$0.0085 per gallon increment over the lowest tank car price for #2 fuel oil out of the Providence Terminal as posted in the 'Journal of Commerce, Providence, RI.

- B). if the Council chooses to award the bid based on option 2, the bid be awarded to the only bidder,

Reichert and Sons
210 Old Snake Hill Road
Chepachet, RI 02814

Bid price: the lock-in price of \$3.19 per gallon for the months of October 1, 2008 through April 1, 2009 and the \$0.0085 per gallon increment, described above, for the months not covered by the lock-in price .

Respectfully submitted,
Jean Fecteau ~ Town Clerk
Larry Desormier~ Building/Zoning Official
Thomas P. Mainville ~ Director of Finance

(end of memo)

Discussion: There was discussion concerning oil prices and whether or not it would be prudent to lock in at the price of \$3.19 per gallon. There was consensus that oil prices will rise and \$3.19 is reasonable.

MOTION was made by Councilor Poirier to AWARD IFB 2009-02 #2 Fuel Oil to Reichert & Sons, 210 Old Snake Hill Road, for the bid price of the lock-in price of \$3.19 per gallon for the months of October 1, 2008 through April 1, 2009 and the \$0.0085 per gallon increment, described above, for the months not covered by the lock-in price ; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

RECUSAL: Reichert

MOTION PASSED

Councilor Reichert returned to the meeting.

E. Western Rhode Island Home Repair

1. Request for contribution

Councilor Sette read the following request from Elinor Tetreault, Program Manager:

8/25/08

Glocester Council Members

RE: Western RI Home Repair Program

Dear Council. Members,

I am again requesting the \$2,000.00 contribution from the Town of Glocester to help with Administrative cost to operate The Western RI Home Repair Program as I have done in the past (11/2/2006 Town Council meeting). Please see the enclosed letter and minutes.

I am requesting that each Town contribute \$2,000.00 towards the administration of the Home Repair Program and Mobile Home Replacement Program. The \$2,000.00 will cover expenses such as Workers Compensation and liability insurance, printer supplies, employer taxes.

As you know it has become extremely difficult to administer the Home Repair Program and serve as the CDBG Representative on such a limited budget.

Many residents of the Towns of Foster, Glocester and Scituate have benefitted from the array of programs that the Western RI Home Repair Program has provided through the CDBG Grant Program.

We anticipate that you will continue to support the Administration of The Western RI Home Repair Program serving as The CDBG Representative by providing the \$2,000.00 requested.

If you should have any questions, please feel free to contact me at 568-6206 ext 6.

Sincerely
Elinor C. Tetreault
Program Manager
(end of memo)

MOTION was made by Councilor Poirier to allocate funds in the amount of \$2,000 to the Western RI Home Repair Program for assistance with their administrative expenses, said funds to be drawn from the contingency account; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Ratification: Request for Release of Funds & Certification

Councilor Sette stated that the Council has received a request to have a routine release of funds and certifications signed for Western Home Repair's current grant award. Councilor Sette signed this form due to time restraints and the forms now need to be ratified.

MOTION was made by Councilor Poirier to RATIFY the Notice of Intention to Request the Release of Funds filed between the Town of Gloucester and the Rhode Island Division of Planning for CDBG 14-228, dated 8/26/08 & Certification of Environmental Review Record, 24 CFR, Part 58 also dated 8/26/08: seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion

Larry Desormier, Building/Zoning Official, asked if the fee increases which were approved earlier included the Building Inspector. John Bevilacqua, Town Solicitor, stated that the wording does not reflect that the Building Inspector's fees are included. Councilor Sette asked if the Council can go back into the decision and add the Building Inspector. J. Bevilacqua replied that this would be a separate vote of the Council because it is not part of the Ordinance. It was decided to place the Building Inspector's fees on the agenda for 9/18.

IX. Boards/Commissions

None.

X. Council Correspondence/Discussion

- A. Councilor Sette asked that the Road Committee give a final recommendation to the Town Council regarding the road policy.
- B. Councilor Sette stated that correspondence was received from Ocean State Policy Research Institute regarding Town records which are posted on their website. Councilor Sette asked what type of records are posted. Jean Fecteau, Town Clerk, replied that it is mostly payroll and budget items.
- C. Councilor Sette stated that correspondence was received regarding recognition for seven Eagle Scouts. The ceremony will be held on Friday, October 24, 2008 at Camp Aldersgate.

XI. Open Forum
None.

XII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:13 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the September 18, 2008 Town Council Meeting.

At a Joint Town Council Workshop holden in and for
the Town of Gloucester on **September 15, 2008**

NOTE: These minutes do not appear to have been approved.

I. Call to Order

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

II. Roll Call

Members present: Gloucester Town Council Members Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh; and Charles Poirier

Burrillville Town Council Members Nancy Binns, President; Kevin Blais; Margaret L. Dudley; John Karmozyn, Jr.; Wallace Lees.

Also present: Jean Fecteau, Gloucester Town Clerk; John Bevilacqua, Gloucester Town Solicitor; Timothy Kane, Burrillville Town Solicitor; Michael Wood, Burrillville Town Manager; John Mainville, Burrillville Finance Director; Jane Steere, Gloucester Tax Collector; Viviane Valentine, Gloucester Tax Assessor; Kevin Menard and Leo Plouffe.

III. Workshop between the Gloucester Town Council and the Burrillville Town Council to review and discuss the creation of a Dam Management District.

Discussion: Kevin Menard stated that the purpose of this workshop is to allow both Town Councils to be comfortable with the content of the presentation which will be provided to the public. Mr. Menard explained that the intent of the presentation is to provide an overview of the dam district to the audience in order to allow an opportunity to ask intelligent questions. Mr. Menard noted that the first question is why do we need a dam district, adding that for the people on the lake, both in Burrillville and Gloucester, it is to maintain quality of life.

Mr. Menard stated that in general, properties on the lake add approximately twenty-five million dollars of property valuations to the towns. Mr. Menard stated that there has been no appreciable maintenance on the dam for a number of years, only superficial maintenance. Mr. Menard stated that the Department of Environmental Management has new rules and regulations regarding dam safety which became effective December, 2007. Mr. Menard noted that these rules require a certain level of inspection and maintenance on a regular time frame.

Mr. Menard explained that the dam district would be much like a fire district and would be responsible for managing funds, managing grants and loans, fixing rates and collecting fees. Some of the major questions are who will be in the district, who will be able to vote, board of directors and officers, how are by-laws established, how will the operating budget be established and how will the budget be apportioned. Mr. Menard stated that the dam district will be comprised of all properties directly abutting the lake and any properties having deeded access to the lake.

Eligible voters will be the owners of any property located in the district; if a property has multiple or joint owners, one person will be designated to represent the property. The Board of Directors will consist of seven members; five from Burrillville and two from Glocester, based on a ratio of the number of properties and number of acres in each town. Initially, the Board members will be appointed by their respective Councils and will serve until the annual budget meeting. Thereafter, the Board of Directors will be elected by the members of the district.

Mr. Menard gave an example that with a budget of \$15,000 and 322 properties, using a flat rate, it would amount to \$47.00 per year per property and with a budget of \$25,000, the annual fee would be \$78.00. Mr. Menard pointed out that the budget could vary from year to year, depending on how much maintenance is needed on the dam. Mr. Menard also explained how a variable rate would be calculated using property valuations.

Councilor Sette asked if out-of-state property owners would be eligible to vote. Mr. Menard replied in the affirmative. Councilor Sette asked if any exemptions such as elderly or veterans would apply in the assessment of property. Mr. Menard replied that this is not in the ordinance.

Councilor Sette asked both solicitors if they have reviewed the document and if they feel that it is consistent with the Charter. John Bevilacqua, Glocester Town Solicitor, replied that he found no inconsistencies. Tim Kane, Burrillville Town Solicitor, stated that he believes it is consistent with the Enabling Act as well as Burrillville's Town Charter.

There was discussion regarding the ownership of the lake. It was noted that the Burrillville side is owned by Colleen Conley in an individual capacity and the Glocester portion is owned by an LLC controlled by Vincent Mesoletta. Mr. Menard stated that the way the Enabling Legislation was written, the dam district does not have to own the lake bed to enact the Ordinance.

Michael Wood, Burrillville Town Manager, stated that the dam is classified as high hazard, meaning that if it were to breach it would create a hazard. Mr. Wood added that this type of classification places the dam higher on a priority list for repairs. Mr. Wood pointed out that the term "high hazard dam" does not indicate that the dam is in disrepair.

Kevin Blais, Burrillville Town Council member, spoke concerning out-of-state property owners who may rent their properties to other individuals. Mr. Blais asked if these owners could designate somebody to vote who is actually affected by the dam. Mr. Blais also stated that the ordinance states that if a person owns multiple properties he or she is only entitled to one vote. Mr. Blais pointed out that if the owner lives at one of the properties and rents the other(s), why wouldn't we encourage there to be a designee from the other property? Mr. Menard replied that it is the owner who gets assessed, not the renter. Attorney Kane stated that if somebody owns a cabin or cottage on leased land, they are considered an owner.

Glocester Town Councilor Kevin Walsh asked who is responsible for the gate valve, the dam management or the owner of the lake. Mr. Menard replied that responsibility for operating the gate was given to the Pascoag Upper Dam Association by Superior Court. Kevin Blais asked who owns the gate. The response was that the gate is owned by the same person who owns the lake, Colleen Conley. Mr. Blais asked if there is some type of difficulty, is there a specific

authority that allows the district management to tear down and replace Ms. Conley's property? Attorney Kane replied that the Enabling Legislation gives the dam management district the authority to access the property. Mr. Blais stated if the gate had to be replaced at significant cost, the owner's property would be worth more. John Bevilacqua stated that this legislation is to maintain the dam in good working order to preserve the safety of the citizens that are downstream.

Ray Cloutier expressed his agreement that everyone should contribute to make it fair. However, Mr. Cloutier asked if we call it a tax, do the Mother of Hope camp and the Episcopal Conference Center receive an exemption? Mr. Cloutier also mentioned that the Echo Lake Campground has up to fifty boats on the lake all summer long, asking what kind of fairness are we talking about for commercial enterprises. Mr. Menard replied that these are issues to be addressed by the new board, adding that the ordinance has been carefully worded to refer to fees rather than taxes.

Jane Steere, Gloucester Tax Collector, stated that Gloucester has recently established a water district which must be included on a Municipal Lien Certificate. J. Steere inquired whether a dam district fee would also have to go on the MLC.

Several people in the audience spoke regarding fees vs. taxes, but were inaudible on the tape.

Councilor Sette noted that in the case of fire districts, property can be sold at tax sale for non-payment of fire taxes. John Mainville, Burrillville Finance Director, stated that they have wastewater user fees in Burrillville which are not a write-off on an income tax return, but they can tax-sale off those user fees.

Robert Bishop stated that Helen Moroney, one of the biggest landowners on the Pascoag Reservoir, has never been contacted regarding the proposed dam district. Mr. Menard replied that he personally spoke with Mrs. Moroney and she stated that she had no objection.

Gloucester Town Councilor Sette stated that we are trying to determine if the Council wishes to recommend holding a public hearing on this matter. Councilor Sette asked if anyone else had any questions, concerns or comments. Gloucester Town Councilor Walsh expressed his opinion that all those affected should be notified in writing as opposed to placing an ad in the newspaper. Leo Plouffe stated that letters have been sent to Burrillville residents and all pertinent information has been added to a website which has received approximately 600 hits so far.

Mr. Blais spoke but was inaudible on the tape. Brian Bicki from Gloucester spoke but was also inaudible on the tape. Kevin Menard stated that a mass mailing was sent to every resident on the lake which included a detailed description of the process. Brian Bicki stated that in addition to the letters, flyers were hand-delivered to the residents.

Gloucester Town Councilor Sette stated that there is a Council meeting scheduled for Thursday and if somebody brings up the subject during Council discussion, a first reading could be scheduled for October. Councilor Sette stated that after the first reading, if the Council chooses to go forward, a Public Hearing would be scheduled. There was discussion regarding whether to have a joint hearing or to have two separate hearings, one in Gloucester and one in Burrillville.

John Bevilacqua, Gloucester Town Solicitor, stated that action would have to take place separately in each jurisdiction, but each Town Council could post a joint public hearing. After the public hearings, the Councils could deliberate and consider the matter separately.

Councilor Sette asked if anyone else had any questions or concerns. Hearing none, Councilor Sette called for a motion to adjourn.

IV. Adjourn

MOTION was made by Gloucester Town Councilor Reichert to ADJOURN at 8:00 p.m.; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

At a meeting of the Town Council holden in and for
the Town of Gloucester on **September 18, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice President; Kevin Walsh & Charles Poirier.

Member Absent: Michael Joyce

Also present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Lawrence Desormier, Building/Zoning Official; Bruce Payton, Gloucester Land Trust chair; and Roy Najecki, Gloucester Land Trust member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by John Bevilacqua, Town Solicitor.

IV. Open Forum for Agenda Items

None.

V. Consent Items

- A. Council minutes of 8/21/08 & 09/04/08
- B. Finance Directors Report: 2008
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Walsh to APPROVE the Council minutes of August 21 & September 4, 2008; to TABLE the Finance Director's Report for August, 2008; to APPROVE the Additions to the 2008 Tax Roll in the amount of \$2,856.95; and the Abatements to the 2006 Tax Roll in the amount of \$21.66, the 2007 Tax Roll in the amount of \$101.74, the 2008 Tax Roll in the amount of \$805.15 and the 2007 Tax Roll in the amount of \$572.53; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VI. Unfinished Business

- A. Fiscal Year 2008/09 Budget
 - 1. Budget Board recommendation
 - 2. Discussion and/or Action re: Budget cuts

Councilor Sette stated that this item has been continued each meeting since June 5, 2008.

Discussion: Councilor Sette stated that since Councilor Joyce is absent, this item should be continued until the next meeting.

- B. Building/Zoning Office: Building Inspector
 - 1. Fee increases
 - 2. Approval: Remuneration chart

Councilor Sette stated that this item was put back on so that the Assistant Building Official can get an hourly salary and an inspection fee increase.

Discussion: Larry Desormier, Building/Zoning Official, stated that he is seeking a hourly increase and an inspection fee increase for his Assistant Building Inspector, Peter Scorpio. L. Desormier stated that P. Scorpio is currently at \$25.00 for each inspection and \$20.00 for office work and would like to increase the fees to \$35.00 and \$25.00, respectively.

Councilor Walsh asked if this is for all inspectors. L. Desormier replied that this is only for the Assistant Building Inspector, who receives a flat rate. L. Desormier explained that the mechanical, electrical and plumbing inspectors are separate and are involved with remuneration. John Bevilacqua, Town Solicitor, asked why this was back on the agenda, adding that he has reviewed the minutes back to 1991 and the position of Assistant Building Inspector was never established.

J. Bevilacqua stated that he understands the Building/Zoning Official wanting to obtain more money for his assistant, but this is not the method by which it would be done. J. Bevilacqua noted that the only position which was defined, in 2007, was that in the event that the Building Official was unavailable or had difficulty meeting his normal obligations, he could solicit the assistance of anyone he would like, adding that at the time, Peter Scorpio was the individual of choice.

Councilor Sette stated that in 2001, P. Scorpio was appointed as a part-time building inspector. J. Bevilacqua again stated that this position was never created. J. Bevilacqua also stated that he was unable to locate anything in the budget which refers to this position. Councilor Poirier asked how we would rectify this situation. J. Bevilacqua replied that the Council would have to create the position and provide for it in the budget. L. Desormier asked if the terminology should be changed, perhaps to Alternate Building Official. J. Bevilacqua stated that the actual intent was to have somebody take the place of the Building Official in his absence or to assist in the event that the Building Official was overburdened.

Councilor Walsh stated that in the past, the Building Official requested authorization to advertise for the position for Building Inspector - Part Time, on an on-call basis. Councilor Poirier expressed concern regarding whether the position is budgeted. J. Bevilacqua stated that the inspection fees have already been increased to \$35.00 per inspection, adding that it is the hourly rate which must be addressed as a separate agenda item.

Councilor Walsh asked if the other inspectors do office work. L. Desormier replied that the mechanical, electrical and plumbing inspectors are only responsible for field work. Councilor Sette stated that if the Building Official wishes to propose something, it can be placed on the agenda for October.

VII. New Business

A. Appointments

1. Juvenile Hearing Board
 - a. Two Expired 3-year terms

MOTION was made by Councilor Reichert to REAPPOINT Joseph T. Peters III and John Pitocco to the Juvenile Hearing Board for a three year term to expire 9/30/2011; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

- b. 1 Alternate 1-year term

MOTION was made by Councilor Reichert to REAPPOINT to Christopher VanPelt as an Alternate to the Juvenile Hearing Board for a one year term to expire 9/30/09; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

2. Public Works Director

MOTION was made by Councilor Reichert to TABLE the appointment of Public Works Director until after Executive Session; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

- B. Dam Management District
 - 1. Discussion and/or Action
 - 2. Public Hearings

Councilor Sette stated that a presentation was made by Kevin Menard and Leo Plouffe at a joint meeting with the Burrillville Town Council. Councilor Sette stated that it now must be presented to the public to explain what the district would entail. It was decided to have a first reading on October 2nd followed by a Public Hearing with the same presentation that the Council received.

C. Sprague Farm - Rules & Regulations 2008

The Council has received the "Hunting Regulations for Gloucester Land Trust Properties - 2008-2009" adopted by the Land Trust.

Bruce Payton, Land Trust chair, stated that 30 permits for shotgun are allowed on a first-come, first-served basis. Each person would be allowed two permits, one for themselves and one for a friend. B. Payton stated that the Land Trust is looking into establishing additional hunting areas, but would have to amend management plans to do so.

B. Payton noted that the rules and regulations are the same as last year and only the dates have been changed to correspond with the Department of Environmental Management's dates. Councilor Sette asked if anyone had any questions or comments. Jean Fecteau, Town Clerk, stated that her office will begin issuing the permits tomorrow morning and noted that each hunter will also receive a copy of the rules and regulations and maps of the property.

**HUNTING REGULATIONS FOR
GLOCESTER LAND TRUST PROPERTIES - 2008-2009**

SPRAGUE FARM COMPLEX - including the Kilmartin, Coleman, Huckins, and Elbow Rock areas for a total of approx 1,000 acres.

Hunting allowed only from October 1, 2008 through January 31, 2009 (See special deer hunting dates below). Firearms or other weapons are not allowed at any other time for any purpose. Subject to the Land Trust's permitted hunting dates; species, bag limits and other regulations will be in accordance with those published by the Department of Environmental Management, Rhode Island Hunting Dates and Bag Limits for the 2008-2009 season.

Despite rules prohibiting alcoholic beverages and littering on Land Trust property, the Trustees have found hundreds of beer cans and plastic bottles in the areas frequented by hunters. Please carry out what you carry in, and please bring a bag to remove any litter you find during your visit. If this littering problem continues the Land Trust may close all its properties to hunters.

Deer Hunting on Sprague Farm will be permitted only between the following dates:

Shotgun December 6-21, 2008
December 27 & 28, 2008 and January 3 & 4, 2009 (anterless only)

Muzzle Loading November 8 - November 30, 2008
December 22- 25, 2008 and January 3 & 4, 2009 (anterless only)

Archery October 1, 2008- January 31, 2009

Shotgun & Muzzle Loading

The necessary written permission for deer hunting on Sprague Farm Complex may be obtained at the Gloucester Town Clerk's Office with the presentation of a picture ID, a valid Hunting License, a Deer Permit, and by submitting other requested information.

Permission, valid through January 4, 2009, will be written on a Landowner Courtesy Card issued by the Town Clerk. There is no limit as to the number of owner permissions which may be issued for Muzzle Loading Deer Hunting. Shotgun Deer Hunting permission will be limited to a total of 30; to be issued on a first-come, first-served basis.

Archery

The necessary written permission for deer hunting on Sprague Farm may be obtained at the Gloucester Town clerk's Office with the presentation of a picture ID., a valid Hunting License, a Deer Permit, and by submitting other requested information. Permission, valid through January 31, 2009, will be written on a Landowner Courtesy Card issued by the Town Clerk. There is no limit as to the number of owner permissions which may be issued for Archery Deer Hunting.

NO FIREARMS, HUNTING, OR OTHER WEAPONS ALLOWED AT ANY TIME ON ANY OTHER GLOUCESTER LAND TRUST PROPERTIES. TARGET OR TRAP SHOOTING IS PROHIBITED AT ALL TIME. THESE PROPERTIES INCLUDE:

BURTON WOODLANDS
COMBER-STEERS WILDLIFE PRESERVE
GARRITY WOODLAND
HAWKINS POND
HOPKINS WOODLAND
KEACH HILL

KWANDRANS FARM
PHILLIPS FARM
SCOTSTUN TOWN FOREST
SELDOM SEEN FARM
SIGNE PHILLIPS WOODLAND
STEERS HILL

(End of doc)

MOTION was made by Councilor Poirier to ADOPT the Sprague Farm Hunting Rules & Regulations for 2008 as presented by the Gloucester Land Trust; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

- D. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that a Temporary Certificate of Occupancy was issued which excluded the rooms which were still under construction. Beginning with the high school, L. Desormier stated that there are still a few issues including the boiler. L. Desormier stated that since school has begun, the only complaint he has heard is that the students object to the amount of walking they must do. L. Desormier reported that he and Al Tardy, the State ADA inspector, conducted a six-hour walk through and will present a full report to H. V. Collins.

Regarding the middle school, L. Desormier stated that there is still no resolution to problems with the septic system. Councilor Walsh asked how many times the system has been pumped. L. Desormier replied that, as far as he knows, it has been pumped three times. L. Desormier reported that safety rails have been installed in the observation tower for the pit. Councilor Sette stated that the high school is conducting back-to-school night this evening and asked if parents will be allowed to walk through the areas which are under construction. L. Desormier replied that all of these areas are off-limits to unauthorized personnel, adding that the doors are locked and there is signage to indicate this.

- E. Meal Site Request
 - 1. Volunteer "Wheels to Meals" Drivers lunch compensation

Councilor Sette read the following request from the Acting Director of the Senior Center:

September 10, 2008
Town Council

As some of you may know, the dining room, inside the Senior Center, has a van that is used to pick up seniors for lunch daily. We have 5 or 6 people who depend on this van to bring them to the center for lunch.

Paul Plante was very instrumental in getting this van and the volunteers to drive everyday. As an incentive, he was paying for the lunch of that days driver. When Paul passed away, the drivers began paying for their own lunch. Now, unfortunately, we are losing our

drivers, so as an incentive to get new drivers, I would like to carry on Paul's tradition of paying for the driver's lunch.

I am hoping this incentive will help get us new drivers, so that we won't have to cancel the van on a given day, due to not having a driver.

I am looking at approximately \$70.00 per month, which I hope we can find somewhere in my budget.

Thank you in advance for any consideration to this matter.

Sincerely,
Frances Ballou
Acting Senior Center Manager

(end of memo)

Discussion: There was consensus that this would be money well spent.

MOTION was made by Councilor Reichert to work with Tom Mainville to fund the \$70.00 per month from the Senior Center budget; seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she must close the Senior Center on November 4th to allow use as a polling place.

Jean Fecteau stated that she has been contacted by Christine Brassard regarding the drainage problems at her property in the village. J. Fecteau explained to Ms. Brassard that phone calls had been made on her behalf to our Senator and Representative. J. Fecteau stated that Ms. Brassard has requested that letters be forwarded to our legislators. Councilor Sette stated that this can be done.

J. Fecteau stated that the residents of Lake Drive do not feel that they have received a definitive answer regarding the condition of the road. Councilor Sette stated that he spoke with Mr. Bicki, resident of Lake Drive, at the conclusion of the joint Council meeting regarding the Dam Management District and advised him that the necessary easements would be very expensive.

Councilor Sette suggested that the Association try to obtain the easements for drainage and to widen the road. J. Fecteau stated that the residents today requested a definitive answer because they were planning to retain an attorney. J. Bevilacqua, Town Solicitor, stated that he will draft a letter to the group indicating the Town's position on the matter.

J. Fecteau spoke regarding correspondence received from FEMA concerning flood hazard determination.

J. Fecteau commented that Christmas and New Year's fall on a Thursday this year and she has received calls from attorneys inquiring about our holiday schedule. J. Fecteau stated that if the Council decides to close the Town Hall on both Fridays, she must post a notice as soon as possible. It was also decided to plan a Veterans' Day event similar to that of last year and to have one or two veterans speak at the event.

B. Larry Desormier, Building/Zoning Official, spoke regarding wood furnaces.

IX. Boards/Commissions

None

X. Council Correspondence/Discussion

None

XI. Open Forum

XII. Executive Session

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

MOTION was made by Councilor to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)1 Personnel; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

After Executive Session, the Council reconvened to address Item VII New Business A. Appointments, 2. Public Works Director.

MOTION was made by Councilor Walsh to APPOINT Gary S. Trembl as Public Works Director, effective October 6, 2008; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:10 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 16, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 2, 2008**

I. Call to Order

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

II. Roll Call

Members Present: William Reichert, Vice-President; Michael Joyce; Kevin Walsh and Charles Poirier.

Member Absent: Steven Sette, President.

Also present: Jean Fecteau, Town Clerk, John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Gary Treml, Director of Public Works; and David Steere, Budget Board Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum for Agenda Items

None.

V. Unfinished Business

A. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Reichert stated that this item was again tabled last month due to the absence of Councilor Joyce. Councilor Poirier noted that since Councilor Sette is not in attendance, this matter should again be tabled.

VI. New Business

A. Gloucester Code of Ordinance

Proposed Addition

1. Dam Management District
1st Reading

Councilor Reichert stated that the Council has met with the Burrillville Town Council, as well as members of a committee that is trying to create a dam management district in the Echo Lake area.

Councilor Reichert suggested that in lieu of a first reading, the intention of the proposed ordinance could be outlined.

MOTION was made by Councilor Walsh to WAIVE the 1st reading of Gloucester Code of Ordinance, proposed addition - **Dam Management District**; seconded by Councilor Joyce.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Discussion: Councilor Reichert explained that the Dam Management District would create an authority to take care of Echo Lake. Councilor Poirier pointed out that Gloucester residents comprise 22% of properties abutting the lake. Councilor Joyce stated that a fee would be levied unto the residents for the maintenance of the dam to ensure safety. John Bevilacqua, Town Solicitor, pointed out that the District would not have any authority to acquire property by eminent domain. Jean Fecteau, Town Clerk, stated that a joint public hearing will be held in each town at a date to be determined.

B. Rhode Island Resource Recovery Corp.

1. Authorization General Release Form

Councilor Reichert stated that the Town has received a request from the Rhode Island Resource Recovery Corp. for the Council's signature on a General Release form. Councilor Reichert explained that this form would release Resource Recovery from claims against them if there is damage or injury while they were assisting town workers.

Discussion: None.

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the General Release issued by Rhode Island Resource Recovery Corporation and dated October 2, 2008; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Brownsfields Grant 2008-2009

1. Authorization of application to U.S. EPA

Council Reichert read the following request from Ray Goff regarding this year's grant application:

TO: Town Council
Steven A. Sette, President
FROM: Raymond Goff, Town Planner
DATE: September 26, 2008
SUBJECT: Brownfields Grant 2008-2009

It is time again to consider applying for the annual Brownfields Grants from USEPA. In the past three years I have unsuccessfully applied for a \$200,000 Brownfields Cleanup Grant for the remediation of contaminants at the Chepachet River Park property. I am seeking the Council's authorization to apply for this funding again this year.

In the past, I have prepared the application and submitted it on behalf of the Town. In those years, I had enough funding in the budget to more than meet the 20 percent funding match requirement. I do not currently have funding to cover \$40,000 match requirement.

Since this property is known to be contaminated from the prior uses as a mill, the opportunity to clean up the site with federal dollars represents a substantial savings for the Town. Based on my unsuccessful track record, chances are the funding will not be granted this year. But, I think the Town should take this opportunity to seek the cleanup funding since it is available.

The Grant application is due to USEPA in November. I will need a considerable amount of time to put this application together, as it requires a number of support letters from state agencies and local organizations, therefore I am requesting that you place this item on the earliest possible Town Council agenda for discussion and decision. Thank you.

(END OF MEMO)

Discussion: Jean Fecteau, Town Clerk, stated that Tom Mainville, Finance Director, is not present, but T. Mainville stated earlier that it would be a good idea to at least authorize the Planner to prepare and submit the application, adding that it would not lock us into anything.

MOTION was made by Councilor Poirier to AUTHORIZE the submittal of a 2009 Brownsfield Grant Application to United States Environmental Protection Association, said grant if received would be used for the remediation of contaminants at the Chepachet River Park property; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- D. Rhode Island Department of Health
 - Center for Emergency Preparedness & Response
 - 1. Medical Emergency Distribution System Contract 2009

Councilor Reichert stated that the Council has received a request from the Department of Health to authorize the signing of the Medical Emergency Distribution System (MEDS) contract for the 2009 contract.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council President to sign the 2009 Medical Emergency Distribution System contract between the Rhode Island Department of Health, Center for Emergency Preparedness & Response and the Town of Gloucester; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Use of Town Property

1. School Department - Dance shuttle bus

Discussion and/or action

Councilor Reichert stated that we have a copy of a busing plan the school would like to implement for nights when there are school dances or functions.

Councilor Reichert stated that Tom Mainville has checked with the Trust and has determined the Town Hall parking lot could be used by the schools for a shuttle system.

Discussion: Jean Fecteau, Town Clerk, stated that Council President Sette placed this item on the agenda for the Council members to agree or disagree by ratifying his decision.

MOTION was made by Councilor Joyce to RATIFY the Authorization allowing the school department's use of the Town Hall parking lot for the dance shuttle bus; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked if there will be additional funds needed for this or if it is in the School Department's budget. J. Fecteau stated that the students will be charged a fee of \$2.00.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

F. Ratification: Agreement

1. Town of Gloucester, Factory Mutual Global, and
Adler Brothers Construction: Land fill capping material

Councilor Reichert stated that a meeting was held and a report was filed. Councilor Reichert stated that the Council now needs to ratify the agreement.

MOTION was made by Councilor Poirier to RATIFY the Agreement between the Town of Gloucester, Factory Mutual Global, & Adler Brothers Construction regarding the exchange of fill material for permitting fees, said agreement dated September 30, 2008 seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

G. Western Rhode Island Home Repair
1. Programmatic Agreement

Town of Gloucester & Rhode Island State Historic Preservation Officer Councilor Reichert stated that the Program Manager of Western Rhode Island Home Repair has requested the signing of the annual agreement between the Town of Gloucester (on behalf of Western Home Repair) and the Rhode Island State Historic Preservation Officer. This document sets up the criteria that should be followed by Western Home if work is done on properties which are or may be on the Register of Historic Homes.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the 2009 Programmatic Agreement between the Town of Gloucester (on behalf of Western Rhode Island Home Repair) and Rhode Island State Historic Preservation Officer; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Contract Agreement #08/13/22
Rhode Island Division of Planning, Office of Housing and Community
Development & Town of Gloucester.

Councilor Reichert stated that the Program Manager of Western Rhode Island Home Repair has also asked Council to sign the contract agreement, #08/13/22. This Contract also includes the close out agreement for the previous grant year.

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the Contract Agreement #08/13/22 between the Rhode Island Division of Planning, Office of Community Development and the Town of Glocester; seconded by Councilor Poirier

Discussion: None.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

- H. Update from Building/Zoning Official
 - 1. Ponaganset High School/Middle Schools Construction and/or Renovation

Larry Desormier, Building/Zoning Official, reported that the biomass boiler system at the Middle School will be ready for inspection within the next two weeks. Regarding the High School, L. Desormier stated that the oil-fired boiler will be on line and running on October 15th, which is the last day of the temporary Certificate of Occupancy. L. Desormier noted that he will issue another temporary CO because there are still issues which would prevent the issuance of a complete CO.

- I. State of Rhode Island: Disposition of Property
 - State Trooper Barracks, Putnam Pike

Councilor Reichert stated that the Council has received a memo from the Town Planner regarding the State Trooper Barracks on Putnam Pike. Jean Fecteau, Town Clerk, explained that the Town Planner is hoping that the Council will generate ideas regarding how the Town could utilize the building should the Town acquire the property. It was noted that the price of the property is \$335,000. John Bevilaqua, Town Solicitor, stated that Rhode Island Housing is interested in collaborating with the Town in the acquisition of the property.

VII. Department Head Report/Discussion

- A. Councilor Reichert introduced Gary Treml, newly-appointed Director of Public Works.

VIII. Boards/Commissions

None.

IX. Council Correspondence/Discussion

- A. Councilor Reichert stated that a request was received from Brian Kauch to be placed on the agenda, adding that discussion will take place in Open Forum.

X. Open Forum

- A. Doreen Bicki of 207 Lake Drive stated that her goal is to start the process to get Lake Drive reinstated as a Town road. Mrs. Bicki stated that she is here on behalf of the residents of Lake Drive to petition the Town Council to place Lake Drive back on the list of Town roads. Mrs. Bicki noted that the present Town Council was not part of the original decision to remove the road but asked that the Council do the right thing and assist the residents in reinstating Lake Drive as a Town road.

Mrs. Bicki stated that under the Open Meetings Law, they have the right to the minutes of the 1994 Town Council meeting at which Lake Drive was removed from the list. As of today, Mrs. Bicki stated that they still have not received the minutes, nor have they received documentation indicating that a formal letter was sent to every resident of Lake Drive ten days before the removal of the road, which is required by law.

Mrs. Bicki stated that after the meeting of August 21, 2008, the Town Solicitor was instructed by the Council to forward correspondence to the residents relaying the Council's position, adding that she has not received any such notification. Mrs. Bicki stated that tonight is the second time the residents have requested to be placed on the agenda, but the Council opted not to do so. Mrs. Bicki requested that the matter be placed on the agenda for a vote at the October 16th meeting.

John Bevilacqua, Town Solicitor, stated that this would be out of order, adding that it would be a direct violation of the directive of the Open Meetings Act. J. Bevilacqua stated that the Council can discuss the matter, but cannot make commitments in an affirmative way which would result in a positive action either for or against. J. Bevilacqua stated that the Council can place it on the agenda, discuss the matter, and then make a vote. There was consensus to place the item on the agenda for October 16th. Council Walsh noted that he will be away on vacation. Councilor Reichert stated that the Council will take testimony from anyone who wishes to speak at that time. Mrs. Bicki stated that there are people in the audience this evening who would like to be heard.

Jean Fecteau, Town Clerk, addressed Mrs. Bicki, stating that no one has ever come to the Clerk's office to request any records. J. Fecteau further stated that she would gladly assist Mrs. Bicki or anyone else in locating anything that they wish to find. J. Fecteau noted that she sent a copy of the minutes from when the road was removed from the list. Mrs. Bicki replied that she did not receive the copy, adding that she had requested that the minutes be e-mailed.

Councilor Poirier stated that he recalls that there were some issues such as easements which must be resolved before he would feel comfortable voting on the reinstatement of the road. Councilor Poirier further stated that Alan Whitford, former Public Works Director, also had some concerns.

Brian Bicki stated that research has been done which indicates that Lake Drive was a Town road until 1988, at which time it was taken off until 1994, when it was put back on for a 5 to 6 month period, after which it was again removed from the list. Mr. Bicki asked for a commitment that this will not be put off for two or three years as has been done in the past. Mr. Bicki also asked how to determine if notices were sent to residents of Lake Drive when the road was removed from the road list in 1994.

Mr. Bicki inquired if this information would be contained in the minutes from the meeting in 1994. Jean Fecteau, Town Clerk, replied that there was a motion to remove certain roads from the road list, but there was no discussion in the minutes as to why. John Bevilacqua, Town Solicitor, stated that in the research he has conducted, it appears that the roads which were removed in 1994 were those which did not demonstrate the actual grant and acceptance by the Town.

Brian Bicki stated that all they are asking is that the road be accepted as a Town road, adding that any paving or other improvements can wait until the budget allows.

- B. Brian Kauch, 189 Joe Sarle Road, stated that he asked to be placed on the agenda in a timely manner and it was not done. Councilor Walsh explained that a letter was sent to Mr. Kauch informing him that the Board of Assessment Review begins hearing appeals on October 28th, which is ninety days from the date the first tax payment is due, per RIGL 44-5-26. Councilor Walsh stated that Mr. Kauch will be notified of date of his appeal. Mr. Kauch stated that he came before the Council in April to explain the seriousness of the credit crisis which was about to befall us, specifically property values in the town of Gloucester.

Mr. Kauch expressed his opinion that the methodology being used by Neil Dupuis of Certified Revaluation Company is flawed and affects all residents of this town. Mr. Kauch pointed out that the Board of Assessment Review has put off the hearings until after the election, thereby politicizing the issue. Mr. Kauch read from RIGL 44-5-26, stating that the local tax board of review shall, within 90 days of the filing of the appeal, hear the appeal and render a decision within 30 days of the hearing. Mr. Kauch stated that more than 90 days have passed since he filed his appeal.

John Bevilacqua, Town Solicitor, stated that the Council has no authority over the Board of Assessment Review regarding when, where or how decisions are made. Mr. Kauch stated that he has attempted to communicate with the chair and one other member of the Tax Board of Review and has received no response. Mr. Kauch requested that the Council address this matter under New Business and vote, if they choose, to compel the Tax Board of Review to give notice as quickly as possible to all those who have filed appeals.

XI. Executive Session

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

MOTION was made by Councilor Walsh to ADJOURN to Executive Session pursuant to RIGL 42-46-5(a) Litigation; seconded by Councilor Joyce.

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XII. Adjourn

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

VOTE: AYES: Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the October 16, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **October 16, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce and Charles Poirier.

Member Absent: Kevin Walsh

Also present: Susan Harris Deputy Town Clerk, John Bevilacqua, Town Solicitor; Lawrence Desormier, Building/Zoning Official; Gary Treml, Director of Public Works; Jamie Hainsworth, Chief of Police and Walter Steere, School Committee member.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Joseph Peters.

IV. Open Forum for Agenda Items

A. Bob Lyons spoke regarding the items under New Business regarding roads. B. Lyons reminded the Council of the Town's responsibility to maintain all rights-of-way within its borders as outlined with the formation of the Gloucester highway district. B. Lyons stated that there are many roads in Town which are in disrepair and asked the Council to address the issue before the next Council takes office.

B. Doreen Bicki of 207 Lake Drive stated that on October 7th, she asked the Council to provide documentation regarding notice of the meeting on October 20, 1994 at which time several roads were removed from the Town road list, adding that she has not received any information. Councilor Sette stated that this will be discussed when the Lake Drive subject is reached on the agenda.

V. Recognition

A. Troop 44 Gloucester Eagle Scouts

Councilor Sette stated that the Council has received an invitation to an Eagle Scout High Court of Honor recognition ceremony to be held on October 24, 2008 at Camp Aldersgate. Councilor Sette read the following Citation in recognition of these young men:

The State of Rhode Island and Providence Plantations
Town of Glocester
Citation

Be it hereby known to all that:

The Town of Glocester

Hereby offers it sincerest congratulations to:

Benjamin E. Boisclair, Jay T. Coutu, Paul Ryan Jalette, Kevin J. O'Keefe, Samuel Rubin, Daniel P. Sherman and Andrew C. Walsh, and Corey J. Leonhardt in recognition of Achieving the highest ranking honor of Eagle Scout in the Boy Scouts of America

To achieve this award Benjamin, Jay, Paul, Kevin, Samuel, Daniel, Andrew and Corey did work diligently and consistently for several years, have been leaders of other young men and follower of good example in Scouting and the Town Council, Town Clerk and citizens of Glocester are proud to have Benjamin E. Boisclair, Jay T. Coutu, Paul Ryan Jalette, Kevin J. O'Keefe, Samuel Rubin, Daniel P. Sherman, Andrew C. Walsh, and Corey Leonhardt as members of their community.

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Consent Items

A. Town Council Minutes: September 18, 2008 & October 2, 2008

B. Tax Assessors Additions & Abatements

C. Pole Grant (2 new joint poles): Rustic Hill Road

MOTION was made by Councilor Joyce to APPROVE the Town Council minutes of September 18, 2008 & October 2, 2008; to APPROVE the Abatements to the 2007 Tax Roll in the amount of \$476.83; to the 2008 Tax Roll in the amount of \$178.06; an Addition to the 2008 Tax Roll in the amount of \$50.57; and to APPROVE the Pole Grant (2 new joint poles), Rustic Hill Road; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Unfinished Business

A. Fiscal Year 2008/09 Budget

1. Budget Board recommendation
2. Discussion and/or Action re: Budget cuts

Councilor Sette stated that the budget was cut by \$153,618 at the Financial Town Meeting and there has been much discussion since. Councilor Sette expressed hope that this can be voted on at this meeting to remove it from the table once and for all. Councilor Poirier asked if the School Committee has stated what cuts could be made at their level. Councilor Sette replied that the School Committee has been asked several times, but has not responded.

Councilor Joyce stated that he met with School Committee members who offered to cut their budget by \$81,000. The members also spoke about cutting additional professional development from the contract, but it was determined that they could not commit to this because the contract is still in negotiations. Councilor Poirier referred to recent newspaper articles which were derogatory towards the Budget Board, adding that the Board works very hard to make recommendations.

Councilor Sette passed the chair to Councilor Reichert.

MOTION was made by Councilor Sette that the sum of \$90,618 out of the \$153,618 be charged as a cut to the Gloucester School Department, and the sum of \$63,000 be charged to the Town of Gloucester's overall budget to meet the \$153,618 budget cut requested at the Financial Town Meeting; seconded by Councilor Reichert.

Discussion: Councilor Poirier asked Councilor Sette to explain his rationale for his numbers. Councilor Sette stated that he understands that \$63,000 will not be an easy cut to make, but expressed hope that the Town can save money on certain line items this year. Councilor Sette stated that he agrees that the Budget Board has worked very hard on the budget all along. It was noted that the total figure is \$153,824 instead of \$153,618.

Councilor Sette WITHDREW his Motion, Councilor Reichert WITHDREW his Second.

MOTION was made by Councilor Sette that the sum of \$90,824 be charged as a cut from the Gloucester Schools budgeted amount for the 2008/2009 Fiscal Year budget, and to cut \$63,000 from the Town of Gloucester budget; seconded by Councilor Poirier.

Discussion: Councilor Poirier asked Councilor Sette where the \$63,000 would be cut from the Town's budget. Councilor Sette stated that all departments would be cut across the board. Councilor Poirier pointed out that when the "shoe was on the other foot", we were not treated so well. Councilor Sette expressed his agreement, adding that he hopes that whoever gets elected to the School Committee will have open dialogue with the Town Council regarding budget matters.

Councilor Reichert stated that the Schools have budgeted \$4.00 to \$4.50 per gallon for fuel, but they currently have a cap of approximately \$3.00, which would save \$1.00 per gallon, for a total savings of \$30,000 to \$40,000.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. New Business

A. Appointments

1. Personnel

a. Clerk I - Treasurer's Office

Councillor Sette read the following request from the Finance Director:

October 8, 2008

To: Town Council

Re: Appointment: Clerk I, full time

Pursuant to the Finance Office assuming the financial accounting responsibilities for the Gloucester Schools, we advertised a Clerk I position in the Bargain Buyer on two occasions.

<u>Dates advertised</u>		<u># of applications received</u>
May 15, 2007	Burrillville only	29
February 19 and 26, 2008	Burrillville and Greenville	39

Sixty-eight (68) applications were received. Ten interviews were conducted.

Interviewers were:

Jaclynn DiPietro - Administrative Aide, Treasurer's Office

Tom Mainville - Director of Human Resources

Denise J. Cadoret is being recommended for the position of Clerk I - Treasurer's Office at a starting rate of \$14.86 per hour (= step 1 of the Clerk I rate) to be effective starting Tuesday, October 14, 2008.

Ms. Cadoret has extensive experience in all aspects of Accounts Payable. She has also held responsible clerical positions in Human Resources and General Administration positions. She has some experience (including report generation) and maintained various records in payroll. This position requires accuracy, attention to detail, and speed. She received excellent references from former employers regarding these skills and attributes.

I am anticipating that Ms. Cadoret will provide some much needed relief for my office and am therefore requesting that the Council ratify Ms. Cadoret's appointment to this position.
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT Denise J. Cadoret to the position of Clerk I, Finance Office, at an hourly wage of \$14.86 per hour, effective October 14, 2008, seconded by Councilor Joyce.

Discussion: Councilor Sette noted that this was a budgeted position which was put in place when the Town acquired the Gloucester School Department responsibilities.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Boards and Commissions

a. Historic District Commission

1. One (1) three year term to expire 11/2011

MOTION was made by Councilor Reichert to REAPPOINT Thomas Gerseny to the Historic District Commission for a three year term to expire 11/2011; seconded by Councilor Poirier.

Discussion:

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

Councilor Sette noted that there is another position up for reappointment at the next Council meeting.

2. One (1) Alternate one year term to expire 11/2009

MOTION was made by Councilor Poirier to REAPPOINT Anne Smith to the Historic District Commission for a one year alternate term to expire 11/2009; seconded by Councilor Reichert.

Discussion:

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Road Policy Subcommittee Report

Councilor Sette stated that the Council must determine if there is a viable report by this subcommittee to be accepted or discussed. Councilor Poirier stated that the Road Subcommittee recommendations were as follows:

1. To end the designation of “suitably improved roads.”
2. To place a moratorium on building permits on private roads.
3. To prioritize roads for improvement.

Councilor Poirier asked if a process was developed for Town acceptance of roads. John Bevilacqua, Town Solicitor, replied that a standard was not agreed upon. Councilor Sette requested a closing report with the overall recommendations of the committee, to be considered by the Council. Councilor Poirier stated that the Road Subcommittee will convene before the next Town Council meeting.

C. Lake Drive

1. Discussion and/or Action

Doreen Bicki was present on behalf of residents of the Lake Drive area. Councilor Sette asked Ms. Bicki if the group has done any research regarding the ownership of the roads. Ms. Bicki stated that she feels that Lake Drive is a Town road, adding that she knows the person who turned it over to the Town. Ms. Bicki further stated that a notice should have been made at least ten (10) days before the meeting at which the roads were removed from the list of Town roads, according to State law. Ms. Bicki noted that she has been unable to find such notice.

Councilor Sette pointed out that he was not on the Council in 1994 and does not know what their procedures and policies were. Ms. Bicki stated that she feels that the burden of proof is on the Town. John Bevilacqua, Town Solicitor, stated that the roads were removed because there was no evidence that the roads had ever been accepted. Ms. Bicki asked if the Town does not own the road, who does? J. Bevilacqua replied that the road is owned by the residents. J. Bevilacqua stated that the problem with private roads is that those plats were recorded without a provision granting ownership of the roads to the Town.

Councilor Reichert stated that the Road Subcommittee will schedule a meeting within the next couple of weeks at which time Lake Drive could be considered due to school bus traffic and density of the area. Councilor Reichert stated that he will notify Ms. Bicki of the date of the meeting. Councilor Sette recommended that Bob Lyons be notified also.

Alan Whitford, former Director of Public Works, spoke regarding the condition of the road, pointing out that we have no storm drain system as do larger municipalities. A. Whitford added that the road is hilly causing water to drain through residents' yards into the lake, which is the lowest point. A. Whitford stated that DEM permitting would be necessary which would probably require some degree of engineering. Ms. Bicki stated that the residents would not be willing to pay for engineering costs since they have been under the impression that the road was town-owned.. Councilor Sette stated that the Road Subcommittee meeting may result in some answers.

D. Field Permit Policy
Discussion and/or Action (Adoption)

Councilor Sette read the following memo:

The Recreation Commission voted to send a rough draft of a Field Permit Policy to the Town Council for approval. The purpose of the policy is to alleviate any questions or concerns regarding the process of issuing permits for recreation facilities. To the best of my knowledge, there is no current policy and the Recreation Commission felt that there should be some guidelines in place.

This need was apparent this spring when two softball leagues requested the use of Winsor Park on conflicting dates. Unfortunately, I was not able to appease both leagues, and one team needed to find another field. This conflict raised the question as to how the field permits in the town are issued, thus prompting the Recreation Commission to devise a policy.

If you have any questions, please contact me at 568-6206 x224.

Respectfully submitted,

Anthony Parrillo

Recreation Director

(end of memo)

Councilor Joyce, liaison to the Recreation Commission, stated that there should be a policy in place in the event of any issue or disagreement. Councilor Sette asked which facilities this policy would apply to. Councilor Joyce replied that it would apply to Gloucester Memorial Park, Winsor Park, and the Little League fields on Route 44. It was noted that the fields at the High School and Middle school would not be included since the Athletic Department handles them.

MOTION was made by Councilor Joyce to ADOPT the Field Permit Policy as follows:

Glocester Recreation Field Permit Policy

- I. Applications for field permits will be mailed in January to the directors of the leagues that currently use the fields.
- II. The directors must return the application to the Recreation Director either via mail or email no later than March 1st of the upcoming summer.
- III. New applications will be accepted and considered based on field availability. The Recreation Director will make the final decision on the issuance of field permits. New permits will be issued on a first come first served basis with Glocester residents given preference over non-residents.
- IV. Field permits may be revoked by the Recreation Director if the resident league does not abide by the Glocester Recreation Field Use Rules or Town Laws.

Seconded by Councilor Poirier.

Discussion: Councilor Poirier asked if the field use rules are made available to the different parties. Councilor Joyce replied in the affirmative.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

- E. Update from Building/Zoning Official
 1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Lawrence Desormier, Building/Zoning Official, stated that the temporary C.O. expired at midnight on October 15th. L. Desormier noted that an extension to November 14th was issued verbally. L. Desormier stated that the north building should be fully on-line by that date and a complete C. O. will be issued. The south building will not receive a full C. O. until sometime next year. L. Desormier gave an update on the biomass boiler.

- F. Personnel
 1. Holiday Schedule
(Christmas & New Years 2008/2009)

Councilor Sette read the following recommendations submitted by the Tom Mainville, Director of Finance:

October 14, 2008
 To: Town Council
 Re: Upcoming Christmas and New Year holiday schedule

Generally, the Town Hall and Public Works employees observe the following holiday schedule:

December 24	½ day	December 25	full day
December 31	½ day	January 1	full day

In 2008, December 24 and 31 fall on Wednesdays and December 25 and January 1 fall on Thursdays. This creates somewhat of an anomaly as to whether to open the Town Hall on Fridays December 26 and January 2. I have polled the Town Hall and Public Works employees and they have indicated that our citizen foot traffic is minimal on December 24 and 31 and they anticipate it will be minimal on Fridays December 26 and January 2 and have indicated that if the Council approves they would prefer Option 2a from the following:

<u>Option</u>	<u>Wed</u> <u>12/24</u>	<u>Thurs</u> <u>12/25</u>	<u>Friday</u> <u>12/26</u>	<u>Wed</u> <u>12/31</u>	<u>Thurs</u> <u>1/1</u>	<u>Fri</u> <u>1/2</u>
1a	½ off	Off	Work	½ off	Off	Work
	= normal schedule					
2a	½ off	Off	Off	½ off	Off	Off
	= use vacation days for both Fridays					
3a	Work	Off	Off	Work	Off	Off
	= Move 1/2 Holiday to Fri and use					
1b	½ off	Off	Work	½ off	Off	Off
	= Use vacation day for Friday 1/2					
1c	½ off	Off	Work	Work	Off	Off
	= Move ½ Holiday to Fri 1/2 and use ½ vac					
2b	½ off	Off	Off	½ off	Off	Work
	= Use vacation day for Friday 12/26					
2c	½ off	Off	Off	Work	Off	Off
	= Use vac 12/26. Move ½ Hol to Fri and use ½ vac on 1/2					
3b	Work	Off	Off	½ off	Off	Work
	= Move ½ Hol to 12/26 and use ½ vac					

3c Work Off Off ½ off Off Off
 = Move ½ of 12/24 Hol to 12/26 and use ½ vac. Use vac on 1/2

If it snows on either Friday (December 26 or January 2), the Public Works employees would work a normal day and using a vacation day would not be an option.

Please let me know what schedule the Council would like to follow.
Tom Mainville

(end of memo)

Discussion: Councilor Sette stated that this has been done in the past. Councilor Poirier added that this would give the employees more time with their families.

MOTION was made by Councilor Poirier to APPROVE option 2a. for the upcoming Christmas and New Year's holiday schedule for Town Hall and Public Works employees with the understanding that if it snows on either Friday Dec. 26th or Jan. 2, the Public Works employees would work a normal day; using a vacation day would not be an option; seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Poirier & Joyce
 NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

A. Town Clerk

Councilor Sette stated that the Town Clerk is making the arrangements for the Veterans' Day commemoration. We will have our ceremony on November 9, 2008 at 11:00 a.m. at the Senior Center. All will be welcome. We are contacting the school in the hopes of a chorus segment and we will be trying to reach the young man that played taps for us. Councilor Sette noted that it is hoped that more veterans would speak at the ceremony and asked if anyone had any suggestions, to contact the Town Clerk.

B. Lawrence Desormier, Building/Zoning Official, spoke regarding the inspection fees for the Building Inspector. L. Desormier stated that at the Sept. 18, 2008 Council meeting, the inspection fee was increased to \$35.00 and asked if this would be retroactive to Sept. 5th. Councilor Sette stated that his interpretation was that the increase took effect at the meeting of Sept. 18th.

Councilor Sette asked if anyone had a different interpretation. Councilor Sette noted that there was some question concerning the exact title, which is Part-Time Building Inspector. Councilor Poirier stated that if clarification was all that was needed after the Sept. 4th meeting when all the other changes were made, then perhaps it should be retroactive.

L. Desormier stated that at the meeting of September 4th, John Bevilacqua, Town Solicitor, stated that the fee increase became effective immediately upon passing. J. Bevilacqua stated that he said it became not retroactively applied; it applies from the date of passage. J. Bevilacqua further stated that he has a problem with the title “Assistant Building Inspector” because the position was never created.

L. Desormier stated that between Brian Lombardi’s departure and L. Desormier’s appointment, there was a gap during which Peter Scorpio filled the role. Councilor Sette stated that P. Scorpio was named as an interim, adding that at some point, when the schools and the FM Global project are finished, the position should be re-evaluated. L. Desormier stated that, at the request of the Budget Board, he has withdrawn his request for an increase in the hourly rate. Councilor Poirier asked if there were many inspections conducted between Sept. 4th and Sept. 18th. L. Desormier replied that P. Scorpio filled in for him in that regard while he attended meetings regarding the schools and FM Global. Councilor Sette stated that this should be treated as if it were the mechanical inspector, plumbing inspector, etc., adding that we are just looking at the part-time inspection fee, not a position that is in place.

J. Bevilacqua stated that there is no creation of any permanent position of that sort. J. Bevilacqua noted that P. Scorpio receives an hourly rate of \$20.00 and gets a per-inspection rate which is conflicting from what the Council had discussed. L. Desormier noted that the hourly rate is only for office work. J. Bevilacqua stated that if the individual is putting hours in the office and then goes out to perform an inspection, he is acting in the capacity of his hourly rate and should not get \$35.00 for an inspection, but if he is not in the office and is called in for the inspection, the \$35.00 fee would apply.

L. Desormier noted that there is a budget line for the position and P. Scorpio has a badge appointed to him by the Town. Councilor Reichert stated that this position should be reappointed every two years along with other Council appointments. Councilor Reichert stated his opinion that the inspectors should not be paid as employees, but rather as sub-contractors. There was consensus that the increase to \$35.00 per inspection would go back to September 5th.

L. Desormier stated that the Historic District Commission has not been meeting regularly due to lack of quorum, adding that it is not fair to applicants to make them wait an extra month. L. Desormier noted that some of these applications are emergencies. Councilor Sette directed L. Desormier to write a memo to the Town Council stating the problem and it will be referred to the Historic District Commission.

- C. Jamie Hainsworth, Chief of Police, was asked if the shuttle bus to the school dance alleviated the traffic going to the school. Chief Hainsworth replied that it did somewhat, but the bottom line is that there is insufficient parking at the school for events such as a dance. Chief Hainsworth added that when there are athletic events, each athlete generates five or six cars. Chief Hainsworth pointed out that on

Parent/Teacher night, the parking lot is already full of staff members' vehicles, leaving no room for parents.

Chief Hainsworth stated that the Safety Commission met on 10/15 regarding Stillwater Road. The Commission will meet with the School Bus Coordinator to determine if there is any way that the morning pick-up could be rerouted, due to the dangerous situation of turning left out of Stillwater Road, especially in inclement weather.

Councilor Poirier asked Chief Hainsworth if there have been any complaints in Town regarding noise. Chief Hainsworth replied that he has not received complaints lately, adding that these things run in spurts. Councilor Sette stated that the proposed noise ordinance will be addressed at the meeting of November 20th.

- D. Gary Treml, Director of Public Works, stated that the Town recently received \$24,000 from Resource Recovery as a result of recycling. G. Treml stated that by the year 2012, we will have to recycle 50% and asked if \$5,000 could be set aside to cover the cost of bins for the schools, which would go towards our recycling numbers.
- E. Virginia Peters, Director of Human Services, reported that she has advertised for donations to the Emergency Energy Fund and has received \$6,495 in addition to the \$5,000 given by the Town. Mrs. Peters noted that this fund has already assisted ten (10) families. Mrs. Peters stated that many Town employees have donated coats, blankets, etc. and anyone who needs them is allowed to take what they need.
- F. Councilor Sette read a report from Fran Ballou of the Senior Center which stated that 250 additional meals were served in 2008 so far and membership is at 536 members.

X. Boards/Commissions
None.

XI. Council Correspondence/Discussion

- A. Councilor Sette stated that the Council received a notification of release for the CDBG funds for 2008.
- B. Councilor Sette stated that a resident complaint was received from the Village at Chopmist Hill which will be referred to the Chief of Police.
- C. There was a request from Steve Winsor to be added to the agenda for the next Town Council meeting regarding a drainage pipe which will require excavation through the softball outfield at Winsor Park.
- D. Councilor Sette spoke regarding the 1987 Council action which approved the construction of the West Gloucester Elementary School, stating that Councilor Richard Cedor did not support the motion because he did not have confidence in the School Committee to make decisions. At that time, Councilor Fogarty stated that the Town

Council has the responsibility to serve as a watchdog to ensure that funds are spent wisely. Councilor Sette pointed out that the current Council has been criticized for asking for accountability.

XII. Open Forum

- A. Russell Gross asked the Town Solicitor how much it cost to defend the Town during the litigation regarding the School Committee two years ago. John Bevilacqua, Town Solicitor, replied that the total for the three years was approximately \$16,000, which included the three (3) attorneys who worked on it. Mr. Gross asked how much the School Committee's lawyer received. J. Bevilacqua replied that he did not know.
- B. Buster Steere stated that a tractor owned by the Land Trust has been used to mow private property on Putnam Pike. B. Steere noted that this has been an on-going situation for several years. Councilor Sette stated that a letter will be sent to the Land Trust asking them to address this matter at the next Town Council meeting.
- C. Joe Peters of the Senior Center Board of Directors spoke but was inaudible on the tape.
- D. Walter Steere School, Committee member, thanked the Council for absorbing \$63,000 from the budget deficit, adding that the School Committee members will be thankful that they did not have take the full amount. Regarding the \$43,000 spent on busing for the Middle School, W. Steere stated that this is on the agenda for the next School Committee meeting and he will ask the Region to reimburse the Town. Councilor Sette stated that if any members vote no, he would like them to go on record as to why.

XIII. Executive Session

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

MOTION was made by Councilor Poirier to ADJOURN to Executive Session pursuant to RIGL 42-46-5(a)2 Litigation; seconded by Councilor Joyce.

VOTE: AYES: Sette, Reichert, Poirier & Joyce

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XIV. Adjourn

MOTION was made by Councilor Poirier to ADJOURN at 9:29 p.m.

Jean M. Fecteau, Town Clerk

Approved at the November 20, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 6, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh and Charles Poirier.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director; John Bevilacqua, Town Solicitor; Susan Harris, Deputy Town Clerk; Lawrence Desormier, Building/Zoning Official, Ray Goff, Town Planner; Gary Treml, Director of Public Works; Jamie Hainsworth, Chief of Police; David Steere, Budget Board Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Jessie Gross.

IV. Open Forum for Agenda Items

None.

V. Consent Items

A. Town Council Minutes: October 16, 2008

MOTION was made by Councilor Sette to TABLE the approval of the Town Council Minutes of October 16, 2008; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. Unfinished Business

None

VII. New Business

A. Resignations

1. Board or Commission

a. Planning Board

One unexpired five year term to expire 03/2013

Councilor Poirier read the following into the record:

October 21, 2008

Dear Mr. Sette and members of the Council:

Please accept this as my formal letter of resignation from the Planning Board. My business has grown over the past years requiring longer hours and more nightly commitments which in turn have conflicted on many occasions with board meetings. I have enjoyed my tenure with a very dedicated group of individuals. I would like to thank the Council and my fellow Board members for the opportunity to serve the Town of Gloucester.

Very Truly Yours,
Anthony E. Autiello (l.s.)

(End of memo)

MOTION was made by Councilor Walsh to ACCEPT the resignation of Anthony Autiello from the Planning Board for the unexpired term of five years to expire 3/2013; seconded by Councilor Reichert.

Discussion: It was noted that Mr. Autiello was a vital part of the Planning Board and will be missed.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

b. Senior Center Board of Directors

One unexpired two year term to expire 12/31/08

Councilor Poirier read the following into the record:

October 30, 2008

Councilor Sette:

It is with regret that I have to inform you that I will be resigning from the Executive Board of the Gloucester Senior Center. My resignation will be effective 12/31/08. I have taken on work in New Hampshire which limits the time I can give to the Senior Center. The new Council coming in on January 1, 2009 may have a different direction for the Senior Center and my resignation may give them the opportunity to implement it. It has been a pleasure

working with you and the Council on the Task Force implementing the Center, and then on the Executive Board getting the Center up and running.

Sincerely,
David Fecteau (l.s.)
(End of memo)

MOTION was made by Councilor Sette to ACCEPT the resignation of David Fecteau from the Senior Center Board of Directors, a two year term to expire 12/31/08; seconded by Councilor Reichert.

Discussion: Councilor Sette noted that Dave was one of the driving forces behind the building of the Senior Center. It was stated that Dave put in much time and work and will be missed.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

B. Appointments

1. Board or Commission

a. Historic District Commission

1. One (1) three year term to expire 11/2008

MOTION was made by Councilor Reichert to REAPPOINT Francis Williams to the Historic District Commission for a three year term to expire 11/2011; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

b. Planning Board

- One unexpired five year term to expire 03/2013

MOTION was made by Councilor Joyce to TABLE the appointment to the Planning Board for the unexpired five year term to expire 3/2013; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

c. Senior Center Board of Directors

- One unexpired two year term to expire 12/31/08

MOTION was made by Councilor Sette to TABLE the appointment to the Senior Center Board of Directors; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Road Policy

1. Subcommittee Report

Re: Submittal of final version of Road Policy

2. Adoption of Road Policy

Councilor Poirier stated that the Road Sub-committee met on October 28, 2008 and have submitted a policy for discussion and adoption.

Discussion: Ray Goff, Town Planner, stated that he has reviewed the Road Policy and expressed concern regarding how it will mesh with our existing policies. R. Goff submitted a copy of the Policy indicating the changes he is proposing. Councilor Poirier stated that he and Councilor Reichert will meet to go over the proposed changes. John Bevilacqua, Town Solicitor, stated that a Public Hearing would be held before the Road Policy is adopted.

D. Western Rhode Island Home Repair

1. Authorization: 2008 Consortium Agreement

Councilor Poirier stated that the Council has been asked by the Program Manager for Western Home Repair to sign the annual Consortium Agreement between the towns of Foster, Scituate, and Gloucester.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the Western Rhode Island Home Repair 2008 Consortium Agreement; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

E. Budget 2008/09

1. Discussion and/or Action

Budget cuts and/or Adjustment

Tom Mainville, Finance Director, stated that the final figures were received this afternoon. T. Mainville distributed a memo which included a list of cuts to be made. Councilor Sette noted that many of the cuts are coming from Town aid such as Northern Rhode Island Cooperative Services and Retired Senior Volunteers. Councilor Sette added that the Police Department and Public Works budgets are also reduced.

MOTION was made by Councilor Sette to reflect the following cuts in the Gloucester Municipal Budget:

Glocester Schools	\$90,824
Town Aid:	
Northern RI Cooperative Extension	1,500
Gateway Healthcare, Inc.	5,000
Retired Senior Volunteer Program	4,500
Tri-Town Matching Fund for Head Start	8,400
Northern RI Conservation District	1,000
Dora Howard Adult Care	1,000
Police Department:	
Court time	600
Special Patrol/Boat Patrols	1,300
Vacation/Illness Coverage	5,000
FICA-Pension-Fringe Benefits	528
Supplies - Ammo & Range	300
Supplies - Investigative	300
Education/Training	834
Other Purchased Services	400
Communications	200
Fingerprinting	350
Special Equipment - Non-Office	650
Grants - Matching Funds	1,200
Public Works Department:	
Road Gravel/Patch/Repairs	1,000
Drainage (repair & cleaning of)	1,000
Gasoline	3,500
Diesel Fuel	3,500
Repair Parts	1,000
Other Operating Expenses:	
Salary Negotiations & Step Increases	20,000
Total recommended cuts	\$153,886

Seconded by Councilor Walsh.

Discussion: Councilor Poirier asked if there is assurance that the half-time kindergarten teacher position will not be affected by these cuts. T. Mainville replied that the half-time teacher has already been appointed.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

F. Easement Request

1. Town property

a. Winsor Park

Councilor Sette read the following letter into the record:

September 14, 2008

TO: Jean Fecteau, Town Clerk

FROM: Steve Winsor, 375 Snake Hill Road, No. Scituate, RI

This letter is regarding my request to be added to the agenda of the next Gloucester Town Council meeting. The subject of this matter involves a drain pipe to be installed by me which would require a trench to be excavated through the softball outfield at the Byron H. Winsor Recreation Area.

Thank you,

Stephan H. Winsor

(End of letter)

Steve Winsor, 375 Snake Hill Road, explained that the proposed drainage would go from his dwelling straight through the outfield to the drainage pipe on Winsor Park Road, which then goes underneath the road, eventually ending up in Waterman Lake. S. Winsor stated that the depth of the trench would be 5 to 5 ½ feet. S. Winsor noted that the trench would be cleaned up by him at his expense. S. Winsor commented that the grass would be a different color for several months until the old grass takes over.

Councilor Walsh asked why Mr. Winsor is making this request. S. Winsor replied that when there are heavy rains, his basement floods. S. Winsor stated the State installed a pipe across Snake Hill Road, but it is two feet too high. Councilor Poirier asked when this work would begin, if approved. S. Winsor replied that he has spoken with the Recreation Director and the work would begin after the softball season ends. S. Winsor stated that weather permitting, he would start right away; otherwise, he would wait until next year. John Bevilacqua, Town Solicitor, stated that Mr. Winsor would have to submit a survey with definitive identification regarding where the cut would take place.

MOTION was made by Councilor Sette to GRANT an easement through Town property at Byron Winsor Park to Sephan H. Winsor, 375 Snake Hill Road, No. Scituate, RI, subject to submission of an approved easement recording to the Town Solicitor's Office; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

G. Update from Building/Zoning Official

1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, reported that the north building at the high school still does not have gas availability in the Science Labs to perform experiments. L. Desormier explained that this is delayed because the exhaust hoods have not yet been tied into the fire alarm system. Regarding the septic system problems at the middle school, L. Desormier stated that Cardi Corp. has taken care of this issue. L. Desormier stated that the biomass boiler is currently operating at the middle school, but will not be full time until the cold weather kicks in. Councilor Walsh inquired about the biomass boiler at the high school. L. Desormier stated that he has not yet inspected the buildings but test runs are now being conducted.

H. Authorization:

1. 2008 Brownsfield Grant Application
Chepachet River Park

Councilor Poirier stated that the Council previously had authorized the Planner to complete the application for this grant, which is now ready to be submitted and must be signed by the Council. Ray Goff, Town Planner, explained that this is our annual request to USEPA for a \$200,000 grant to clean up hazardous materials. R. Goff further stated that it is a 20% match grant. R. Goff stated that he has applied for this grant the past three years without success, adding that more urban projects have been selected.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the 2008 Brownsfield Grant Application, Chepachet River Park; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VIII. Department Head Report/Discussion

- A. Gary Treml, Director of Public Works, requested a change in the hours at the Transfer Station, reopening the facility on Fridays and changing the hours on Saturday and Sunday. Councilor Poirier asked if this would result in greater expense. G. Treml replied that his weekend staff would be reduced from two to one, resulting in a cost savings. Councilor Walsh asked if one person could handle the amount of volume on the weekend. G. Treml replied that with Fridays closed, there is a larger influx on Saturday mornings, adding that if we reopen on Fridays, there will be less traffic on Saturday and Sunday. G. Treml stated that he would like to implement these changes January 1st.
- B. Jean Fecteau, Town Clerk, reminded the Council that the Veterans' Day Celebration will take place at the Senior Center on Sunday, November 9th at 11:00 a.m.

Jean Fecteau stated that she would like to have a Resolution for the first grade class at West Gloucester Elementary School. J. Fecteau explained that the entire school held a contest to see which class could collect the most food for the Food Pantry and the first grade won. The students came to the Town Hall for a field trip and presented the food as well as a check for \$1,000 for the Emergency Energy Fund.

J. Fecteau reported that a \$25,000 construction grant received from the Champlin Foundation will be reallocated to the two town libraries.

- C. Councilor Sette read the following letter into the record.

October 15, 2008
The Honorable Town Council
Town Council President
Town of Gloucester, RI

Dear Steve:

I just wanted to say thank you for all of your help in coordinating the election presentation by Jean Fecteau, Town Clerk. The students found the presentation interesting and informative. They especially liked using the sample ballots and voting machine. Many of our students did not know how the voting process worked at the local level, such as polling locations and counting ballots manually if a candidate contested the results.

Hopefully, through the school wide election in a few weeks, students will become more involved and aware of how important their vote is.

Again, thank you for coordinating this assembly and a special thank you to Jean Fecteau, her expertise and ability to explain the responsibilities of the Town Clerk and Board of Canvassers was impressive.

I will look forward to connecting our local government and Ponaganset Middle School in the future.

Sincerely
Michael Calenda (l.s.)
Eighth Grade/Red Team
Social Studies Teacher

(End of letter)

- D. Tom Mainville, Finance Director, expressed thanks to Dave Fecteau for his work for the Senior Center as well as the renovations at Winsor Park and the Town Hall.

T. Mainville stated that there is a bond rating review scheduled for tomorrow with Standard & Poor's. T. Mainville expressed hope that we can retain our AA rating.

- E. Larry Desormier, Building/Zoning Official, asked if there could be a minor amendment to the Zoning Ordinance at the next Town Council meeting. Jean Fecteau noted that it is expensive to conduct a Public Hearing and suggested that L. Desormier determine if there are any other changes to be proposed.

- F. Ray Goff, Town Planner, stated that he was contacted by the Department of Transportation regarding used buses which are available to the Town for no charge except for a \$500.00 charge for the tires. There was consensus that the buses have excessive mileage and would require too much maintenance.

Ray Goff mentioned that the State Police barracks on Putnam Pike is vacant and Rhode Island Housing has shown interest in acquiring the property to create affordable housing. Ray Goff added that RI Housing would like the Town's support and input.

- G. Jamie Hainsworth, Chief of Police, stated that he attended a ceremony at which a citizen's award was given to Ed Marceau, Gloucester resident, who saved the life of a little girl who was injured in a car accident. Councilor Poirier stated that recognition should be given to Mr. Marceau. Councilor Walsh added that he would like to do Resolutions for David Fecteau and Anthony Autiello also.

- IX. Boards/Commissions
None.

- X. Council Correspondence/Discussion

- A. Councilor Poirier spoke regarding RIPTA Bus Route 9 and stated that we should encourage our representatives to do more to keep the service. It was noted that the town of Burrillville wrote to Rep. Kennedy seeking help in saving Route 9.
- B. Councilor Sette spoke regarding the general ledger detail which was received from the Building Committee.

- C. Councilor Poirier stated that a letter was received from the Police Dispatchers Union asking to resume contract negotiations. Councilor Sette noted that a response is required within ten (10) days.

XI. Open Forum

- A. Bob Lyons asked if the Council plans to readdress the issue of roads in the Waterman Lake Plat before the new Council takes over. B. Lyons explained that the roads were illegally removed from the official town road list and asked that they be reinstated. John Bevilacqua, Town Solicitor, stated that he cannot say that the roads were taken off illegally. J. Bevilacqua stated that there was no proof that the roads were ever previously accepted, therefore the Council at the time removed the roads from the list.

B. Lyons replied that it sounds like a lack of a paper trail regarding the roads being turned over to the town. J. Bevilacqua replied that there was no book and page reference to indicate that there was ever an actual granting to the town. Consequently, those roads were removed because they did not meet the standards which were acceptable.

Councilor Poirier stated that this has been put aside because the Council has no information which indicates that the roads were accepted. B. Lyons noted that things have happened whereby proper protocol was not followed. B. Lyons stated that the Council in 1994 had the power to remove the roads from the list and any Council has the power to reinstate them. B. Lyons stated that if this Council does not choose to act on this matter, he will present it to the next Council.

- B. Rose LaVoie spoke regarding the Brownfields Grant, stating that perhaps letters to Senators Reed and Whitehouse are in order. R. LaVoie stated that we seem to be forgotten.

R. LaVoie commented on the "Town Hall Parking" signs, stating that she feels that they are unattractive. R. LaVoie further stated that anyone else in the Historic District would not be allowed to have this type of sign.

R. LaVoie noted that David and Jean Fecteau do much for the Town without compensation.

R. LaVoie spoke regarding the RIPTA bus route, stating that we should do all we can to keep the buses rolling.

R. LaVoie spoke regarding a newspaper article entitled "Turning Trash into Treasure," which was about turning a capped landfill in Woonsocket into a park. R. LaVoie suggested that Gloucester have vision regarding our landfill, which is soon to be capped.

R. LaVoie spoke about Rep. Gorham's idea for consolidation, stating that we should think about this concept to some degree. This led to discussion concerning combining school districts.

- C. Charles Wilson, owner of the Town Trader, stated that he is in charge of Candlelight Shopping for the businesses in the Village. C. Wilson stated that there will be a penny social this year to benefit the Gloucester Food Bank. C. Wilson also stated that they will be bringing back hayrides to the event. C. Wilson assured the Council that this will have minimal impact on traffic because the horses will only be on Putnam Pike briefly. C. Wilson expressed hope that the Town and local business can share in the cost of a detail police officer. C. Wilson stated that it is hoped that these events will bring more shoppers and visitors to the area.

Charles Wilson thanked the Council for their help regarding the bridge and sidewalk issues.

XII. Executive Session

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

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to R.I.G.L. 42-46-5(a)2 Litigation; seconded by Councilor Sette.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:45 p.m.; seconded by Councilor Sette.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 4, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **November 20, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Kevin Walsh (arrived at 7:45 p.m.) and Charles Poirier.

Member Absent: Michael Joyce.

Also present: Jean Fecteau, Town Clerk, Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Lawrence Desormier, Building/Zoning Official, Gary Trembl, Director of Public Works; Joseph Peters and David Fecteau, members of Senior Center Board of Directors.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Legislation: Gloucester Home Rule Charter amendments

Councilor Sette explained that as a result of the General Election, the charter amendments proposed by the latest charter review committee have been approved by the voters. Councilor Sette added that the next step is to forward a resolution to our legislators for ratifications of these amendments.

Councilor Sette stated that the Clerk is requesting that this item be tabled to the next Council meeting.

MOTION was made by Councilor Poirier to TABLE the Resolution regarding legislation ratification for the amendments to the Gloucester Home Rule Charter as voted by residents on 11/04/08;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert and Poirier

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Renewal of Victualing Licenses

24-HOUR VICTUALING LICENSE RENEWAL

1. Chepachet Deli, Gregory Doura, 842 Putnam Pike
2. Dave's Kitchen 44, 722 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on Nov. 5, 2008.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the 24-hour victualing licenses. Councilor Sette noted for the record that Councilor Walsh has arrived.

Discussion: None

Councilor Sette again asked if anyone wished to speak. Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the 24-hour Victualing License to: 1) Chepachet Deli, Gregory Doura, 842 Putnam Pike; and 2) Dave's Kitchen 44, 722 Putnam Pike pursuant to 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2008 to November 30, 2009;

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

B. VICTUALING LICENSE RENEWALS

1. Agio's Inc., 617 Putnam Pike
2. Aegean Pizza, Saad Souleiman, 1195 Putnam Pike
3. April's on the Pike, April M. Young, 401 Putnam Pike
4. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike
5. Chepachet Donuts, Inc., 1006 Putnam Pike
6. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
7. Chester's Inc., 102 Putnam Pike
8. Clasicos LLC, 2461 Putnam Pike
9. DLM Variety, Inc., 365 Snake Hill Road
10. DLUM Restaurant LLC., 1157 Putnam Pike
11. Europa Food Inc., 2400 Putnam Pike
12. Glocester Little League, 1011 Putnam Pike (Concession Stand)

13. Gloucester Memorial Park, Town of Gloucester, 46 Adelaide Road (Concession Stand)
14. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike
15. Melody Hill Country Club, Inc., 55 Melody Hill Lane
16. NC Pelski, Inc., 812 Putnam Pike
17. Moosup River Farm at Knight Farm, Peter Fratantuono, Jr. 1 Snake Hill Road
18. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road
19. Putnam Properties Inc., 417 Putnam Pike
20. Prickly Pear, Inc., 16 Terry Lane

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on Nov. 5th.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the victualing license renewals.

Discussion: None.

Councilor Sette asked again if anyone wished to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Poirier to GRANT the issuance of Victualing Licenses to:

1. Agio's Inc., 617 Putnam Pike
2. Aegean Pizza, Saad Souleiman, 1195 Putnam Pike
3. April's on the Pike, April M. Young, 401 Putnam Pike
4. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike
5. Chepachet Donuts, Inc., 1006 Putnam Pike
6. Chepachet Farms, Neil Esposito, Jr., 226 Tourtellot Hill Road
7. Chester's Inc., 102 Putnam Pike
8. Clasicos LLC, 2461 Putnam Pike
9. DLM Variety, Inc., 365 Snake Hill Road
10. DLUM Restaurant LLC., 1157 Putnam Pike
11. Europa Food Inc., 2400 Putnam Pike
12. Gloucester Little League, 1011 Putnam Pike (Concession Stand)
13. Gloucester Memorial Park, Town of Gloucester, 46 Adelaide Road (Concession Stand)
14. Ko-Pa Food Enterprises, Inc., 1020 Putnam Pike
15. Melody Hill Country Club, Inc., 55 Melody Hill Lane
16. NC Pelski, Inc., 812 Putnam Pike
17. Moosup River Farm at Knight Farm, Peter Fratantuono, Jr. 1 Snake Hill Road
18. Snowhurst Farm, Daniel J. O'Connor, Jr., 462 Chopmist Hill Road
19. Putnam Properties Inc., 417 Putnam Pike
20. Prickly Pear, Inc., 16 Terry Lane

pursuant to: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager

Certificate; 6) Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2008 to November 30, 2009;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier.

NAYS: 0

MOTION PASSED

C. Liquor License Renewals
CLASS A - RETAILER

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike
2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on November 5th and November 12th, 2008.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the liquor license renewals.

Discussion: None.

Councilor Sette asked again if anyone wished to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT a Class A - Retailer Liquor License to: 1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Christy's Liquors, 1184 Putnam Pike; and 2. Kitson's Liquors, Inc., Lisa M. Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike; contingent upon 1) Building/Zoning approvals as needed; 2) Fire Chief approval as needed; 3) Rhode Island Certificate of Good Standing; 4) Rhode Island Permit to Make Sales; 5) payment of all Town taxes; this license shall be for the interior of the premise only and the license will be valid from December 1, 2008 to November 30, 2009;

Seconded by Councilor Walsh.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

CLASS B -RETAILER LICENSES

1. Europa Food Inc., George Melanis, d/b/a Europa, 2400 Putnam Pike
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Patricia Johnson and Barbara Royer, d/b/a Chester's, 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. Clasicos LLC, David J. Bergeron d/b/a Clasicos Restaurant 2461 Putnam Pike
5. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
6. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
7. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike
8. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on November 5th and 12th, 2008.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the liquor license renewals.

Discussion: None.

Councilor Sette asked again if anyone wishing to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Walsh to GRANT a Class B - Retailer Liquor License to:

1. Europa Food Inc., George Melanis, d/b/a Europa, 2400 Putnam Pike
2. Chester's, Inc., Barbara A. Hamill, William J. Hamill III, Ann Marie Delsesto, Patricia Johnson and Barbara Royer, d/b/a Chester's, 102 Putnam Pike
3. Melody Hill Country Club, Inc., Marion Mandeville, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
4. Clasicos LLC, David J. Bergeron d/b/a Clasicos Restaurant 2461 Putnam Pike
5. Agios Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
6. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane
7. Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike
8. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike

contingent upon 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) Diagram of the complete service area; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu to remain on file; these licenses shall be for

the interior of the premise only with the exception of NC Pelski Inc., d/b/a Char's Bar & Grille 812 Putnam Pike and Putnam Properties, Inc., Vincent N. Iannuzzi, Jr., d/b/a Stick's Tavern, 417 Putnam Pike (additional stipulations apply); these licenses are valid from December 1, 2008 to November 30, 2009;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

D. CLASS BT-TAVERN

1. DLUM Restaurant, LLC., David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on November 5th and 12th, 2008.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the license renewal.

Discussion: None.

Councilor Sette asked again if anyone wishing to speak.

Hearing none, Councilor Sette 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/Fire Inspectors' approval as needed; 4) Rhode Island Certificate of Good Standing; 5) Health Department approval; 6) Food Manager Certificate; 7) Rhode Island Permit to Make Sales; 8) maintaining an up to date diagram of the complete service area in the Town Clerk's office; 9) list of all employees with Alcohol Service certification (to be kept current); 10) updated menu maintained on file; this license shall be for the interior of the premise only and is valid from December 1, 2008 to November 30, 2009;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

E. Entertainment Licenses

1. Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
2. Clasicos LLC d/b/a Clasicos Restaurant 2461 Putnam Pike
3. Chester's Inc., d/b/a Chester's, 102 Putnam Pike
4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
5. NC Pelski Inc., d/b/a Char's Bar & Grille, 812 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on November 5th.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the entertainment license renewals.

Discussion: None

Councilor Sette asked again if anyone wishing to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Poirier to GRANT an Entertainment License to:

1. Europa Food Inc., d/b/a Europa, 2400 Putnam Pike
2. Clasicos LLC d/b/a Clasicos Restaurant 2461 Putnam Pike
3. Chester's Inc., d/b/a Chester's, 102 Putnam Pike
4. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane
5. NC Pelski Inc., d/b/a Char's Bar & Grille, 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; these licenses shall be for the interior of the premise only and are valid from December 1, 2008 to November 30, 2009 and are subject to the following stipulations:

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

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

F. New Entertainment License

1. Putnam Properties, Inc., d/b/a Stick's Tavern, 417 Putnam Pike

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal legal ads on Nov. 5th, 2008.

Councilor Sette DECLARED the Public Hearing open and asked if anyone wished to speak for or against the granting of the new entertainment license.

Discussion: Mike Karpinski, manager of Stick's Tavern, spoke regarding the application for an entertainment license. Councilor Sette asked what type of entertainment is planned. M. Karpinski replied that they have added a function room and plan to have DJ's and small 2 or 3 member bands perform on weekends.

Councilor Sette asked again if anyone else wished to speak.

Hearing none, Councilor Sette DECLARED the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT an Entertainment License to: Putnam Properties, Inc., d/b/a Stick's Tavern, 417 Putnam Pike contingent upon 1)Payment of all Town taxes; 2)Building Official approval as needed; 3)Fire Inspector approval as needed; 4) Police Chief approval as needed; this license shall be for the interior of the premise only and is valid from December 1, 2008 to November 30, 2009 and is subject to the following stipulations:

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

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0
MOTION PASSED

VII. Consent Items

- A. Town Council Minutes: October 16, 2008 & November 6, 2008
- B. Tax Assessor's Additions and Abatements
- C. Finance Director's Reports: July to November 2008

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of October 16, 2008; to TABLE the minutes of November 6, 2008; to APPROVE the Abatements to the 2007 Tax Roll in the amount of \$78.13; and the 2008 Tax Roll in the amount of \$1,253.94; the Additions to the 2008 Tax Roll in the amount of \$3,256.33; and to ACCEPT the Finance Directors Reports for July, August, September, and October, 2008;

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0
MOTION PASSED

VIII Unfinished Business

- A. Appointments
 - 1. Board or Commission
 - a. Planning Board
One unexpired five year term to expire 03/2013

MOTION was made by Councilor Reichert to APPOINT Russell Gross to the Planning Board for a five year unexpired term to expire 3/2013;

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0
MOTION PASSED

- b. Senior Center Board of Directors
One unexpired two year term

MOTION was made by Councilor Reichert to APPOINT Steven Sette to the Senior Center Board of Directors, effective 1/2009;

Seconded by Councilor Walsh.

Discussion: Councilor Sette stated that he will abstain from voting on this appointment.

VOTE: AYES: Reichert, Walsh and Poirier

NAYS: 0

ABSTAIN: Sette

MOTION PASSED

B. Road Policy

1. Discussion of revisions to policy submitted by Road Sub-Committee

Councilor Sette stated that the Town Planner has submitted a letter with proposed revisions which have been reviewed by the Town Solicitor. It was noted that Ray Goff, Town Planner, is not present at the meeting. Councilor Poirier commented that R. Goff worked mainly on the language and did not change the intent of the Road Sub-Committee. There was consensus to forward copies of the proposed changes to the members of the Road Sub-Committee for their input.

2. Adoption of Road Policy

Councilor Sette stated that this will remain on the agenda under Unfinished Business.

IX. New Business

A. Board or Commission

1. Senior Center Board of Directors

Amendment of Charge

Councilor Sette recused himself from this discussion. Councilor Reichert stated that the Senior Center Board of Directors has requested an amendment to their charge. Councilor Reichert explained that due to the nature of their original charge, they feel the necessity to change the charge from a two-year appointment to a five-year appointment.

David Fecteau, outgoing member of the Senior Center Board of Directors, stated his opinion that the continuity would work better with a five-year term. There was discussion regarding whether to also stagger the terms. Councilor Walsh pointed out that when all terms expire at the same time, there is a lack of continuity. Jean Fecteau, Town Clerk, stated that she and Councilor Walsh will work on setting up a schedule to accomplish the staggering of terms.

MOTION was made by Councilor Walsh to AMEND the CHARGE of the Senior Center Board of Directors to change the term of office from two years to five years;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Reichert, Walsh and Poirier
NAYS: 0
RECUSAL: Sette

MOTION PASSED

2. Appointment
Zoning Board of Review
Term to expire 11/2008

MOTION was made by Councilor Poirier to REAPPOINT Steven Winsor to the Zoning Board of Review for a 5 year term to expire 11/2013;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0

MOTION PASSED

- B. Public Works
 1. Recycling Updates
(Proposed additions and/or changes)

Gary Treml, Director of Public Works, stated that there has been an influx of televisions at the Transfer Station, adding that we are charged \$5.00 to \$10.00 for each. G. Treml asked the Council if they wish to begin charging the residents for the disposal of these items. G. Treml stated that he believes this will be a short-term situation due to the conversion to digital TV's next February. Councilor Walsh expressed his agreement, stating that by the time the Council could impose a fee, the situation will be back to normal.

2. Recycling Funding
 - a. Creation of restricted account for the deposit of recycling rebates

Gary Treml, Director of Public Works, stated that he is working with the Finance Director regarding this matter.

3. Transfer Station
 - a. Change days of operation

The Public Works Director pointed out at the last Council meeting that he has determined there is no savings connected with the closing of the transfer station on Fridays. There was discussion regarding whether a motion of the Council is required or if a consensus is sufficient. It was decided to check the records to determine how this was handled when the decision was made to close the Transfer Station on Fridays.

b. Staffing (discussion and/or action)

There was discussion concerning whether a Council motion is necessary. This will be addressed at the next meeting along with the previous item.

4. Reallocation of appropriation:
FY 2008/09 Forklift

Councilor Reichert read the following correspondence from the Public Works Director:

November 6, 2008
To: Town Council
From: Gary Trembl DPW
Re: 08-09 Appropriation for Forklift \$32,000.

Prior to my appointment as DPW Director, the department was granted 32,000 dollars for the purchase of an all-terrain forklift. In reviewing the department's needs at this time, I feel the monies can be utilized to purchase other equipment that would enhance the production capabilities of the department.

Currently the department does not own a laser level. This piece of equipment is an intricate part of any construction operation. It can be used by one person to check grades, set pipe, check elevations for catch basins, or any other operation requiring a check of slope or levelness.

The estimated price is 1,500 dollars to include the legs and grade stick.

The department owns a small plate compactor that is utilized to compact small asphalt patches. This piece of equipment is inadequate to compact fill over 6 inches in depth. In the past weeks we have spent excessive time backfilling and compacting around catch basins that were repaired. With a heavier, larger plate size, self-propelled machine the depth of material can increase to eighteen (18) inches and there will be no settlement after the compaction operation. The estimated price is 6,500 dollars.

We do not own a gas powered cut off saw. This piece also is an intricate part of a construction operation. This piece is used for cutting pipe, small patch areas, masonry blocks, etc. Presently blocks are cut with a hammer and chisel which takes excessive time, and the finish product is less than optimal.

The estimated price is 1,500 dollars with blades.

Respectfully submitted,
Gary S. Treml, DPW
(end of memo)

MOTION was made by Councilor Reichert to AUTHORIZE the Public Works Department to utilize the 08-09 Appropriation for approximately \$10,000 out of the \$32,000 which was appropriated for unbudgeted capital expense;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

C. Discussion: Outdoor Hydronic Heaters (Outdoor Wood Boilers)

Larry Desormier, Building/Zoning Official, stated that Gloucester as well as several other towns are having problems with this type of boiler. L. Desormier stated that North Smithfield established a moratorium on permits for any wood boilers while they worked on their ordinance. L. Desormier asked the Council to consider this as an option while he does more research.

Councilor Reichert expressed concern regarding people who have ordered the boilers and are awaiting delivery. L. Desormier pointed out that those individuals would have a bill of sale which would predate the passage of a moratorium. Councilor Walsh stated that he has concern over placing a moratorium without due notice. Councilor Sette recommended that Councilor Walsh and the Building/Zoning Official get together to discuss the matter.

D. Discussion: Land Trust policies re: Equipment

Councilor Reichert explained that there was concern regarding the use of Town equipment on private property. Walt Steere, Land Trust member, reported that the property owner had allowed the Land Trust to store their equipment on the property to protect it from vandalism. As a goodwill gesture, some of the fields were cut by the Land Trust. W. Steere agreed that this should not have been done, but the situation has been rectified and the tractor is no longer stored on the property.

E. Western Rhode Island Home Repair

1. Community Development Block Grant
 - a. Echo Lake Water District Agreements

Councilor Sette stated that the Program Manager has requested that these agreements be signed. Councilor Sette explained that these agreements are between the Town of Gloucester and the Echo Lake Water District and simply state the rules by which the Community Development Block Grants can be utilized.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the agreement between the Town of Gloucester, on behalf of Western Home Repair Program, and the Echo Lake Water District dated September 1, 2007 & September 1, 2008;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

F. Update from Building/Zoning Official

1. Ponaganset High School/Middle Schools
Construction and/or Renovation

Larry Desormier, Building/Zoning Official, stated that he received a report that a fire alarm went off at the high school. L. Desormier stated that he was on site the next day and determined that the fire alarm was faulty. L. Desormier added that the buildings are not equipped with sprinklers but were designed with fire separation walls. L. Desormier noted that the only classrooms which have fire suppression are the renovated wood shop and the automotive shop. Regarding the biomass building at the high school, L. Desormier stated that there will be a sump pump installed to address the buildup of groundwater.

L. Desormier spoke regarding the septic problem at the middle school, stating that the problem has been resolved for now. L. Desormier stated that it is being monitored and the Department of Environmental Management is aware of it. There was discussion regarding a pipe which burst at the high school. L. Desormier noted that if anyone hears that there is no Certificate of Occupancy, this was a clerical error. L. Desormier explained that a verbal extension was given on the original temporary Certificate of Occupancy. L. Desormier reported that the north building is 99% complete, but a Certificate of Occupancy cannot be issued until Fire Department issues are resolved.

G. Authorization:

1. Municipal Solid Waste & Recycling Services Agreement
2009-2011 Addendum re: Item 10.D Mattresses & Box Springs

Councilor Sette stated that the Public Works Department has requested that the Council sign the Municipal Solid Waste and Recycling Services 2009-2011 agreement.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the Municipal Solid Waste and Recycling Services Agreement 2009-2011, Addendum re: Item 10.D Mattresses & Box Springs;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

2. Rhode Island Energy Aggregation Program (R.E.A.P.)
 - a. Membership Participation Agreement
December 2008 to December 2011

Councilor Sette stated that the Finance Director has reviewed the latest agreement received from the League of Cities and Towns.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the R.E.A.P. Membership Participation Agreement, for the period: December 2008 to December 2011;

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

- b. Gexa (energy provider) documents
 1. Electricity Supply Terms of Service
 2. Business Electricity Authorization

Councilor Sette stated that these documents are part of the above agreement and have also been reviewed by the Finance Director.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to sign the GEXA, (R.E.A.P.) energy provider, documents as included in the Rhode Island Energy Aggregation Program contract;

Seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

H. Gloucester Business Association

1. Candlelight shopping 2008
Financial assistance

Councilor Sette stated that the GBA is seeking assistance with the cost of a detail officer for the proposed candlelight shopping nights. Councilor Sette stated that the cost of the officer for the three nights would be approximately \$480.00, adding that there would probably be an opportunity for the Town to cover the expense. Councilor Walsh agreed that this is a worthwhile cause which would bring visitors to the Town.

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has been in contact with the Burrillville Town Clerk to schedule a joint public hearing regarding the Dam Management District. There was consensus to hold off until January when the new Town Council takes office.

XI Boards/Commissions

None.

XII. Council Correspondence/Discussion

- A. Councilor Sette stated that there is correspondence regarding a lawsuit filed against the Town of Gloucester by the Narragansett Electric Company. Councilor Sette explained that this is concerning a tax bill in the amount of \$74.00. It was noted that this is being worked out between the Town Solicitor and the attorney for the Narragansett Electric Company.
- B. Councilor Sette stated that a request was received from Foster-Glocester Public Schools that a letter be written to the Foster Town Council requesting that the town of Foster pay their share (1/3) of snow removal services provided to the regional schools.
- C. Councilor Sette stated that the Council received a request at the School Committee meeting for a letter asking the School Committee to cut their budget by the amount

determined at the last Town Council meeting. Councilor Sette stated that a letter has been forwarded.

- D. Councilor Sette stated that a letter of support for the Acting Director of the Senior Center has been submitted. The letter was signed by a number of people and spoke about the good work that is being done at the Senior Center.
- E. Councilor Sette expressed thanks to the Safety Commission for coming up with a solution to a problem concerning the school bus route for Stillwater Drive.

XIII. Open Forum

- A. Doris Villandry, member of the Gloucester Seniors, spoke regarding (alleged) disrespect taking place at the Senior Center. Mrs. Villandry stated that information has been forwarded to the Town Council and the Senior Center Board of Directors. Councilor Sette stated that the opening of the Senior Center is one of the things he is most proud of during his tenure on the Town Council. Councilor Sette stated that the Center is for all senior citizens and they must work together.

Councilor Sette asked if anyone has ever put together “rules of the road” concerning how the center should operate. Councilor Sette pointed out that the center is basically run by volunteers. Councilor Sette also stated that everyone should feel comfortable in that building and that they belong. Councilor Sette expressed his opinion that there should be a sharing of the responsibilities and workload associated with the Senior Center.

Noella Barber, member of the Gloucester Seniors, stated that she is aware of the friction at the Senior Center, but feels that if anyone should have a complaint, it should be somebody who is there every day of the week, such as herself. Mrs. Barber noted that some people only come once a week, and sometimes only for lunch. Mrs. Barber stated that the manager, Fran Ballou, does a good job but does not have the help she needs.

Doris Villandry replied that whether she goes one day week or every day, she has been attending since the Center opened. Mrs. Villandry stated that she wants it noted that she will not stop until the Senior Center is “back the way it was.”

Bertha Bedard stated that she has attended the Senior Center for almost two years. Mrs. Bedard stated that everyone shows her respect and she does the same. Mrs. Bedard expressed her opinion that if anyone has a complaint, they should try to work it out.

Gerald Blessing, member of the Gloucester Seniors, stated that he attended a meeting with the Board of Directors at which time all grievances were brought forward. Mr. Blessing further stated that he feels a Board of Directors is not necessary for the Senior Center. Mr. Blessing also stated that (in his opinion) the Meal Site should be managed separately from the rest of the Center.

Councilor Sette stated that the Gloucester Senior Center is for anyone 55 years old and older and all should be able to become a member and participate.

Helen Bonn from Harrisville stated that she joined a year and a half ago, attending five days a week. Mrs. Bonn stated that she no longer attends daily.

Councilor Sette stated that Fran Ballou has always been the Meal Site Director, and the Council decided to give her the title of Acting Manager to oversee some things on a daily basis. Councilor Sette stated that perhaps this "ruffled some feathers" and if that is the case, the Council may not have explained the intent well enough. Councilor Sette pointed out that there is no money in the budget to hire a full-time director for the Senior Center, which is why the Board of Directors was established to help operate the facility on a daily basis.

Marie Plante, 56 Victory Highway, stated that she was on the Task Force and also served on the Board of Directors for some time. M. Plante expressed her displeasure of the current atmosphere.

Bob Bedard commented that the Board of Directors holds their monthly meeting at 8:00 in the morning, adding that it is difficult for seniors to attend at that time and that an afternoon time would be more convenient for seniors to provide their input.

Doris Villandry stated that a special meeting with the Board of Directors was requested, but it did not take place. Mrs. Villandry stated that there needs to be respect at the Senior Center and asked the Council to look into the matter.

Councilor Sette stated that it may be a good idea to expand the Board of Directors to include some of the seniors and discussion will take place at the next meeting of the Board.

Fran Ballou stated that she thought that her position was that the seniors would take any problems to her and she would in turn bring them to the attention of the Board of Directors. Mrs. Ballou stated that in the year since she was appointed, no one has approached her with any concerns, adding that she was unaware of some of the issues brought up tonight.

XIV. Executive Session

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

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

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

XV. Adjourn

Jean M. Fecteau, Town Clerk

Approved at the December 18, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **December 4, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Kevin Walsh and Charles Poirier.

Member Absent: Michael Joyce.

Also present: Jean Fecteau, Town Clerk, John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Susan Harris, Deputy Town Clerk; Raymond Goff, Town Planner; Viviane Valentine, Tax Assessor; Gary Treml, Director of Public Works; and David Steere, Budget Board Chair.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

None.

V. Resolution

A. Legislation: Gloucester Home Rule Charter amendments

Councilor Sette read the following Resolution into the record:

RESOLUTION

WHEREAS, six (6) amendments to the Home Rule Charter were adopted and approved by the electors of the Town of Gloucester on November 4, 2008; and the six (6) amendments were as follows:

1. AMENDMENT TO GLOCESTER HOME RULE CHARTER
TOWN COUNCIL

Shall the Gloucester Town Charter be amended to further define forfeiture of office for Charter violations & the reasonable time period for filling vacancies?

2. AMENDMENT TO GLOCESTER HOME RULE CHARTER
SCHOOL COMMITTEE

Shall the Gloucester Town Charter be amended to further define forfeiture of office for Charter violations & the reasonable time period for filling vacancies?

3. AMENDMENT TO GLOCESTER HOME RULE CHARTER
SCHOOL BUILDING COMMITTEE
Shall the Gloucester Town Charter be amended to provide for the removal of any member of this committee by a majority vote of the Town Council?
4. AMENDMENT TO GLOCESTER HOME RULE CHARTER
CIVIL DEFENSE
Shall the Gloucester Town Charter be amended to change the term "Civil Defense" to "Emergency Management" for consistency with the State?
5. AMENDMENT TO GLOCESTER HOME RULE CHARTER
INITIATIVE AND REFERENDUM
Shall the Gloucester Town Charter be amended to better define the process and time lines for voter initiative or referendum?

Seconded by Councilor Reichert

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VI. Public Hearings

A. Victualing License

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

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

Councilor Sette stated that this public hearing was advertised in the Providence Journal on November 19, 26th, and December 3rd, 2008.

Councilor Sette declared the Public Hearing OPEN and asked if anyone wished to speak for or against the approval of the Victualing License.

Discussion: Robin Tyo, co-applicant, stated that she has been a resident of Gloucester for over three (3) years, residing in the neighborhood of Cady's Tavern. Steve Tyo, co-applicant, added that he and his wife have good intentions for the establishment. Robin Tyo stated that she and her husband operate a successful establishment in New Hampshire with their daughter.

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

MOTION was made by Councilor Poirier to GRANT the issuance of a Victualing License to Tyo-Ristaino Corp. d/b/a Cady's Tavern Location of Business: 2168 Putnam Pike further described as AP 4, Lot 24 contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) Health Department approval; 5) Food Manager Certificate; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2009;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0
MOTION PASSED

B. Liquor License Class BV -Retailer Licenses
Tyo-Ristaino Corp. d/b/a Cady's Tavern
Location of Business: 2168 Putnam Pike further described as AP 4, Lot 24

Councilor Sette stated that this public hearing was advertised in the Providence Journal on November 19 and 26, 2008.

Councilor Sette declared the Public Hearing OPEN and asked if anyone wished to be heard regarding the issuance of the Liquor License.

Discussion: None.

Councilor Sette again asked if anyone wished to speak. Hearing none, Councilor Sette declared the Public Hearing CLOSED.

MOTION was made by Councilor Reichert to GRANT the issuance of a Class BV Liquor License to Tyo-Ristaino Corp. d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike further described as AP 4, Lot 24 contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire inspection and approval as needed; 4) a valid Victualing license; 6) Rhode Island Permit to Make Sales; this license shall be for the interior of the premise only and is valid to November 30, 2009;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0
MOTION PASSED

C. Entertainment Licenses

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

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

Councilor Sette stated that this public hearing was advertised in the Providence Journal on November 26, 2008.

Councilor Sette declared the Public Hearing OPEN and asked if anyone wished to be heard for or against the issuance of the Entertainment License.

Discussion:

1. Bruce Payton, 26 Lake Washington Drive, stated that there have been ongoing noise problems at Cady's Tavern. B. Payton stated that the entertainment gets louder after 10 p.m. B. Payton stated that he has objected to entertainment licenses at this location in the past. B. Payton noted that he has done research and the deed to the property states that victualing Class B liquor licenses are allowed, but no other business shall be carried out on the property. B. Payton asked that the Council deny the application.
2. Kevin LaVoie, direct abutter to the property, expressed his opinion that the entertainment license would be an integral part of the success of the business and stated for the record that he supports the approval of the application.

Councilor Sette asked the co-applicants what type of entertainment they plan to have at the establishment. Robin Tyo replied that the entertainment would be similar to what the previous owners had. Councilor Sette asked if anyone else wished to speak.

3. Frank Anderson, Chestnut Hill Road, stated that he was one of the original applicants for an entertainment license at this establishment. F. Anderson stated that they always kept the windows and doors closed and noted that the noise was not audible outside of the building. F. Anderson added that an entertainment license is necessary for this type of business.

Bruce Payton stated that when F. Anderson first obtained the license, it was to be for acoustic guitar and piano. However, B. Payton stated that the bands that played there had amplifiers which carry the noise across the lake and into people's homes. B. Payton noted that he did not voice objection to the liquor license, although he has photographs of people drinking outdoors on the porch. B. Payton stated that he cannot hear his television over the noise coming from Cady's Tavern. B. Payton stated that as a taxpayer, he has a right to peaceful enjoyment of his property.

Councilor Walsh asked the applicants specifically what type of entertainment is planned and what would be the hours of operation. Steve Tyo replied that the entertainment would take place on Friday and Saturday nights. S. Tyo stated that they "run a tight ship" at their establishment up north and plan to do the same here, adding that outside drinking will not happen. S. Tyo stated that they will do their best to work with Mr. Payton to keep the noise at a certain level.

Councilor Sette asked if anyone else wished to be speak.

Councilor Walsh commented that he does not interpret the deed the same way that Mr. Payton does. Councilor Poirier agreed that the deed does not specifically cite entertainment, but added that the deed was recorded in 1946 when entertainment licenses may not have existed. Councilor Poirier suggested that the Town Solicitor review the deed to determine what it implies. It was noted that John Bevilacqua had not yet arrived at the meeting. Councilor Sette asked the co-applicants if the tabling of this matter would be an inconvenience to them. Robin Tyo replied that they do not yet have anything scheduled and are willing to wait until the next Town Council meeting.

MOTION was made by Councilor Poirier to CONTINUE the Public Hearing regarding the issuance of an Entertainment License to Tyo-Ristaino Corp. d/b/a Cady's Tavern.
Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VII. Consent Items

- A. Town Council Minutes: November 6, 2008 & November 20, 2008

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of November 6, 2008 and to TABLE the minutes of November 20, 2008;

Seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

VIII Unfinished Business

- A. Road Policy

- 1. Discussion of revisions to policy submitted by Road Sub Committee

Councilor Poirier stated that we are now ready to schedule a first reading of the Road Policy. John Bevilacqua, Town Solicitor, arrived at the meeting and was asked if he approved of the changes made by the Town Planner. J. Bevilacqua replied in the affirmative, adding that the policy is clear and to the point. There was consensus to add the First Reading to the agenda for the meeting of December 18, 2008.

IX. New Business

A. Membership Fees - 2009

North Central Chamber of Commerce Annual Membership Renewal

Council has received a memo from the Town Planner:

TO: Town Council, Steve Sette, President
FROM: Raymond Goff, Town Planner
DATE: November 17, 2008
SUBJECT: North Central Chamber of Commerce Annual Membership Renewal

Enclosed please find a bill for the annual membership fee for the North Central Chamber of Commerce. In the past, the Town Council has approved payment of this membership. I am requesting that Council approve payment and sign the requisition for the 2009 membership fee.

(end of memo)

Tom Mainville, Finance Director, asked what this membership entails. Councilor Sette replied that we now belong to the League of Cities and Towns, which is similar in nature. It was decided that the membership renewal to the North Central Chamber of Commerce is not necessary.

MOTION was made by Councilor Walsh to REMOVE FROM THE TABLE the authorization to allocate the payment of funds to the North Central Chamber of Commerce for 2009;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

B. Exception to the Ordinance Regulating the Issuance of a Bldg. Permit

1. Extension of deadline for work to commence

AP. 14, Lot 137

Gertrude A. & Russell A. Hopkins

Councilor Sette read the following request from the Town Planners Office:

Date: November 21, 2008

To: Town of Gloucester, Town Planner

Town of Gloucester, Town Council

Re: AP 14, Lot 137

Chopmist Hill Road, Gloucester, R1

Dear Sir / Madame,

We are requesting a one (1) year extension from the Town of Gloucester for the exception to the Ordinance Regulating the issuance of a building permit that was granted to us.

We were not aware of the one (1) year time frame. It took months to get DEM approval. After receipt of DEM approval we put the lot on the market with Ron Duquette of Century 21 Crossroads. We entered into a contract with a Buyer and had the closing on November 21, 2008.

Your attention to this matter would be greatly appreciated.

Respectfully submitted:

Gertrude A. Hopkins

(end of memo)

Discussion: Councilor Poirier noted that it was the Council's intent for the applicants to go forward and it was not the applicants' fault that there were delays.

MOTION was made by Councilor Poirier to GRANT an extension of the deadline for work to commence for Exception to the Ordinance #07-01 granted to: Gertrude A. Hopkins, AP 14, Lot 137 on November 1, 2007; said extension shall expire on 11/1/09;

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

C. Gloucester Land Trust

1. Bridge Loan

Councilor Sette stated that this has been done in the past to allow the Land Trust to purchase properties while waiting for State funding to be released. Walter Steere, member of the Land Trust, stated that the loan may not be necessary, but they would like to make sure that this property transfer goes through. Councilor Walsh asked if the Land Trust has authorization in writing from the State. W. Steere replied that the check is in process. Councilor Sette asked how much the loan would be. W. Steere replied \$100,000. After discussion with the Finance Director, it was decided to authorize a bridge loan in an amount not to exceed \$250,000.

MOTION was made by Councilor Walsh to AUTHORIZE the expenditure of an amount not to exceed \$250,000 for a bridge loan for the Gloucester Land Trust on or about December 15, 2008;

Seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

D. Public Works

1. Recycling Updates

(Proposed additions and/or changes)

a. School recycling program

Deborah Garneau stated that she is a member of a recycling team at Fogarty Elementary School. D. Garneau explained that the team has been organizing data and collecting information in an effort to develop a plan for Fogarty and West Gloucester Elementary Schools, and eventually the region. D. Garneau further stated that it was discovered that the schools were not recycling any paper except for corrugated cardboard, which was picked up by a commercial hauler, therefore the Town did not receive credit for those recyclables. D. Garneau stated that it would benefit the community as well as the schools to implement some type of recycling program.

D. Garneau stated that their proposal is to purchase four (4) 12 yard roll-off containers, two (2) for each elementary school, for this purpose. D. Garneau stated that she has been working with the Director of Public Works and the Finance Director regarding this proposal. D. Garneau commented that the Town has received approximately \$24,000 in rebates from RI Resource Recovery which she feels should be reinvested in the community. D. Garneau stated that the roll-off containers cost approximately \$4,000 each for a total of \$16,000. D. Garneau also stated that it is hoped that bins for each classroom will be obtained through a grant.

Gary Treml, Director of Public Works, stated that he has been working with Mrs. Garneau on this proposal, adding that his department will transport the roll-off containers to the landfill and the Town will get credit for the recyclables. Councilor Walsh asked if any special protection would be required around the containers since they will be located at the elementary schools. G. Treml replied that fencing would be used to surround the containers.

Tom Mainville, Finance Director, stated that there are funds set aside in the Capital Budget this year for roll-off containers and there may be the opportunity to purchase used containers which have been refurbished. T. Mainville added that in that case, the net amount needed would be approximately \$2,000 more from an unbudgeted capital line item. However, T. Mainville noted that if the refurbished containers are unusable the amount would be an additional \$14,000.

Ted Burlingame stated that when the Transfer Station was set up years ago, there was a policy that prohibited commercial dumping. T. Burlingame added that at the time, there was no recycling and asked the Council to consider allowing the dumping of commercial recyclables so

that the Town can get credit for them. Councilor Sette stated that this would be a subject for another meeting since the only thing on the agenda this evening is the school recycling program.

MOTION was made by Councilor Poirier to use unbudgeted capital funds up to \$17,000 for the purchase of recycling equipment for the elementary schools;

Seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

E. Gloucester Business Association

1. Candlelight shopping 2008
Financial assistance

Jean Fecteau, Town Clerk, stated that the first of the three events is taking place tonight with one police officer on duty. J. Fecteau added that if there are no problems, the Gloucester Business Association will keep it that way at a total cost of \$463.00. Councilor Walsh noted that the Council had stated that they would not charge the Association for the police detail.

MOTION was made by Councilor Walsh to AUTHORIZE financial assistance to the Gloucester Business Association in the amount of \$463.00 to cover the cost of a detail police officer at the Candlelight Shopping event;

Seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

F. Authorization

1. License Agreement
Town of Gloucester & Old Chepachet Village Inc.
For the purpose of conducting soil evaluations

Ray Goff, Town Planner, provided background information regarding this agreement. R. Goff stated that as part of the Blackstone Valley Wastewater Stormwater Grant, we are looking for sites to place a combined septic system for a number of homes and businesses in the Village. R. Goff noted that soil evaluations must be conducted on privately owned property using Town vehicles and equipment. R. Goff stated that an agreement must be signed between the Town and the private property owner.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is hereby made and entered into this _____ day of _____, 2008, by and between OLD CHEPACHET VILLAGE, INC. whose address is _____ (hereinafter referred to as the "LICENSOR") and the TOWN OF GLOCESTER, a municipal corporation existing under the laws of the State of Rhode Island, whose address is 1145 Putnam Pike, Chepachet, Rhode Island (hereinafter referred to as the "TOWN").

WITNESSETH:

WHEREAS, LICENSOR is the fee simple owner of certain property identified as Assessors Plat 10B Lot 1 located in the Town of Glocester, as more particularly identified in Exhibit " A ", attached hereto and by reference made a part hereof; and

WHEREAS, the TOWN desires to use LICENSOR'S property for the purpose of conducting soil evaluations by the Town's consulting engineer for submission to the Rhode Island Department of Environmental Management, where the Town will be utilizing all necessary machinery and equipment; and

WHEREAS, the TOWN's actions on the property will assist TOWN in assessing the site for participation in a wastewater/stormwater facilities plan in that specific area of the LICENSOR's property; and

WHEREAS, LICENSOR desires to grant to TOWN a license for the aforementioned purpose.

NOW, THEREFORE, for and in consideration of the terms, conditions and mutual covenants contained herein and other good and valuable consideration received by each party, the sufficiency of which are hereby acknowledged, LICENSOR and TOWN hereby agree as follows:

1. LICENSOR hereby grants TOWN, its agents, servants and assigns the right, privilege and license to use the property described in Exhibit " A (License Area) to conduct soil evaluations, utilizing all necessary machinery and equipment on, upon and across said License Area; and attain ingress and egress to and upon said License Area for the purpose of exercising the rights, privileges and license herein.
2. This License is granted for a primary term of one (1) year from the date first written above and shall continue in full force and effect thereafter.
3. LICENSOR retains the right to use the License Area in any manner not inconsistent with the rights herein granted to TOWN provided, however, that the LICENSOR shall not disturb the machinery and equipment on, upon and across said License Area, in any way without prior approval by the TOWN. LICENSOR understands, acknowledges and agrees that TOWN may leave holes exposed and/or have pipes protruding from

excavated portions of the License Area and LICENSOR agrees not to disturb those areas during the term of this License.

4. TOWN agrees that any and all work performed on the Premises and in association with the purposes of this License shall be done in a good, safe, workmanlike manner and in accordance with applicable federal, state and local statutes, rules, regulations and ordinances.
5. Upon termination of this License Agreement, TOWN shall, within a reasonable time and at TOWN's sole cost and expense, remove all equipment, accessories and materials owned by TOWN from the License Area and restore said License Area as nearly as practicable to its condition prior to the granting of the License.
6. TOWN shall not allow the general public to access, use or enter upon the License Area.
7. Nothing herein shall be construed to be an admission of liability by either party for any purpose.
8. Each party covenants with the other that it has full power and authority to enter into and perform its obligation under this License Agreement and the persons executing this License Agreement on their behalf are duly authorized to do so by all requisite action.
9. No amendments or modifications to this License Agreement shall be valid unless contained in writing and signed by all parties.
10. No waiver of any term or condition of this License Agreement or its performance shall be valid unless contained in writing and signed by the party who is claimed to have waived such term, condition or performance. The failure to insist upon the strict performance of any provision of this License Agreement or to exercise any right or remedy set forth herein shall not constitute a waiver or relinquishment of said right or remedy. The waiver of any breach of any term or condition of this License Agreement shall be limited to the particular instance and shall not operate as a waiver of any future breaches of the same or any other term or condition of this License Agreement.
11. This instrument shall not be construed nor shall it operate to grant anything other than a license in the Licensed Premises and shall not under any circumstances, be construed or operate to grant TOWN any estate or interest in land relating to the Licensed Premises or any other land owned by the LICENSOR.
12. The LICENSOR is under no obligation to continue with the wastewater study program after the expiration of this agreement.
13. This License Agreement grants authority to perform a site soil evaluation and does not grant authority to the TOWN to construct any wastewater facilities on the LICENSOR's property.

14. If any provision of this Agreement shall be invalid or unenforceable, the remainder of this Agreement shall not be affected and each term and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
15. This License Agreement shall be binding upon the parties hereto, their respective successors and assigns.
16. This License Agreement is governed by the laws of the State of Rhode Island without application of its conflict of law rules.

IN WITNESS WHEREOF, the parties have caused this License Agreement and a duplicate hereof to be executed on the day and year first above written.

MOTION was made by Councilor Poirier to AUTHORIZE the License Agreement between the Town of Glocester and Old Chepachet Village for the purpose of conducting soil evaluations;

Seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh and Poirier
NAYS: 0

MOTION PASSED

X. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has received requests from two (2) residents of Route 44 regarding the speed limit between Spring Grove Road and the Acote's ball field. J. Fecteau noted that the speed limit drops dramatically and then quickly goes back up again. J. Fecteau asked if the Department of Transportation should be contacted or if this should be referred to the Safety Commission. Councilor Sette stated that a recommendation to DOT should come from the Safety Commission.

Jean Fecteau stated that a young lady from Glocester has won the Gold Award from the Girl Scouts, which is similar to the Eagle Scout honor for Boy Scouts. Councilor Sette stated that he recalls recognizing two other Gold Award recipients with a Resolution.

J. Fecteau stated that West Glocester Elementary School had a hoe-down at which canned goods and monetary donations were collected to benefit the Glocester Food Pantry and Emergency Energy Fund. J. Fecteau stated that she feels these students as well as the other schools should be recognized with a Resolution for their efforts regarding food drives. Councilor Sette stated that the Council could begin their next meeting a half-hour earlier than usual and this would also allow people to attend Candlelight Shopping afterward.

J. Fecteau spoke concerning an event called "Wreaths Across America" on December 11th at 12:30 p.m. in front of the Town Hall. The 8th grade class will be laying a wreath at the war memorials to honor our veterans.

J. Fecteau stated that she is in the process of setting up the annual meeting schedule for 2009 and pointed out that the Economic Development Commission has not been meeting for quite some time. J. Fecteau stated that she will attempt to contact somebody from the Commission and if no response is received, she will notify the Council.

- B. Gary Treml, Public Works Director, gave an update regarding the disposal of televisions, stating that as of February 1st, there will be no cost to the Town.
- C. Councilor Sette stated that Larry Desormier, Building/Zoning Official, is not present tonight, but there was correspondence from him regarding the high school renovation. Walter Steere, School Committee member, gave an update, stating that there are twenty-three deficiencies which must be corrected before a Certificate of Occupancy can be issued. W. Steere stated that the Building Committee is expected to file an appeal.

XI. Boards/Commissions

None.

XII. Council Correspondence/Discussion

- A. Councilor Sette stated that the Council has received notification of a Safety Enhancement Grant.
- B. Councilor Sette stated that correspondence was received from Resource Recovery concerning the disposal of Christmas trees. G. Treml stated that his department will chip all trees that are brought to the Transfer Station instead of taking them to the landfill. Deborah Garneau suggested that residents who have wooded areas place their Christmas trees there to provide a habitat for animals.
- C. Councilor Walsh stated that he received a call from a resident who lives across from Route 94 regarding a street light that is not working. Councilor Walsh recommended that this be referred to the Safety Commission.
- D. Councilor Sette read the following complaint into the record:

To Whom It May Concern:

I see that Cady's Tavern on Route 44 appears to have closed. However, the floodlights on top of the building are still on all night. That's quite an obnoxious distraction for those of us who use the road on a regular basis. I would appreciate whatever action you might take regarding this matter.

My sincerest thanks,
Donald Johnson, Lincoln

XIII. Open Forum

Councilor Sette commented that at the last Open Forum, many people were allowed to speak and respect was shown to those individuals. Councilor Sette stated that there were times when respect was not shown in return to the Council, adding that if anyone raises their voice tonight, he or she will be asked to sit down. Councilor Sette also stated that there will be no rehashing of the discussion from the last meeting.

- A. Marie Plante, 56 Victory Highway, spoke regarding five-year terms for the Senior Center Board of Directors. M. Plante expressed her opinion that the terms should remain two-year terms as they are now. M. Plante explained that there are many people who wish to serve on the Board and five years is a long time to wait.

M. Plante questioned whether this year's Inauguration will be by invitation only. Councilor Sette replied that the Inauguration is open to the public and will be advertised as such. Jean Fecteau, Town Clerk, stated that the Inauguration will take place on January 2, 2009 at the Senior Center.

M. Plante stated that at the Housing Authority properties there are three (3) containers for trash. One is for plastic recyclables, another is for paper and cardboard recyclables, and the third one is for trash. M. Plante reported that when the private trash hauler picks up, the three containers are dumped into one pile. M. Plante stated that the Town could benefit by picking up the recyclables. M. Plante stated that she would like this subject addressed at the next meeting.

Regarding M. Plante's concern about the Board of Directors' terms, Councilor Poirier pointed out that the terms would be staggered, allowing someone to be appointed to the Board every year.

XIV. Executive Session

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

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

Seconded by Councilor Reichert.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

No votes were taken in Executive Session.

XV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:30 p.m.; seconded by Councilor Poirier.

VOTE: AYES: Sette, Reichert, Walsh and Poirier

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 18, 2008 Town Council Meeting.

At a meeting of the Town Council holden in and for
the Town of Gloucester on **December 18, 2008**

I. Call to Order

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

II. Roll Call

Members Present: Steven Sette, President; William Reichert, Vice-President; Michael Joyce; Kevin Walsh & Charles Poirier.

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Gary Treml, Director of Public Works; Larry Desormier, Building/Zoning Official; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Walsh.

IV. Open Forum for Agenda Items

None.

V. Consent Items

- A. Town Council Minutes: November 20, 2008 & December 4, 2008
- B. Tax Assessors Additions & Abatements
- C. Finance Director's Report, November 2008

MOTION was made by Councilor Walsh to APPROVE the Town Council Minutes of November 20 & December 4, 2008; to APPROVE the Tax Assessors Additions to the 2008 Tax Roll in the amount of \$1,134.45; (no Abatements to the 2008 Tax Roll) and to TABLE the Finance Director's Report for November, 2008;

Seconded by Councilor Sette.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VI. New Business

- A. Gloucester Code of Ordinance
 - Proposed Amendment: Road Policy
 - 1st reading

Councilor Reichert stated that the Council has scheduled a 1st reading on the proposed road policy and explained that the policy includes a list of roads that have previously been adopted by the Town Council as Town Roads. Jean Fecteau, Town Clerk, stated that she compiled the list by

researching Council records and including only the roads which were adopted by the Town Council. J. Fecteau pointed out that some of the roads in the newer subdivisions should be on the list, according to the Town Planner, adding that these roads will be placed on another list for adoption.

MOTION was made by Councilor Poirier to WAIVE the 1st Reading of the Proposed Amendment to the Gloucester Code of Ordinance: Road Policy; seconded by Councilor Sette.

Discussion: The proposed Ordinance was explained (see above)

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

A Public Hearing was set for the Town Council meeting of February 5, 2009.

B. Capital Funding Request
Transfer Station Fencing

Councilor Reichert read the following request from the Public Works Director:

December 1, 2008

To: Town Council

From: Gary Trembl, DPW

Re: Capital Funding Request:

As you know the gates and fencing around the transfer station are in extreme disrepair. The gates are dragged across the driveways due to sagging and bent poles. The fencing is held up by the trees growing through it, old dog chains, and assorted other items. This Town facility sees more resident traffic than all the other facilities put together.

I propose the removal of the chain link fencing along with the gates. This would be replaced with a pressure treated wooden fencing system and two rolling gates at the entrance and exit. The rolling gates will be several feet above the pavement allowing for easy operation during snow storms.

I have checked with Fuss & O'Neill the engineering firm overseeing the capping process on DEM fencing requirements for transfer stations. The only requirement is to keep residents from driving into the facility when it is closed.

My request is for material monies only. All the installation will be done in house.

The estimated cost is \$7,500.

Respectfully submitted,

Gary S. Trembl DPW

(end of memo)

Discussion: Councilor Sette asked if there was money in the capping fund for this expenditure. Gary Trembl, Director of Public Works replied in the affirmative, adding that this money was intended for the capping process as well Transfer Station upgrades.

MOTION was made by Councilor Poirier to AUTHORIZE the expenditure of approx. \$7,500 for the replacement of fencing at the Gloucester Transfer Station; seconded by Councilor Sette.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

C. Resignations

1. Gloucester Planning Board

One Unexpired Five year term to expire 3/2012

Councilor Reichert stated that the Town Clerk has received a resignation from Walter Steere III from the Planning Board due to his position of Council-elect and it is on file in the Clerk's office.

MOTION was made by Councilor Sette to ACCEPT the resignation of Walter Steere III from the Planning Board for the unexpired five year term; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

2. Budget Board

One Unexpired Three year term to expire 1/2010

Councilor Reichert stated that the Town Clerk has received a resignation from Ted Burlingame from the Budget Board due to his position of Council-elect.

Discussion: None.

MOTION was made by Councilor Poirier to ACCEPT the Resignation of Edward Burlingame from the Budget Board for the unexpired three year term to expire 1/2010; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

D. Appointments

1. Gloucester Planning Board

One Unexpired Five year term to expire 3/2012

Councilor Reichert recused himself from this matter. Councilor Sette stated that the Council has recently received the talent bank application of William Reichert. Mr. Reichert is requesting to be considered for the Planning Board.

Discussion: None.

MOTION was made by Councilor Poirier to APPOINT William Reichert to the Gloucester Planning Board for the five year term to expire 3/2012; seconded by Councilor Joyce.

Discussion: None.

VOTE: AYES: 4

NAYS: 0

RECUSAL: 1 (Reichert)

MOTION PASSED

2. Budget Board

One Unexpired Three year term to expire 1/2010

Two Expired terms to expire 1/2009

Councilor Reichert stated that the Council has received a talent bank application from Barbara Norris to be considered for an appointment to the Budget Board. Councilor Sette recused himself from this matter.

MOTION was made by Councilor Poirier to APPOINT Barbara Norris to the Budget Board to fill the unexpired three year term to expire 1/2010; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: 4

NAYS: 0

RECUSAL: 1 (Sette)

MOTION PASSED

Councilor Reichert stated that there are two other appointments that will be up for renewal in January, but because the Budget Board already has numerous meetings scheduled to prevent any gap in membership, they could be reappointed now.

MOTION was made by Councilor Joyce to REAPPOINT David Steere and Lauren Andrews to the Budget Board for three year terms to expire 1/2012; seconded by Councilor Walsh.

Discussion: Councilor Walsh inquired whether the Council could reappoint these members before their terms expire. John Bevilacqua, Town Solicitor, replied that since the terms expire on December 31st, this Council is the constituted body to make the reappointments.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

3. Tax Assessors Board of Review
One Six year term to expire 12/31/08

MOTION was made by Councilor Poirier to REAPPOINT Thomas J. Cash to the Tax Assessors Board of Review for a six year term to expire 12/31/2014; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

- E. Personnel/Finance Recommendation
1. Senior Center
 - a. Combine Functions
 - b. Re-Affirm responsibility

Councilor Reichert read the following request from the Personnel Office:

December 4, 2008
To: Town Council
Re: Senior Center and Meal Site

I spoke briefly today to Dave Fecteau, Senior Center Board member, and David Steere, Budget Board Chair, and, on a separate occasion, Karen Emond, Senior Center Board member. The conversations centered around the recent issues involving the Senior Center.

Part of the problem may be a perception that the Meal Site is separate from the Senior Center.

Dave Fecteau suggested combining the budgets of the Senior Center and Meal Site. I agree. We also suggest that the Council should:

- Formally make the Meal-site part of the Senior Center operation;
- Make it clear that Fran, as the acting Director, is the Council's representative and the individual in charge at the Senior Center;

Formalize and post (in appropriate size print in a conspicuous location) her authority, responsibility levels [including the reporting relationship to the Senior Center Board], which may/could include, but not be limited to:

- Safety/security/well-being of the patrons, volunteers and employees at the Senior Center;
- Security of the building;
- And creating volunteer positions and/or teams
- And appointing individuals to those positions oversight of all volunteer positions;
- Oversight of all employee positions.

Karen Emond discussed establishing a 'Code of Conduct.' Again, I believe this is also a very good idea. We suggest that a Code be established and also posted conspicuously and that the Council make it known that the Acting Director at the Senior Center is charged with the responsibility of judiciously enforcing the code.

Tom Mainville

(End of memo)

Discussion: Councilor Sette stated that the Senior Center Board of Directors will approve a Code of Conduct and forward a copy to the Council for their information.

MOTION was made by Councilor Sette to AUTHORIZE the combining of the Meal Site and the Senior Center into one entity for financial management and all other aspects of management; and to authorize the posting of the responsibilities and the authority of the Senior Center Director, Fran Ballou; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

F. Extension of Bids

1. IFB #2006-07 Gravel & Stone
2. IFB #2008-09 Road Sand

Councilor Reichert stated that the Council has received two requests for bid extensions; for road sand and gravel.

Discussion: None.

MOTION was made by Councilor to GRANT the extension of IFB #2006-07 Gravel & Stone to Adler Brothers Construction for the following materials:

3" Minus Processed Gravel at a price of \$10.50/yd delivered
and \$ 7.50/yd picked up

3/4" Processed Gravel at a price of \$ 12.00/yd delivered
and \$9.00/yd picked up

1 1/2" Crushed Stone at a price of \$ 14.00/yd delivered
and \$ 11.00/yd picked up

said IFB #2006-07 was originally awarded 12/20/07;

and an extension of IFB #2008-09 Road Sand to Barnes Concrete for the following material:

Road Sand - at a price of \$12.55/ton delivered or \$9.45/ton picked up, said IFB #2008-09 was originally awarded 12/20/07; both extensions to expire 12/31/09; seconded by Councilor Poirier.

Discussion: None.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

VII. Department Head Report/Discussion

A. Gary Treml, Director of Public Works, spoke regarding commercial recyclables. G. Treml stated that the Ordinance will have to be changed to reflect the acceptance of recyclable material from businesses. G. Treml asked if we could work under the waste haulers' definitions in our agreement now until such time as a new ordinance is adopted. John Bevilacqua, Town Solicitor, replied that the Ordinance is very clear regarding this subject and stated that he will look at it further. J. Bevilacqua suggested that businesses could bring their materials on their own to a facility made available for that purpose.

G. Treml commented that his department is prepared for the snow which is expected over the next few days.

Councilor Sette stated that there was discussion at the School Committee meeting regarding the plans to recycle at the schools and appreciation was expressed for G. Treml's efforts. G. Treml noted that the containers have been ordered and are expected soon.

B. Larry Desormier, Building/Zoning Official, stated that he met with Tim Alix and members of H. V. Collins. L. Desormier stated that some of the rooms on the first floor, particularly the wood shop and auto shop areas, are expected to be open by the end of the year. L. Desormier noted that no Certificate of Occupancy or extension of the Temporary Certificate of Occupancy will be issued after January 1st until the issues between the Fire Department and the architects are resolved. L. Desormier stated that

he has been verbally informed that the architect firm has applied for an appeal to the State Fire Marshal. L. Desormier reported that there have been plumbing problems in the south building.

L. Desormier requested a medical leave of absence in January for a period of 2 to 12 weeks, adding that he will be undergoing back surgery. L. Desormier that he has kept Peter Scorpio informed of ongoing projects to allow for a smooth transition in his absence.

L. Desormier reported that F. M. Global is progressing, noting that there are a couple of permit issues, but he expects that they will be worked out.

VIII. Boards/Commissions

None.

IX Council Correspondence/Discussion

- A. Councilor Sette spoke regarding the school bus contract, stating that it may be possible to incorporate a certain number gallons of fuel into the contract, and to have the fuel delivered there instead of having the buses fill up at the Public Works Department. Councilor Sette stated that this may allow the Town to get a better price on diesel fuel. Councilor Sette expressed concern that if a statewide busing contract goes into effect, it would hurt the small bus companies.
- B. Councilor Sette stated that a letter was received from the Rhode Island Lottery objecting to the transfer of liquor license for Clasicos Restaurant. It was noted that there is no transfer requested, only the renewal of the license, which was not issued due to taxes owed to the State. Jean Fecteau, Town Clerk, stated that the restaurant is open but only food can be sold. J. Fecteau added that if the owner satisfies the State, he would also have to satisfy this claim before regaining his liquor license.
- C. Councilor Sette stated that a letter was received from Judith Hall which stated that Fran Ballou at the Senior Center is doing a good job. The letter will be forwarded to the Personnel Director to be placed in Mrs. Ballou's file.
- D. Councilor Sette read the following letter from Alan Whitford, former Director of Public Works:

“The landfill closure has moved along reasonably smooth. I have been told by the engineering firms that handle landfill closures throughout New England that the typical cost for a closure of this size runs approximately one million dollars when it goes out to bid. We were able to save considerably on the cost by doing it ourselves. No other city or town in New England has undertaken this type of work to date, all have opted to go out to bid and let construction companies handle the management and operations.

“The landfill closure is approx. ninety five percent complete at this time. Due to the winter months coming soon there will be some limited work necessary in the late spring or early summer of ‘09. The balance is removal of some debris that was not visible with the foliage out this summer, adding a small amount of material to approximately 50 feet of slope to increase the depth of fill by approx. one foot, and installing a small drainage system that Gary is already working on. I am working with Fuss and O’Neill to determine if we can complete the final closure report and as built plans this year or will have to wait until spring. If we are unable to accomplish this the final closure report and as built plans will be necessary in the spring/summer of ‘09. Dependent on weather conditions this winter, regrading and reseeding any areas that have erosion over the winter months may be necessary.

“The cost of the closure to date is \$157,311.59 in out of pocket costs and \$52,000.00 in contra fees offset with FM Global for cover material as of November. The amount left in the budget as approved to date including the reduction due to contra fees is \$124,000.00. I would anticipate any additional necessary expenditures to be well below the available balance. I have discussed this with Gary and he is in agreement that the remaining work will be easily covered by this balance.

“There will be some minimal ongoing costs associated with the closure for annual testing of the test wells that were installed on the site for the closure. There will also be annual maintenance for erosion and for mowing the grass on the site a couple of times annually.

“I want to put on record that the savings on this project were possible due to cooperative efforts on the part of the Town Council and the Public Works Department. The Council worked with me and on the department’s behalf to negotiate the procurement of materials from the Factory Mutual site and the entire Council was in support of all efforts. Doug Colwell did almost all of the grading to specifications of the 14 thousand plus yards of material that was delivered to the site. Some of this material was material saved from street sweepings over several years, some from the Town of North Smithfield and the balance from the Factory Mutual site. Mrs. DeCorte handled the testing and record keeping necessary for the project. The Public Works crew handled a variety of tasks necessary on the site.

“I will miss the department. I am confident that I am leaving it in totally competent hands. I will not miss the calls in the middle of the night in inclement weather. I wish all of you on the Council the best for the future and want you all to know that I sincerely appreciated all of the support you gave me over the years. This will be the last official document from me. Also my best to you all for the holiday season.”

(End of letter)

Councilor Sette stated that the Council feels the same way about Mr. Whitford and all of his hard work over the years.

- E. Councilor Sette thanked the public for the eight years during which he was able to represent the people of Gloucester. Councilor Sette commented that it was a great

experience during which he met many people whom he has come to like and respect. Councilor Sette praised each Town department and thanked each employee individually. Councilor Sette wished the new Town Council, as well as returning member Councilor Walsh, the best of luck during their term.

Councilor Reichert stated that it has been a pleasure to serve the Town and thanked his constituents for their support. Councilor Reichert further stated that he looks forward to serving on the Planning Board.

Councilor Poirier stated that Gloucester is a special Town and he enjoyed working with his fellow Council members as well as members of past Town Councils. Councilor Poirier wished luck to the new Council, and offered his assistance.

X. Open Forum

A. Marie Plante, 56 Victory Highway, extended holiday wishes to all and thanked the Town Council for their help over the years. M. Plante spoke regarding the problem that is occurring at the Housing Authority, adding that the private contractor hired by the GHA to pick up trash has been mixing the recyclable material with regular trash. M. Plante stated that the Town could make money on these recyclables if they were to pick them up instead of the private hauler. M. Plante stated that she will bring the matter up to the new Council at their January meeting.

M. Plante stated that she hopes that the Town stays with the two bus companies in Town rather than go to Laidlaw or other large bus companies.

B. Walter Steere, Jr., School Committee member, thanked the Council members for their accessibility and expressed hope that the next Council will work together as well as this Council.

C. John Bevilacqua, Town Solicitor, thanked the members of the Council for the opportunity to experience the type of effort, dedication and loyalty that they have demonstrated as a group. J. Bevilacqua stated that it really makes a difference when it comes to the citizens whom they represent. J. Bevilacqua described the Council members as caring, compassionate and understanding.

D. Councilor Walsh stated that it has been a pleasure working with the other members of the Town Council, adding that there is 26 years of experience among them. Councilor Walsh also stated that it will be a huge help to the Town to have Councilor Sette serve on the School Committee.

E. Councilor Joyce spoke regarding his two years on the Council, stating that it was an interesting experience to see things from everyone's perspective. Councilor Joyce expressed admiration and respect for the other Council members and the Town Clerk. Councilor Joyce stated that he knows the newly elected Council members will do a fine job because they care about Gloucester.

XI. Executive Session

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

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

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

Reconvene, No votes taken

XII. Adjourn

MOTION was made and seconded to ADJOURN at 8:55 p.m.

VOTE: AYES: Sette, Reichert, Walsh, Poirier & Joyce
NAYS : 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the December 30, 2009 Town Council Special Meeting.

At a Special Meeting of the Gloucester Town Council holden in and for
the Town of Gloucester on **December 30, 2008**

NOTE: These are unapproved minutes.

I. Call to Order

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

II. Roll Call

Members Present: Councilors Sette, Walsh, Poirier & Joyce

Member Absent: Councilor Reichert

Also Present: Jean Fecteau, Town Clerk; Thomas Mainville, Finance Director; & John Bevilacqua, Town Solicitor

The Pledge of Allegiance was led by John Bevilacqua.

III. Executive Session

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

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

MOTION was made by Councilor Walsh to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a)2 Litigation & Collective Bargaining; seconded by Councilor Joyce.

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to reconvene open session; seconded by Councilor Joyce.

VOTE: AYES: Sette, Walsh, Poirier & Joyce

NAYS:0

MOTION PASSED

IV. RECONVENE OPEN MEETING

A. Disclosure of Votes Taken - None

V. Consent Items

A. Town Council Minutes: December 18, 2008 & Amend Minutes of November 20, 2008

MOTION was made by Councilor Walsh to APPROVE the Town Council minutes of December 18, 2008 and to AMEND the Town Council minutes of November 20, 2008; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS 0

MOTION PASSED

VI. New Business

A. Ratification:

Letter of Authorization

On-Site Wastewater Treatment System

MOTION was made by Councilor Walsh to RATIFY the Letter of Authorization for On-Site Wastewater Treatment System, said letter allows the performance of site soil evaluations for a proposed On-Site Wastewater Treatment System Design and is for a 120 day period, 12/24/08 to April 13, 2009; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

B. Factory Mutual

P.I.L.O.T. Agreement amendment

Councilor Sette passed the Chair.

MOTION was made by Councilor Sette to APPROVE the P.I.L.O.T. Agreement amendment re: Factory Mutual; said amendment pertains to the Agreement reached in December 2002, is the first amendment to the original agreement and is the result of on site improvements performed by Factory Mutual; the Town shall established a restricted receipt fund in which said payment of Phase #2 of the P.I.L.O.T. (Payment in Lieu of Taxes) Agreement for the express purpose and use is limited to the Town infrastructure improvements and the Council hereby directs the Treasurer to establish said restricted fund in accordance with this resolution; said agreement is per the treasurer's fee schedule to begin on August 1, 2009 with a payment of \$435,825 ending on August 1, 2021 with a payment of \$605,074, each year subsequently increasing; seconded by Councilor Walsh

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

C. Gloucester Police Dispatchers Contract
July 1, 2008 to June 30, 2011

MOTION was made by Councilor Walsh to TABLE the Gloucester Police Dispatchers Contract July 1, 2008 to June 30, 2011 as submitted on this 30th day of December, 2008; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

VII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 8:27 p.m.; seconded by Councilor Poirier

Discussion: None

VOTE: AYES: Sette, Walsh, Poirier & Joyce
NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

NOTE: These are unapproved minutes.